

## **Rationale for Model AA - coastal conservation area and modified management objectives**

### **Introduction**

Four Coastal Management Areas are specified in both the Draft Bill and the SEPP Explanation of Intended Effect. Three of these (a), (b) and (c) address the natural coastal environment.

**Part 2 s5** lists the four areas and objectives for each:

- a) coastal wetlands and littoral rainforest areas.
- b) coastal vulnerability area.
- c) coastal environment area.
- d) coastal use area.

s10.3 also specifies an “Hierarchy of management objectives if overlapping.”

The priority is stated as a) “Coastal Wetlands and Littoral Rainforests as the first priority, then (b) “Coastal Vulnerability Area” ahead of (c) “Coastal environment area” and (d) “Coastal use area.”

### **Discussion**

The ACS supports the greater integration of the physical and hydrological coastal environment with coastal biodiversity and ecosystem integrity, expressed both in the objects of the Draft Bill and the scope and objectives of Areas (a) and (c), as well as in the SEPP Statement of Intended Effect and Coastal Management Manual.

An integrated approach is critical, given the extent to which sensitive coastal environments have become degraded with most unique coastal ecosystems listed as Endangered Ecological Communities and species listed Threatened and the Coastal Lakes Inquiry 2002 recognising only 16 of over 90 coastal lakes as in natural or near natural condition. These 16 coastal lakes identified for “Comprehensive Protection,” are increasingly recognised as highly vulnerable to degradation from development and use pressures.

We propose that the refocus on the coastal environment, and its significance to the achievement of all other objectives, be reflected in an holistic “catchment to coastal waters” approach to conservation, protection and management, rather than the proposed artificial separation of Area A, “Coastal Wetlands and Littoral Rainforest areas” from the “Coastal environment area.” Coastal physical environments and ecosystems do not exist in isolation and should be considered holistically, in parallel with recognition of coastal compartments.

A “Coastal Conservation Area” would bring together all high conservation value coastal environments in recognition of the inter-relationship of the physical, hydrological and biological coastal systems, rather than separating Littoral Rain Forests and Coastal Wetlands from other related coastal environments.

One “Coastal Conservation Area” would better integrate with Environment and Water Zones as defined in the LEP Standard Instrument, Council principal Local Environment Plans and existing Council Coastal Zone Management Plans. It would reduce confusion regarding coastal ecosystems that encompass categories such as coastal lakes, estuaries and wetlands which, where they occur

together, should be conserved, protected and managed under one set of objectives and with planning and development provisions, specified for category.

**Inappropriate hierarchy of objectives.**

The objectives of the “Littoral Rain Forest and Coastal Wetlands Area ” are identified as the first priority in the proposed hierarchy followed by “Coastal Vulnerability Area” objectives and then “Coastal Environment Area,” then the “Coastal Use Area.” This order of priority inappropriately suggests that these ecosystems are more environmentally significant and sensitive than other ecosystems identified in the Coastal Environment Area.

This implication is clearly inappropriate, when most coastal vegetation communities are listed as Endangered Ecological Communities in the NSW Threatened Species Conservation Act or the NSW Fisheries Act. Moreover coast-specific fauna species such as native and migratory shorebirds are listed as Threatened under either or both the NSW Threatened Species Conservation Act and the Australian Government Environment Protection and Biodiversity Conservation Act. This concern regarding the low priority accorded to high conservation value environments and species in the proposed hierarchy, applies throughout the draft Bill and to the SEPP Statement of Intended Effect.

The proposed hierarchy of objectives also suggests that planning and actions to minimise erosion and inundation specified in “Coastal vulnerability Area” objectives are of higher priority than protection of threatened ecosystems specified in c) “Coastal Environment Area.”

This order of priority is inconsistent with the principles of Ecologically Sustainable Development. Application of the precautionary principle to coastal hazards and risk management strategies, would require that objectives for all coastal environment areas, that is the proposed “Littoral Rain Forest and Coastal Wetlands” Area and “Coastal Environment Area” are included in the first priority objectives and prior to the Coastal Vulnerability Area objectives.

Accordingly all coastal environmental values, objectives and actions for their protection and enhancement should be identified as the first priority in their own right.

We recommend that Area (a) be renamed Coastal Conservation Area”

This recommendation is based on several concerns.

**Artificial separation of Littoral Rainforests and Coastal Wetlands from estuaries, lakes and lagoons and their catchments.**

Separation of Littoral Rainforests and Coastal Wetlands from high conservation value coastal environments that include them is artificial and ignores the interdependence of coastal physical, hydrological and ecological environments. Littoral Rainforests and Coastal Wetlands are for the most, integral parts of estuaries, lakes and lagoons (although Coastal Wetlands are fresh water wetlands behind dunal barriers.)

They together with beaches and dune systems, headlands and rock platforms are all part of a continuum from terrestrial catchments to the dynamic interface between aquatic and terrestrial environments at the immediate coastline. The coastal ecosystems they support are ephemeral rather than static, with for example coastal salt marsh occurring in wetlands in estuaries, lakes and

lagoons dependent on seasonal water levels and lake opening duration, sometimes re-emerging after many years of being inundated.

All are dependent on the natural quality and variability of the catchment environment being maintained, particularly the quality of native vegetation cover and the natural-low nutrient surface and ground water runoff as well as maintenance of the natural dynamic interface between terrestrial and ocean conditions. Therefore they should be conserved, protected and managed holistically.

#### **Lack of recognition and priority accorded to high conservation value biodiversity and ecosystems**

A greater focus on coastal biodiversity and ecosystems is justified given that many coastal vegetation communities are Endangered Ecological Communities, when most coastal fauna species are listed as Threatened. This concern applies throughout the draft Bill and SEPP Statement.

The coast-specific Endangered Ecological Communities are not mentioned in either the draft Bill or SEPP Explanation of Intended Effect. These include Coastal Saltmarsh, Bangalay Sand Forest in the Sydney Basin and South East Corner Bioregion, Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner Bioregion and Swamp Sclerophyll forest of coastal floodplains of the NSW North Coast, Sydney Basin and South East Corner Bioregion.

Together with Coastal Wetlands these ecological communities are under increased threat from climate change, including sea level rise and increased storminess.

#### **Confusion regarding definitions of “Wetland.”**

A “catchment to coast” area would also reduce confusion regarding coastal ecosystems that encompass categories such as wetlands, estuaries, coastal lakes and lagoons, which, where they occur together, should be conserved, protected and managed under one set of objectives, whilst allowing for maintaining and enhancing existing planning and development controls for existing Littoral Rain Forests and SEPP 14 Wetlands as well as additional protections. Such integration would still allow for separate planning and development controls to apply for Littoral Rainforests and Coastal Wetlands estuaries, to those which are proposed for estuaries, coastal lakes and lagoons and their catchments.

The definition of coastal “wetlands” in the Bill is as defined in the current SEPP 14. However, different definitions also apply to Wetlands of International Importance under the Ramsar Convention and Wetlands of National Importance as listed in the Directory of Important Wetlands of Australia. Both these Wetland categories include coastal estuaries, coastal lakes and lagoons, as well parts of these environments that are mapped in Coastal Wetlands SEPP 14.

#### **Lack of recognition of the environmental significance of “beaches.”**

Physical features of beaches, sand bars, dunes and foreshores are critical elements of the coastal environment. They also support unique ecosystems including coastal dune and foreshore vegetation, Endangered Ecological Communities and fauna, including Threatened shorebirds and seabirds aquatic and terrestrial organisms on which they depend.

It is concerning also that “beaches, sand bars, dunes and foreshores” are not included in the definition of “Coastal Environment Area in 8.1) Objective 8.2. e) “to maintain the presence of

beaches and foreshores” simply repeats the Coastal Vulnerability objective for “beach.” This definition is inadequate to address the environmental significance of beaches.

**Need for objectives to be consistent for related environments.**

The adoption of a “Coastal Conservation Area” that incorporates Coastal Wetlands, Littoral Rain Forests, estuaries, lakes and lagoons and their catchments would resolve inconsistencies between the proposed “Littoral Rain Forests and Coastal Wetlands Area” and the “Coastal Environment Area.”

If recommendations for a “Coastal Conservation Area” are not accepted and the proposed areas are retained, then the following inconsistencies between the objectives of the “Littoral Rain Forests and Coastal Wetlands Area” and the “Coastal Environment Area” would need to be rectified.

It is inappropriate for objectives relating to interdependent physical, hydrological and ecological environments such as Coastal Wetlands, Littoral Rain Forests, estuaries, lakes and lagoons and their catchments to be inconsistent. Yet, there are inconsistencies in objectives between those of Area (a) and Area (c).

Area (a) objectives do not contain an objective for improving the resilience of wetlands and littoral rainforests to impacts of climate change, including provision of opportunities for species migration, although such objectives are included for estuaries, lakes and lagoons in Area c).

An objective for “Maintaining water quality and ecosystem health and reducing threats,” should be included in Area (a) as applicable to wetlands and littoral rain forests as it is for “Coastal Environment Area” in (c) applying to related ecosystems.

Whilst the specified levels of protection for Coastal Wetlands and Littoral Rain Forests is justified, protection of coast-specific Endangered Ecological Communities is not mentioned in either the draft Bill or SEPP Explanation of Intended Effect.

Coastal aquatic species, such as sea grasses, algae and fauna and coastal bird species, including shorebirds and threatened species and migratory species are not specifically mentioned in the Bill/SEPP Explanation of Intended Effect.

Whilst the Coastal Wetlands and Littoral Rain Forests objectives refer to opportunities for migration of coastal aquatic systems landward in response to climate change, Objective b) for Coastal Environment Areas does not include this objective.

Opportunities for migration should also apply to beaches, sand bars and dunes, coastal estuaries and lakes and coastal ecological communities such as Coastal Salt Marsh, sea grasses and algae as well as foreshore ecosystems. The objective should be expanded and refer to “the impacts of climate change, including sea level rise and increased storminess, allowing opportunities for migration.”

A “Coastal Conservation Area” should also include specific objectives **to protect and conserve native coastal vegetation and wildlife corridors** as is proposed in the development controls for Coastal Use Areas.

Coastal wildlife corridors are essential to annual migration of native species, particularly birds, including internationally recognised migratory shorebird and other species now and in the future, as coastal and ocean temperatures rise with global warming. Wildlife corridors are being established

for east-west fauna movement and north-south in the Great Eastern Ranges, but not north-south for coastal species. The Coastal Bill must allow for coastal habitat corridors recognized as part of the East Asian-Australasian Flyway to be recognised and protected.

It is concerning that the objects of the draft Bill simply seek to “acknowledge Aboriginal peoples’ spiritual, social, customary and economic use of the coastal zone” and that their rights in relation to the coast are not mentioned any further in the Draft Bill or Coastal Management SEPP-Expression of Intended Effect.

Instead the objectives should recognize and ensure that planning and management of the NSW coast recognizes and is consistent with Aboriginal people’s Native Title Rights. The Bill should also ensure that Aboriginal people are engaged in and consulted about all issues relating to the coast and their rights.

### **Recommendations**

That the Coastal Management Areas comprise:

- a) “Coastal Conservation Area.”
- b) “Aboriginal spiritual, social, customary and economic use Area.”
- c) “Coastal Vulnerability Area.”
- d) “Coastal Development Area.”

That the area in section 5 A) and in section 6 should be re-named “Coastal Conservation Area.”

That this Area include all high conservation value, sensitive coastal environments, including:

- Coastal Wetlands and Littoral Rainforests.
- Land containing coastal features, including the coastal waters of the State, estuaries, coastal lakes and lagoons and land adjoining those features including headlands, rock platforms, beaches and dunes in natural and near natural condition and their catchments.
- Areas identified as coastal vegetation communities listed as Endangered Ecological Communities under the Threatened Species Conservation Act and Australian Government Environment Protection and Biodiversity Conservation Act.
- Aquatic vegetation including Mangroves, Sea grasses, Coastal Salt Marsh.
- Habitat for all coastal threatened flora and fauna listed as Threatened under the Threatened Species Conservation Act or under the Environment Biodiversity Conservation Act as threatened or migratory species.
- Coastal wildlife corridors, both north-south and east-west, essential to migration of native coastal species and international migratory coastal species, particularly shorebirds, waders and seabirds.

That the Coastal Conservation Area be defined as

“1. The Coastal Conservation Area means land identified by a State Environmental Planning Policy to be for the purposes of this Act, land and coastal waters of the State containing Littoral Rainforests, Coastal Wetlands, coastal estuaries, coastal lakes and lagoons and land adjoining these features including beaches, dune systems, headlands, rock platforms, foreshores, riparian areas and catchments.”

That the objectives of the “Coastal Conservation Area” comprise:

2. The management objectives for the Coastal Conservation Area are as follows:

- (a) to protect and enhance in their natural state, including their biological diversity and ecological integrity, the coastal environmental values and natural processes of coastal waters, Littoral Rainforests and Coastal Wetlands, coastal estuaries, coastal lakes and lagoons and land adjoining these features including beaches, dune systems, headlands, rock platforms, foreshores, riparian areas and catchments.
- (b) to reduce threats to and improve the resilience of coastal waters, beaches, Littoral Rainforests, Coastal Wetlands, coastal estuaries, coastal lakes and lagoons, to the impacts of climate change, including sea level rise and storminess, allowing opportunities for migration.
- (c) to promote the rehabilitation and restoration of degraded Littoral Rainforests, Coastal wetlands.
- (d) to maintain and improve natural water quality and ecosystem health of Littoral Rainforests, Coastal Wetlands, coastal estuaries, coastal lakes and lagoons.
- (e) to progress the listing under the Ramsar Convention of coastal water bodies assessed as meeting criteria for listing as Wetlands of International Importance.
- (f) to maintain and improve the biological diversity and ecological integrity of coastal aquatic and terrestrial vegetation communities, flora and fauna, in particular Endangered Ecological Communities, vegetation protected under the Fisheries Act, Threatened Species and species listed under international treaties including Migratory shorebirds.
- (g) To support the social and cultural values of coastal waters, Littoral Rainforests, Wetlands, Estuaries, Coastal Lakes and Lagoons, recognising the native title rights of Aboriginal people.
- (h) To maintain ecologically sustainable public access, amenity and use of beaches, foreshores, headlands, rock platforms and coastal water bodies

That section 10.3 Hierarchy of management objectives be replaced by the following order of objectives;

- a) “Coastal Conservation Area.” b) “Aboriginal Area”- first priority.
- c) “Coastal Vulnerability Area.”-second priority.
- d) “Coastal Development Area.”-third priority.

Amendments proposed to give effect to these recommendations are shown in 1 paragraphs **AA5**, **AA6** and **AA10** of Appendix 1.