



SYDNEY COASTAL COUNCILS GROUP INC.  
Councils caring for the coastal and estuarine environment

## SUBMISSION

# Coastal Management Programs – Impediments to Councils

To: Minister Gabrielle Upton

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Date: December 2018

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059-18 SJ



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## About the SCCG

Established in 1989, the Sydney Coastal Councils Group (SCCG) is a regional organisation of Councils comprising nine-member councils, with experience in leading sustainable coastal management.

*The Sydney Coastal Councils Group Strategic Plan 2015 – 2019* sets out three guiding principles which encapsulate the core vision, mission and goals of the SCCG, namely to:

1. Restore, protect and enhance the coastal environment, its associated ecosystems, ecological and physical processes and biodiversity.
2. Facilitate the sustainable use of coastal resources, now and in the future.
3. Promote adaptive, integrated and participatory management of the coast.

SCCG is a strong advocate for working collaboratively and transparently, with all levels of government, regional bodies, industry and the community. As managers and planners of the coastal zone, our member councils share an interest in coastal management programs prescribed in the *Coastal Management Act 2016*.

Our group represents the following nine Sydney Councils:

Bayside Council	North Sydney Council	Waverley Council
Inner West Council	Randwick City Council	Willoughby City Council
Northern Beaches Council	Sutherland Shire Council	Woollahra Council

## Our Submission

At a meeting with the Environment Minister Gabrielle Upton MP in October 2018, the Minister requested the SCCG to provide a submission on current impediments member Councils are facing in:

- accessing funding through the Office of Environment and Heritage's (OEH) coastal and estuary grant program
- delivering coastal management programs (CMP) set by the *Coastal Management Act 2016* (CM Act).

In forming this submission, SCCG has consulted with its Technical Committee and other relevant staff within its member Councils. It also identifies findings from a workshop held by SCCG in May 2018 with member Councils and state agency staff. At this workshop the final elements of the NSW Coastal Reforms package were presented and opportunities for regional activities to fulfil successful, timely and resource efficient implementation of CMPs were workshopped.

It should be noted that a key aim of this submission is to provide a regional and strategic perspective on impediments and potential solutions. It represents a collaborative and considered view of our Technical Committee which consists of environmental, engineering and planning staff from across our Councils.

## Current progress in developing CMPs

To give perspective on the current impediments that our nine-Member Councils are facing, Table 1 summarises each Council's progress. The results of this analysis show that our coastal Councils are more advanced in developing CMPs than estuarine councils but are experiencing a range of problems which are further discussed in this submission.

For our estuarine Councils, there is appetite to be involved in the development of a whole of Sydney Harbour CMP but no certainty can be given until the financial contributions required to develop the plan

are known. As you are aware, the SCCG has been approached by OEH to deliver the Sydney Harbour CMP in collaboration with the Parramatta River Catchment Group (PRCG).

Although a scoping study has been completed (stage 1 of the CMP process), there are still several issues to be resolved before the next stage of the Sydney Harbour CMP can begin. This includes gaining commitment from all Councils (some of whom are not part of SCCG or PRCG) and state and federal authorities such as Sydney Water, Roads and Maritime Services, Commonwealth Department of Defence and National Heritage Trust.

Table 1 – Current progress in CMP development of member Councils

Council	Progress to date
Northern Beaches Council	<ul style="list-style-type: none"> <li>Working on delivery of actions contained within two certified CZMP's. These will be transitioned to CMPs</li> <li>Participating in development of two CMP's in collaboration with other stakeholders – Sydney Harbour and Hawkesbury River.</li> </ul>
Inner West	<ul style="list-style-type: none"> <li>Involved in Cooks River, Sydney Harbour and Parramatta River scoping studies</li> </ul>
Bayside	<ul style="list-style-type: none"> <li>Involved in Georges River CZMP – being transitioned to a CMP</li> <li>Involved in the Cooks River Scoping Study</li> </ul>
Sutherland	<ul style="list-style-type: none"> <li>Bate Bay CMP scoping study has been completed.</li> <li>Involved in Georges River CZMP – being transitioned to a CMP</li> </ul>
Waverley	<ul style="list-style-type: none"> <li>Has submitted an application for an Eastern Beaches Scoping Study to OEH in July 2018 with Woollahra and Randwick Councils</li> </ul>
Woollahra	<ul style="list-style-type: none"> <li>Has submitted an application for an Eastern Beaches Scoping Study to OEH in July 2018 with Waverley and Randwick Councils</li> <li>Indicated that it is keen to be involved in the development of the Sydney Harbour CMP provided that it is not delayed (see Woollahra case study below)</li> </ul>
Randwick	<ul style="list-style-type: none"> <li>Has submitted an application for an Eastern Beaches Scoping Study to OEH in July 2018 with Woollahra and Woollahra Councils</li> <li>Involved in Cooks River Scoping Study</li> </ul>
North Sydney	<ul style="list-style-type: none"> <li>Involved in the development of Sydney Harbour scoping study which is now complete.</li> </ul>
Willoughby	<ul style="list-style-type: none"> <li>Involved in the development of Sydney Harbour scoping study which is now complete</li> </ul>

## Key Benefits to Developing a CMP

Many of our Councils recognise the significant benefits a certified CMP can provide to their Councils. Key benefits identified from four of our member Councils are:

- Identification of issues and development of management responses to these issues (Woollahra, Waverley and Sutherland)
- Input into the next LEP via a planning proposal (Sutherland)
- Identification of key infrastructure projects for Council and the State Government to include in long term financial plans (Sutherland Council)
- Indemnification under s.733 of the Local Government Act 1993 (Northern Beaches)
- Eligibility for financial assistance under the coast and estuaries grant program (All).

## Key impediments for Councils

### 1 CMPs are complex to develop and timeframes are challenging

Compared with CZMPs, CMPs require significant additional requirements that Councils need to satisfy for a CMP to become certified as set out by the CM Act. In addition, when the CM Act and SEPP were released,

no Coastal Vulnerability Area Maps were provided. It is up to Council to deliver these either as part of the CMP process or through a planning proposal.

For those that have a certified CZMP there is a requirement to transition these to a CMP by 2021. It has also been advised by Department of Planning and Environment that the NSW Government has only committed grant funding up until 2021 and it is unclear whether funding will continue after this date. This is despite this 2021 timeframe being set back in 2016 and the CM Act being proclaimed 18 months later.

#### **Recommendations:**

- a. Extend deadline for transitioning CZMPs from 2021 to at least 2023
- b. Certified CZMPs (such as for the hotspots within Northern Beaches Council) not lapse in 2021, rather be captured as 'chapters' in a CMP for a larger area.
- c. Commit to funding the development of new CMPs and the actions identified in a certified CMP for the life of the CMP.

## **2 Recognition that regional CMPs create further complexity and delays**

OEH has advised many of our member Councils to develop CMPs with other Councils rather than develop one for their own local government area and has advised that they are more likely to get funding if this approach is adopted. Although a regional approach to coastal management is strongly supported, it needs to be recognized that this can cause complexity and project delays particularly due to:

- the time taken to establish necessary collaborations between multiple Councils
- the varying levels of data that each Council may bring with some Councils having a more advanced understanding of coastal management than others
- differences in Council priorities and community expectations.

Northern Beaches Council encapsulates these challenges in the following statement:

*"From experience gained in delivery of two certified CZMP's within a single LGA, CMP's that OEH are requiring to be delivered on a regional basis (such as the Hawkesbury River System CMP) are likely to be more complicated and take even longer due to the range of stakeholders, and will likely require consideration and adoption by each Council (as there will be actions pertaining to each LGA) before submitting to the Minister for certification."*

This approach is also leaving some Councils unsure of how to deliver on their CMPs for their whole local government area as described below in the Woollahra Council case study.

#### **Case Study - Woollahra Council**

Over the period 2013-2015 Woollahra Council undertook detailed investigations in the process of developing a CZMP for the LGA. Council received a Coast & Estuary Grant in 2015 to undertake Stage 2 of the Coastal Zone Management Plan and completed Milestone 1. The CZMP was then put on hold, awaiting the finalization of the new Coastal Management Act, and was not completed. Consequently, its draft CZMP cannot be transitioned to a CMP.

Upon enactment of the new Coastal Management Act, rather than continue to develop a single LGA-wide CMP, OEH advised Council to participate in the development of the Sydney Harbour Estuary CMP and consider undertaking a CMP in partnership with Waverley and Randwick Councils for the Open Coast area. However, as it is still undecided whether the Sydney Harbour CMP will be developed (see above explanation) and due to the delays in getting grant funding to develop the scoping study for the Eastern Beaches CMP, it would have likely been more efficient to continue to prepare a CMP independently for the whole Woollahra LGA.

Council recently applied to OEH for a Coast & Estuary grant to upgrade a gross pollutant trap along the Rose Bay beachfront, and the grant was rejected on the basis that Council did not have a certified CZMP or CMP. As it appears having a certified CMP for either Sydney Harbour or the Eastern Beaches is unlikely to occur in the short term, Council will be unable to access these grant funds.

To expedite the delivery of regional CMPs, greater support is needed at the scoping study stage. It is at this stage that governance, commitment by relevant parties, key issues and the cost of the CMP is identified. By providing greater financial support for scoping studies, it would enable Councils to deliver scoping studies more easily.

Finally, an additional barrier to the Sydney Harbour CMP is the lack of clarity around the Sydney Harbour Regional Environment Plan (REP) and how the provisions will be rolled into the Environment State Environmental Planning Policy (SEPP). The Sydney Harbour REP has unique provisions specific to the harbour that will greatly influence the development of the Sydney Harbour CMP.

**Recommendations:**

- d. Provide greater flexibility in funding scoping studies by moving away from the 50:50 funding model and removing the barrier that no other grant funding can be used.
- e. provide clarity on the provisions of the Sydney Harbour REP and how they will come across to the Environment SEPP.

### 3 Delays in processing grant applications

Some of our member Councils are experiencing delays in the processing of grant applications to access OEH’s coast and estuary funding for the development of scoping studies. Scoping studies are the first stage of the CMP process and Councils can apply for 50:50 funding to for their development. Any delays in the processing of these applications creates further delays in the development of the CMP. Those applications that are currently being assessed by OEH are identified in Table 2.

Table 2 – Applications from member Councils that are currently being assessed by OEH

Title	Councils	Time taken to assess application
Hawkesbury River System CMP Scoping Study	Hornsby, The Hills Shire, Hawkesbury City, Ku-ring-gai, Central Coast, and Northern Beaches Councils	Submitted in August 2018 – still awaiting outcome
Eastern Beaches CMP Scoping Study	Waverley, Woollahra and Randwick	Submitted in July 2018 – still awaiting outcome

**Recommendation:**

- f. The NSW Government commits to assessing grant applications within three months of receipt.

### 4 Lack of awareness and responsiveness by certain state agencies

SCCG strongly supports a whole of government approach to the development and implementation of CMPs. This is particularly recognized by s.23 of the CM Act which requires that public authorities (other than local councils) are to have regard to CMPs to the extent that these programs are relevant to the exercise of their functions.

Our member Councils have a long history of having difficulty in getting public authorities to collaborate on coastal management. Although s. 23 of the CM Act is highly welcomed, there appears to be a lack of understanding by some state agencies in the CMP process and this is likely to present challenges and delays

for our Councils as CMPs are progressed further. This is despite many areas of our region containing land that is managed by Commonwealth and state bodies and not local councils.

#### **Recommendations:**

- g. Raise awareness amongst relevant public authorities on the benefits and requirements set by the CM Act.
- h. Create a formal channel for Councils to refer issues they are facing with public authorities during CMP development with a commitment that these issues will be responded to within three months of receipt.
- i. Assist Councils by identifying who the key contacts are within NSW Government to discuss coastal management issues by providing a key contacts list.

## **5 The 50:50 funding model creates barriers where multiple Councils are involved**

For Councils to access funds through OEH's coast and estuarine funding program, they must firstly commit to providing 50% of the funds. Where a CMP applies to only one or a few Councils, then this funding model can work. However, for CMPs which require funding commitments from many Councils then it presents significant challenges.

The Sydney Harbour CMP for example has recently completed its first stage – the scoping study. Through the scoping study 21 Councils have been identified. Within the scoping study it is estimated that the CMP will cost approximately \$3 million and a proposed funding model identifies that the 12 primary Councils on the foreshore should commit \$100,000 each over 3 years whilst the remaining 9 secondary councils should commit \$20,000 each over three years.

However, no commitment has been made by any of these Councils to commit to the 50% funding needed to deliver the CMP and many have reservations about committing to this funding. Key issues raised by our member Councils are:

- **Inequality** – there is a general concern that Councils are being relied upon to commit to funding the Sydney Harbour CMP when there are also Commonwealth and state agencies who have responsibility for the management of the harbour.
- **Questionable benefits** – for councils that have already developed a CZMP or are transitioning to a CMP for their own LGA, what is the benefit of also covering the costs of a Sydney Harbour CMP?
- **Funding/Resourcing issues** – Some Councils simply do not have the funds available to commit to the CMP development over a three-year period. What are the staff resourcing issues for each Council? Will they have to employ additional staff to assist in the CMP delivery?
- **No guarantee to future funding** – a key driver for Councils to develop a CMP is the ability to then apply for coastal and estuary grant funding. However, Councils have questioned how long the Sydney Harbour CMP will take to develop and if there will still be funding available at the end of the process.
- **Gaining commitment from all stakeholders too complex** – Sydney Harbour has numerous Commonwealth, State and local authorities which have different responsibilities for the management of the harbour. Consequently, the development of the CMP is likely to be complex and time-consuming. As outlined in the Woollahra Council case study, some Councils are reconsidering whether to commit to the Sydney Harbour CMP and instead, develop a CMP for their own LGA.

The Sydney Harbour Scoping Study identifies that a single, whole-of-system CMP is needed to facilitate and coordinate integrated management of Australia's most iconic and important waterway. The value of



Sydney Harbour has been estimated at \$43 billion, which is founded on its geography, water quality and healthy marine ecosystem. Other studies have also recognized that “The interaction of intense commercial and recreational activity and the great diversity of species and habitats found in the estuary will need to be managed carefully into the future”<sup>1</sup>.

**Recommendation:**

j. A whole-of-government commitment is made deliver a Sydney Harbour CMP and greater than 50% funding is provided by the NSW Government for its development. Where three or more Councils collaborate in preparing a regional CMP, the program is largely funded by the NSW Government.

## 6 Lack of policy guidance

Our member Councils have identified that greater policy guidance is needed to be developed by the State Government to assist them in the development of CMP particularly in the areas of:

- **Development assessment** - to assist Councils determine how they are to be satisfied that the development requirements within the Coastal Management State Environment Planning Policy (SEPP) have been met in development assessment
- **Consistency of vulnerability mapping** – OEH and DPE’s advice is important to ensure consistency of vulnerability mapping as part of the CMP process
- **Crown Lands** - there is significant overlap with the requirements to update/create new Plans of Management for Crown Lands in response to the *Crown Lands Management Act 2016* which commenced on 1 July 2018. Often, they are the same land parcels that require CMP’s (e.g. Narrabeen Lagoon). The challenge of integrating these requirements is not yet understood, nor has guidance been provided by the NSW Government
- **Education of Councillors** – it has been identified that Councillors generally lack understanding of the issues and process around coastal management programs and this can cause significant barriers for Council staff who are keen to develop CMPs. Education material for this key stakeholder group would be highly beneficial.

**Recommendation:**

k. OEH and DPE to provide additional policy guidance to Councils to assist them in the areas identified above.

## Conclusion

The SCCG greatly appreciates the opportunity to provide a submission on the current impediment to its member Councils on the CMP process.

It is essential that the key issues outlined in this submission be considered and resolved to ensure the benefits of CMPs can be achieved and to ensure adequate protection, threat abatement, and sustainable management of coastal and estuarine areas occurs into the future.

SCCG requests that all discussion points and recommendations presented in this submission be considered alongside the findings of the Coastal Council’s audit into the CMP process.

Our submission suggests several recommendations to address impediments and is keen to assist further with their consideration. It is also keen in representation on any such coordination group(s) or committee(s), as deemed appropriate.

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<sup>1</sup> SIMS (2014) *Sydney Harbour Background Report* – report prepared for the NSW Department of Primary Industries by the Sydney Harbour Research Program at the Sydney Institute of Marine Science.