

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

Dear Sir/Madam

Re: Draft Coastal Management SEPP

I write in response to the exhibition of the Draft Coastal Management SEPP. Council is supportive of initiatives to manage development in the coastal zone and protect the environmental assets of the coast.

Impact in Liverpool

It is noted that Liverpool, although having frontage to the tidal portion of the Georges River is located some distance from the NSW Coast. In relation to the draft SEPP it is noted that there numerous sites identified in the Liverpool Local Government Area that are not within the tidal area of the Georges River. Many are located in Council parks while some are located on private land, mostly employment lands. The draft SEPP identifies any development of these sites as designated development.

Concern is expressed about the imposition of designated development on development of these particular sites without any justification provided by the Department of Planning and Environment as to the benefits of this imposition for the NSW Coast. These sites are isolated sites remote from tidal areas while there are no controls over the rest of the creek system upstream of the tidal limit. The draft SEPP will impose unreasonable restrictions on the embellishment of the parks without sufficient justification being provided.

Some of the sites are in an employment release area and the imposition of designated development effectively eliminates development potential of these sites. These sites form part of a development contribution scheme and denial of development potential will have an adverse impact on Council's finances in that a reduction in contributions is unlikely to be matched by a reduction in obligations to deliver infrastructure to support development in the locality.

Clarification of terms

It is considered that the SEPP should be refined to specify the intended meaning of terms which are open to a range of interpretations (particularly 'sufficient measures' in clause 11(4), and 'significantly impact' in clause 12(1)), or prescriptive guidelines on interpretation within the DA assessment context developed.

It is also considered that the definition of what constitutes a coastal wetland should be refined, or guidelines developed to clearly prescribe pertinent parameters and thresholds for the intended subject areas. The associated Coastal Management Act states that 'The coastal wetlands and littoral rainforests area means the land identified by a State Environmental Planning Policy to be the coastal wetlands and littoral rainforests area for the purposes of this Act, being land which displays the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features'. This description makes it problematic to validate the presence (or otherwise) of the mapped coastal wetlands due to the very broad terms utilised.

The associated fact sheets contain some details which are not clearly reflected in the SEPP. For example, the coastal wetlands and littoral rainforest factsheet indicates that the intent of the SEPP is to protect vegetation communities, rather than single trees and isolated stands. This intent is not clearly specified in the SEPP. Further, a definition of what is considered to be an isolated stand is not included. It is recommend that the SEPP be refined to clarify this matter, or specific guidelines developed to ensure that the intended scope is clear.

Council would welcome the opportunity to discuss the concerns raised. Should you require any further information on this matter, please contact Barry Millwood, Executive Planner, on 9821 9597.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Bruce Macnee', written in a cursive style.

Bruce Macnee
Manager Strategic Planning