

"I am a member of the Boomerang and Blueys Beach Residents' Committee Inc (BBRC).

I am writing to you on behalf of my wife, Janet Betts, who is the owner of Townhouse 3, 1 Marilyn Place, Boomerang Beach to express our deep concerns about the effect on us and on other owners of the inclusion in SEPP 2016 of the coastal risk planning map (hazard map) for Boomerang Beach and Blueys Beach.

We have resided at the above address, and been ratepayers to Great Lakes Council (GLC) (now known as Mid Coast Council (MCC)), since 1987 and are thus very conscious of the beauty and ambience of this area.

We think that it is most inequitable that because of what is in effect a flawed process, which has been allowed to persist now for several years, the value of properties in the strip affected by the hazard map has dropped dramatically to the real detriment of owners. At the same time GLC, whose actions have precipitated the problem, have not lost since they have been able to adjust their percentage rate to accommodate the diminished value of the properties so affected.

We therefore wish to request the following:

A. The deletion of coastal risk planning map (hazard map) for Boomerang and Blueys Beaches from the SEPP

We understand that the hazard map was gazetted in the Local Environment Plan (LEP) for the GLC on 4 April 2014 and that under clause 4.2 of the SEPP the hazard map has been automatically inserted into the SEPP.

We believe that this hazard map is clearly defective and is not based upon evidence for the following reasons:-

- The hazard map was prepared using a report from Worley Parsons (WP) in 2011. This was described to members of BBRC as being a desktop study only which did not involve any physical presence at or inspection of the beaches. The study was we believe flawed because whilst its authors recognised that there was sand accretion at the beaches, they failed to include this significant point in their conclusions.
- The LEP 2014 was gazetted in contradiction of the required six steps for the publication of planning instruments. Importantly, local and regional information useful for the drafting of the plan was disregarded. In the first place photogrammetric data from 1956 to 2013 which involved some 11 studies was available which showed that both beach dunes have been stable for over 60 years with no significant change despite major

storms in 1974, 1996, 2002 and 2016. **Next** both beaches have large rock based headlands which provide natural protection and capacity for restoration. **Finally** both beaches are sand accreting. This is recognised by studying the run off of the photogrammetric profile of the beaches by experts (Angus Gordon, Angus Jackson). Consultative opinions obtained by BBBRG from two experts (Angus Jackson and Professor Short) confirm the conclusion that both beaches are stable resisting sea level rise by sand accretion.

We consider therefore that the LEP 2014 GLC is a defective instrument to be used as a basis for planning. The evidence shows that the beaches and dunes at Boomerang and Blueys are stable, naturally protected and can be restored naturally. It follows in our view that the hazard maps in the SEPP are erroneously based, unsupportable and should be deleted.

In conformity with other submissions, we propose that the mechanism by which the hazard maps are removed would be the deletion of Great Lakes from clause 4.2 of the SEPP (except for the hazard map for Winda Woppa Beach – this is the only other coastal risk planning map in

the LEP 2014 for Great Lakes Council).

B. The removal of coastal risk planning map for Boomerang and Blueys Beaches from the LEP 2014 for MCC

As we understand that the two sets of maps are the same for the LEP 2014 and the SEPP then they should be deleted from the LEP 2014 as well.

We also believe that whilst the Minister may not have the direct authority to effect this deletion the Minister can ask the Administrator of the MCC to do so for consistency and of course fairness.

C. That clause 4.2 be changed so that only maps currently in the planning instruments, which are strongly evidenced based, are imported into the SEPP. If not evidenced, then they should be excluded from the SEPP 2016.

We understand that the Coastal Management Act 2016 uses evidence as the basis for decision making about coastal processes. As the draft SEPP reads currently if a mistake is made in an LEP or DCP maps then it is automatically perpetuated in the SEPP.

D. Recognition of and addressing the gross inequity for residents resulting from the flawed hazard maps

The result of the inclusion of these hazard maps in the LEP 2014 and reinstated in the SEPP is a marked reduction in the unimproved and also the improved capital value of properties affected by the hazard maps.

We consider that this is most unfair on owners.

The problem arises from potential purchasers being circumspect about the security of any purchase in light of the uncertainty over the zoning under these instruments.

Fairness for these owners can only be achieved by the repeal of the hazard maps from the LEP, the CZMP and the SEPP.

E. Establishment of a graded assessment of risks of coastal hazards for all beaches in NSW

We suggest the available evidence indicates that the hazard risks for NSW beaches differ considerably and that there needs to be a system to measure the total risk for each beach. Some will then be revealed as high risk (e.g. Old Bar, Jimmy's) but others will be low risk (e.g. Boomerang, Blueys). It would then be realistic and politically sensible to direct money and effort to the high risk group and away from the

low risk group. The latter could still be reviewed

Summary

We conclude from the evidence that an error was made by the Minister's predecessor in gazetting the hazard maps for Boomerang and Blueys Beaches in the LEP 2014 GLC. Therefore we consider that as a matter of fairness to owners adversely affected by the hazard maps, it is the responsibility of the Minister to correct this error by removing the hazard maps from the draft SEPP ; to have them deleted from the LEP 2014; and to ensure that they are excluded from the CZMP for MCC currently under assessment by the Minister.

Ian Betts