

Save Collingwood Beach

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

19th January 2017.

SUBMISSION ON DRAFT COASTAL MANAGEMENT SEPP AND DRAFT MAPS OF THE COASTAL MANAGEMENT AREAS

Dear Director,

Save Collingwood Beach (SCB) is a partnership of organisations concerned about the well-being and resilience of Collingwood Beach on the shore of Vincentia, Jervis Bay. These include the Jervis Bay Regional Alliance, Vincentia Matters, BirdLife Shoalhaven, National Parks Association of NSW Milton Branch and Shoalhaven Bushwalkers. Although formed specifically to resist attempts to degrade the values of Collingwood Beach, the partner organisations have an interest and expertise in conservation, including that of the coast.

Save Collingwood Beach appreciates the chance to comment on the draft coastal SEPP and coastal maps. We also appreciate the efforts made by staff from the Department of Planning and Environment (DoPE) to meet with members of SCB about implications of the draft SEPP to the Shoalhaven. We have made detailed comment on various issues below. Note that we have begun with a highly local issue, Collingwood Beach, but go on to discuss other aspects of the SEPP and maps and to make several recommendations **in bold**.

1. Coastal Vulnerability Area mapping

We note that the mapping of the Coastal Vulnerability Area is derived from Local Government Coastal Zone Management Plans. We highlight to the Minister that, in the case of the Shoalhaven and potentially in the case of other councils, coastal vulnerability mapping is an ideological issue, with some councillors openly in denial of climate change.

As part of the development of SCC's Coastal Zone Management Plan, a Royal Haskoning DHV report¹ identified serious threats to the Zone of Reduced Foundational Capacity (ZRFC) that would potentially affect the stability of private property and public assets adjacent to Collingwood Beach. Currently, 29 residential properties are located in the immediate coastal erosion risk area (57% of properties in the central precinct), 46 residences may be at risk in 2050, and 55 by 2100. This is in addition to public assets such as sewerage works, water infrastructure, roads and the cycle path—estimated at a value of \$4.5 million by 2100. The Coastal Zone Management Plan estimates that alternative protective seawalls for Collingwood Beach could be required at a cost of \$18.1 million (2013 dollars).

However, Shoalhaven City Council (SCC) is currently exhibiting documents² that, if accepted, will amend hazard mapping and reduce the predicted impacts of sea level rise and the ZRFC along Collingwood Beach from those included in the current draft Coastal Zone Management Plan (and thus reflected in the *Coastal Management Act* draft maps). The new mapping is based on mid-range emissions projections (Representative Concentration Pathway, RCP, 6), is therefore not founded in reality (emissions are currently tracking much higher) and does not bring a precautionary approach to hazard management. Because this will result in development occurring in vulnerable

¹https://www.shoalhaven.nsw.gov.au/demosite/environment/coastal/documents/rp8A0101_gpb_Collingwood_240213_Rev2.1.pdf

²<https://www.shoalhaven.nsw.gov.au/My-Council/Public-exhibition/Documents-on-exhibition>

coastal areas, it undermines the objectives of the *Coastal Management Act (CMA)* and the entire motivation of the Coastal Vulnerability Area.

In fact, SCC itself acknowledges in the exhibited documents (page 1)³ that there is an 85% chance of the new mapped ZRFC for 2100 being exceeded (new ZRFCs are 100mm for 2030; 230mm for 2050; and 350mm for 2100). Should this be the case it would appear that legal liability would almost certainly accrue in future to council due to their knowingly ignoring risk (we are currently seeking legal advice on this liability).

Council's exhibited documents are some way removed from the recommendations contained in a joint report jointly commissioned by Shoalhaven and Eurobodalla councils (South Coast Regional Sea Level Rise Policy and Planning Framework)⁴. This report, authored by Whitehead & Associates, utilised RCP 8.5, justified on the grounds that emissions are tracking in accordance with RCP 8.5, that a precautionary approach is encouraged by planning, that the adverse consequences of adopting a precautionary approach are lower than adopting an approach that underestimates sea level rise and that there are therefore no reasonable arguments for adopting an alternative scenario to RCP 8.5.

This report was not adopted by SCC, with Council instead choosing to utilise a submission to the report from the Non-Governmental International Panel on Climate Change—a known climate-sceptic organisation funded by the fossil fuel industry—and a single locally-based civil engineer to revise down their sea level projections.

This raises the question as to how mapping in the CMA can be amended in future, how the risk of self-interest and ideology be prevented from undermining the objectives of the CMA and how the Minister proposes that the CMA effectively shields ratepayers and state taxpayers from liability as a result of self-interested and evidence-free decision making as is currently occurring in the Shoalhaven.

We recommend that all amendments (including those to the existing draft maps) be required to be approved by the Coastal Council, which in turn applies a precautionary approach to hazard mapping. We note that the Minister must approve new map development and map amendments. We urge the Minister to resist any pressure to approve inappropriate amendments (watering down) to the existing draft maps, as will doubtless occur should the flawed hazard mapping amendments currently on exhibition in the Shoalhaven be accepted by council.

We would also draw the Minister's attention to the fact that proposals to lop dune vegetation on public (Crown) land were resoundingly rejected by the Shoalhaven community in late 2016. The altering of the hazard maps is a barely-disguised attempt to reopen a sore that the community believed healed. We will ensure that the community is kept informed of all decisions that affect this decision.

2. Coastal vulnerability Area

We recommend ensuring that the CMA provides for planned retreat from the coast as climate change increases coastal hazards such as sea level rise, storm surges and extreme wind. We urge the government to take steps to ensure that development controls reflect the reason for vulnerability zoning: i.e. that future vulnerability risk means development within the zone is a risk and therefore that development within the vulnerability zone is discouraged. In addition, **we recommend that natural defences such as coastal dunes, dune vegetation, foreshores and wetlands be strictly protected from development and that the Act requires any unauthorised damage of these features to result in prosecution and rehabilitation.**

3. Coastal Environment Area

The extent of the coastal zone (described as the Coastal Environment Area) has been significantly reduced from 1km to 100m in the case of open beaches, dunes and estuaries. This is not logical to those of us living on the coast, as we are aware that the influence of the ocean extends well beyond 100m from the shore. Nor is this reduction apt in the face of climate change and sea level rise which will further reduce the 100m. In many cases the 100m buffer fails to

³<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D16/400175>

⁴<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/coastal-projects/sea-level-rise/South-Coast-Regional-Sea-Level-Policy-and-Planning-Framework.pdf>

include entire beaches and significant areas of dune systems in the Shoalhaven (e.g. see area to the south of Bendalong). **We recommend that the 100m Coastal Environment buffer is increased to 500m to better capture the coastal features the CMA seeks to protect.**

The 100m buffer is also insufficient to protect the valuable habitat on the western and southern shores of St George's Basin. **We recommend that additional protection be afforded to the catchments on the unmodified shores of the Basin.**

We support the protection of the entire catchments of sensitive coastal lakes, such as Lake Wollumboola. However, part of the catchment of Lake Wollumboola is located within the harvestable zone in Currumbene State Forest. Logging within this area will risk the water quality of the lake catchment, and therefore the natural values of the lake itself. The Jervis Bay Regional Alliance, BirdLife Shoalhaven, Australian Conservation Foundation Shoalhaven Branch and the Australian Orchid Council have proposed that Currumbene State Forest be included in Jervis Bay National Park to protect the natural values. **We recommend that the Minister for Planning support this proposal and seek the inclusion of Currumbene State Forest into Jervis Bay National Park in order to avoid undermining protection for Lake Wollumboola.**

4. Coastal Use Area

It does not seem logical that high value environmental assets, such as National Parks or EECs, fall within the Coastal Use Area. **We recommend amending the mapping criteria so high value environment areas are incorporated in the Coastal Environment Area.**

5. Endangered ecological community mapping

Although we recognise the value of Littoral Rainforest and Coastal Wetlands as Endangered Ecological Communities, we believe that the development protections afforded these EECs should be extended to other coastal EECs in order to meet the objectives of the CMA. There are many EECs occurring in the coastal zone (within 1km of the coast) that require protection. We understand, from staff advice, that the inclusion of other EECs is precluded due to the specifics of the CMA. Ideally **the legislation should be amended to permit the inclusion of other coastal EECs, and the mapping re-done to include these EECs.** A secondary solution would be to **ensure that all coastal EECs with a wetland component (such as swamp sclerophyll forests) be mapped as Coastal Wetlands.** This is achievable as the definition of a coastal wetland under the CMA is an area mapped as a wetland—a definition that gives considerable scope to include other EECs.

6. Development in Littoral Rainforest and Coastal Wetlands

We recommend that any new development within Littoral Rainforest or Coastal Wetlands and their buffers (and an expanded map including other coastal EECs) should be prohibited. Development pressures are increasing, not decreasing in the coastal zone, and a failure to enact strict development controls will undermine the objectives of the CMA. Further, we do not believe that the *Biodiversity Conservation Act* is adequate to protect either EECs or the Coastal Zone from development, as no provisions were contained within that Act to exclude particular EECs or areas from code-based clearing. We draw attention to the incomplete knowledge of the species, particularly flora, contained within EECs and therefore the risk of losing threatened species through development.

7. Concurrence

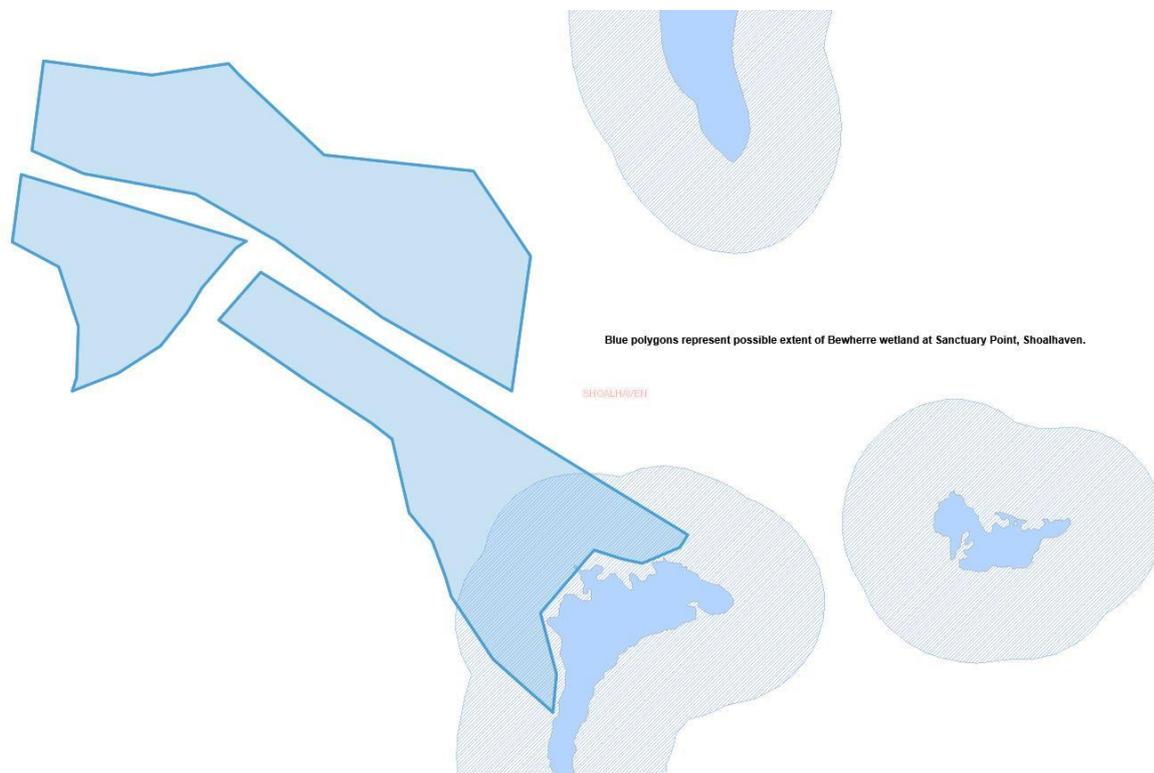
The new CMA fails to carry over the concurrence provisions currently present in SEPP 14 and SEPP 26. **We recommend ensuring that concurrence with the Minister for Environment is required for development in the Coastal Environment Area** (noting our recommendation that development in EECs be specifically ruled out).

8. Wildlife corridors, threatened species and populations and EECs

Provisions of SEPP 71 that require the consideration of wildlife corridors, threatened species, populations and endangered ecological communities have not been carried over into the Draft SEPP. **This should be rectified if the objects of the Act are to be adequately achieved.**

9. Bewherre wetland

We are concerned that the maps do not adequately reflect the extent of the Bewherre wetland complex at Sanctuary Point and urge DoPE to verify the extent with Shoalhaven City Council. Unfortunately the exported image (below), which is an estimate of where the wetland extent may occur, does not include the base map and therefore the location is difficult to understand from the image. We are happy to speak to DoPE to clarify this location should it be required.



We are willing to discuss any aspect of this submission you may desire.

Yours sincerely,

Dr Oisín Sweeney
(Signed on behalf of Save Collingwood Beach)