



SYDNEY COASTAL COUNCILS GROUP INC.
councils **caring** for the coastal environment

Sustainable Coastal Management:
Policy recommendations to
political parties contesting the
2015 NSW Election

February 2015

This document has been prepared for the information and
response of political parties contesting the 2015 NSW Election

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Introduction

We are a Regional Organisation of Councils (ROC) representing 15 councils in the Sydney coastal region. We are the peak NSW ROC for coastal councils and represent the majority of coastal residents in NSW. We have 25 years' experience leading sustainable coastal management and we achieve this by harnessing the individual and collective knowledge of our Member Councils, a suite of technical and academic experts and other coastal stakeholders. Accordingly, we are able to provide unique insights drawing upon the technical, experiential and local knowledge of a range of practitioners in coastal management.

The next few years will see unprecedented change to our coastal communities, government services, industry and indeed to the physical entity that is the coast that we are all trying to manage. It is critical that our response to these developments builds upon our institutional memory and lessons learned, while harnessing innovations in technology and management practices.

The upcoming State Election presents an opportune time for political parties to review and reaffirm their commitment to sustainably manage our coast. As such, we have formulated eight key policy positions and associated recommendations that we believe will contribute significantly to the sustainable management of the NSW coast in the immediate future. They are:

1. **Adaptive, integrated and participatory management of the coastal zone**
2. **An independent coastal advisory body for NSW**
3. **A NSW Strategy and Action Plan for climate change adaptation in the coastal zone**
4. **A review of, and significant increase in, funding for coastal programs**
5. **A strategy for Integrated Water Management throughout the Greater Sydney region, with a particular focus on infrastructure renewal**
6. **Maintenance of public access and public ownership in the coastal zone**
7. **Improved planning controls to restore, protect and enhance coastal biodiversity**
8. **A strategy and supporting implementation programs for sustainable marine management**

More information on these eight areas is provided in the following pages.

The purpose of this document is twofold - to communicate our position in relation to the eight key issues identified, including specific recommendations on how they should be advanced, and to elicit responses from political parties contesting the election on those recommendations. Specifically, we are asking parties to state whether or not they support the recommendations and outline what actions they will undertake to address the issues identified.

The NSW coast is highly valued for its multiple environmental, social and economic values and there is a high degree of public interest in its management, with more than 80 per cent of the population living along the coast.¹ As such, we feel it is in the interests of political parties to outline their position on sustainable coastal management.

We ask that political parties consider the contents of this document and provide responses to the recommendations herein **by COB Friday 13 March 2015**, two weeks ahead of the election. We will disseminate responses received to our Member Councils and local and regional stakeholders, and promote them publicly via our website prior to the election.

¹ Land and Property Information (2008), 'Population', *Atlas of New South Wales*, NSW Government <<http://www.atlas.nsw.gov.au/public/nsw/home/topic/article/population.html>>

1. Adaptive, integrated and participatory management of the coastal zone

In recent years, there have been a number of developments that have impacted upon management of the coastal zone, including the Coastal Reforms, revised Planning laws, a new system for marine management, changes to Local Government, the establishment of Local Land Services and reviews into Crown Lands, biodiversity and marine parks. While we recognise the merit in many aspects of these reforms, it is important that outcomes are appropriately coordinated within and between agencies and in partnership with Local Government, to allow for strategic and integrated management of coastal areas. Further, we are concerned that economic and social values are being prioritised ahead of environmental ones, with a potential weakening of environmental protections.

The protection and management of the NSW coast must be facilitated through adaptive, integrated and participatory planning and decision-making that provides clear goals and directions.

Policy recommendations:

- a) Ensure all relevant legislation mandates that management decisions adhere to the precautionary principle and appropriately balance environmental, social and economic outcomes.
- b) Review, update and integrate the NSW Coastal Policy into strategic planning processes, including:
 - i. Regional action plans established under the NSW State Plan NSW 2021
 - ii. Regional Growth Plans developed by the NSW Department of Planning and Environment
 - iii. Local Environmental Plans and associated development assessment processes within Local Government.
- c) Establish the necessary mechanisms to allow for integration of management efforts across the following dimensions:
 - i. between levels of government (Local, State and Federal)
 - ii. across spatial and temporal scales
 - iii. between disciplines (e.g. science, engineering, law, economics)
 - iv. between sectors (e.g. tourism, fisheries, mining)
 - v. between government, non-government, community and industry groups.
- d) Ensure the entire NSW coastline is covered by coastal or estuary management plans within the next five years.
- e) Establish a state-wide coastal information system, pulling together disparate information sources, databases and information providers to produce an integrated and fit-for-purpose mechanism for providing publically available information at the right scale for effective local and regional decision-making.
- f) Facilitate public participation in management decisions, ensuring that individuals are provided with the information they need to engage in a meaningful way and that local and tacit knowledge contributes to decision-making processes.
- g) Ensure that management objectives and decision-making processes are transparent and there are clear lines of accountability.
- h) Develop best practice guidance for coastal managers on monitoring and evaluation (M&E) and allocate a greater proportion of program funding to the M&E process, in order to promote and facilitate adaptive management.

Information request: We request you outline the position of your party on adaptive, integrated and participatory management of the coastal zone, taking account of the recommendations above. Please describe what actions your party will take to advance that position.

2. An independent coastal advisory body for NSW

We applaud the recent announcement by the NSW Government to re-establish an independent coastal advisory body as part of a proposed new *Coastal Management Act*.

The contentious nature of many coastal management issues, particularly those related to existing and future coastal hazards, climate change and coastal development, reinforces the need for an independent advisor to Local and State Government.

Policy recommendations:

Establish an independent coastal advisory body, comprising representatives from State Government, Local Government, community, industry and research sectors, with expertise in coastal zone management in NSW, to perform the following roles and functions:

- a) Identify emerging issues relevant to the NSW coastal zone.
- b) Advise on the development and implementation of the NSW Coastal Reforms and related policies, including the necessary review of the NSW Coastal Policy.
- c) Undertake research on coastal management issues and develop an information hub for Local and State Governments.
- d) Monitor and report on the progress of programs, projects and initiatives relating to the coast.
- e) Provide general and specific guidance to councils on land use planning and management of coastal hazards.
- f) Facilitate high level dialogue between agencies and jurisdictions on key coastal issues such as planning, industry, environment and emergency management.
- g) Identify opportunities to support community and stakeholder involvement in coastal zone management.

Information request: We request you outline the position of your party on the establishment of an independent coastal advisory body for NSW, with representation and functions as described above. Please describe what actions your party will take to advance that position.

3. A NSW Strategy and Action Plan for climate change adaptation in the coastal zone

Climate change will have a significant impact on the work of councils and the wellbeing of their communities.² A state-wide Strategy and Action Plan is needed to facilitate adaptation to climate impacts in the coastal zone and enhance community resilience. This Strategy and Plan could provide an overarching framework for councils' own [Coastal Zone Management Plans](#).

Policy recommendations:

Establish a NSW Strategy and Action Plan for climate change adaptation in the coastal zone, comprising the following:

- a) Processes for the integration of climate change adaptation into the strategic planning processes of Local and State Governments.
- b) A system for gathering, storing and reporting information on climate change exposure, impacts and vulnerability.
- c) Reinstatement of state-wide sea level rise benchmarks and associated policy and implementation guidelines for Local and State Governments.
- d) A state-wide risk management strategy and methodologies to quantify, mitigate and manage climate change impacts including those that result from natural disasters.
- e) Legislative mechanisms that better integrate land use planning with conservation and hazard management, providing consistency, authority and long term stability in decision-making.
- f) A framework for prioritising actions related to adaptation, including measurable trigger points and flexible pathways between adaptation strategies (e.g. from accommodation to protection or managed retreat).
- g) Clarification of liability issues in relation to coastal inundation, present and future.
- h) Increased funding for natural disaster planning and a refocusing of funding priorities from post-disaster recovery to strategic land-use planning.
- i) Strategies for engaging the community and all relevant stakeholders in climate change adaptation.
- j) Coordination of NSW strategies with national and international strategies.

The Strategy and Action Plan should be developed via a partnership between State and Local Governments and their communities, and include long-term resourcing for implementation.

In addition, the newly elected Government should commit to the development of an Adaptation Plan for Sydney, building on outcomes of the '[Towards a Resilient Sydney](#)' project, currently being undertaken in partnership with OEH, the Department of Planning and Environment, Western Sydney Regional Organisation of Councils (WSROC) and the SCCG.

Information request: We request you outline the position of your party on the development of a NSW Strategy and Action Plan for climate change adaptation in the coastal zone, taking account of the recommendations above. Please describe what actions your party will take to advance that position.

² NSW Office of Environment and Heritage (2015), *Adapting to Climate Change: Local Government*, <<http://climatechange.environment.nsw.gov.au/Adapting-to-climate-change/Local-government/>>

4. A review of, and significant increase in, funding for coastal programs

The NSW Coastal Management Program was originally established as a partnership between the State and Local Governments to better manage the NSW coast.³ Despite steady and increasing costs to councils, average expenditure under the Program has decreased in dollar terms over recent years and has continued to significantly decline in present dollar value since the 1990s. According to the OEH Business Plan (2013-14), the coast, estuary and floodplain management programs were underspent by \$9.4 million in 2012-13 and forward targets for 2013-2014 and 2014-2015 were to underspend on the programs by <\$9.4 million in each year. This points to a potential shortfall in expenditure of nearly \$30 million, at a time when coastal management in NSW is hampered by a severe lack of available funding. We understand that some councils are unable to match the 50/50 contributions that are attached to grant allocations, which may explain this underspend. Of further concern, in recent years State agencies have started drawing upon what was intended as a funding pool solely for Local Government.

Managing current coastal pressures, including population growth, development and coastal hazards, requires a significant increase in government funding. The costs of responding to extreme weather events are rising as population growth in hazardous areas along the coast continues.⁴ Future pressures arising from sea level rise and increased storm intensity will further increase costs to Government. Currently there is no long term plan to address these challenges and the existing competitive grants scheme is insufficient for the various reasons outlined above. As such, we strongly urge a review of, and significant increase in, funding for coastal programs, to appropriately manage current pressures and address future demands.

Policy recommendations:

- a) Undertake a review of funding under the NSW Coastal Management Program, specifically looking at:
 - i. historical trends in the supply of funding versus costs to councils relating to coastal hazards
 - ii. changes to funding recipients and eligibility requirements, with consideration of priorities and demand
 - iii. the appropriateness of funding distribution mechanisms (e.g. competitive grants; 50/50 contributions etc)
 - iv. future costs associated with managing the risks of coastal hazards
 - v. the value of the NSW coastal zone, including definition of current and future Local and State Government income streams collected in the zone.
- b) Significantly increase funding for the NSW Coastal Management Program to reflect, at a minimum, rises in CPI and inflation since the Program was established in the 1990s.
- c) Develop a long-term plan (minimum 10 years) for funding for coastal management, taking account of current and future hazards.

Information request: We request you outline the position of your party on a review of, and significant increase in, funding for coastal programs, to appropriately manage current pressures and address future demands. Please describe what actions your party will take to advance that position.

³ Lord, D (2011), 'History of Coastal Management in NSW', prepared for the Sydney Coastal Councils Group, <<http://www.sydneycostalcouncils.com.au/sites/default/files/sccgpackage2010.pdf>>

⁴ National Climate Change Adaptation Research Facility (NCCARF) (2013), *Market-based mechanisms for climate change adaptation*, <<http://www.nccarf.edu.au/publications/market-based-mechanisms-climate-adaptation>>

5. A strategy for Integrated Water Management throughout the Greater Sydney region, with a particular focus on infrastructure renewal

Integrated Water Management (IWM) is a strategy that brings together all facets of the water cycle – ground and surface water, water supply, sewage management and stormwater management – with the aim of achieving environmental, social and economic benefits. Currently, water is being managed in a fragmented way in Greater Sydney, with different agencies and plans responsible for different aspects of the water cycle. Though significant progress has been made in enhancing water supply since the millennium drought through the Metropolitan Water Plan and related water efficiency campaigns, there remain serious challenges in sewage and stormwater management.

Of particular concern are Sydney's interconnected water infrastructure systems,⁵ which are poorly understood and managed. Urban growth combined with ongoing deterioration of ageing infrastructure is causing stress to the systems, many of which are struggling to provide the level of service for which they were originally designed. Natural events such as storms and flooding add to this pressure, frequently resulting in surcharging of the stormwater network and sewerage overflows. Into the future, population growth, increased population density and climate change are likely to exacerbate these pressures (please refer to our project [Demonstrating Climate Change Adaptation of Interconnected Water Infrastructure](#) for more information).

Further public investment and forward planning for infrastructure renewal throughout Greater Sydney is needed. This requires an integrated approach to water management that draws upon a range of management options, including water sensitive urban design (WSUD), water recycling and re-use, decentralisation and harnessing of emerging technologies and innovation. To this end, we recommend development of a strategy for IWM throughout the Greater Sydney region, focusing in particular on the resourcing of infrastructure renewal, now and into the future.

With the current review of the 2010 Metropolitan Water Plan and reforms to the laws and regulations governing the water supply industry (in particular the *Water Industry Competition Act 2006* and related regulations), this is an opportune time to enhance integration of water management and appropriately plan for the future.

Policy recommendations:

- a) Develop a whole-of-government strategy for Integrated Water Management throughout the Greater Sydney region.
- b) Establish a regular monitoring and assessment program for interconnected water infrastructure, with clear standards of service and thresholds for renewal.
- c) Develop a long-term funding scheme for infrastructure renewal and ongoing maintenance.

Information request: We request you outline the position of your party on a strategy for Integrated Water Management throughout the Greater Sydney region, with a particular focus on infrastructure renewal. Please describe what actions your party will take to advance that position.

⁵ We define interconnected water infrastructure as infrastructure where management is shared between agencies or different tiers of government. This can be in the form of physical interconnectedness or shared financial responsibility or asset management or overlapping governance and/or planning accountability. (http://www.sydneycoastalcouncils.com.au/Project/demonstrating_climate_change_adaptation_of_interconnected_water_infrastructure_project)

6. Maintenance of public access and public ownership in the coastal zone

The NSW coastline is facing increasing population pressures, development and recreational demand. Combined with the impacts of existing and future coastal hazards, these trends threaten to undermine public access to coastal and foreshore areas.

Access to coastal areas is necessary for a range of uses, including recreation, cultural practices, tourism and commercial uses. Public access is enshrined in many NSW laws and policies, including the *Coastal Protection Act 1979*, the *Environmental Planning and Assessment Act 1979* and the NSW Coastal Policy. Despite these provisions, development pressures and perceived private property rights continue to undermine public access in coastal areas. Councils require assistance from the State Government in the form of statutory requirements, policies and guidelines that assist with development assessment processes and ensure appropriate types of public access are maintained, taking account of public risk and the need to protect sensitive coastal environments. Legal uncertainties relating to ambulatory boundaries on private properties also need to be clarified, particularly where erosion encroaches upon a property.⁶ In some cases, affected properties may need to be acquired in order to maintain public access.

Public ownership of coastal lands is a critical vehicle for maintaining public access along the coast. Initiatives such as the Coastal Lands Protection Scheme enable the NSW Government to acquire coastal lands to maintain public access, scenic quality and ecological values. However funding for this Scheme has been static for many years and we understand it has been underspent in recent years. In light of this, the Scheme should be reviewed for its effectiveness and future expenditure.

Policy recommendations:

- a) Ensure public access and use of foreshore areas is maintained and appropriately managed to minimise public risk and protect sensitive coastal environments.
- b) Oppose coastal developments that deny or restrict appropriate public access to beaches, foreshores and waters, now and in the future.
- c) Protect coastal public lands in perpetuity and ensure the provision of adequate funds for their management, in partnership with Local Government.
- d) Clarify legal uncertainties relating to ambulatory boundaries on private property.
- e) Develop a scheme to acquire private properties exposed to existing and future coastal hazards and facilitate retreat from hazardous areas.
- f) Undertake a public review of the Coastal Lands Protection Scheme and develop a revised strategy for expending the Scheme's funds.

Information request: We request you outline the position of your party on the maintenance of public access and public ownership in the coastal zone, taking account of the recommendations above. Please describe what actions your party will take to advance that position.

⁶ Corkill, J (2013), 'Ambulatory boundaries in New South Wales: real lines in the sand', *Property Law Review*, vol. 3, no. 2, pp. 67-84.

7. Improved planning controls to restore, protect and enhance coastal biodiversity

There are ongoing challenges to the protection of biodiversity in urban coastal environments. As well as managing the legacy of past land-use impacts on biodiversity and considering the cumulative impacts of future proposals, councils are tackling ongoing and emerging threats, such as invasive species, pollution and climate change.

We note the recommendations of the Independent Biodiversity Legislation Review Panel (reported in December 2014) to establish a new 'Biodiversity Conservation Act' to replace the *Native Vegetation Act 2003*, the *Threatened Species Conservation Act 1995* and parts of the *National Parks and Wildlife Act 1974*. While we recognise the need to integrate and streamline biodiversity legislation in NSW, we are concerned that the NSW Government's stated aim in commissioning this Review was to "reduce red tape". This position contradicts recent findings by the Organisation for Economic Cooperation and Development (OECD) that show that new green regulations that have increased stringency "may translate into a permanent increase in productivity levels".⁷

We are also concerned about recent moves to streamline assessment and approvals under the federal *Environment Protection and Biodiversity Conservation Act 1999* through bilateral agreements between State and Federal Governments. These agreements threaten to weaken protections for biodiversity and proper oversight of management processes. While there may be scope to improve administrative processes to enhance efficiencies, we believe that the NSW planning framework needs to be strengthened in order to minimise threats to biodiversity, through better land use planning and development assessment.

Policy recommendations:

- a) Strengthen the requirements for cumulative impacts on biodiversity and ecosystem services to be considered in strategic planning and development assessment processes, including complying development.
- b) Strengthen biodiversity provisions within the Principle Local Environment Plan to provide better protection for biodiversity in land use planning and development assessment processes.
- c) Provide incentives for the protection and conservation of biodiversity on private land.
- d) Develop a biocertification assessment process that ensures biodiversity is protected and not simply traded off. This process must have relevance across urban, regional and rural areas.
- e) Strengthen enforcement provisions for biodiversity protections and develop a public register of development assessments, approvals and ongoing management activities where biodiversity is impacted by development.
- f) Ensure alignment and integration with Local, State and Federal strategies and legislation relating to biodiversity conservation.
- g) Increase funding for on-ground projects and provide greater support for community management of biodiversity values through training, insurance and risk management.

Information request: We request you outline the position of your party on improving planning controls to restore, protect and enhance coastal biodiversity, taking account of the recommendations above. Please describe what actions your party will take to advance that position.

⁷ OECD (2014), *Do Environmental Policies matter for productivity growth?*, accessed 2 February 2015 <http://www.oecd-ilibrary.org/economics/do-environmental-policies-matter-for-productivity-growth_5jxjncjrcxp-en;jsessionid=vu2tjrcx88a2.x-oecd-live-02>

8. A strategy and supporting implementation programs for sustainable marine management

The NSW marine environment is recognised for its outstanding natural beauty, unique and diverse marine biota and valuable resources. Sustainable marine management is critical to restore, protect and enhance this unique environment.

We support the recent passing of the *Marine Estate Management Act 2014* and establishment of the Marine Estate Management Authority, the Marine Estate Expert Knowledge Panel and the proposed new Marine Estate Management Strategy. This new framework offers a unique opportunity to develop a coordinated and well-resourced approach to sustainable marine management in NSW.

Policy recommendations:

- a) Ensure all management decisions under the *Marine Estate Management Act 2014* adhere to the precautionary principle and appropriately balance environmental, social and economic outcomes.
- b) Assess the true economic value of the Marine Estate to inform cost-benefit analyses and resultant management decisions.⁸
- c) Identify appropriate and permissible uses within the Marine Estate to restore, protect and enhance marine environments, underpinned by adequately resourced local and regional management plans and implementation programs.
- d) Retain and extend marine protected areas and sanctuary zones and establish a long-term monitoring program to measure their effectiveness.
- e) Focus management and conservation efforts on high-priority areas, such as near and inshore environments that have unique habitat values and are acutely impacted by terrestrial land uses.
- f) Establish a comprehensive Marine Environmental Research and Monitoring program in partnership with Local Government and their communities, with a focus on understanding and mitigating the impacts of terrestrial land uses on the marine environment.
- g) Recognise climate change as a threat to the Marine Estate and address the emerging impacts on fisheries, ecosystems and tourism.
- h) Investigate the establishment of a Sydney Marine Park, specifying an appropriate mix of use and non-use areas to ensure long-term sustainability.
- i) Clarify the responsibilities of Local and State Governments in compliance and enforcement and increase resourcing for enforcement activities.
- j) Educate and involve the public in marine management decisions and encourage a custodian mentality in the sustainable use of the Marine Estate through community engagement activities.

Information request: We request you outline the position of your party on a strategy and supporting implementation programs for sustainable marine management, taking account of the recommendations outlined above. Please describe what actions your party will take to advance that position.

Please advise the position of your party on each of these eight policy areas and associated recommendations, including what actions your party will take to advance that position. Responses should be emailed to info@sydneycoastalcouncils.com.au on or before COB Friday 13 March 2015.

⁸ Research has shown that Australia's marine region provides up to \$69 billion per annum, yet only \$44 billion is acknowledged (Laura Eadie and Carroline Hoisington (2011) *Stocking Up: Securing Our Marine Economy*. Centre for Policy Development, <http://cpd.org.au/2011/09/stocking-up/>)



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