

Director, Environment and Building Policy
Department of Planning and Environment
By Email: coastal@planning.nsw.gov.au

17/1/2017

To whom it may concern,

RE: Submission on the Public Exhibition of the Draft Coastal Management SEPP

Canterbury Bankstown Council staff have reviewed the Draft State Environmental Planning Policy (SEPP) (Coastal Management) 2016, the associated s117 direction and technical / community factsheets. Council would like you to consider these recommendations so that the objectives of the Coastal Management SEPP can be fully realised. A summary of our recommendations are below.

Recommendations

1. That the Coastal Management SEPP be integrated into the State Environmental Planning Policy (Exempt and Complying Development Code) 2007 (Codes SEPP) where land is identified in a coastal zone.
2. That the Department impose restrictions regarding councils' ability to amend the mapping for Coastal Wetlands and Littoral Rainforest areas and omission of mapping coastal vulnerability area and paucity of information about this area generally and how it is implemented; also arbitrary zone;
3. That one SEPP addressing the entire Cooks River, the Georges River, the Hawkesbury Nepean, the Sydney Harbour Catchment be developed which includes WSUD as mandatory in all developments. This SEPP would replace the present separate SEPPs for these areas and create an even foundation for all developments along the urban rivers of Sydney.
4. The Alliance advocates for the 'opting in' to the draft Coastal Management SEPP by the new council areas of Canterbury Bankstown, Inner West, Cumberland, and Georges River councils. In addition, the Alliance advocates for the 'opting in' of the Burwood and Strathfield Councils separately or Burwood/Canada Bay/Strathfield (pending council area) jointly.

Clarification and comment of the summary is provided below.

1) Achieving the Environmental Protection Aims of the Policy

If the Draft SEPP is to have any effect on development, the following changes must occur:

a) Draft SEPP (Coastal Management) 2016 – Delete clause 12(2)(a)

Reason: Residential development in proximity to coastal wetlands or littoral rainforest land is likely to have a significant impact on the coastal zone. Clause 12 should therefore apply to

residential zones if the clause is to have any effect in protecting coastal wetlands or littoral rainforest land.

b) SEPP (Exempt and Complying Development Codes) 2008 – Clause 1.5 – Amend the definition of *environmentally sensitive area* to include ‘coastal zone’

Reason: Complying development is likely to have a significant impact on the coastal zone. The Draft SEPP should therefore apply to complying development if the Draft SEPP is to achieve the principal aim of promoting an integrated and coordinated approach to land use planning in the coastal zone.

Without these changes, the Draft SEPP would apply to only a small portion of development and is likely to be ineffective in achieving the policy aims.

2) Mapping Related Comments

a) Wetland vegetation

Nowhere in the Act or the SEPP is there a map methodology that clearly specifies how the coastal management areas have been mapped. The current settings that have been used to develop the maps are inadequate.

Mapping of coastal wetland area and littoral rainforests

- It is unclear exactly how coastal wetlands and littoral rainforests have been mapped. No information has been provided to assist communities to compare previous mapping of SEPP 14 wetlands and SEPP 26 littoral rainforests with the new mapping, or explain key differences.
- Some errors or lack of ground truthing have occurred and a number of areas have been identified incorrectly as wetlands. Council requests that these areas be reviewed and excluded from the map, as per Table 1.

Table 1: Created / Artificial Wetlands Identified by Mapping

Description	Location	Reason(s)
Amaroo Reserve Ponds	Amaroo Ave, Georges Hall	This is a wetland created by Council containing concrete weirs to control water levels and direct flows for water quality treatment of stormwater. Council are concerned that we would need to obtain approvals for routine cleaning and maintenance works to the wetlands.
Pond adjacent to Kelso Waste	Near corner Henry Lawson Drive and the	This is an artificially created pond adjacent to the Kelso Waste Facility.

Facility	South Western Motorway, Panania	
Airport Reserve	Milperra Road, between Ashford Avenue and Henry Lawson Drive, Milperra	Recent ground truthing indicates that this area does not contain wetland species.

a) Littoral Rainforest

A single very small area of littoral rainforest has been identified within the Local Government Area (LGA). This is within National Parks land. There may be little value in identifying such a small single area within the LGA, especially within a National Park, and for the purposes of simplicity it could be removed.

b) Coastal Vulnerability Area

At present, the Draft SEPP has avoided providing the maps that address the most controversial aspects of the policy – the mapping of the Coastal Vulnerability Area (CVA). In earlier consultation, it was proposed that the mapping of this area, undertaken by Office of Environment and Heritage, would be released along with the other mapping. It now appears that this information will now not be released at all with the responsibility for preparing this mapping being shifted to Councils.

It must be noted that by allowing Councils to individually map the CVA there will be no consistency of mapping methodology and no uniformity of the underlying assumptions across the state. It is thus likely that there will be CVA lines that do not line up between LGAs along reaches of a river.

Council have conducted a study in the former City of Bankstown LGA which identified areas affected by the coastal vulnerability area. Development Controls were not recommended as part of this study. Council can see that it would be useful to include appropriate areas in the Local Government Coastal Hazard Map and rely on the controls in the SEPP, however the current SEPP does not seem to permit this. Council suggests that the SEPP be modified to allow this to occur.

Council would also be interested to compare how our Coastal Vulnerability Areas match up with the existing mapping undertaken by the Office of Environment and Heritage and would welcome provision of GIS layers for our interrogation.

It would also be beneficial to access and use this information in the former City of Canterbury, as this Council area had not prepared a study. Such information would be invaluable, due to the current development within this catchment, and at the very least to inform Councils own planning for potential rezoning or reclassification of land and for the construction, modification or maintenance of infrastructure. It is also thought that this former LGA would be more significantly impacted by the CVA than the former City of Bankstown LGA.

c) Ongoing Changes to Mapping

Council are aware that Office of Environment and Heritage regularly refine their mapping to improve the accuracy of its dataset. The SEPP needs to acknowledge this and make provision for such updating vegetation mapping on a regular basis.

While it is possible for councils and members of the public to suggest changes to the maps at any time, it is suggested that the preparation of a planning proposal to allow this to occur is onerous. It needs to be acknowledged that Councils will need to undertake significant ground truthing to verify the vegetation communities that underpin much of the mapping.

For these reasons, Council request that the maps be reviewed and updated on an annual basis for the next five years.

3. Regional considerations

Council supports the Cooks River Alliance capacity report analysis and recommendations on development.

The Cooks River Alliance commissioned a report into the member councils' capacities for sustainable water management included in planning and development. Regarding State Environment Protection Policies, the report found that:

1. Cooks River has no adequate consistent catchment-wide environmental protection in relation to development beyond BASIX.
2. The draft Coastal Management SEPP is unlikely to provide catchment wide environmental protection. Present drafts do not include the headwaters of the Cooks River catchment (above the tidal area), however councils can 'opt in'. It is unlikely these councils will choose this option in the near future.
3. The protection sought (Water Sensitive Urban Design as mandatory) is business as usual in Victoria, South Australia, Queensland and the ACT.

The report was adopted by the CRA Board with these recommendations:

1. The Alliance advocates for one SEPP addressing the entire Cooks River, the Georges River, the Hawkesbury Nepean, the Sydney Harbour Catchment which includes WSUD as mandatory in all developments. This SEPP would replace the present separate SEPPs for these areas and create an even foundation for all developments along the urban rivers of Sydney.
2. The Alliance advocates for the 'opting in' to the draft Coastal Management SEPP by the new council areas of Canterbury Bankstown, Inner West, Cumberland, and Georges River councils. In addition, the Alliance advocates for the 'opting in' of the Burwood and Strathfield Councils separately, or Burwood/Canada Bay/Strathfield (pending council area) jointly.

Coastal Zone's Four Areas

A major problem with this Draft SEPP is that it separates the coastal zone into four distinct areas that are not influenced by upstream waters. A primary principle in catchment management is to protect the headwaters of any catchment. This SEPP does nothing in relation to this, and so offers no assistance in relation to increasing urban density. For example, in relation to Cooks River, Strathfield Council is not included in the Cooks River Estuary, or the areas of Wolli Creek in the Georges River Council area.

What is needed is a requirement for best practice water sensitive urban design for ALL stormwater that feeds into these areas from any development of any size from within the whole catchments. Without this provision, the Bill and SEPP will not achieve their objectives.

This separation also means inconsistent and weaker protections for the coastal zone, particularly in coastal use areas where proposed development controls are less rigorous than those laid out in State Environmental Planning Policy No 14 - Coastal Wetlands (SEPP 14), State Environmental Planning Policy No 26 - Littoral Rainforests (SEPP 26), and State Environmental Planning Policy No 71 - Coastal Protection (SEPP 71), or in Clause 5.5 of the Standard Instrument - Principal Local Environmental Plan.

Council requests that the issues raised in this letter be addressed before finalisation of the Draft Coastal Management SEPP.

If you have any questions on the above comments, please call me on 9707 9606.

Yours sincerely



James Carey
Director City Future

