

SUBMISSION BY COFFS HARBOUR CITY COUNCIL TO THE DRAFT COASTAL MANAGEMENT STATE ENVIRONMENTAL PLANNING POLICY

December 2016

General

This submission has been prepared by Coffs Harbour City Council, for lodgement with the NSW State Government, as a response to the Draft Coastal Management State Environmental Planning Policy. The draft Environmental Planning Instrument is on exhibition until 23 December 2016.

Given the limited exhibition period Council has only undertaken a preliminary review of the exhibited draft Coastal Management State Environmental Planning Policy (SEPP) and ancillary documentation. Council looks forward to working with the Department to further finalise and refine the SEPP and the accompanying maps.

It is noted that the package provides little detail on how the Coastal Management SEPP and the proposed biodiversity reforms will interrelate. This leads to uncertainty and given the biodiversity reforms are well progressed Council believes that the NSW State Government should be able to provide greater information in this area.

Council is looking forward to working with the State Government to create new Coastal Management Programs and hopes that the State Government will provide adequate resources both in the form of funding and staff assistance to achieve this.

Coastal Environment Area

Council understands that the coastal environmental area has mapped state waters, estuaries and a 100m landward area. Some of the beaches in the Coffs Harbour area have large distances from the shoreline to the dunes and it is noted that in some areas the mapped coastal environmental area does not cover the entire dune systems. At the very least the fore dune area should be included in the coastal environmental area in order to protect coastal processes.

Coastal Use Area

It is noted that Councils can redefine the extent of the coastal use area (currently defined as being 1km landwards of coastal waters, estuaries and coastal lakes) to account for local conditions however there have been no details provided as to what the appropriate supporting information might be.

It is probable that Councils may face pressure to decrease the coastal area to reduce development constraints; as such Council believes that amendments to the mapping should be facilitated by the state government in order to ensure state wide consistency and not impact on limited local government resourcing.

In the event that this task remains with local government further clarification and supporting information will be required to assist council to manage this risk.

Coastal Vulnerability Area

Council notes that the Coffs Harbour LGA is not included in the local government coastal hazard map despite Council incorporating coastal hazards in the *Coffs Harbour Local Environment Plan 2013* in the form of a Foreshore Building Line in three locations: Park Beach, South Park Beach and Campbells Beach. As such Council asks that these areas as per LEP 2013 be included in the Local Government Hazard Map and that Coffs Harbour City Council is included in the list of local government areas in clause 4(2) of the SEPP.

Council is disappointed that the State Government has not taken a leadership role and defined timeframe/s for future coastal hazards on a state-wide basis. While mapping is best done on a local scale, it is possible that neighbouring councils could adopt different timeframes for coastal hazards thereby promoting inconsistent planning.

Wetlands and Rainforests

Council supports the inclusion of a proximity area to ensure that development near coastal wetlands and littoral rainforest considers downstream effects. Buffers to these sensitive locations have been a difficult issue for Councils and state wide guidance is welcomed.

It is noted that the proximity area does not apply to residential zones. The intent of this exclusion is not clear however in the Coffs Harbour LGA this has led to proximity areas surrounding residential blocks essentially creating gaps or holes in the mapping with the mapping then recommencing over business or industrial zones.

The draft SEPP relating to proximity areas is not onerous (i.e. it doesn't prohibit development in the proximity areas) and clearly has the intent of reducing impacts to coastal wetlands and littoral rainforests. As such Council believes that the proximity areas should apply to all zones with the appropriate consideration being undertaken during any development application. Re-development of existing cleared residential areas is unlikely to present any additional risks to coastal wetlands and littoral rainforest as long as appropriate consideration is undertaken during design and assessment. If the State Government is committed to the protection of coastal wetlands and littoral rainforests then the proximity areas should be applied irrespective of zoning.

With respect to the Coffs Harbour LGA, Council notes that the area identified as coastal wetlands has been expanded from the SEPP 14 mapping but that the area of littoral rainforest does not appear to have changed from the existing SEPP 26 mapping. The '*Coastal wetlands and littoral rainforest area*' fact sheet discusses that where new or improved data was available, updates to the existing mapping were undertaken. Council has high quality fine scale vegetation mapping, which has been previously used by the Office of Environment and Heritage in their projects, that identifies greater areas of coastal wetlands and littoral rainforest than is currently mapped by the draft SEPP. This data was provided to the State Government for inclusion in this project however it does not appear to have been utilised.

In order to have the most up to date map available Council requests that the Coffs Harbour Fine Scale (Class 5) Vegetation Mapping be reviewed to update the areas of coastal wetlands and littoral rainforest prior to the maps finalisation.

It is noted that Councils can amend the coastal wetlands and littoral rainforest area map however there have been no details provided as to what level of detail may be required.

It is probable that Councils may face pressure to amend the mapped areas to reduce development constraints; as such Council believes that amendments to the mapping should be facilitated by the state government in order to ensure state wide consistency and not impact on limited local government resourcing.

It is further noted that a planning proposal supported by a Coastal Management Program has been referred as the relevant method for which to amend these maps. Council would like to see flexibility in the way amendments to the maps are requested. In the case of coastal wetlands and littoral rainforests a biodiversity or vegetation mapping study may be a more appropriate and cost effective method of gathering updated data than a Coastal Management Program which may be largely obsolete in some areas.

In the event that this task remains with local government further clarification and supporting information will be required to assist council to manage this risk.

Coastal Protection Works

Council notes that it is easier to undertake Coastal Protection Works, for both Council and private landowners, if there is a certified Coastal Zone Management Plan or a Coastal Management Program. Council is looking forward to working with the State Government to create new Coastal Management Programs and hopes that the State Government will provide adequate resources both in the form of funding and staff assistance to achieve this.

In the meantime Council is concerned that the removal of the ability for private landowners to undertake emergency protection works without development approval will put greater pressure on Council to undertake emergency work on their behalf as the approval process is less onerous. This will be costly for Councils.

The State Environmental Planning Policy (Coastal Management)

It is noted that development controls for each coastal management area apply to land either 'wholly or partly' within the relevant management area.

This may result in over onerous requirements being required if development is being proposed on a section of land not within a coastal management area but another section of the lot (not affected by the development) is within a coastal management area. The wording of these relevant clauses should be reviewed.

Council supports the clarification and strengthening of timed consent as this is useful tool for local government to continue to allow development within the coastal zone while ensuring that legacy issues for future generations are not created.

Draft Local Planning Direction - Section 117(2) Direction

Council notes that the 117 direction states that a planning proposal may be inconsistent with the terms of the direction if the provisions of the planning proposal that are inconsistent are '*of minor significance*'. Council believes that further clarification and advice is required as to what constitutes minor significance as this term is currently too subjective and open to interpretation.