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2 November 2023

The Hon. Sue Higginson MLC  
Committee Chair  
Portfolio Committee No. 7 – Planning and Environment  
NSW Parliament  
6 Macquarie Street  
SYDNEY NSW 2000

Dear Ms Higginson

**Re: Submission to the Parliamentary inquiry into the planning system and the impacts of climate change on the environment and communities**

The Sydney Coastal Councils Group (SCCG) welcomes the opportunity to provide a submission to the above inquiry. Below is a series of issues and recommendations which the SCCG believe would improve the consideration of coastal hazards from climate change in the planning system.

**Background**

The SCCG is a regional organisation of councils (ROC) established in 1989 to promote collaboration among member councils on environmental issues relating to the sustainable management of the urban coastal and estuarine environment. The group comprises nine councils in the Sydney region which together represents nearly 1.3 million residents.

Climate change and how we adapt are some of the most pressing issues of our time. Accordingly, the SCCG is committed to act on climate change in line with its goals identified in its [2019-2029 Strategic Plan](#). Goal 1 of the Strategic Plan seeks to help people and places adapt to the future shocks and stressors from a changing climate, including from sea level rise.

A key policy lever that the SCCG and its member Councils are using to manage coastal hazards is through the development of Coastal Management Programs (CMPs) under the *NSW Coastal Management Act 2016*. The SCCG has recently been project managing the [Greater Sydney Harbour CMP](#) in which coastal inundation with sea level rise has been identified as a priority threat to the harbour foreshore. Our member Councils are also involved in developing several other CMPs across the Sydney region and all are in various stages of development.

The SCCG is also working with member councils through its Sand Management Working Group to advocate for and support beach nourishment, beach scraping and other sustainable sand management actions that together can help protect private property and public assets from the increasing threat of coastal erosion.



## 1. Address limitations of Planning Powers in addressing Coastal Hazards

It has been well accepted for many decades that historical development in the coastal zone has occurred without a full appreciation of the coastal hazards at that time or predicted for the future. This underscores the limitations of past planning powers in dealing with coastal hazards.

This has led to a situation where, for example, there are some 2,340 properties across metropolitan Sydney at risk of tidal inundation based on a [tidal inundation exposure assessment of NSW estuaries](#) completed by the NSW Government in 2018. This number is estimated to increase four-fold to 9,530 with a one metre rise in sea level. This number would increase further still if non-tidal anomalies like storm surge as well as co-incident flooding in coastal catchments are accounted for.

The NSW Coastal Management Framework, including the development controls in the now *State Environmental Planning Policy Resilience and Hazards 2021* (the SEPP), have gone some way to ensuring current and projected coastal hazards in vulnerable coastal areas are properly considered. Application of these controls to individual developments can, however, be problematic for several reasons including:

- defining coastal vulnerability areas, as described under the *Coastal Management Act 2016* and the SEPP (Resilience and Hazards) 2021, is difficult in the absence of state guidance on sea level rise projections
- controls in the SEPP may not be well supported by more detailed LGA-specific controls in councils' development control plans or accompanying technical guidelines
- there may be little consideration of the implications of approving coastal development in areas where surrounding private property, public infrastructure and public land may be adversely affected by future coastal inundation, potentially jeopardizing the long-term liveability of the proposed development
- cumulative risk may increase by allowing an increase in residential densities within vulnerable coastal areas
- broader, more strategic management options for the coastal zone such as accommodate, retreat or defend options might not be taken into account.

Moreover, planning powers consider future coastal development and cannot be easily applied to address problems of legacy development. As stated in the [2018 Coast Adapt Information Manual 5 – Adapting to long term coastal climate risk through planning approaches and instruments](#) (pg 19):

*'Retrospectively improving the resilience of exposed properties after development has occurred is possibly one of the toughest coastal planning challenges. Enhancing the resilience of private property (such as dwellings exposed to increased risk of coastal flooding) is very difficult to achieve through the land use planning system, which primarily governs future proposals rather than operating in a retrospective way.'*

Given these limitations, SCCG believes it is essential to consider statutory planning approaches and instruments alongside other approaches such as strategic land-use planning, coastal engineering, community engagement and market-based instruments (like voluntary redevelopment or purchase) when managing the coastal zone. These approaches should also be integrated within an overall framework of coastal adaptation.

## 2. Appropriately fund and require the use of fine scale future climate data

To ensure the NSW Planning System supports planning for climate change, it is vital that instruments that guide decisions use future climate data. Although fine scale climate information is available in NSW via the NARCLIM modelling project, it is not being used in planning instruments. Currently all infrastructure, planning and emergency management plans are only using historical weather records to guide planning and preparation.



The NSW Government should also fund and publish fine scale coastal hazard mapping, in a form which provides easy to use data and maps that represent the risks of climate change to existing coastal hazards. Local Government should also be supported in ensuring section 10.7 certificates reflect climate change risks and incorporate robust hazard studies at a local scale.

### 3. Embed Coastal Adaptation Pathways Planning in the NSW Planning System

Coastal adaptation pathways planning was developed internationally in the early 2010s as a means of responding to the uncertainty around coastal management and climate change. This planning approach utilises a combination of policy instruments applied at different times in response to pre-defined triggers that work collectively to keep coastal risk within tolerable levels.

Coastal adaptation pathways planning is supported at a Federal level through [CoastAdapt](#) and in NSW through the [NSW Coastal Management Manual](#). Application of this approach is, however, challenging and still in its infancy in NSW.

The World Resources Institute [Adapt Now Global Commission](#) on adaptation argues that communities can be active and innovative in developing solutions yet lack access to the resources and power needed to implement solutions. Effective adaptation governance will only be achieved if we deepen subsidiarity (which underpins Australian Constitution) to enable locally led adaptation. Local government is best placed to identify and implement adaptation responses – in collaboration with their communities.

Building on the work of the Greater Sydney Harbour CMP, SCCG has prepared a positions paper on coastal inundation and sea level rise that calls for the establishment of a framework for coastal adaptation pathways planning in the Sydney region. The framework is proposed as a consistent approach by which foreshore councils can undertake local adaptation planning to manage risk from coastal inundation within their local government areas (LGAs).

Importantly, the framework is intended to provide guidance for foreshore councils in not only applying the development controls given in the SEPP (Resilience and Hazards) 2021, as well as respective local environmental plans and development control plans, but also undertaking strategic land use planning. It is also expected to consider planning for public assets required to support (or protect) current and future development.

The framework is intended to be informed by the Department of Planning and Environment's (DPE) hydrodynamic modelling of current and projected coastal inundation as well as forthcoming DPE guidance on the application of adaptation triggers and thresholds. It could also have regard to the disaster adaptation planning approach being developed by the NSW Reconstruction Authority.

The framework is considered advantageous in helping address the problems listed above. For instance, it could conceivably utilise rates of sea level rise to inform action rather than setting traditional time-bound, sea level rise benchmarks. It also ultimately moves towards setting the strategic context in which current and future coastal development can be sustainably managed.

SCCG has recently suggested two options to the NSW Government by which the framework for coastal adaptation pathways planning could be prepared and is awaiting a response from the Minister for the Environment.

### 4. Address constraints of the NSW Coastal Management Framework

The NSW coastal reforms and establishment of the NSW Coastal Management Framework were a promising attempt to, *inter alia*, address the limitations of the former *Coastal Protection Act 1979*, the various coastal-related SEPPs and the previous coastal zone management plans. CMPs, undertaken by councils and ROCs are the primary vehicle for implementing the framework.



As required under the *Coastal Management Act 2016*, councils must integrate their CMPs into the land-use planning system. This requires assessing the effectiveness of land-use planning instruments, setting planning horizons and potentially submitting planning proposals to amend planning instruments. It is therefore logical that the proposed coastal adaptation planning framework address these requirements and ultimately form part of a CMP.

The timely development of CMPs in the Sydney region has, however, been difficult and has lagged the development of CMPs elsewhere in the state. CMPs in the Sydney region cover multiple LGAs and as such are managed by regional organisations like SCCG. Managing large CMP projects with complex project governance arrangements involving multiple councils and state agencies is extremely challenging for ROCs with comparatively limited capacity.

These problems are exacerbated by the funding available under the NSW Coastal and Estuaries Grants Program for project managing multi-council CMPs being restricted to only 20% of the total project budget. The SCCG has made several representations to the NSW Government regarding CMP governance and funding issues and, most recently, has requested greater support for catchment groups in the Sydney region.

Technical guidance for coastal adaptation in NSW is also limited. Despite supporting coastal adaptation, the NSW Coastal Management Manual provides very little specific guidance. The manual is also more focussed on coastal hazards affecting the open coastline within single LGAs and is more difficult to apply to coastal inundation within the highly developed estuaries in the Sydney region that extend across multiple LGAs.

The draft [NSW Coastal Design Guidelines](#) is another important document for guiding coastal development that also support coastal adaptation pathways but, similarly to the NSW Coastal Management Manual, provides little detail on how to do so. SCCG is also concerned by the time taken for the guidelines to be drafted, finalised and released.

The NSW Coastal Management Framework supports the objects of the *Marine Estate Management Act 2014* and the corresponding [NSW Marine Estate Threat and Risk Assessment](#) (TARA) and [NSW Marine Estate Management Strategy](#) (MEMS). Climate change and coastal inundation has been identified under TARA as a priority threat particularly to estuarine foreshores, and planning for climate change consequently forms one of the nine MEMS management initiatives.

Despite MEMS proposing under this initiative to improve the capacity of NSW coastal managers to undertake strategic climate change adaptation planning, there appears to be little relevance to the needs for coastal adaptation in the Sydney region. Again, SCCG is dismayed by the time taken to progress certain MEMS initiatives, the limited consultation and communication held with Sydney Councils, and the lack of guidance on how to integrate any relevant findings into CMPs.

## 5. Assist Councils maintain beaches given their importance for coastal protection

Local Government councils are generally responsible for the maintenance of beaches within their local government areas (LGA). These are highly valued assets. In 2016, the total value of Sydney's coastal beaches to its residents was valued at around \$1.3 billion per annum<sup>1</sup>. They are major attractions for both domestic and international tourists and support coastal businesses and economies. They are also often the first line of defence to protect adjacent foreshore properties and infrastructure during storm events.

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<sup>1</sup> Sydney Water (2016) Economic and social value of improved water quality at Sydney's coastal beaches. deloitte-au-economic-social-value-improved-water-quality-sydneys-coastal-beaches-140716.pdf



Beaches are subject to periodic and/or ongoing erosion due to changes in ocean and atmospheric conditions including large ocean swell, ocean tides and currents, storms and strong winds. Many coastal beaches need regular sand nourishment and it only takes one or two storms with strong sea swells for sections to be washed away. Unfortunately, the frequency of beach nourishment is likely to increase under a changing climate.

There are significant challenges faced by councils in maintaining Sydney's beaches now and into a future of increased frequency and intensity of storms partnered with sea level rise. Unfortunately, without a whole of government approach, Councils will have limited capacity and funds to address this need.

Whilst there are clear provisions for beach nourishment under emergency situations, provisions for mitigating the impacts of beach erosion in response to increasing impacts associated with climate change are not as readily enabled. Currently councils are expected to plan for, develop and fund actions for beach erosion under CMPs but there are significant limitations with the development of CMPs as discussed in preceding sections.

Furthermore, large volumes of sand generally need to be sourced on an ongoing basis and are costly in terms of logistics and resourcing to procure. There are a variety of sources of sand including land-based or from within sediment compartments. There are also large sources of sand offshore but these are too costly for individual Councils to obtain and approvals processes are complex and onerous. Currently, there is not a clear way forward for exploration licences being granted to access off-shore sand.

Future planning reforms need to recognise that councils do not have the resources to respond to the ongoing demands for beach nourishment from climate change and need to effect a whole of government approach to the protection of beaches.

I trust our submission will be useful for your inquiry. If you have any queries, please do not hesitate to contact me on 0407 733 075 or at [executiveofficer@sydneycoastalcouncils.com.au](mailto:executiveofficer@sydneycoastalcouncils.com.au).

Yours sincerely



Sarah Joyce  
**Executive Officer**

