

# Draft Coastal Management SEPP Submission

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This submission has been prepared jointly by representatives of the Lane Cove Bushland & Conservation Society and the community members of Lane Cove Council's Bushland Management Advisory Committee. We thank the Department of Planning and Environment (DPE) for the opportunity to comment on the Draft Coastal Management SEPP and associated documents.

We have briefly reviewed the documents on display. While we are concerned particularly with its application to the Lane Cove Local Government Area (LGA), a number of our comments apply across all areas to which the SEPP applies. Our comments relate to the following:

1. The relationship of the SEPP with other relevant statutory plans and policies.
2. The draft interactive coastal mapping, particularly as it applies to the Lane Cove LGA.
3. The written statutory provisions including the Draft SEPP that has been prepared for this public consultation period as well as the changes to the Standard Instrument (LEPs) and the Draft s117 Order.

## 1 Relationship with other Plans and Policies

We welcome the NSW DPE's initiative to prepare this coastal SEPP with the aim of promoting a more consistent approach to coastal land use planning throughout the State. We note that it will consolidate a number of current plans, and will result in the repeal of three existing policies, i.e.:

- SEPP 14—Coastal Wetlands;
- SEPP 26—Littoral Rainforests: and,
- SEPP 71—Coastal Protection

It will also trigger amendments to other instruments as identified in Schedule 3. However we do not fully understand how it will relate to other plans/policies that will remain in force, including the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. Nor do we understand whether other catchments in greater Sydney (eg the Cooks River) and NSW generally, will have similar REPs to ensure a consistent approach throughout the state.

### **Recommendation 1**

*We request a further period of public consultation before the finalisation of the SEPP in order to understand the full implications of this SEPP and its relationship with other relevant planning instruments, such as the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. A graphic representation of interrelationships would also assist.*

## 2 Mapping

We comment on the following maps that are relevant to Lane Cove:

- Coastal Wetland Area and Littoral Rainforests Maps;
- Coastal Vulnerability Area Map (Local Government Coastal Hazard Map); and,
- Coastal Environment Area and Coastal Use Area Maps.

### **Coastal Wetland Area and Littoral Rainforests Maps**

These two maps include the relevant vegetation communities for Lane Cove. We note that Lane Cove Council has prepared thorough maps of its vegetation communities, including communities that relate to this SEPP (*Native Vegetation of the Lane Cove LGA*, prepared by Storm Consulting). We also understand that Council has made this information and mapping available to the DPE.

Based on our knowledge of Lane Cove, we are concerned that there is significant information missing from the Draft SEPP Maps. We understand that Lane Cove Council has identified the missing information from a comparison between its most recent mapping and the Draft Coastal wetland area/littoral rainforests maps, and has requested amendments accordingly.

### **Recommendation 2**

*We request written confirmation that the Draft Coastal Maps will be corrected to incorporate all of the information contained in Council's vegetation maps prepared by Storm Consulting. On this basis we would be satisfied that the information contained in these maps is as accurate as present knowledge will allow.*

### **Coastal Vulnerability Area Map**

There is currently no map by this title on the Interactive Map. The Local Government Coastal Hazard Map, as referred to in the written instrument, appears to perform some of the function. However on this basis we conclude that the Coastal Vulnerability Area mapping is incomplete. The legend on the SEPP map and the wording of the Draft SEPP is also inconsistent.

In addition, given the rising risk from storm and heavy rainfall events, coastal vulnerability and hazard mapping should be regularly updated. The risks (based on predictive modelling) should be monitored against actual events.

### **Recommendation 3**

*The mapping and written instrument should be made consistent so that coastal vulnerability areas are all clearly identified on the one map that is entitled **Coastal Vulnerability Area Map** and that all wording on the map and the in the SEPP is made consistent. We also request further information on the criteria that is used to determine coastal vulnerability and whether it is relevant to our LGA. Given the risks from storm and heavy rainfall events, coastal vulnerability (and hazard) mapping should be ongoing, and regularly monitored and updated.*

### **Coastal Environment Area and Coastal Use Area Maps**

These two maps rely on an arbitrary line (understood to extend approximately 100m from the foreshore) that is used to identify Coastal Environment Land and establish the Coastal Use Area. We believe that this arbitrary line is an inadequate basis on which to determine appropriate use of coastal land. It does not take into account essential environmental considerations that are critical to defining these areas, such as topography, location of escarpments and extent of relevant coastal environments (e.g. sand dunes), visual impact, sight lines and views to and from the land etc.

Clearly the identification of suitable boundaries for the Coastal Environment Area and Coastal Use Area should be based on a detailed investigation of each area, taking into account essential environmental considerations and criteria. Such investigation and mapping should be required of the local authority (i.e. Council) and inform the SEPP mapping in the same way that vegetation mapping undertaken by Councils informs bushfire prone lands mapping by the Rural Fire Service.

### **Recommendation 4**

*Council should be given the resources to undertake a more detailed investigation to identify the Coastal Environment and Coastal Use Areas, to ensure that it that takes into account the full range of environmental considerations and criteria. Meanwhile the current 100m delineation should be identified in the SEPP as a notional minimum, pending more detailed investigation. The more detailed investigation should inform the SEPP mapping in the same way as current mapping undertaken by Councils informs bushfire prone lands mapping by the Rural Fire Service. This mapping should include a community consultation process.*

## **3 The Written Statutory Provisions**

These provisions include the Draft SEPP that has been prepared for this public consultation period, together with the changes to Standard Instrument (LEPs) and the Draft s117 Order.

We are unable to comment on the written provisions in detail without greater knowledge of all the provisions contained in the plans and policies that the SEPP intends to replace, or are to be amended or retained.

We are particularly concerned that the maps can be amended by a planning authority to extend or reduce boundaries of vegetation communities or the coastal use area. While this may have positive consequences, such as the ability to correct errors or improve the accuracy of the mapping, it may also have negative effects, such as the alienation or inappropriate use of coastal land. All changes to

maps should include a community consultation process, whether these changes are a result of by local government actions (as suggested above) or by state government agencies.

In addition, it appears that the permissible use of the land is unrestricted (subject to consent and the provisions contained in the related LEP). The proposed range of permissible uses is apparently less stringent than the current SEPPs. This appears to be contrary to the aim of the Draft SEPP, as stated in Clause 3(a), i.e. **to manage development in the coastal zone and to protect the environmental assets of the coast.**

Considering the ongoing impacts on coastal zones from both development and climate change, we consider that the protection provisions should be tightened. In addition, controls for the coastal use area must require specific consideration be given to environmental impacts as in the current application of SEPP 71 and clause 5.5 of the Standard Instrument that require a broad range of considerations to be applied to the whole Coastal Zone.

Therefore we need to be reassured that the new provisions will not lead to more inappropriate use and development of coastal land than is currently permitted.

#### **Recommendation 5**

*We request a written analysis that demonstrates that the new provisions will not be less stringent with regard to the use and development of coastal land than is currently permitted. In addition, the SEPP and related documents should require that any proposed land use, development, planning proposals and map changes are subject to a public consultation process.*

*In addition, any proposed change to or use of the land should be subject to the broad range of environmental considerations that are embodied in the EP&A Act, the current SEPP 71 and the Standard Instrument (LEP).*

#### **Conclusion**

As representatives of local community groups, we are committed to the preservation of the environmental quality of the Lane Cove River and its catchment. We continue to support Lane Cove Council's commitment to maintaining the natural attributes of the foreshore. While our concerns expressed above relate particularly to the Draft SEPP's application to Lane Cove, our comments of a general nature apply to all coastal areas throughout NSW that are subject of this SEPP.

We are also concerned about the very limited public consultation that has been undertaken to date. Information sessions were very limited in number and location, given the huge extent of lands affected by this SEPP. The abovementioned recommendations point strongly to the need for more public consultation before this SEPP is finalised and adopted.

In addition, the SEPP and its associated instruments must contain the same environmental considerations and public consultation processes that are embodied in the current planning instruments that are to be replaced, amended or retained.

Accordingly we request that all the recommendations contained in this submission be addressed in detail and that further public consultation be undertaken to help communities understand more fully the workings of the policy. **We request a written detailed response.** Again we thank you for the opportunity to make this submission.

Margaret Bergomi, President  
on behalf of the Committee, Lane Cove  
Bushland & Conservation Society Inc

Lynne McLoughlin  
on behalf of the community members of Lane  
Cove Council's Bushland Management  
Advisory Committee

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