

## ENVIRONMENTAL CONSIDERATIONS/OBJECTIONS TO THE COFFS HARBOUR CITY COUNCIL COASTAL HAZARD PLANNING PROJECT 2015

The following submission is presented by members of Coastal Residents Alliance located at Woolgoolga. Coastal Residents Alliance is also affiliated with the Boomerang and Blueys Beach Group, Byron Bay; Jimmy's Beach, Winda Woppa, Old Bar, Lake Macquarie, Gosford, Wyong, Wollongong, Great Lakes and Eurobodalla by common membership of the recently formed New South Wales Coastal Alliance (NCA).

Coastal Residents Incorporated is an association first formed in 2010 and is based in the Local Government Area of Gosford with members also located in Wyong and now extending to other regional areas. Other Coastal Residents Associations are located the length of the East Coast of NSW where Councils have adopted outdated Sea Rise level plans for their Coastal Hazard Planning Projects. Together with other coastal community groups we are part of a network called the NCA.

### **SHORTCOMINGS OF THE ENVIRONMENTAL CONSIDERATIONS OF THE CHCC COASTAL HAZARD PLANNING PROJECT.**

#### COMMUNITY ENGAGEMENT

The schedule of community engagement for Woolgoolga, which is understood to have been followed, does not represent an acceptable standard of consultation and is considered not to meet the requirements of Principle 2, *Guidelines for Preparing Coastal Zone Management Plans* (OEH, 2013)

For such a complex study with options suggesting voluntary acquisition, planned retreat, beach nourishment, coastal protection works or 'do nothing', it is ludicrous that there has not been any attempt to educate and inform those residents directly affected on how these outcomes will impact on their livelihood and wellbeing.

Such outcomes deserve a much more comprehensive and extensive process of engagement and education to ensure that informed decisions can be made.

None of the present activities give people an opportunity to engage Council in a number of question and answer type forums that should have been offered from the beginning of this project. The information sessions provided limited opportunities for hard questions to be asked and for others to hear the concerns of all residents during an open public forum.

- There have only been 2 circulars sent directly to residents through the four stages of this project. Once in 2012, land owners were sent the results of the Coastal Zone Management Study Hazard lines. Nothing more has been heard since then until this consultation date.
- The Coffs Harbour Coastal Processes and Hazard Definition Study – Fact Sheet (published on Council's website) is currently only to Stage 3. There is no mention of Stage 4 or its implications to residents. This constitutes negligence on the part of Council to keep residents properly informed.
- Drop in sessions were not implemented at the start of the project and have been too inconsistent.
- There has been only one session offered in the Woolgoolga area for affected residents on this most important issue. This is not a comprehensive process of community engagement.

## **THE PROJECT BENCHMARKS – Short Term and Risk Aversion Policy**

All Councils are required to adopt the most recent and accurate scientific information available when determining future coastal hazards. Coffs Harbour Council's SLR benchmark is based on an obsolete benchmark established by the previous State Government in 2009 and now removed by the current State Government.

Recently Shoalhaven Council has adopted a SLR benchmarks of 23cm SLR for 2050 and 35cm for 2100. These benchmarks are based on recent Intergovernmental Panel for Climate Change (IPCC) CO2 emissions scenario RCP6.

Given the recent research and predictions, why hasn't Coffs Harbour Council taken a similar and justifiable approach rather than imposing the worst case scenario?

As a minimum, Council should have at least reviewed the latest advice from the IPCC related to SLR which became available in November 2013.

Accordingly, the NSW State Guidelines for the development of a CZMP under Principle 3 require that information "widely accepted by competent scientific opinion" be used to develop a CZMP. Coffs Harbour Council has not shown due diligence in applying Principle 3 of the State Guidelines and consequently does not demonstrate "good faith" by arbitrarily applying outdated information no longer considered to be "widely accepted by competent scientific opinion". NO consideration has been given to the latest available information from the IPCC which is generally used and accepted.

A fairer assessment of the present and future predictions or local scenarios (as suggested by Professor Rebecca Bartley of CSIRO, March 2015) would be to commission companies such as SKM or GHD to conduct local studies based on localised climate and sea levels. An outdated global computer driven model is not sufficient evidence upon which to base a policy, nor is it justification upon which to determine the outcome of residents' lives and property values to their detriment.

Why is Coffs Harbour Council adopting Risk Management and Retreat, rather than looking at long term solutions to beach erosion? Where is the forward thinking and concern for residents' and public property?

Coffs Harbour Council is aligned with 7 other Councils up and down the coast many of whom have adopted a more moderate approach to sea rise levels. Why is Coffs Harbour Council ignoring their peers' advice and strategies?

There is a strong component of eminent sea rise specialist professors including Prof. Bob Carter who are strongly opposed to the outdated modelling due to its huge inaccuracies. Current evidence is that there has been no sea rise at Fort Denison recorded in 60 years.

## **RISKS IDENTIFIED, BUT NO POSITIVE OPTIONS.**

Coffs Harbour Council CHPP has identified many risks to the foreshore, and based on that erroneous information, has concurrently proposed changes to the LEP and DCP to support their aversion to any coastal building and also to rebuff any resident compensation claims.

The advice from the Land and Environment Court rulings is that the Coastal Hazard Management plan has no impact or relation to the Development Control Plan of a Council and therefore is not relevant under the Local Government Act. Therefore, where private individuals have challenged the Council on their decision to withdraw building DA or building improvement in court, the residents have won. (Malleson Lawyers, specialist in environmental and planning, Commonwealth, State and local government, statutory authorities, corporations and developer lawyers have already won several cases against Councils that have denied land owners their right to improve, develop or stay on their land where there has been a future chance of erosion hazard erroneously identified.)E.g. Case Law Dunford v Gosford Council. Land and environment Court Ruling.

Changing the Council's LEP and DCP to prohibit further development or imposing Section 149 on residents' future sales contracts is not the answer. Council must address their current coastal hazard plan positively, to address and ameliorate any future likelihood of coastal erosion.

Coffs Harbour Council must look at ways to ameliorate and mitigate future inundation, not only in Woolgoolga, but on the flood plain areas around Coffs Harbour. There is a social, financial and environmental obligation by Councils to their residents. A fact which has been pointed out in recent NSW Government Planning Circulars.

Residents wish to see options and planning for revetment, mitigation, flood plain management and a plan of timed review of local topography. I.e. Positive and affirmative action. All options are strongly supported as they will remove some very damaging constraints on development that could have impact on individual property owners for no good reason. Geotechnical investigation to determine the Zone of Reduced Foundation Capacity together with monitoring should also proceed as soon as possible to remove any future uncertainty where necessary.

Tourism and economic growth depend on a proactive Council that values property values, development and promotes spending through tourism and infrastructure.

## **NSW GOVERNMENT GUIDELINES FOR PREPARING COASTAL ZONE MANAGEMENT PLANS**

Quote: 1.2 Purpose and scope of a coastal zone management plan

The primary purpose of a CZMP is to describe proposed actions to be implemented by a council, other public authorities and potentially by the private sector to address priority management issues in the coastal zone over a defined implementation period. These issues include:

- managing risks to public safety and built assets
- pressures on coastal ecosystems, and
- community uses of the coastal zone.

CZMPs should support the goals and objectives of the NSW Coastal Policy 1997 and assist in implementing integrated coastal zone management.

It should be noted by Council that this document includes minimising coastal risks, considering healthy management and community uses, access and amenity and cultural and heritage environment.

The document does not advocate lock up and retreat as the first options, as the current report suggests.