

THE HILLS SHIRE COUNCIL

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

Our Ref: FP58



Dear Sir

Draft Coastal Management State Environmental Planning Policy

I refer to the exhibition of the public consultation draft of the above draft State Environmental Planning Policy and the associated mapping. Thank you for the opportunity to make a submission on the proposed reforms.

I note that the Hills Local Government Area has not previously been subject to State policies for the management of land within the coastal zone. The draft SEPP and its associated mapping, together with the Coastal Management Act 2016, will essentially establish a new land use planning framework for the management of the Shire's river foreshore and wetland areas. This land is primarily located in the vicinity of the Hawkesbury River and nearby creeks, and wetland areas within the rural areas of the Shire.

It is understood that the reason the coastal zone now encompasses a much wider area than previously identified is to enable targeted management of the diverse environments and interests. However, based on the exhibited material it is difficult to understand the regulatory and financial implications that the package of coastal reforms will have on Council and landowners.

This is the first time that the Hills Shire will be subject to coastal management legislation and it is therefore requested that the Department provide a briefing to Council staff to provide a better understanding of the proposed new obligations and the regulatory and financial implications. Given this, the draft SEPP has not been referred to Council for consideration as more clarity is needed. Some of the key concerns relate to:

- Inconsistencies in the identification of wetlands on the Coastal Wetlands and Littoral Rainforests Area Map under the SEPP and wetlands that are identified via the protective E2 Environmental Conservation zone in The Hills LEP 2012. Council's mapping has relied on expert analysis, comparison to an international wetland standard and has been ground-truthed, and is considered to be of greater detail and more reliable than the wetland mapping within the draft SEPP. It is questionable if there is any benefit to be gained from the Coastal Wetlands and Littoral Rainforests Area Map applying to the Hills LGA given that the current approval framework for development on land containing (or located in close proximity to) a wetland provides an appropriate level of protection.

- The requirement for all development (except environmental protection works) on land identified on the Coastal Wetlands and Littoral Rainforest Area Map to be assessed as designated development, regardless of its scale is unnecessarily onerous for the community. It is also unclear whether the designated development requirement would apply to an entire property or if only a portion of a lot is affected.
- The implications of the SEPP for development assessment and complying development are not clear. For example, more detail is required on the implications of proposed changes to the consent requirements for works under the SEPP (Infrastructure) and bush fire hazard reduction works that currently do not require consent. It is questioned whether Council will be able to continue to undertake necessary works within coastal areas without the need for consent.

Further, guidelines are also needed to remove any ambiguity in the interpretation of some development controls, for example a consent authority must be satisfied that a development in the coastal environment area *"is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment"* which is open to broad interpretation and will be difficult to assess.

- The proposed Section 117 Planning Direction refers to the need for a planning proposal to amend the Coastal Wetlands and Littoral Rainforests Map, the Coastal Environment Area Map and the Coastal Use Area Map. There should be a transitional stage in the requirement for a planning proposal to amend the SEPP maps to allow Councils to work with the Department of Planning and Environment to ensure that the maps are suitable for local conditions.
- The requirement to develop a Coastal Management Program within the next five years is a potentially significant body of work that is being imposed upon local government. It is unclear what is needed and the assessment framework in the interim.

Further, the involvement of the Joint Regional Planning Panel (now the Sydney Planning Panel) in the approval of some coastal protection works is questionable for the Hills LGA, given the Shire is located a significant distance from the coastline and the existing approval process is appropriate.

- The assessment of development proposals and planning proposals for land within the proposed coastal zone relies heavily on the completion of a Coastal Management Program and the preparation of coastal hazard mapping. Given that some Councils may not complete their Coastal Management Programs and local coastal hazard mapping for another five years, it seems to point to the need for the SEPP and Section 117 Local Planning Direction to be held in abeyance until such work is completed.

Furthermore, it is noted that affected landowners have not been directly consulted on the proposed changes. As the Hills Shire is located a significant distance from the coast and to ensure that landowners fully understand the implications of the draft SEPP, more targeted consultation is needed. For example, the draft SEPP will affect land for some distance along Cattai Creek and landowners are likely to be unaware that the Coastal Management SEPP is applicable to their land.

Thank you for the opportunity to comment on the proposed changes. Should you have any enquires or wish to arrange a time for a briefing, please contact Janelle Atkins, Principal Forward Planner, on 9843 0266.

Yours faithfully



Michael Edgar
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