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Ref:

20 January 2017

Director Environment and Building Policy  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Sir,

**Submission: Bega Valley Shire Coastal Management SEPP**

Bega Valley Shire Council Shire has the longest length of coastline of any LGA in NSW and as such has a keen interest in the effective management and planning of our coastline. Council strongly endorses the Government's current proposal for the introduction of a consolidated SEPP that aims to deliver a holistic approach to the management of the NSW coast. The draft SEPP provides a much needed opportunity to address the current disparate legislative requirements and departmental responsibilities and functions with regard coastal management and planning. Our Shires coastal environment, economy and communities can only benefit from the improved efficiencies in the assessment of coastal development, simplification of the legislative process and better protection of the high value sections of our coast.

Council wishes to highlight that it will be vital that the final SEPP efficiently and transparently interact with Councils other primary planning instruments (CLEP and DCP) and our forthcoming coastal zone management program. As such we have made recommendations with regard the proposed Development Controls listed for the new Coastal Management areas.

Of primary concern to Council is the opportunity to ensure that the final SEPP mapping reflect Council's current adopted policy position with regard Coastal Hazards and Council's latest scientific studies. Bega Valley Shire has been extremely successful in addressing issues pertaining to sea level rise and coastal risk with our community and we do not want to see this jeopardised by the adoption of mapping that may be contrary to our recently completed coastal hazard study.

The opportunity to update the historic and inaccurate SEPP14 mapping is also be welcomed by Council as this has been problematic for Council in the past.

If you have any questions or require additional comment, please contact Derek van Bracht on (02) 64992143.

Yours sincerely,

Derek van Bracht  
**Strategic Planning Coordinator**

### Draft Coastal Management State Environmental Planning Policy (SEPP)

#### General

Bega Valley Shire has a coastline of 225km, containing 1/6 of NSW estuaries and with 50% of our population living in the coastal zone, Bega Valley Shire Council has a key interest in the sustainable management and protection of our coast. Bega Valley Shire Council (BVSC) supports the introduction of a new strategic land use planning framework for coastal management in New South Wales. The SEPP provides an important singular land use planning policy for coastal development and will bring together and modernise provisions from existing SEPPs.

Council endorses the SEPP's aims to better equip councils and coastal communities to plan for and effectively respond to coastal challenges such as major storms, coastal erosion and climate change impacts, through more strategic planning for coastal development and emergency management.

Council wishes to highlight the following specific issues with regard the draft SEPP.

#### 1) Rationalisation of existing SEPPs into the Coastal Management SEPP

BVSC endorses the proposed rationalisation of existing coastal management related SEPPs or relevant clauses out of other SEPPs (e.g. Infrastructure SEPP) into the Coastal Management SEPP as a key step forward in streamlining coastal management and planning and modernising coastal management in NSW

#### 2) SEPP Mapping Amendment Mechanisms

Council strongly requests the Department examine alternative legislative pathways to allow the future amendments of the SEPP mapping, rather than the suggested Planning Proposal pathway, which has proved cumbersome and inefficient for even the most minor CLEP amendments or mapping changes.

Council would suggest that an additional clause be inserted into the SEPP that deals specifically with the process of amending SEPP mapping. Clause 6 of the draft Section 117 direction deals with this issue and suggests that a Planning Proposal to amend SEPP Mapping should be supported by evidence in a Coastal Management Program or Coastal Zone Management Plan.

BVSC recommends that the Planning Proposal requirement be removed and that a Coastal Management Program, Coastal Zone Management Plan or contemporary scientific study, endorsed by OEH, be sufficient basis for the amendments to SEPP mapping being approved by the Minister.

These documents have public consultation requirements associated with their development and as such the public consultation requirements of the current Planning Proposal process would be duplicating this effort.

**Key recommendation** – *That an alternative mapping pathway/s be introduced to the SEPP to allow the amendments of the SEPP mapping without the need to follow the Planning Proposal process.*

#### 3) Funding to Implement Coastal Management SEPP

Council requests the funding (\$83 million) allocated by the NSW Government to implement the Coastal Reforms be available for the development and implementation of existing Coastal Management Programs and any required changes to the BVLEP and Bega Valley Development Control Plan 2013, that will flow from the introduction of the SEPP.

Council would suggest that a separate grant stream be introduced focusing purely on the administrative side of the implementation of the coastal reforms.

**Key recommendation** – *OEH provide a separate grant stream focusing purely on the administrative side of the implementation of the coastal reforms.*

#### 4) Coastal Management Areas

The key issue that Council would like to highlight with regard the proposed operation of the four new Coastal Management Areas and the respective development controls, is the lack of recognition in the development controls of the cumulative impacts of development across the different Coastal Management Areas and impacts of development in one area on an adjoining area. **For example:** there are no controls that apply to the Coastal Use Area that relate to impacts on water quality or ecological health of the neighbouring Coastal Environment Area or Coastal Wetlands Area. The majority of the development controls listed for the Coastal Environment Area are equally relevant and applicable to the Coastal Use Area.

Further there are no references in the draft SEPP to impacts on the coastal zone from landuses or developments beyond the coastal zone. In particular our ICOLL's are acutely sensitive to water quality or sedimentation issues that in many cases arise in the catchment areas beyond the mapped coastal zone.

**Key recommendation** – *additional development controls be introduced into the Coastal Use Area that require the consideration of cumulative impacts, physical, hydrological and biological impacts on adjoining coastal management areas.*

**Key recommendation** – *that an additional clause be added to the SEPP to require consideration of development occurring outside the coastal use areas on the coastal zone.*

##### Coastal Management Area 1 – Coastal Wetlands Area

BVSC supports the rolling over of existing development controls from SEPP 14 into the Coastal Wetland Area and the attempts to improve the accuracy of the SEPP wetland mapping. Council made a number of suggested amendments to the exposure draft of the maps that were not included in the exhibited maps. We will be submitting GIS data in support of the inclusion of further wetlands into Area 1.

##### Coastal Management Area 2 – Coastal Vulnerability area

It is important the mapping of this area is consistent with the mapping currently contained in BVLEP 2013 and the Bega Valley Coastal Processes and Hazards Definition Study (2015), to ensure consistency between different planning instruments and provide certainty for Council and for property owners in planning for and dealing with their land. Bega Valley Shire Council has formerly adopted its Coastal Processes and Hazards Definition Study and the hazard line mapping and coastal inundation mapping that forms the basis of the study.

Council requests that the mapping of the Coastal Vulnerability Area in the draft SEPP reflect Council's existing standards within the BVLEP and Bega Valley Coastal Processes and Hazards Definition Study 2015.

Council has amended the exhibited Coastal Vulnerability mapping layer to include the open coast hazard mapping that was not included in the draft SEPP mapping. We have include this data as part of this submission as a **.Tab file**.

##### Coastal Management Area 3 - Coastal Environment area

BVSC endorses the proposed development controls as listed in the draft SEPP for the Coastal Environment Area with the following amendment. Council has made a number of amendments to the exhibited mapping for Coastal Environment Area. We have include this data as part of this submission as a **.Tab file**. The use of a 500m (GIS automated) buffer to map this area is problematic, in that in some areas the buffer goes beyond the catchment of the estuary to which the buffer applies (See Fig 1 Wallaga Lake).



Conversely the buffer stops short of catchment boundaries in other areas resulting in some sections of urban areas being included, whilst adjoining urban areas in the same estuarine catchment being excluded (see Figure 2 Merimbula Lake.)

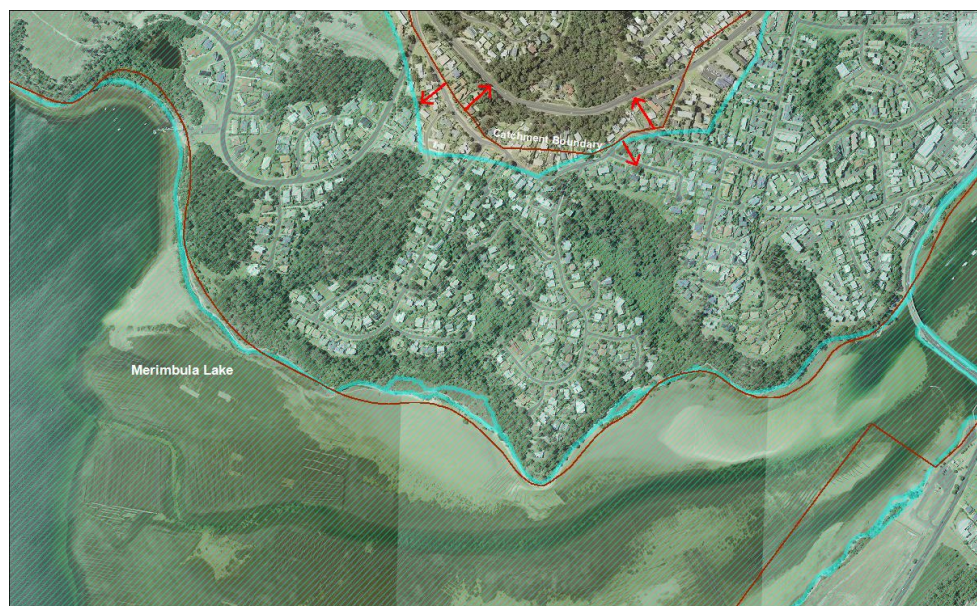
We would suggest a rethink on the mapping of this area based on sub-catchments adjoining the coastal lakes in particular.

**Key recommendation** - *that coastal lake buffers be extended (or reduced) to immediate sub-catchment boundaries.*

**Key recommendation** – *Clause 14 (1) (c) replace ..... “on the marine estate including sensitive coastal lakes”, with ..... “on the marine estate including coastal lakes as listed in Schedule 1 and 2”*  
Delete Clause 14(2).



**Figure 1 – Wallaga Lake Catchment – Buffering overlap**



**Figure 2 – Merimbula Lake Catchment – Buffering Issue**

#### Coastal Management Area 4 - Coastal use area

Due to the way in which GIS systems map “buffers” or measures distances from a prescribed point, the mapping of the Coastal Use Area is inconsistently applied to individual and neighbouring properties, all within the same coastal catchment. BVSC strongly recommends that the Coastal Use Area be mapped along the closest existing and/or practical cadastral boundary to the exhibited 1km extent. This is to provide a consistent approach across existing settlements and individual properties and provide clarity and certainty during the development assessment process. Council has applied this methodology to the private property areas that intersect with the Coastal Use Area, but have largely left the exhibited buffers in the National Park and State Forest Areas.

As discussed previously Council feels that additional development controls should be included for the Coastal Use Area focused on the biological, hydrological or physical impacts of development occurring within Coastal Use Area on adjoining Coastal Management Areas.

As with the previous 3 Coastal Management Areas, Council has made a number of amendments to the exhibited mapping for Coastal Use Area, based on the methodology described above. We have include this data as part of this submission as a **.Tab file**.

**Key recommendation** – *that the Coastal Use Area be mapped along the closest existing and/or practical cadastral boundary to the exhibited 1km extent.*

#### **5) Coastal Lakes Schedule**

Council seeks the inclusion of the Bega, Nullica and Towamba Rivers into “Schedule 2 Coastal Lakes” of the draft SEPP, to ensure consistency in the application of the SEPP across our coastal zone. The Bega River, Nullica and Towamba River estuaries function as ICOLLS and the Bega River Estuary in particular can be closed for extended periods of time. As such all three systems are vulnerable to the impacts of catchment land use and should be included in Schedule 2, to improve the protection of these water bodies and ensure consistency of the management of our coastal zone.

**Key recommendation** – *The Bega, Nullica and Towamba River Estuaries be included in “Schedule 2 Coastal Lakes” of the Coastal Management SEPP.*

#### **6) Coastal Protection Works**

Council supports the proposed approval pathways and requirements for Coastal Protection works by private property owners and Public Authorities as listed in Part 3 of the draft SEPP.

#### **7) 117 direction – Coastal Management**

Council endorses the content of draft Section 117 (2) Direction – Coastal Management, with regard the need for Planning Proposals to consider the objectives of the Coastal Management Act (2016), and be consistent with Coastal Management Programs, Coastal Management Manual etc. BVSC would suggest removing “..and associated Toolkit” from Clause (3)(b) as the toolkit in its current form is amorphous and would be difficult to justify a Planning Proposal against the myriad of documents that currently make up the Toolkit.

As discussed earlier in this submission Council feels that a Planning Proposal is ***not*** the best method to amend SEPP mapping. It may be suitable as part of a wider rezoning process, but should not be the only pathway available where Council’s wish to make amendments to the SEPP mapping layers that apply to their local Government area.