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25th NSW Coastal Conference & NCA Update



There's nothing like a conference to inspire and share innovation between disciplines and stakeholders. I came away from the conference confident that last year's theme "Great Expectations" remained undercurrent into this year and optimistic of "surging forward" from this year's theme. With several admissions of a decade of studies that now require actions and solution planning, including plenary from The Hon. Rob Stokes, presentations ranged from the tools and modelling to facilitate as well as making connections for optimal solutions as we enter a new area under the Coastal Management Reforms. Papers will be available online this week so I will discuss some pertinent points that stood out to me as a member of the Community.

Legal lessons and responsibilities under the new CM ACT

<http://www.coastalconference.com/2016/papers2016/Megan%20Hawley%20Full%20Paper.pdf> - Paper from a Council Lawyer

The "good faith" protection under the Local Government Act 1993 against negligent liability can be used when acting bound by policy(SEPP) or LEP (not DCP/zoning).

The LEP sits under the Local Gov legislation while the DCP sits under the Env Planning & Assessment legislation. When we ask our Councillors to approve a plan, we need actions to be reflected in the DCP and the LEP, since plans such as CZMP and LAPs inform their content at any rate (ie. Public Interest response to the Standard Instrument of LEPs). Further, it is difficult to refer to Council plans alone when considering development applications. 149 certificates can then answer the questions yes or no and simply refer on to the DCP & LEP. Where plans mitigate and minimise risk then the answer for “No” can be reflected in the planning instruments also. Mandatory and essential criteria of CMPs from the CM Manual will make use of “good faith” clauses in the CM Act.

With this in mind, hopefully, there will be less fear of participation in coastal works, making use of the monitoring and review standard of the last decade.

Maps

The introduction of COASTADAPT for technical support to stakeholders in coastal management was greatly welcomed, if not overdue. For me, it replaces a small forest of documents that I have referred to over the past decade. Although it does not replace other tools and referencing as a whole, the flowcharts, case studies (yes the Marks Point/Belmont South LAP is one of them) and tools offer a comprehensive one stop shop to start from. I expect we will see more and more content and updates in this platform as they come to hand.

We were also introduced to other mapping and modelling tools. RISK FRONTIERS seemed to me the best mapping tool for less assumptions and more layers as a visual tool. Notwithstanding, I assume, most of this is done by algorithm. There are many mapping sites including COASTALRISK that rely on various assumptions and formats. To avoid confusion in the short term, one will need to be specific about which platform they referred to when viewing maps. Councils have their own as well so this could require continual redress.

Certainly, tools should fit the purpose. Probabilistic modelling & wave tools, satellite remote sensing sediment & geomorphic mapping, habitat mapping, and other intangible mapping for cultural ecosystem services were presented. Particularly with this last tool, which we have used at Council workshops, assumptions should not be ignored. The study on Green Point Lake Macquarie asked participants to identify

places of value in the area, not of the \$ value, where no one identified their home but the shared public places. I did not find this surprising for a participant to not identify their home when asked this particular question amongst other participants including tourists and professionals. The data, without considering this assumption, may be used to give more weight to public interest than private ownership than may ordinarily be the case for stakeholders. Certainly, we enjoy living in an area for the appeal of valued attributes and amenities in the area and surrounds.

Mapping released as part of the Coastal Management Reforms kit, currently open for submissions, is a step forward into the digital age for Governments. Unfortunately, much work is yet to be done as several Councils have no mapping to contribute for the 4 Principle Areas or Layers required under the yet to be proclaimed Coastal Management Act, so we can expect a rally of redress in the next 12 months to 5 years as Coastal Management Plans replace CZMPs and mapping becomes more comprehensive.

Top down hazards and bottom up sediments mapping for CMPs are the order of the day for 2017. For those Councils that have approved CZMPs they have a 5 year honeymoon period before a CMP is required. Notwithstanding, if neighbouring LGAs are working on CMPs, they need to liaise with each other under the Regional Local Government on sediment compartments that may cross LGA borders.

The State Government is only offering \$83.5mil in funding at this stage and two thirds of it is earmarked to assist Councils prepare CMPs. More funding will be forthcoming, we were told by Stokes, but this will be generated based on the actions required in the CMPs, evidence to put to Cabinet in funding allocation that can take up to 4 years to consolidate.

So with the Coastal Management kit and the inexhaustive studies of the last decade, the State Government purports we have the scaffolding for surging forward in Coastal Management, encouraging development with a risk management approach to hazards; Investigate Risk, Determine Probability, Cost/Benefit Analysis of Action, Solution Plan, Apply Funding. It was admitted that LGAs may find different level of risk attributed to the same hazard in the evidence based democratic approach we rely on. Will this see a priority approach to funding based on level of risk? Perhaps a

future mapping layer of probability applied to hazard lines? Maybe the conservative approach to projections has its benefits.

Collaroy and Wamberal Beaches suffered the same June 2016 storm bite. Sandbaggers included State MPs at Collaroy. Same approach in 1920



The June 2016 Storm was a hot topic for presentations at the conference, from modelling to lessons learnt. Glaringly obvious was the disparity of emergency works carried out at Collaroy compared to Wamberal Beach. Both areas suffered the same storm bite of Council beaches and private land and infrastructure. Apparently, the SES chief was on hand at Collaroy and held the legislative power to action temporary works, carried out by volunteers including State MPs in a conga line of sandbaggers. Not much has changed since 1920 in our actions at Collaroy.

Meanwhile, Wamberal Beach remains a mess to the point of being unsafe for coastal assets and public amenity, with private owners attempting to protect their land with varying temporary works, some with orders from Council to remove them. Once the CM Act is proclaimed, such temporary works will require DA approval. Both beaches had plans for sea walls but apparently the EIS had lapsed at Wamberal. A new EIS may take 12 months for Council even in their best efforts from their team of 6 staff compared to a Council like Lake Macquarie who have a staff of 37 comparatively.

Collaroy had been the subject of protest of a sea wall from the Community not so long ago. Another reminder of the us and them, the public interest and private owners, the status quo ignorant of change and the harsh reminder of storm events and climate change.

As we take on the new vogue in Coastal Management we are reminded of that which remains unaddressed at Collingwood Beach where locals are at loggerheads. The fore dune was planted with native trees in the late 70s following a new subdivision behind the roadway of the dune system. Local residents are rallying for smaller plantings with less hazard of falling trees in storm events. Notwithstanding, this will provide clearer ocean views to some in the legacy subdivision. Nostalgic rallies for the trees to be replanted are a result of the trees dying, apparently due to being poisoned and considered a potential civil disobedience at some level. Regardless, what is the best planting for the dune system and can the optimal result be achieved by lower height plantings? Collingwood Beach residents believe they have reported a strong case for lower height plantings. Will Council see the benefit of the compromise or will nostalgia prevail?

The Coastal Management Reforms are yet to address flora and fauna mapping to assist decision making in this regard. I'm sure the birds, seeds and fish don't know they need to stay within one of the four areas but I am absolutely sure they have more clue than us. This surety comes from my memory of all the birds flying to the skies in unison moments before the Earthquake hit Newcastle in 1989, while humans were none the wiser. Wetlands, littoral rainforests and marine environments is a start, I guess.

Since the last update, NSW Coastal Alliance joins Byron Bay's Belongil Beach residents in celebrating their win against Council negligence to maintain a sea wall and extend it as well for neighbouring properties. Council was found to have a duty of care to maintain their infrastructure and to protect private land where owners were not otherwise advised of hazard.

This report was written in the optimistic glow of another great Coastal Conference and remains the opinions of the author. I look forward to the next Coastal Conference 2017 to be held in our neighbours back yard at Shoal Haven, Port Stephens. I'm not sure what the theme is yet but I do hope many stakeholders can attend to enjoy the amenable environment of sharing ideas, innovation and collaborating on coastal management.

Acronyms Glossary

CM Act - Coastal Management Act
CM Manual - Coastal Management Manual
CMP - Coastal Management Plan
CZMP - Coastal Zone Management Plan
DA - Development Application
DCP - Development Control Plan
EIS - Environmental Impact Statement
Env - Environment
Gov - Government
LAP - Local Adaptation Plan
LGA - Local Government Area
LEP - Local Environment Plan
MPs - Members of Parliament
NCA - NSW Coastal Alliance
NSW - New South Wales
SEPP - State Environmental Planning Principles
SES - State Emergency Services