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Bruce Coates
Manager, Coast, Estuary and Flood
Department of Planning and Environment
6 Stewart Avenue
Newcastle West 2302

Via email: info@claudinelyonsconsulting.com.au

Statutory Review of Coastal Management Act 2016

Thank you for the opportunity to comment on the review of the Coastal Management Act 2016. Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities.

This is a draft submission until it is endorsed by the LGNSW Board. We will advise at that time if there are any substantive changes to the submission.

Question 1. Do you think the objectives of the Act remain valid? Why/Why not?

The objectives of the Act generally remain valid and appropriate. An addition which could be made to better emphasise that adaptation can minimise the need for resilience is (in bold):

Object (i) to encourage and promote plans and strategies to **adapt or** improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm event

Question 2. Do you think the objectives and definitions of the four coastal management areas remain valid? Why/Why not?

A common issue that councils have raised with LGNSW relates to the definition of coastal management areas, which tends to be limited to LGAs with a boundary on coastal / estuarine waters. The potential impact of activities in LGAs in the broader catchment area (eg upstream) are currently not well recognised and amendments are needed to redress this.

Question 3. Are the terms of the Act appropriate for securing the objects of the Act?

Section 15(1)(d) of the Act requires councils to identify the cost of actions, cost sharing arrangements and viable funding mechanisms, and Section 23 requires other public authorities to have regard to coastal management programs to the extent that those programs are relevant to the exercise of their functions.

Councils have reported challenges with engaging public authorities in the Coastal Management Plan (CMP) process, and in particular gaining commitment from these public authorities to undertake and fund actions. For some smaller councils the task of bringing together the different agencies can be onerous. Other councils have noted that agency

feedback in the scoping study process has only come at the end of the process even though it was sought throughout, creating additional work and costs and requiring councils to redo aspects of the study at a late stage.

Support for councils in securing public authority commitment to the CMP process and signing off on commitments in a timely way is recommended. This could be through regional level MOUs or in placing a greater onus on public authorities to engage (rather than relying on councils to drive this). Alternatively, a brokering service or relationship manager between councils and relevant public authority staff would be useful. This may include a list of key contacts and creating a formal channel for councils to refer issues they are facing with public authorities during the development of CMPs.

Question 4. What amendments – if any – do you think are needed to the Act?

Coastline not covered by CMPs

Experience has shown that it is not feasible for councils to cover all coastal communities within a CMP especially areas surrounded by crown land and national parks. This leaves some residents exposed with no management strategy in place. The coast is dynamic and in a changing climate, it may be that some areas that were not considered a priority for a CMP are now vulnerable. It may be timely in this review to consider the management of coastal hazards in these areas until it is feasible to have a CMP for the majority of the NSW coastline.

Multi-council CMPs

The Act has been written on the assumption that CMPs are developed by individual councils. However in some cases the involvement of two or more councils is required for a particular coastal area to ensure that activities are coordinated and responsibility is shared. The Act and supporting guidance should provide for multi-council CMPs.

State and Federal Infrastructure

Councils also need greater support to manage areas experiencing erosion exacerbated by state and federal infrastructure such as ports, breakwaters and airports. For example, the breakwaters at the Hunter River entrance have interrupted the flow of sand from Nobbys north to Stockton Beach, while Sydney Airport and Port Botany have changed the refracted wave patterns contributing to erosion at Lady Robinson beach. There is a need for greater recognition that assets like these cause ongoing management issues that need ongoing financial support and maintenance to secure safety and amenity for the local community.

Thank you again for the opportunity to provide input to the Act review. If you would like further information on LGNSW's position, please contact Susy Cenedese Strategy Manager Environment on 02 9242 4080 or susy.cenedese@lgnsw.org.au

Yours sincerely



Damian Thomas
A/Executive Manager Advocacy