

6 June 2006

Draft South Coast Regional Strategy
Department of Planning
Via email: wollongong@planning.nsw.gov.au



Dear Sir or Madam

Submission re: Draft South Coast Regional Strategy

This letter sets out the comments of OceanWatch Australia Ltd (OWA) in relation to the Draft South Coast Regional Strategy (the Regional Strategy). OceanWatch Australia is a national environmental, not-for-profit company that works to achieve sustainability in the Australian seafood industry through protecting and enhancing fish habitats, improving water quality and advancing sustainable fisheries through action based partnerships with the Australian seafood industry, government, natural resource managers, private enterprise and the community.

It is encouraging to see the Regional Strategy recognise the economic and cultural significance of the fishing industry to the south coast region and of the linkages between healthy catchments, aquatic habitats and healthy oceans for sustaining viable and productive fisheries. *“Agriculture, forestry and fishing have historically shaped the settlement of the South Coast Region. The productivity of these industries continues to rely on the availability of high quality natural resources as well as defining the character and liveability of the Region.”* However, the Regional Strategy lacks sufficient detail as to how this is to be achieved and lacks the teeth required to achieve it.

OWA understands that a number of sub-strategies will underpin the over-arching Regional Strategy. These sub-strategies, including the Regional Conservation Plan, should be statutory and should be completed before the Regional Strategy is finalised. These need to provide the Regional Strategy with the detailed backing and strategic direction required for local councils to amend their LEPs such that development can proceed in a sustainable manner and the local terrestrial and aquatic environments will be protected (consistent with the proposed outcomes of the Regional Strategy). The Regional Conservation Strategy and Comprehensive Coastal Assessment should have been completed prior to the development of the Draft Regional Strategy. The outcomes of both would have guided the development of the Regional Strategy).

Furthermore, there are a number of areas that OWA believes require further attention within the Regional Strategy in order to progress towards ecologically sustainable development and ensure that a holistic approach is taken to planning, in sympathy with the natural environment and within natural resource constraints for the south coast region. These are outlined below.

Specific Comments

1) Natural Environments (p12)

It is paramount that adequate protection is afforded to remaining aquatic habitats in NSW, given that 60% of aquatic habitat and 90% of floodplain wetlands have already been lost across NSW, attributing to significant declines in fisheries production.

The Regional Strategy needs to provide more certainty for the protection of aquatic environments and further details of how this is to be achieved (eg protection of seagrass etc) other than just lines drawn on maps.

There needs to be details as to how developed areas are to be managed such that receiving sensitive aquatic environments will be protected consistent with the outcomes of the Regional Strategy. For example, future infrastructure development need to give better consideration to impacts on aquatic habitat, such as impacts on fish passage in the construction of road crossings etc in consultation with the Department of Primary Industries (DPI).

Additionally, the impacts of the Regional Strategy, particularly in terms of future development on aquatic habitat, water quality need to be monitored (before and after). Following from this, there needs to be a commitment to remediation or compensation (if remediation is not possible) to mitigate any detrimental impacts experienced, prior to approval of developments.

Comments on specific outcomes

An identified outcome of the Regional Strategy is:

“The catchments to these lakes and estuaries need to be appropriately managed to avoid water quality impacts on their aquatic habitats.” (p 12)

- There are no related actions that will adequately deliver this outcome. OWA cannot stress enough the importance of building in aspects to ensure no net deterioration of water quality across the region within the Regional Strategy. There are many examples across the state, such as Evans Head, where councils continue to approve developments that exceed the carrying capacity/assimilative capacity of receiving waterways. In Evans Head, the STP servicing the area discharges into a coastal lake within a national park. The system is at full capacity, yet Council continues to approve developments placing increasing pressure on the fragile lake system, (a factor in the recent fish kill event). Provisions need to be in place to ensure that this situation does not recur. Another illustrative case, with considerable economic implications for industries that rely on the health of the receiving waterways is in the Bellingen River. In late April 2006, oyster harvesting was banned in the river due to high levels of faecal coliforms. This was linked to the septic tank run-off from adjacent properties. This situation needs to be avoided on the south coast.
- OWA understands that the Coastal Comprehensive Assessment which identifies analyses and assesses data and information on the physical, biological, social and economic values of the State's coastline, will be completed during this month of June 2006. Actions need to be incorporated into the Regional Strategy (and fed into LEP's) that integrate the outcomes of the Comprehensive Coastal Assessment in terms of protection of water quality.

Comments on specific actions

The Regional Strategy does afford some level of protection to the natural coastal environments on the South Coast, however OWA believes that many actions could be strengthened.

*“Councils will review the suitability of planning controls in existing urban zoned and undeveloped lands in the catchments of nominated coastal lakes and estuaries (Map 2). Councils should **consider** using NSW Government-endorsed Estuary Management and Coastal Zone Management Plans and Coastal Lake Sustainability Assessments in undertaking this task.”* (p 14)

- Councils should be **required** to integrate the NSW Government-endorsed Estuary Management and Coastal Zone Management Plans and Coastal Lake Sustainability Assessments into LEPs. Councils should also be required to integrate the recommendations from the Healthy Rivers Commissions Independent Inquiry into Coastal Lakes (HRC, 2002) and the outcomes of the Comprehensive Coastal Assessment to ensure the protection of these fragile lake ecosystems and to ensure that any proposed developments do not exceed the carrying capacity of these coastal lakes. This is vital given that 12 Intermittently Closed Open Lakes and lagoons (ICOLLS) on the South Coast have been identified for comprehensive protection and 17 for significant protection (HRC, 2002).

- The Regional Strategy also needs to consider the cumulative environmental and social impacts arising from new developments (particularly on the estuarine and marine environments), with the projected increase of 60 300 people to this region over the next 25 years. The Regional Strategy should include a suitable method for identifying and managing cumulative impacts (and feed into the sub-strategies and LEPs).

“Prepare a Regional Conservation Plan to guide local councils in implementing conservation outcomes. The Regional Conservation Plan will be prepared by the Department of Environment and Conservation working with the Department of Planning.” (p 14)

- DPI needs to be intimately involved in the preparation of the Regional Conservation Plan to ensure that aquatic habitats and aquatic biodiversity are given adequate protection.
- Native and riparian vegetation policies need to be developed that afford adequate long-term protection for all significant native species and ecological communities. These should be guided by the comprehensive mapping of existing native vegetation (terrestrial and aquatic) on the south coast (Comprehensive Coastal Assessment), combined with an assessment of all publicly owned land in the region.
- The Regional Conservation Plan needs to identify and earmark appropriate areas for future environmental rehabilitation so as to return environmental, economic and social benefits to the community (in consultation with the Aquatic Habitat Protection and Rehabilitation Units within DPI).

“Require LEPs to protect regionally significant corridors shown as “Indicative Habitat Corridors” on Map 2. These corridors should be verified in the Regional Conservation Plan, to be prepared by Department of Environment and Conservation and Department of Primary Industries (Fisheries), and development proposals in these areas will be required to maximise the retention of native vegetation and rehabilitate disturbed areas.” (p 14)

- Regional Conservation Plan to be guided by the outcomes of the Department of Environment and Conservation’s Biodiversity Banking Scheme.
- Need to ensure adequate incorporation of aquatic habitats.

“LEP’s will not include further residential or rural-residential zoning in the catchments of the coastal lakes and estuaries shown on Map 2 unless it is demonstrated that the new development would maintain or improve the condition of the waterway.” (p 14)

- OWA understands that DNR nominated 44 and DPI an additional 11 critically sensitive sites to be protected. It is not clear on the maps provided where these areas are. This compromises the ability of local councils to amend their LEP’s to identify and protect these sites. There should be no grounds for development in these areas as it is highly unlikely that any new development would be able to maintain or improve the condition of the adjacent waterways. In order to attempt to achieve this, the Regional Strategy would have to provide a framework for determining “offsets” in line with DEC’s Biodiversity Banking Scheme. Furthermore, any such new developments should only be approved upon completion of the Regional Conservation Strategy.

“...Future development in these catchments will need to demonstrate no net impact on the hydrology, water quality or ecology of these (SEPP 14) wetlands.” (p 14)

- Further to this, there a “no net loss to aquatic habitat” policy should be applied, given the scarcity of valuable remaining habitats as noted above. Where habitat losses are inevitable, suitable trade-offs, as required under Part 7 of the *Fisheries Management Act 1994* should be identified to ensure overall river and ecosystem health does not deteriorate. It is imperative that economic aspects of developers and the government and logistical difficulties are not favoured at the expense of environmental and social considerations of the community relating to aquatic habitat loss.

2) Natural Hazards (p 17)

The Background information pertaining to “Natural Hazards” states *“As a general principle new development should not be permitted in areas that might in future be subject to coastal hazards.”*

- This needs to be stronger than a **general principle**. The Regional Strategy needs to go further such that it addresses the implications of climate change, reflecting current research findings (The Intergovernmental Panel on Climate Change (IPCC) projections are for a sea-level rise of between 9 and 88 cm between 1990 and 2100 (January, 2001) and can adapt to emerging scientific findings. Subsequently, the Strategy should provide guidelines for setbacks and buffer zones which take into account sea-level rise and associated coastal erosion and flooding.
- On the South Coast in areas such as Tilba Tilba, properties are located within the natural flood lines of coastal lakes. Many of these properties have removed the natural sedge vegetation and replaced it with kikuyu grass. Upon flooding, the grass is inundated and dies, consuming oxygen from the floodwaters and subsequently placing aquatic life under stress. This situation needs to be avoided and remedied if possible.
- The provision of adequate buffer zones is required for the protection of aquatic habitat. Likewise, good environmental water quality is critical for the maintenance of river health and thus the industries that depend on river health (e.g. fishing, tourism), together with the maintenance of the cultural and social values intrinsically related to river health. These buffers also need to provide for the impacts of climate change, in particular sea-level rise. Again, conditions imposed by DPI relating to buffers and environmental safeguards must be adhered to.

Water, energy and waste resources (p27)

“Peak demand periods could increase the risk of localised blackouts and pollution of sensitive ecosystems (as a result of sewerage overflow) if the carrying capacity of infrastructure is exceeded. Many of the region’s landfills will reach capacity during the life of the Strategy.” (p 27 background information)

- New landfills should not be established within the proximity of watercourses such that they avoid toxic leachate contamination of these watercourses and groundwater systems (in line with current science, legislation and guidelines).. Many tips on the NSW coast are located adjacent to sensitive water bodies such as Brou Lake on the South Coast. Water quality should be monitored in all receiving waterways and groundwater systems.
- Existing and future stormwater and sewage treatment needs to be of a higher quality and opportunities for recycling maximised (consistent with the Healthy River Commission recommendations). This is imperative for the survival of the remaining oyster industry and fisheries. There needs to be protection of receiving waters with retention of flood and buffer zones around creek lines. The priority to establishing water flows to a river that mimic natural environmental flows must be set higher.
- LEPs need to ensure that all new developments comply with Basix. All new developments should also be required to have rainwater tanks installed and embrace the ultimate of water-sensitive urban design.

Appendix 1 – Sustainability Criteria (p 32)

6. Natural Resources:

OWA is supportive of the Regional Strategy as it relates to promoting development in areas that “*Avoids productive resource lands – extractive industries, fishing and forestry.*” This needs to include productive oyster harvesting areas as identified by NSW Food Authority Sanitary Surveys.

Appendix 2 – Sensitive Urban Lands (p 33)

Lands identified within Appendix 2 are, according to the Regional Strategy, to be subject to an independent review to determine the scale of any land release. OWA understands that many of these areas have already undergone considerable assessment in relation to the potential for future development. The recommendations made from Estuary Management Plans, Commissions of Inquiry’s etc (such as the 6 year Inquiry into Culburra) need to be taken into account to avoid duplication of effort by the proposed expert panel and to ensure that these areas remain protected. There should be a moratorium on all development in these sensitive areas.

Conclusion

OceanWatch Australia supports the general direction the Regional Strategy is heading, however recommends that the above issues and concerns raised be addressed for a more holistic, integrated, sustainable plan for the future growth of the region. It is imperative that any future development on the south coast does not exceed the region’s carry capacity.

Please do not hesitate to contact me on (02) 9660 2262 should you require further information regarding these comments made.

Yours sincerely



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