



Monday, 1 June 2026

Re: Submission on EIE improving coastal management

To NSW Government,

Thank you for the opportunity to comment on the Explanation of Intended Effect (EIE).

The Sydney Coastal Councils Group (SCCG) is a regional organisation of councils, 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 adjacent to Sydney marine and estuarine environments and associated waterways and represents nearly 1.3 million Sydneysiders.

We are guided by the SCCG's 2019-2029 Strategic Plan which includes six goals, as listed below:

- People and places adapt to a changing climate and future shocks and stressors
- Waterways and the foreshore are protected and healthier
- Marine biodiversity is protected in the bioregion
- The SCCG Region is comprised of sustainable, liveable and 'smart' cities
- There is a collaborative, effective and consistent approach to coastal and estuarine management

We welcome the improvements to coastal management and support the aims to:

- support ecosystem restoration by making it clearer and easier to obtain approvals for blue carbon and ecosystem restoration projects
- continue to protect coastal wetlands and littoral rainforests while streamlining approval processes for low impact proposals
- update approval arrangements for coastal protection works to make them clearer and more practical.

The SCCG provided comments on the recent EIE for the proposed Climate Change & Natural Hazards (CC&NH) State Environmental Planning Policy (SEPP), replacing the Resilience & Hazards (R&H) SEPP which will be referenced in this submission, where relevant. Our comments on the EIE for improving coastal management are provided below, in response to the 'Feedback sought' questions.

2 Blue carbon and ecosystem restoration

Sec. 2.2 new land use and approval pathway for tidal restoration projects

Should a 'development without consent' approval pathway also be available for tidal restoration projects by other parties that are not public authorities? If so, what scale or types of projects or controls would be appropriate?

Don't support. For consistency with other environmental assessment and approval pathways, Part 4 of the EP&A Act and the need to obtain development consent should apply for parties that are not public authorities. The EIE acknowledges also that 'Tidal restoration projects are



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likely to be complex and require a number of approvals in addition to a planning approval' which further supports the argument to retain the Part 4 planning pathway and need for development consent.

For councils, do you have any concerns or need support to assess development applications for tidal restoration projects? If yes, what type of support do you consider is required?

The Commonwealth 'Tidal Restoration of Blue Carbon Ecosystems Method' would provide some guidance for assessment and could be linked in the Coastal Wetland and Littoral Rainforest Technical Guide.

Sec 2.3 Tidal restoration projects and Part 5 activities

We welcome suggestions for specific guidance on considering the significance of impacts for tidal restoration projects.

Agree, it is important to clarify how impacts should be evaluated and avoid confusion with adverse impacts, through a dedicated guideline to assist public authorities in their assessments.

Sec 2.4 Guideline for tidal restoration projects

We welcome suggestions for matters to be included in the tidal restoration projects guideline.

Support the Department's intention to prepare an approvals guideline for tidal restoration projects, incorporating the clarification of impacts referred to in Sec 2.3.

Sec 2.5 New framework for ecosystem restoration projects

What types of ecosystem restoration works should be provided for within this new planning approval framework?

Support the identification of a suite of ecosystem restoration works, including tidal restoration projects and a streamlined planning approval pathway. We note recent examples within Project Restore where obtaining approvals for restoration sites was the biggest challenge, especially for keeping within timeframes for grant funded projects. These projects included Living Seawalls and wetlands restoration. There has also been a suggestion of linking the types of restoration works to the threats to the ecosystem such as sediment and erosion control. Also support permitting ecosystem restoration projects in any zone as development without consent where undertaken by or on behalf of a public authority. The need for development consent should be retained in other cases.

Are there particular issues and impacts that should be addressed in the 'aims' of the provisions or in the development controls for ecosystem restoration projects?

Projects should as far as possible be strengthened by consideration of connectivity to other habitat and climate change adaptability including sea level rise and provision for landward migration. This should apply to all habitat types including beaches.

Should a 'development without consent' approval pathway also be available for ecosystem restoration projects by landholders or other parties that are not public authorities? Should this be restricted in any way e.g. a certain scale or type of works?

Not supported. Our comments related to tidal restoration projects, under Sec 2.2 also apply here. For consistency with other environmental assessment and approval pathways, Part 4 of the EP&A Act and the need to obtain development consent should apply for parties that are not public authorities. There are potentially a range of impacts from the works, including construction impacts and the proposed outcomes of the works require careful consideration, to avoid any adverse impacts. The opportunity to strengthen proposals in relation to climate change resilience and connectivity to other habitats should also be afforded through a formal development assessment process. The Part 4 planning pathway and need for development consent should be retained.

Are there other options that should be explored to facilitate a planning framework that encourages ecosystem restoration?



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Biodiversity and/ blue carbon credits could be offered, including recognition of contributions to the natural estate. Rebates on rates for ecosystem restoration projects could also be considered. Councils could also establish grants programs. There may also be opportunities to link support from conservation volunteers for on ground works. Local Friends groups could also be encouraged to be involved in the works, as well as undertake some form of ongoing stewardship for projects. Ideally, these options could be incorporated in the planning framework.

3 Coastal management

Sec 3.2.1 Map review process

Do you support the proposed CWLRA map review process and do you have any suggestions on how it could be improved?

Don't support as biodiversity mapping can only change by the landholder. Unless you create a process where there are submissions, it will be rigid.

We also have concerns regarding the circumstances of granting an exemption from the need for development consent, where DCCEEW concludes that land proposed for development is not a coastal wetland or littoral rainforest. There is insufficient detail provided in the EIE to conclude if this is a reasonable approach, especially where such areas are immediately adjacent to the Coastal Wetlands & Littoral Rainforest (CWLRA) Area. These concerns include whether this approach may add to the incremental loss of already much reduced natural areas. It is unclear if there would be any consideration of the provision for climate change impacts and landward migration of CWLRA areas. In addition, it is unclear if provision for the proximity area or habitat connectivity would be taken into account in the proposed approach. Also, these adjacent areas would likely have restoration potential which needs to be assessed through a development application process. This should avoid potential inconsistencies with the overarching objective of improving planning processes in support of ecosystem restoration.

Further, we query if it's reasonable to determine 'minor map inaccuracies' by desktop analysis, rather than a site visit. The proposed process by which a decision is made to amend the CWLRA map needs to be improved, to include a site visit and by retaining the need for development consent, to demonstrate that landward migration opportunities, proximity area, habitat connectivity and restoration potential have all been fully considered. There would also be an added improvement to have the desk top review undertaken by an expert.

Sec 3.2.2 Subdivision of land containing CW or LR

Do the proposed amendments for subdivision of land within a coastal wetland or littoral rainforest achieve an acceptable regulatory balance?

The wording in this subsection: "...does not directly impact a CW or LR" needs clarification, especially in relation to potential impacts on landward migration pathways for CWLRA to ensure these impacts are not mistaken for indirect impacts.

The proposed amendment to Sec 2.7 of the R&H SEPP for subdivisions that do not propose any new lot boundaries that intersect the CWLRA or the 100m proximity area are not designated development seems reasonable. We note, importantly that development consent will still be required for these subdivisions.

The policy intent should also include not only appropriate buffers from development impacts but adequate provision for climate change impacts and landward migration.

Sec 3.2.3 Boundary realignments as exempt development

What are the appropriate criteria to apply when assessing whether a boundary realignment should be classified as exempt development?

We support the area being quantified but the amount is questionable. However, the interpretation of a 'minor change' in the area of any lot by more than 5% or 10ha for the purposes of determining whether an exempt pathway applies, is not supported. Ten hectares is a substantial amount of land, where it may result in land clearing within a conservation zone



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which would need environmental assessment and development consent. This leniency could potentially result in incremental loss of valuable ecological habitat ie. cumulative effects. A more conservative limit is required for a conservation zone to clarify definition of boundary realignment. Suggest that a 'minor change' should be limited to 5% or one hectare, whichever is the lesser. In other words, any changes to boundary realignments that are greater than one hectare would require development consent.

Sec 3.2 Coastal wetlands and littoral rainforests

What other options can be considered to promote the rehabilitation and restoration of coastal wetlands and littoral rainforests?

Biodiversity and/ blue carbon credits could be offered, including recognition of contributions to the natural estate. Rebates on rates for ecosystem restoration projects could also be considered. Councils could also establish grants programs. There may also be opportunities to link support from conservation volunteers for on ground works. Local Friends groups could also be encouraged to be involved in the works, as well as undertake some form of ongoing stewardship for projects. These options could be offered outside of the planning framework.

Sec 3.2.6 Landward migration of coastal wetlands

What other planning measures could help plan for and consider future migration pathways for coastal wetlands?

Incentives could be offered for landowners to set aside land that is adjacent to and/or landward of coastal wetlands for conservation purposes and to undertake land stewardship. Councils could adopt policies to protect council managed public land on and adjacent to foreshores for the purposes of landward migration of coastal wetlands. This could include excising portions of land on the foreshore fringes of public reserves, without compromising the use of reserves.

We would also query in practice, how might a development be disapproved or require modification if coastal wetland migration isn't adequately considered? Has the Department thought about strengthening proximity area provisions and updating mapping to include areas predicted to support future wetland migration?

We support Clause 3.2.8 and consider that there is value in doing CMPs every 10 years and ensuring the CMPs map and consider landward migration.

What guidance can be provided to support consideration of coastal wetlands migration?

The proposed 'Coastal Wetlands and Littoral Rainforest Technical Guide' would be fit for this purpose. Councils could also be supported to undertake strategic reviews of local CWLR areas to identify where coastal wetlands migration is critical and opportunities where coastal wetland migration could be provided for.

Sec 3.3.1 Types of coastal protection works and their approval

Are the proposed changes helpful for interpreting coastal protection work approval pathways and assessment requirements?

Changes proposed to Sec 2.16 of the R&H SEPP seem mostly reasonable. Clarification of the definition of beach nourishment is important, providing for sand to be added to a beach or beach fluctuation zone. Distinguishing what is not beach nourishment, including beach sand bypassing/backpassing, sourcing sand and dredging is necessary to confirm where development consent should be required.

However, some of these activities including beach scraping and dredging are often recurrent activities, occurring in the same locations. For beach scraping, it's recognition as a low impact activity and being added to the list of coastal protection works that a consent authority can undertake without development consent under section 2.16(2) of the R&H SEPP is important and fully supported.



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More could be done to support dredging activities such as streamlining planning approvals which could be in the form of strategic assessments or codes of practice, similarly to what is provided for through Fisheries permits.

Sec 3.3.2 Placing sandbags for not more than 90 days

Is the proposed extension of 90 days to 365 days for these coastal protection works reasonable?

In our submission on the proposed CC&NH SEPP, the SCCG noted the challenges for councils to meet the 90-day time limit for temporary coastal protection works. We suggested this time limit and the overall clause be reviewed such that councils are given sufficient time to fully investigate, design, fund and install coastal protection works. Therefore, the proposed extension of 90 days to 365 days for temporary coastal protection works is fully supported.

Sec 3.3.3 – 3.3.5 Coastal protection works

Are the coastal protection works assessment requirements clear and of assistance?

We note that it's proposed that Sec 2.16(3) will be clarified to confirm the current policy that emergency coastal protection works undertaken by or on behalf of a public authority are only exempt development when carried out in accordance with a coastal zone emergency action subplan in a certified CMP.

We would also ask if special cases for emergency protection works could be afforded as exempt development for Sydney region councils, in spite of not having a certified CMP in place. This could include circumstances where a CMP is under development, has progressed to Stage 1 or Stage 2 and has identified risks from coastal hazards. It is recognised that progress to completion of several multi-council CMPs in the Sydney region is protracted due to their complexity. These councils are increasingly needing to undertake emergency protection works in the face of climate change impacts, such as increased frequency and magnitude of storms and coastal erosion. There are no appropriate planning approval pathways for these councils, in the absence of a certified CMP and Coastal Zone Management Plans having formally lapsed.

We fully support the Department's intention to publish guidance on how councils may consistently identify the purpose and extent of proposed coastal protection works, to ensure this streamlined planning approval pathway may be applied for the life of the certified CMP. We would ask that the Department consult with councils on a draft version of this guidance.

The Department should also consult on any draft guidelines before finalising to ensure they are fit for purpose. We note that most of the guidance is focussed on the coast with not much focus on estuaries and should be improved.

Sec 3.3.6 Regionally significant coastal protection works

Do the proposed clarifications support clear and consistent interpretation and application of the existing requirements of Section 8A for coastal protection works in highly exposed areas?

We note the policy intent of section 8A of schedule 6 of the Planning Systems SEPP is to ensure coastal protection works in exposed coastal locations (i.e. that are at higher risk of failure or have a greater risk of adversely impacting other land) are assessed by experts qualified in the relevant field. Further, the regionally significant development pathway will be integrated back into the local development pathway. This seems reasonable.

Sec 3.4 Guidelines and templates

Suitably qualified ecologists and other experts are welcome to provide feedback on the draft Coastal Wetland and Littoral Rainforest Technical Guide (exhibited with this EIE), to ensure it is clear and practical to use.

The development of this guideline is fully supported, see references in previous sections. Seeking expert comment on the guideline is also strongly supported.

Appendix A: Summary of proposed housekeeping amendments



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B&C SEPP

We wish to raise other important housekeeping matters relating to climate change considerations to ensure they are not altered in the transfer from the R&H SEPP to the B&C SEPP.

Under cl 6.28 (1)(e) of the B&C SEPP, the consent authority must consider whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change. This does not extend far enough and should be made consistent with cl 2.12 of the R&H SEPP.

We ask that a general review of climate change provisions in the B&C SEPP be undertaken to ensure consistency with the R&H SEPP and for development on foreshore land, as well as the transfer of climate change provisions for CWLR and CEA areas, proposed to be moved into the B&C SEPP. There are also special provisions in the B&C SEPP under Parts 6.2 Development in regulated catchments and 6.3 Foreshores and Waterways Area that may require change to be consistent with provisions in the Coastal Management Act on Coastal Environment Areas as it would apply to Sydney Harbour (and also Botany Bay).

R&H SEPP

We support the proposed change to cl 2.12 for proposed development that is not likely to cause increased risk 'of' coastal hazards to 'from' coastal hazards. This clarifies the intent.

In addition to detailed comments above, we provide the following general comments:

- Further clarification on the proposed planning and approval framework, including interactions with existing SEPPs, approval pathways, and the intended role and responsibilities of any future Development Coordination Authority.
- Clarification on the evidence requirements, assessment process and decision-making framework for addressing known inaccuracies in Coastal Wetlands and Littoral Rainforest mapping under the Resilience and Hazards SEPP, particularly where development consent exemptions may apply.
- Clarification on whether additional legislative or policy reforms are proposed, including any amendments to the National Parks and Wildlife Act and associated First Nations policy frameworks relevant to tidal restoration projects
- Recommend that proposed provisions relating to temporary coastal protection works recognise the practical design life limitations of sandbag structures. Consideration should be given to establishing design life requirements or performance standards that align with any extended allowable placement periods.

I trust that our comments will be well received. If you have any queries, please contact me on 0407 733 075 or by email at executivedirector@sydneycoastalcouncils.com.au

Yours sincerely,



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