

Council

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I'm not sure if it is mandatory for Council to adhere to the Code Criteria in its Interim Coastal Hazard Adaptation Code, (approved just over 1 year ago, in February 2015)

This Code refers to Investigation Zones in the shire and has a map attached illustrating the Investigation Zone for Batemans Bay-Batehaven. As I understand it, an Investigation Zone includes land which is, *quote*, "potentially subject to coastline hazards (including sea level rise), or flooding now or in the future. It is land within 50m landward of a 1% Annual Exceedence Probability high tide event and/or at an elevation less than, or equal to 4m above the Australian Height Datum."

Looking at the area of Albert Ryan Park on Council's map (The Batemans Bay-Batehaven Map in Schedule 2 of the Code), Lots 10 and 11 DP 236342 are within the Investigation Area. I assume that this means that the Interim Coastal Hazard Adaptation Code (Feb 2015) applies on these Lots.

In Section 4, the Code states that a 50 year planning period will apply to all residential development, but, more importantly, that the planning period for **new land releases** (which Council's proposal seems to be) will be assessed as **Possible Maximum Strategic**, in accordance with Appendix C of the *South Coast Regional Sea Level Rise Policy and Planning Framework*. According to section 5 of the Code, the **Possible Maximum Strategic Hazard is 85+ years**. The chart of projections for sea level rise for this time period indicates a 1.00 m rise. This is an alarming rise, considering the low lying nature of Albert Ryan Park, and it would make one wonder how wise it may be to put a multistorey development on the site. I don't think that anyone needs to have special surveying equipment to see for themselves that the park land is only 2-3m above the Australian Height Datum. Add another metre to this, and you could expect sea water at your door.

The Code also states, Section 11:

11.1 Current Hazards (0-15 years)

- a) no new residential, commercial or industrial development

11.2 Medium Term (15-35 years)

- a) **no new sub-divisions**
- b) **no net increase of residential densities**

These medium term recommendations are obviously for more short developments so should definitely apply to the 50 yr planning timeframe for residential,) so ... again, this seems to put Council's proposal in conflict with its own Code.

Eurobodalla Shire Council's proposal also conflicts with the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise*. The guideline adopts the coastal planning principles for sea level rise adaptation:

- **Avoid intensifying land use in coastal risk areas through appropriate strategic and land-use planning**
- **Consider options to reduce land use intensity in coastal risk areas where feasible.**

Council's proposal certainly does not avoid **intensifying land use in coastal risk areas**. It actually does the opposite. Nor does the proposal aim to **reduce land use intensity** in coastal risk areas.

There is other land in the town of Batemans Bay where residences and tourist facilities can be located, outside areas of risk.

Council's proposal for Albert Ryan Park has been put out for public comment and discussion without any mention of the potential hazards associated with building on the land. In neglecting this, Council seems to have ignored the NSW Govt *Coastal Planning and Climate Change (PS 14-003)* document, which sets out that Council should be up front in informing interested potential buyers of coastal property about coastal risks pertaining to possible hazards.

According to Eurobodalla Council planners I have spoken to, "We would not want to sterilise areas within the predicted flood zone", and I would agree with this, especially where there are existing buildings. I cannot understand however, the thinking which classifies green space as "sterile", merely because it does not offer development opportunities. This sort of thinking in 2016, when the multiple benefits of green areas in our suburbs are so well known, as are the risks of future flooding, seems antiquated.

Where the Interim Coastal Hazard Adaptation Code refers to avoiding "sterilisation" of land, it is under the sub heading "Planned Retreat ", as an affordable option to allow use of the land for as long as possible (ie, before a "Trigger Point"). Building of medium density housing, to me, does not seem to be something we would want to demolish and retreat from after 50 years.

Council's website indicates that the Interim Coastal Hazard Adaptation Code was meant to take 18 months before completion, so I'm wondering if it is still on track to be published in about 4 months. I presume that it will then be known as the Eurobodalla Coastal Zone Management Plan. It will be interesting to see if there are any new directions.