

## THE ANOMALIES OF THE SOCIAL IMPLICATIONS OF THE COASTAL HAZARD PLANNING PROJECT 2015

- Why is Coffs Harbour Council's recent Coastal Hazard Planning Project based on outdated scientific evidence and information at a time when unprecedented growth of this community is being considered?
- Why has the Council not used the latest scientific information of the Intergovernmental Panel for Climate Change in November 2013 and updated its Sea Level Rise (SLR) benchmarks? This information was recently adopted by two other NSW Councils which superseded the document upon which the present Coffs harbour City Council CZMP is based?
- Considering that such flawed information is now reflected as a notation on Section 149 Planning Certificates there is also an issue with Coffs Harbour City Councils Section 149 jeopardising the veracity of any contract for the sale of affected properties and also provides information that does not reflect the true status of the land in terms of Development Controls. Neither does it represent the true affectation of the land regarding matters of which Council is aware. In essence these important planning documents are known by Council to be incorrect and consequently neutralise the protection of Section 733 under the Local Government Act.
- Why hasn't the Coffs Harbour Council developed a model for community engagement that processes information to residents like many other NSW Councils? Why have there only been 3 information sessions in this entire process? Why hasn't Council offered true question and answer forums where residents can hear the concerns of others? Why have all residents not been personally informed of Council's decisions? How can a CZMP be certified if the process of community engagement and consultation implemented by a council is not properly executed?
- Why are all the suggested solutions about relocating, ameliorating and reconfiguring assets? Why hasn't Council considered engineered solutions such as deep piling and other resilient construction details to allow development to continue seaward of hazard lines? (page 22 CHCZMP )
- Where are options for temporary or permanent protection works constructed by residents on their land?
- Why has a depth of 300mm of wave run-up been assumed to extend for the full distance from the shoreline through to all hazard lines?
- WHY IS COFFS HARBOUR STERILISING OUR PROPERTIES?

OUR PROPERTY: 8 Hofmeier Close Woolgoolga is classified in the 'High Risk' Zone of the Coffs Harbour City Council Coastal Hazard Planning Project) although there has never been inundation and public records show relative SLR recorded at Fort Denison for the past 100is averaging less than 1mm per year ? (Australian Mean Sea Level Survey 2009 Australian National Tidal Centre, United States National Oceanic and Atmospheric Administration (NOAA) <http://tidesandcurrents.noaa.gov/sltrends/sltrends.html> Permanent Service for Mean Sea Level <http://www.psmsl.org/products/trends/>

Why is Coffs Harbour Council suggesting changes to the LEP and DCP based on the Coastal Protection Act?

We have property in 8 Hofmeier Street that we intend to develop and live there in our retirement. If the current management strategy is adopted, there will be no building since all LEP and DCP legislation is proposed to be changed for the area.

Other Councils have tried to implement the outdated Coastal Inundation levels and some of the factors that should be taken into account by the Council are as follows:

- (i) development along a particular street had been taking place for many years
- (ii) the buildings in Hofmeier Close are protected by stabilized dune reconstruction and dwellings are on the opposite side of the road to the beach.
- (iii) there is already extensive development in the area none of which is subject to these outrageous SLR projections
- (iv) the present Zoning and DCP were already changed to low residential without any notification to residents by Council of those changes. i.e. no community or owner consultation.
- (v) Any changes to LEP or DCP constitutes considerable additional costs to residents in development or building on land which is unnecessary considering the lack of evidence of sea rise data held presently by Council.

In Case Law *Dunford v Gosford City Council* (2015) NSWLEC 1016, before Justice C Brown, Justice Brown stated: "I am satisfied that the CP Act is only a minor role, at best in the determination of an application (for building). The CP Act is a broad strategic planning document and its principal role in the proceedings was to provide information on the ongoing requirements for a coastal zone management plans... at Part 4A where s55B provides requirement for coastal zone management plans and s 55c provides matter to be dealt with in coastal zone management plans and s 55 E provides requirements for public consultation. I did not understand ..... the CP Act had any specific role in the determination of a development application"

### **Questions for consideration in relation to Social implications:**

What is Council's solution to loss of land and building platform?

What is Council's policy on compensation to owners if the DCP changes are implemented?

What consultation has taken place to date regarding the Coastal Hazard Planning Project? An exhibition Drop-in session, does not constitute community consultation and engagement.

What are the legal and social ramifications of removing all permanent buildings in the caravan park and relocating them to the north side of the park (Hofmeier Close) when Hofmeier Close is already presently in the 'High risk' category?

Is Council's aim to have relocatable buildings for hire in the caravan park, (which is also High Risk area) so that there will be uninterrupted views of the ocean without the Surf Life Saving Club to hinder the view?

The Environmental Conclusions of the Woolgoolga Town Centre Plan on page 53 refer to the "protected beach and the need for medium density residential". This is directly at odds with the CHCC Coastal Hazard Planning Proposal.

Should the current proposal CHCC CHZP go ahead, has Council considered that many coastal Councils have listened to residents and have largely dropped the proposed sea rise levels. Mosman, Bega and Wyong Councils for example have implemented no or very low SLR benchmarks. Other Councils have reviewed their SLR benchmarks against the latest IPCC Assessment Report 5, Working Group 1 and reduced them.

Residents have taken up action with Councils against loss of owner privileges in the Land and Environment Court and have won. (**Dunford v Gosford City Council (2015) NSWLEC 1016**, 2<sup>nd</sup> & 9<sup>th</sup> December 2014 regarding an engineered solution for storm events and **Newton and anor v Great Lakes Council [2013] NSWLEC 1248** DEVELOPMENT CONSENT: Reasonableness of conditions of consent: climate change; coastal hazards; beach erosion

**Hearing dates:** 24 and 25 October 2013 with written submissions by 15 November 2013 **Decision date:** 20 December 2013 **Orders:** In light of the foregoing, The orders of the Court are: The appeal is upheld;)

The NSW Coastal Alliance of coastal community groups from Byron Bay to Eurobodalla local government areas stand against the hypocrisy of protection and support for communities impacted by natural disasters while ignoring the impact on coastal communities of coastal hazards that are the consequence of man-made climate change. Coffs Harbour City Council has an obligation to its residents to employ a reputable company to carry out local modelling on which to base their coastal Hazard Policy and must place much more emphasis on the social impact and the fair apportioning of costs. Local government areas are not resourced to deal with these issues and it is the responsibility of Council to bring this to the attention of the NSW and Federal Governments who directly benefit from the mining of coal and sale of fossil fuel generated energy and fuels.

Residents want Councils to engage and consult with them, use local modelling and take positive action on any future coastal erosion and protect private and public assets, not retreat and ameliorate risk by doing nothing.

The purpose of the Local Government Act 1993 (the LG Act) relating to ecologically sustainable development states: 7e) to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.

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## CONFLICT OF THE CZPP WITH WOOLGOOLGA TOWN CENTRE PLAN- COMMISSIONED 2014

The proposed CHC Coastal Hazard Plan and DCP amendments are in conflict to the Coffs Harbour Wooloolga Town Centre Plan (WTDP).

1. The Urban Form, environmental report page 42 onwards, quotes:

- Good urban design is concerned with visual meaning..... does not depend on universal principles or national codes but is based on local characteristics and needs.

**Comment:** The social impact considerations of the existing residents must be taken into account

- The strategic link is the environmental image..... held by an individual.(cited Lynch1988 page 4)

**Comment:** If Council insist on Risk management by withdrawal from the coastal hazard, the environmental image will be one of devastation according to current predictions of sea rise and not in keeping with the ethos of the WTCP document.

- The current WTCP cites this area (figure 1) as being the focal point of the development. This is at direct odds with the CHCC Coastal Hazard Planning project mapping and implied management.

**Comment:** Figure 2 denotes the coastal mapping which is contradictory to this mapping. Which plan is CHCC using? When will residents be advised of their decision?

Figure 1 WTCP proposed development area



Figure 2 CHCC proposed Planning Hazard withdrawal map



- The laissez -faire attitude of Council is to use the swale drains which serve to filter stormwater runoff, (extra wide minor streets, in poor condition) to plant trees.

**Comment:** Council’s obligation is to upgrade streets and stormwater runoff to protect housing, not plant trees for ambiance and withdraw from their infrastructure obligations.

- Quote page 44 WTCP “where new development occurs, buildings should be located to the front boundary and be 2-3 storeys high.

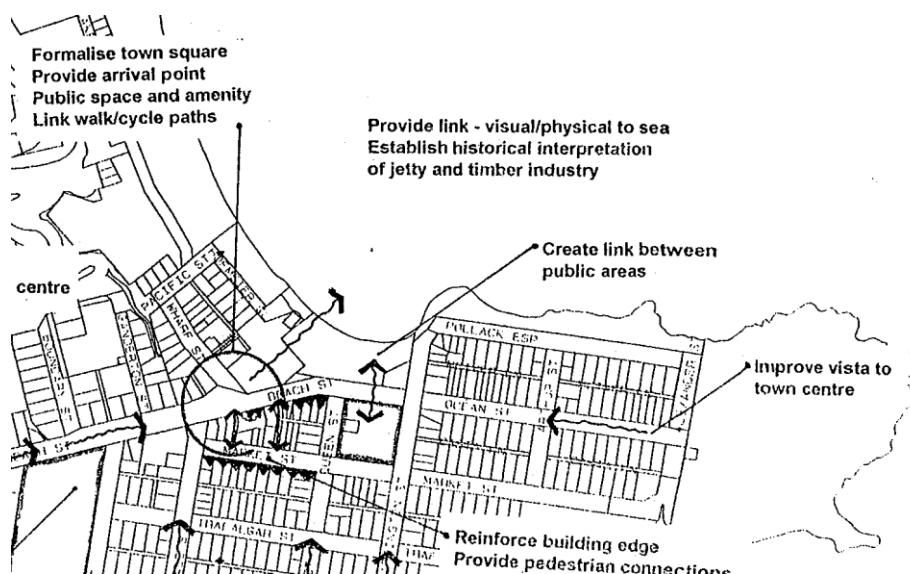
**Comment:** this proposal is at direct odds with the withdrawal, shrinking of building platforms of the proposed DCP changes in addressing the Coastal Hazard Plan.

- Quote from WTCP page 45 “A subtle theme has the ability to improve the overall legibility of a town. It is directly related to the concept of improved amenity as design inspiration is unified”

**Comment:** If housing is proposed to be restricted or only relocatable buildings, if there is no active protection of the coastline at the beach front, how can there possibly be improved amenity and design inspiration through retreat and risk management of the coast?

**Summary of WTCP Council document states:**

- Seaside town centre with visual connection to the sea
- There is a strong horizontal element in the buildings
- The environmental elements of rain, wind and sun are predominant. Building forms providing protection from and utilisation of these will contribute to a recognisable character.
- The potential exists to re-define the ‘town centre’ in the space where Wharf Street joins Beach Street to create a major node for the town.
- The Market reserve should be connected to the Beach Reserve
- Potential exists to enhance the dune and headlands as edges through the introduction of paths, parking areas, viewing/picnic areas, focusing on views and ocean



## **Residents' Summary.**

The Council must address the anomalies between the reality of observed local relative sea level rise, and computer-driven global sea level rise. We don't design NSW homes to comply with European or American climates! Why would we adopt global average sea level rise projections based on geostatic change or global average data for local planning purposes?

Council must also address on a local level the contradictions between two existing and coincidental projects: i.e. The Woolgoolga Town Plan and the Coastal Hazard Planning Project.

Is Council advocating need for improvement and therefore protection of the beachfront area and therefore the residences that are located there?

OR, is Council through the new DCP alterations (Coastal Hazard report) aiming at eliminating all private ownership from the foreshore,

Is Council improving and protecting the foreshore?

OR is Council advocating "to do nothing" to ameliorate the projected deterioration of the foreshore and have no public amenity in Woolgoolga?

Is Council advocating buying all privately held land on the foreshore and compensating residents/owners for their loss of housing?

OR is Council hoping that the local residents will do nothing and comply with DCP changes without seeking compensation? And go away!

Does Council realise that if they do not compensate owners for the loss of their land, based on sea rise level predictions, that in the unlikely event that there is huge erosion, all of the future foreshore land and beaches will belong to private residents and therefore, NO amenity for the public will be available and owners would have the right to erect fences, precluding visitors from entering or viewing the coastline? This is the situation now at Old Bar where private land boundaries now extend down to the mean high water mark. I.e. NO PUBLIC AMENITY AND NO PUBLIC ACCESS

Does Council realise that property prices will fall and that insurance will become unattainable?

OR is Council blindly denying this scenario? GIO Insurance already have a policy in place based on the government coastal hazard mapping. Some residents are already precluded from house insurance.

Has Council considered the impact on future employment, particularly for our local youth?

