

Draft Coastal Management State Environmental Planning Policy

Community factsheet

November 2016

What is being exhibited?

- The draft Coastal Management State Environmental Planning Policy (SEPP) with accompanying maps is on public exhibition until 23 December 2016. Councils, the community, and interested stakeholder groups are encouraged to have their say.

What is the role of the draft Coastal Management SEPP?

- The draft Coastal Management SEPP seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the *Coastal Management Act 2016* (the Act).
- The draft Coastal Management SEPP is part of the NSW Government's commitment to improving the way we manage the coastal zone, with its unique environmental, social and economic values.
- The draft Coastal Management SEPP reviews and consolidates existing SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection). These older policies will be repealed once the Coastal Management SEPP is finalised.

What is the new coastal zone?

- The 'coastal zone' is defined in the *Coastal Management Act 2016* as four coastal management areas:
 - coastal wetlands and littoral rainforests area
 - coastal environment area
 - coastal use area
 - coastal vulnerability area.
- Redefining the coastal zone into four areas, rather than by a single fixed area along the entire coastline, will enable more targeted management of the diversity of environments and interests in the coast.
- Separate development controls apply to each area and focus on achieving specific objectives.

Will there be an impact on my property rights?

- Development is still permissible in all areas of the coastal zone.
- The draft Coastal Management SEPP does not rezone land. Potential land uses are still identified by the land use zone within a Local Environmental Plan.
- Development within the coastal vulnerability area will continue to be permissible, with consent authorities required to be satisfied that risks from coastal hazards can be appropriately managed now and into the future.
- Where a property is wholly or partly in the coastal zone, this land will be identified as being subject to the draft Coastal Management SEPP. Potential buyers will be advised of this when they obtain a planning ('section 149') certificate. The Secretary of the Department of Planning and Environment has issued a circular to councils to suggest a form of words that councils can use on planning certificates. A copy of this circular can be found [HERE](#).

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What development controls will apply to each coastal management area?

- The draft Coastal Management SEPP outlines a range of development controls that aim to help protect and manage our sensitive coastal environments, manage risks from coastal hazards, and support appropriate urban development.
- Some places will be covered by more than one coastal management area and therefore have more than one set of development controls apply to that land. The *Coastal Management Act 2016* and the draft Coastal Management SEPP set out the priority order given to these controls.
- Development controls for the mapped coastal wetlands and littoral rainforests area aim to continue existing protections for these important ecological communities.
- Development controls for the mapped coastal environment area aim to protect and improve natural coastal features, and environmental values for places such as beaches, dunes, surf zone undeveloped headlands, and coastal lakes and lagoons.
- Development controls for the mapped coastal use area focus on ensuring appropriate urban development for coastal areas, taking into account urban design issues such as maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.
- Development controls for the coastal vulnerability area are concerned with managing risks to human life, infrastructure, and public and private property that may be impacted by coastal hazards, and ensuring that we do not create legacy issues for future generations to deal with. The controls do not prohibit development, nor do they direct that all development should retreat from the coast.
- At present, the coastal vulnerability area only includes coastal hazards identified in Local Environmental Plans and Development Control Plans. The NSW Government will work with councils and communities over the next five years to ensure that coastal hazards identified in studies or plans prepared by or for councils are further considered, and where appropriate, reflected in land use planning instruments.
- The combination of all mapped coastal management areas forms the new coastal zone. As a transitional arrangement, until coastal management programs are developed by councils and more of the State's coastal vulnerability areas is mapped, coastal hazards are to be considered for development in the coastal zone.

How will the draft Coastal Management SEPP interact with my council's local plans?

- Local environmental plans (LEPs) establish zoning and permissible land uses for land in the local government area. Development control plans (DCPs) provide more detailed guidance on planning considerations for specified areas or development types.
- Where LEPs and DCPs contain coastal hazard maps and provisions, these mapped areas become part of the coastal vulnerability area; however, the development controls in the local plan continue to apply.
- In terms of land zoning in LEPs, where specifically directed by the Minister for Planning (known as a 'section 117 direction'), councils will need to demonstrate that any proposed zoning changes are consistent with state-level policies. Before land is rezoned within the coastal zone, consideration must be given to the objects of the *Coastal Management Act 2016*.

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What happens next?

- The Department of Planning and Environment will consult with councils and communities on the draft Coastal Management SEPP, including identification of relevant areas of coastal hazard that should be included in the coastal vulnerability area.
- At the end of the public consultation period, the Department of Planning and Environment will review all submissions prior to finalising the Coastal Management SEPP.
- The policy will commence on the day it is published on the NSW Legislation website. The final maps will be available on the NSW Government's Planning Portal.
- It is proposed that the Coastal Management SEPP will be reviewed within a year of commencement and again within five years of commencement. This will provide a formal opportunity to consider how the policy is operating in practice, and review mapped areas based on new evidence. It will be possible for councils and members of the public to suggest changes to the maps at any time.

How do I find out more and make a submission?

- Submissions on the draft Coastal Management SEPP are welcome from 11 November 2016 until 23 December 2016.
- You can view the draft SEPP and maps at:
 - www.planning.nsw.gov.au/CoastalReform
 - the Department's Information Centre, Level 22, 320 Pitt Street, Sydney.
- You can make a submission by:
 - responding online at: www.planning.nsw.gov.au/CoastalReform
 - by email to: coastal@planning.nsw.gov.au
 - by mail to the Director, Environment and Building Policy, GPO Box 39, Sydney, NSW 2001
- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: www.planning.nsw.gov.au/privacy.

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Coastal wetlands and littoral rainforests area

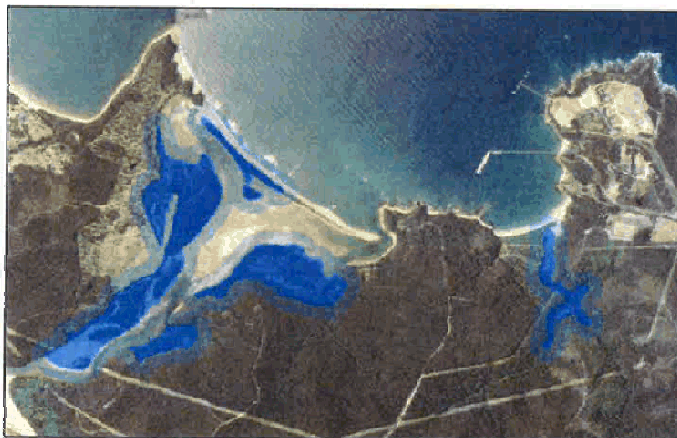
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What is the purpose of this area?

- Coastal wetlands and littoral rainforests support biodiversity and are very sensitive to certain types of development.
- This coastal management area focuses on protecting vegetation communities, rather than single trees and isolated stands. Where councils identify a specific tree or stand that is of local significance, they can use local controls to protect them as appropriate.
- A 'proximity area' is also mapped surrounding the vegetated area, to ensure that development near the coastal wetlands and littoral rainforest considers downstream effects.

What are the objectives for this area?

- The objectives for this area within the *Coastal Management Act 2016* (the Act) are:
 - to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity
 - to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests
 - to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration
 - to support the social and cultural values of coastal wetlands and littoral rainforests
 - to promote the objectives of State policies and programs for wetlands or littoral rainforest management.



Coastal Wetlands along the Taranba River and East Boyd Bay, Eboron

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Coastal wetlands and littoral rainforests area

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How will development be managed in this area?

- Development which satisfies the requirements set out in the Coastal Management State Environmental Planning Policy (SEPP) is permitted in this area.
- The draft Coastal Management SEPP largely rolls over existing controls from SEPP 14 (Coastal Wetlands) and SEPP 26 (Littoral Rainforests), with updates to the mapped areas where new or improved data has become available.
- Development within this area is 'designated development', meaning that an environmental impact assessment needs to be undertaken to support any development application.
- Development identified as 'exempt development' in planning instruments can continue to occur in this area.
- Controls within the proximity area work to reduce impacts on the adjacent vegetation community but do not apply to land zoned for residential purposes.

What is included in the new maps?

- The coastal wetlands and littoral rainforests area is defined in the Act as land which displays 'the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features'.
- The maps reflect our improved knowledge of coastal wetlands and include information from recent studies by the Department of Planning and Environment, University of NSW, Office of Environment and Heritage, and NSW Department of Primary Industries (Fisheries).
- The maps include the Sydney metropolitan region for the first time, and also show a 100m proximity area for both coastal wetlands and littoral rainforests.



Coastal Wetland and Littoral Rainforest at Crowdy Head

How does the coastal wetlands and littoral rainforest area relate to the NSW Government's biodiversity reforms?

- The current biodiversity reforms are reviewing the management of land-based native vegetation. Details on this reform program can be found at www.landmanagement.nsw.gov.au.
- The relationship between the Coastal Management SEPP and the Biodiversity Reforms will require further consideration as the Biodiversity Reform program develops.



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- The intention is to maintain the existing levels of protection for coastal wetlands and littoral rainforest.

Why won't the Coastal Management SEPP protect other coastal threatened ecological communities?

- All threatened species and threatened ecological communities are protected under the State's biodiversity conservation legislation (currently the *Threatened Species Conservation Act 1995*, *Native Vegetation Act 2003* and *Fisheries Management Act 1994*).
- Threatened ecological communities are already a consideration when assessing development applications under the *Environmental Planning and Assessment Act 1979*.
- There are also other controls outside the planning framework that are designed to protect coastal ecosystems. For example, the *Fisheries Management Act 1994* sets out provisions to protect marine vegetation from harm.

Where can I view the draft Coastal Management SEPP, and how do I provide feedback?

- The draft Coastal Management SEPP is on exhibition until 23 December 2016, and can be viewed at www.planning.nsw.gov.au/CoastalReform
- Submissions can be made via www.planning.nsw.gov.au/CoastalReform

Draft Coastal Management State Environmental Planning Policy

Coastal vulnerability area

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What is the purpose of this area?

- The coastal vulnerability area is land which is subject to current and future coastal hazards, as defined in the *Coastal Management Act 2016*
- Defining and applying specific controls to this area will build awareness of coastal hazards in order to inform land use decisions.

What are the objectives for this area?

The following objectives for this area within the *Coastal Management Act 2016* (the Act), are:

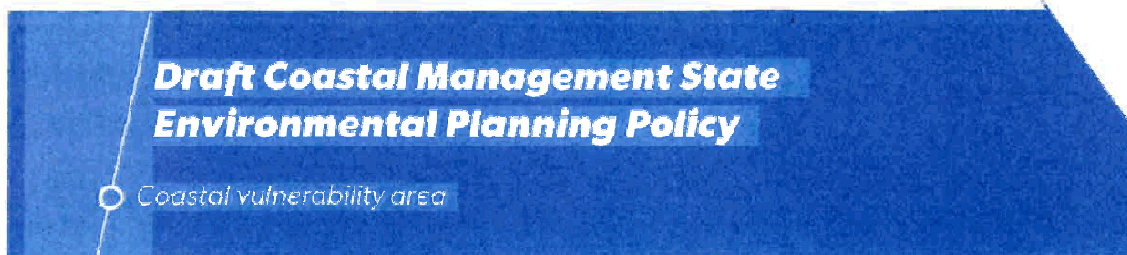
- ensuring public safety and preventing risk to human life
- managing current and future risks from coastal hazards
- maintaining the presence of beaches and other natural coastal features
- maintaining public access, use and amenity of beaches and foreshores
- encourage land use that reduces exposure to coastal hazards over time
- avoiding adverse impacts on adjoining land, resources or assets
- maintaining essential infrastructure, and
- improving the resilience of coastal communities.

How will development be managed in this area?

- Development is permitted in this area but will need to satisfy requirements set out in the Coastal Management State Environmental Planning Policy (SEPP).
- This will ensure we build appropriately near the coast, that we minimise risks to human life and safety and don't create legacy issues for future generations to deal with.

What coastal hazards form the coastal vulnerability areas?

- The Act provides for the management and mapping of seven coastal hazards. These are:
 - beach erosion
 - shoreline recession
 - coastal lake or watercourse entrance instability
 - coastal inundation
 - tidal inundation
 - coastal cliff or slope instability
 - erosion and inundation of foreshores caused by tidal water and waves including the interaction of those waters with catchment floodwaters.



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- It is the intent of the NSW Government that coastal councils, through the development of Coastal Management Programs (CMPs) and with the support of the NSW Government, will map all coastal hazards relevant to their local government area based on local science and values, and include appropriate maps in land use planning instruments within the next five years.
- The Coastal Management SEPP will initially recognise areas for which councils have already incorporated appropriate coastal hazard maps and controls for any or all of the seven coastal hazards into land use planning instruments.
- The NSW Government will also work with councils and communities over the next 12 months to include relevant coastal hazard mapping from adopted studies into the CVA.
- In recognition of the fact that not all areas of coastal hazard are currently identified in land use planning instruments, the draft SEPP includes a requirement for consent authorities to consider coastal hazards throughout the coastal zone. In undertaking this assessment, consent authorities should consider the many coastal studies or plans that have been undertaken in the past.

My council already has coastal hazard mapping in a local plan. Are these areas part of the coastal vulnerability area?

- Many councils have already undertaken detailed local coastal hazard modelling and community consultation. The Department recognises the value of this work and does not intend to duplicate work that is already complete. Local studies provide the best current information on coastal hazards for each local government area.
- By integrating mapping of coastal hazards from local studies into the coastal vulnerability area, councils and communities will be able to make more informed planning decisions that will better manage risks to public and private assets and resources, and avoid future legacy issues that come from inappropriate coastal development.
- Where councils have already incorporated provisions relating to these coastal hazards in their local plans (Local Environmental Plans or Development Control Plans) these areas become part of the coastal vulnerability area. They are identified on the maps as the 'Local Council Coastal Hazard Map' and the local development controls will continue to apply in these areas.
- Consideration of coastal hazards will still apply to the remainder of the coastal zone in those local government areas, as typically councils have not mapped all coastal hazards.
- The following councils have coastal hazard controls and maps in local plans:
 - Ballina Shire Council
 - Bega Valley Shire Council
 - Byron Shire Council
 - Central Coast Council (for both former Gosford and Wyong local government areas)
 - Clarence Valley Council
 - Mid-Coast Council (for the former Great Lakes local government area)
 - Lake Macquarie City Council



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Coastal vulnerability area

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- o Nambucca Shire Council
 - o Northern Beaches Council (for all three former local government areas of Manly, Pittwater and Warringah)
 - o Port Macquarie Hastings Council
 - o Shellharbour City Council
 - o Shoalhaven City Council
 - o Tweed Shire Council
 - o Waverley Council
- Local coastal hazard modelling and mapping exists for the majority of coastal council areas. The NSW Government will consult with coastal councils and communities over time to identify the areas to be included in the coastal vulnerability area.
 - It is expected that all councils that have not yet undertaken local coastal hazard mapping will do so over the next five years. Those councils that already have already mapped hazards in their local plans may need to update their maps over time in accordance with the Act and Coastal Management Manual.
 - The NSW Government will provide assistance to councils and other state landowners to undertake the process of mapping all seven coastal hazards, and to revise the coastal vulnerability area.

Where can I view the draft Coastal Management SEPP, and how do I provide feedback?

- The draft Coastal Management SEPP is on exhibition until 23 December 2016, and can be viewed at www.planning.nsw.gov.au/CoastalReform
- Submissions can be made via www.planning.nsw.gov.au/CoastalReform

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Coastal environment area

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What is the purpose of this area?

- The coastal environment area is made up of environmental features such as state waters, estuaries, coastal lakes and coastal lagoons. It also includes land adjoining those features such as coastal headlands and rock platforms.
- It aims to protect the values, assets and features of these waters and the natural features on the adjoining land.



Coastal Environment Area along the Hunter River, Newcastle

What are the objectives for the coastal environment area?

- The objectives for this area within the *Coastal Management Act 2016* (the Act) are:
 - to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons
 - enhance natural character, scenic value, biological diversity and ecosystem integrity
 - to reduce threats to, and improve the resilience of, coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change
 - to maintain and improve water quality and estuary health
 - to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons
 - to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system
 - to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.

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○ Coastal environment area

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How will development be managed in the coastal environment area?

- Development is permitted in the coastal environment area but must recognise the important environmental values of the area.
- Controls identify the need to minimise impacts on the environment. Consent authorities will review a number of criteria and ensure that proposals:
 - protect the environment, including the marine estate and sensitive coastal lakes
 - protect water quality
 - protect native vegetation including that on undeveloped headlands
 - protect fauna and their habitats
 - protect Aboriginal cultural heritage and places
 - incorporate water sensitive design
 - protect the surf zone.

What is included in the new maps?

- The coastal environment area has been mapped consistently along the NSW coast, including all Sydney waterways.
- The coastal environment area is made up of:
 - State waters and estuaries and a 100m landward area
 - Coastal lakes and coastal lagoons and a 500m landward area
 - Sensitive coastal lakes and coastal lagoons and a 500m landward area, plus any additional catchment area.
- The coastal environment area has been mapped upstream to one kilometre beyond the Highest Astronomical Tide of the estuary.
- This is a starting point that can be refined over time based on local evidence and better information, including about the receiving environment for water runoff, the area of undeveloped headlands requiring protection, rock platforms, and other environmental and heritage places that could be designated as a coastal environmental area.



Coastal Environment Area along the Crockhaven River and Curleys Bay, Curberrig Beach

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○ Coastal environment area

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How does the coastal environment area relate to the NSW Government's marine estate reforms?

- One of the aims of the Act and the Coastal Management SEPP is to support the objects of the *Marine Estate Management Act 2014*.
- The coastal environment area includes development controls aimed at maintaining and improving the marine and estuarine environment.
- This includes requiring consideration of cumulative impacts on the water quality of the marine estate and sensitive coastal lakes, maintaining water flows, coastal processes and native vegetation (including marine vegetation) and native fauna habitats.
- Further information about the marine estate reforms can be accessed at: www.marine.nsw.gov.au.

Where can I view the draft Coastal Management SEPP, and how do I provide feedback?

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Coastal use area

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What is the purpose of this area?

- The coastal use area is land adjacent to coastal waters, estuaries, coastal lakes and coastal lagoons, where impacts of development on the use and enjoyment of the beaches, foreshores, dunes, estuaries, lakes and the ocean needs to be considered.

What are the objectives for this area?

- The *Coastal Management Act 2016* (the Act) recognises the need to support sustainable coastal economies and ecologically sustainable development. In so doing, it aims to protect and enhance the scenic, social and cultural values of the coast in this area, through:
 - having appropriate type, bulk, size and scale of development for the coast
 - providing adequate public open space and associated public infrastructure
 - avoiding adverse impacts of development on cultural and built environment heritage.

How will development be managed in this area?

- The coastal use area represents some of the most economically and socially valuable land in NSW. Development in this area should ensure adequate consideration of the specific public interest in coastal areas.
- Proposals must address public interest criteria such as:
 - maintains or improves public access to beaches, foreshores, headlands and foreshores
 - minimises overshadowing, wind funnelling and loss of views from public places
 - doesn't detract from the scenic nature of the coast
 - protects Aboriginal cultural heritage
 - protects the surf zone.



Coastal Use Area along the Tweed River and Estuary, Tweed Heads

Draft Coastal Management State Environmental Planning Policy

○ Coastal use area

November 2016

What is included in the new maps?

- The area starts at the seaward local government boundary, typically the low water mark, and extends to the estuary limit.
- In response to submissions from the exhibition of the *Coastal Management SEPP Explanation of Intended Effect* in November 2015, the draft Coastal Management State Environment Planning Policy (SEPP) defines the coastal use area as being 1km landward of coastal waters, estuaries and coastal lakes.
- The coastal use area in the Sydney metropolitan region is defined differently. This recognises the greater density of development that already exists in Sydney.
- The coastal use area between the Northern Beaches and Sutherland councils extend 200m landward of the open coast and 100m landward of estuaries, bays and other waterways.
- Councils wishing to redefine the extent of the coastal use area to account for local conditions may seek to do so, supported by appropriate supporting information.



Coastal Use Area along the Parramatta River, Sydney

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The Department of Planning and Environment and the Office of Environment and Heritage are collaborating to deliver a new coastal management framework for NSW. These coastal reforms are designed to enable coastal communities to thrive and be more resilient to our ever-changing coastline.

What are coastal protection works?

- Coastal protection works are defined in the *Coastal Management Act 2016* to be beach nourishment activities or works, and activities or works to reduce the impacts of coastal hazards on land adjacent to tidal waters. Works can include seawalls, revetments and groynes.
- Coastal protection works can be built for a number of reasons; for example, to protect property, maintain public safety and prevent erosion of land.
- However, coastal protection works can have unintended consequences - such as causing erosion in other areas, public safety issues or environmental impacts - both in the short and longer term.
- The existence of coastal protection works do not of themselves guard against the impacts of coastal hazards, as they often require ongoing maintenance to be effective.

What is changing in relation to coastal protection works?

- Coastal protection works can be built by landowners and public authorities, with appropriate approvals.
- The proposed assessment pathways for coastal protection works reflect the importance of a council developing and adopting a coastal management program to ensure that all coastal protection works are strategic, and that ad hoc development causing unintended consequences does not occur. Section 27 of the Act identifies the development controls relating to coastal protection works. The accompanying draft Coastal Management State Environment Planning Policy (SEPP) then specifies the approval pathways for different types of works.
- The involvement of a Joint Regional Planning Panel (JRPP), with appropriate coastal expertise, in determining development applications for certain coastal protection works, by private landowners or public authorities, recognises that coastal protection works may give rise to significant long term environmental and social impacts if not designed, installed or maintained appropriately.
- The attached flowcharts explain the proposed approval pathways for different types of coastal protection works.

What is the process for emergency coastal protection works?

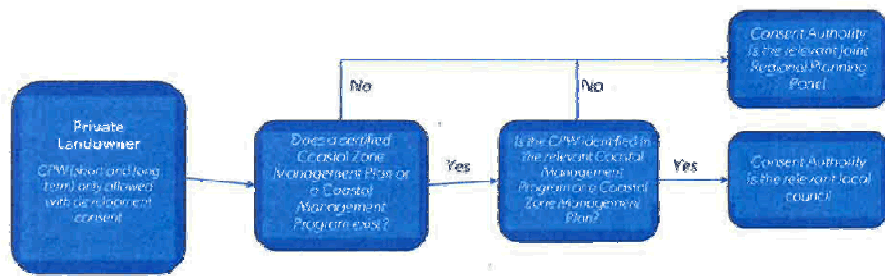
- Emergency coastal protection works are defined in the draft Coastal Management SEPP as the placement of sand, or sandbags, for less than 90 days.
- The new coastal management framework requires all proposals for coastal protection works to be considered strategically through the development of a coastal management program.
- Private landowners can seek consent for coastal protection works for either temporary or longer-term measures.
- Public authorities can put in place emergency coastal protection works, as exempt development, where these works are in accordance with a coastal zone emergency action subplan.



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Coastal Protection Works

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Coastal Protection Works (CPW), assessment pathway for private landowners

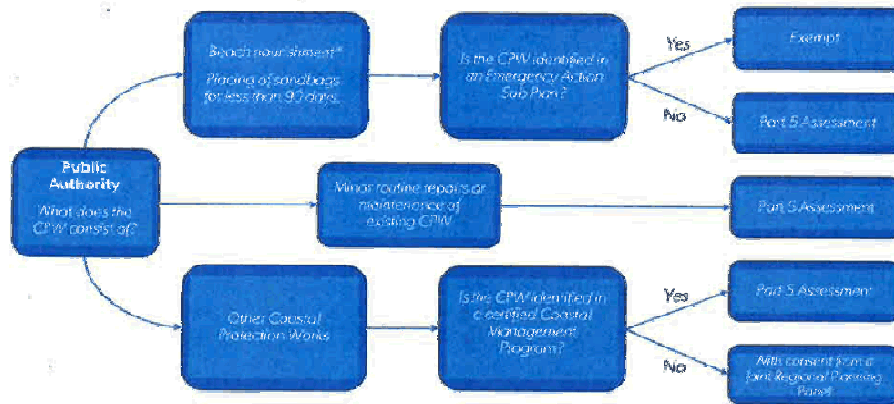


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 Coastal Protection Works

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Coastal Protection Works (CPW) assessment pathway for public authorities (including councils)



*Other Approvals may be required under different legislation.

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○ What happens next?

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What happens after the public consultation ends?

- The Department of Planning and Environment will consider all submissions and feedback received during the public consultation.
- This may result in changes to the controls currently in the draft Coastal Management State Environmental Planning Policy (SEPP) as well as the draft maps.
- The Department of Planning and Environment will then prepare a final Coastal Management SEPP and maps for the Minister for Planning and Governor to approve.

What happens when the policy commences?

- The *Coastal Management Act 2016* (the Act) provides the strategic vision for managing our future coastal communities, including setting objectives for the four different mapped coastal management areas.
- The Act requires all coastal councils to develop Coastal Management Programs in consultation with their communities. These will set the long-term strategy for coordinating management of coastal land.
- A new Coastal Management Manual will guide councils to work with their communities to identify and manage all coastal management issues.
- Local councils will be able to access up to \$63.6 million in assistance to help achieve fair and cost effective solutions to reduce exposure to coastal hazards, and to improve planning for future risks.
- The Coastal Management SEPP will be reviewed as soon as possible after its first year of operation, and at least every five years. This will provide the opportunity to review how the policy is operating in practice, and review mapped areas based on new evidence.

Will the maps of the coastal management areas change over time?

- The SEPP maps of the coastal management areas that are released at this stage are a starting point and will be modified as further information becomes available.
- Local councils will undertake studies and modelling as part of their Coastal Management Programs, and this will better inform the maps of coastal management areas.
- A process will be in place to ensure community and government involvement in any map changes.
- The coastal vulnerability area currently only includes existing local council coastal hazard maps and controls, where these are part of local environmental plans or development control plans.
- Local coastal hazard modelling and mapping, informed by councils and communities, will be used to continue mapping the coastal vulnerability area.
- The coastal use area and coastal environment area maps are based on defined distances around bodies of water. Local studies will again provide evidence to amend these areas based on local values and other needs.
- The coastal wetlands and littoral rainforests area is based on state-level mapping. Local mapping will be able to better ground-truth and provide a more accurate understanding of the areas where these vegetation communities exist.