

SYDNEY COASTAL COUNCILS GROUP Inc.  
C/- City of Sydney Council  
Level 12, 456 Kent Street  
GPO Box 1591, SYDNEY NSW 2001

Phone: (02) 9246 7791  
Facsimile: (02) 9265 9660  
Email: info@sydneycoastalcouncils.com.au  
Internet: www.sydneycoastalcouncils.com.au  
ABN: 39 638 876 538



8 June 2004

RP034-04

Mr Phillip Watson  
Contact Officer  
Department of Infrastructure Planning and Natural Resources  
PO Box 2185  
Dangar NSW 2039  
Dear Mr Watson,

**Re: Protecting the coastline – proposed changes to coastal protection regulations**

Thankyou for inviting the Sydney Coastal Councils Group Inc. (SCCG) to provide a submission to the Department of Infrastructure Planning and Natural Resources (DIPNR) regarding the proposed changes to the to the *Coastal Protection (Non Local Government Areas) Regulation 1994* which falls under provisions of the *Coastal Protection Act 1979*. **Information on the SCCG and its activities is provided in Attachment 1.**

The SCCG provides the following submission in an effort to highlight key issues of concern and those requiring further consideration by DIPNR before 1 September 2004. In addition to the comments provided below, specific comments have been made by our member councils regarding the proposed changes and whilst not specifically dealt with in this submission, are reflected throughout Section 2 of this submission.

**1. INTRODUCTION**

In February 2004 the NSW Coastal Council was dissolved leaving SCCG as the only recognised Coastal organisation on the NSW Coast. The management of the NSW coastline, particularly within the SCCG region, is regarded by SCCG as an item of paramount concern, including onshore and offshore activities that have the potential to adversely affect coastline processes and values.

The SCCG congratulates the NSW State Government in attempting to target development within offshore marine waters that may adversely affect, or is adversely affected by coastline processes. The SCCG welcomes the proposed changes to the 1994 Coastal Protection Regulation particularly with respect to the State Government continuing to maintain a regulatory role for developments on land within sensitive offshore marine waters.

**2. SPECIFIC COMMENTS**

The SCCG support in full the listing of offshore marine development activities to be included in the Proposed *Coastal Protection Regulation 2004* and outlined in the Executive Summary of the Regulatory Impact Statement (RIS) prepared by Hassell and Associates Pty Ltd February 2004.

The SCCG believe that adequate State Government regulatory control of development activities in offshore marine areas would minimise the potential affects to environmental assets and activities in the coastal zone. Assets and activities would include tourism, recreation, prevention and/or restoration of shoreline damage, and dune stabilisation.

## 2.1 EXCLUSION OF ESTUARIES

The SCCG is concerned that the exclusion of estuaries under the Proposed Regulation will result in estuarine environments receiving insufficient attention under existing environmental legislation, including the *Water Management Act 2000* and *Water Management Amendment Act 2002*. The SCCG seek further clarification from DIPNR to explain how any proposed Regulations under the *Water Management Act 2000* or the *Rivers and Foreshores Improvement Act 1948* will be rolled out to deal specifically with estuarine environments.

The SCCG are of the opinion that the *Water Management Act 2000* and *Water Management Amendment Act 2002* lack the necessary provisions to deal with estuary management across NSW. The SCCG concur with Section 2.4 of the RIS in saying that “*not all estuaries (or part thereof) are not covered by environmental planning instruments...*” The SCCG requests DIPNR to consider that the inclusion of estuaries under the Proposed Regulation. This would ensure a consistent and specific State wide planning policy that would be applicable to estuarine environments. The opinion expressed in Section 2.4 of the RIS that the inclusion of estuaries would result in duplication at the consideration of development stage requires further consideration.

## 2.2 OPTIONS TO ACHIEVE OBJECTIVES

Based on the seven alternate options outlined in the RIS (refer to Sections 5.1 to 5.7) the SCCG would also support the establishment of a new **Off-Shore Marine Authority**. The SCCG recommend that the establishment of a new Off-shore Marine Authority would be able to provide independent expert advice in the off-shore marine zone. It would communicate when required and should be made up of organisations including:

- The Department of Mineral Resources;
- Australian Bureau of Meteorology;
- FisheriesNSW;
- Marine Parks Authority;
- Department of Infrastructure Planning and Natural Resources;
- Premiers Department;
- Commonwealth Government;
- Australian Quarantine Advisory Service;
- Waterways; and
- Non-Government Organisations including; Marine Society, Human Society and Surfrider Foundation.

## 3.0 LOCAL & STATE GOVERNMENT BOUNDARIES & RESPONSIBILITIES

The Group believes that open coast boundaries of Local Government Areas should be given further consideration by State Government. These areas should be revised to reduce ambiguity and confusion and to provide a more consistent and authoritative planning and management process. The Group suggests the boundary model conceptualised by Angus Gordon within the document titled *The Boundaries Of Ignorance* should be given serious consideration for adoption by DIPNR.

The model suggests that boundaries could be unambiguously defined as a line joining points located 100m seaward of the most seaward extent of successive major headlands. Boundary points could be defined by using a Global Positioning System that could fix coordinates to change points. These points would encompass all Council activities including beach to beach swims and commercial water sporting activities.

## 4.0 CONCLUSION

I trust these comments and recommendations will receive appropriate attention when considering the implementation of the Proposed *Coastal Protection Regulation 1994* by September 1, 2004. The Group supports in full the inclusion of off-shore development activities under the Proposed Regulation. The Group strongly encourages DIPNR to consider the following:

- The inclusion of estuaries into the Proposed Regulation
- The establishment of an Off-Shore Marine Authority
- To address the re-location of open coast boundaries of Local Government Areas

If you wish to clarify any matter in the submission or require further information, please contact Richard Phillips, Coastal Projects Officer on 9399 0675.

Yours Sincerely

Geoff Withycombe  
Executive Officer