



Coastwatchers

Eurobodalla's environment group

23 February 2016

Coastal Reforms Team,
Office of Environment and Heritage
PO Box A290,
Sydney South
NSW 1232

Dear Madam/Sir,

Submission on NSW Coastal Management Reforms

Attached is the Submission of the Coastwatchers Association Inc. relating to Stage 2 of the NSW Coastal Reform Package.

Yours sincerely

Richard Roberts
Secretary

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SUBMISSION ON NSW COASTAL MANAGEMENT REFORMS

1. The Coastwatchers Association Inc.

The Coastwatchers Association is a community organisation that has served the Eurobodalla region of the South Coast of NSW for over 30 years. The Association is the leading independent environmental watchdog for the region, acting in close co-operation with the wider community, the environment movement, the Eurobodalla Shire Council and the NSW State Government. The Association aims to help protect the environmental health, integrity and beauty of this special coastal region. The Association aims to raise awareness in the community of environmental, climate change and sea level rise issues.

2. NSW Coastal Reforms

The Association supports the review of the Coastal Protection Act 1979, an Act some 35 years old. As a matter of principle, legislation needs to be regularly reviewed to ensure it is relevant for not only the present but for the next 30-40 years. The new Act must be legislatively flexible to meet changing circumstances in the natural environment such as sea level rise, and changing pressures and expectations from the community. In particular, increasing population pressures demanding greater residential and recreational access to the coastal region, will be an ongoing and accelerating issue. While the new Act has to be consistent and in tune with existing and evolving development requirements, the protection of the scarce and fragile coastal environment has to be paramount.

The 1979 Act was introduced following severe coastal damage from storms in the 1960s and 1970s. The philosophy encompassed in that Act, was that human development should not adversely impact on the natural processes of coastal behaviour, nor should any development adversely impact on those natural coastal processes. That underlying philosophy must not be altered in this new legislation.

The Association supports the proposal to use the existing definition of ecologically sustainable development (ESD) as defined as in section 6 (2) of the Protection of the Environment Administration Act 1991.

Exactly how the new legislative package (a new Act, a new Coastal Manual, an all encompassing new SEPP, and remapping the coastal land use categories) will operate, is simply unknown. It will be an exercise of time and experience. There may be inconsistencies, conflicts in intention, and deficiencies in the new package. The Government must be flexible, willing and able to address these issues quickly when they arise.

Obviously some resetting of legislative boundaries between the State Government and Local Governments will invariably cause friction, but it is simply far too early to

predict if the new package will work effectively. Obviously the State Government will always view itself as the upholder of all that is good, and the villains are the Local Government trying to put a 20 storey building in every swamp adjacent to the Beach. But ICAC would not support that view. There needs to be a meaningful and cooperative sharing of power, if this reform package is to work effectively.

The Coastwatchers Association suggests there should be a review of this entire legislative package in about 5 years time. By then all stakeholders will have had operational experience, and identified significant areas for review.

3. NSW Coastal Council

Arguments regarding the composition and functions of the proposed new Coastal Council will be endless. The important thing is that the Council is independent particularly of the Minister and Department, and can provide sound independent advice, without fear of political retribution. Stakeholder groups on the new Council must be free to nominate their own representatives, not have hand picked political operatives filling the roles.

4. Name of New Act

Names are very important. They set the direction that public thinking will follow. Take the name "Fair Trading". Drop the "Fair" and it is meaningless institution. Governments talk of Departments of Health, when in fact it is all about "Departments of Ill Health". Words mean much, if only for perception. The old State Pollution Control Commission was a great exercise in misnaming - it should have been the State Pollution Permission Commission!

So if the primary intention of this legislation is to "Protect" the coastline then simply say it, and keep the existing name. The storms that resulted in the 1979 Coastal Protection Act, have not gone away. If science is right and sea level rise occurs and storms become more intense, then the protection of the coastline and the population, will be of far greater importance than in the past.

The word "Management" always implies bureaucratic control. If the emphasis is on "Management" rather than "Protection", then good or bad management will always be the primary focus, and the result the Government demands, not "Protection". Words are very important.