

## COASTAL MANAGEMENT BILL 2016

### *Second Reading*

**Mr ROB STOKES ( Pittwater—Minister for Planning) (17:02):** I move:

That this bill be now read a second time.

It is fitting that the Coastal Management Bill 2016, which is one of the most innovative pieces of coastal planning legislation in the world, is before the House this evening, given that earlier this afternoon members passed a motion of condolence for a former Premier, Tom Lewis. Premier Lewis presided over the early years of what was arguably the most progressive decade of coastal management in the State's history—until now. In 1974 intense storms caused some of the greatest damage to the New South Wales coast in living memory. Many beaches in greater metropolitan Sydney were severely eroded and stripped of sand, including the iconic tourist destinations of Bondi and Manly. So severe was the damage to South Cronulla, it was reduced to a rock shelf. Many houses and surf clubs were also threatened. In my electorate a block of apartments in Narrabeen required emergency action to save them. My local beach of Newport was also reduced to a rock shelf, with many trees left balancing precariously, along with the surf club, on the remaining berm of sand.

In 1975, which is the year following the storms, then Premier Tom Lewis announced an initial \$5 million—which was a large sum at the time—to restore and improve the beaches in Sydney, Newcastle and Wollongong that had been ravaged by the storms. This initial grant was a catalyst for the Beach Improvement Program, which was initiated several years later and which was responsible for restoring and improving many of Sydney's iconic beaches as well as for ensuring that the natural beauty of our coastal landscapes was retained for our own generation to enjoy. I acknowledge the presence of Angus Gordon in the gallery this evening. While shortly I will speak further about his contribution to the reforms that are the subject of this bill, I make special mention that it was Angus who was appointed to set up and run the pioneering Beach Improvement Program.

Former Premier Lewis' vision was that our public beaches be improved in line with the international standards that existed at that time. This bill builds on Tom Lewis's legacy of coastal management, using the advances in knowledge, science and evidence we have gained in the 40 years since his premiership. The bill is an innovative and world-leading piece of coastal planning legislation that will become increasingly important as our State's population continues to live in coastal areas, which will likely be affected by an increase in severe weather events and greater variability of coastal processes. Nearly six million people—equivalent to 85 per cent of the New South Wales population—now live within 50 kilometres of the New South Wales coastline. Those people rely on the coast for lifestyle, employment and much that contributes to their lives. The number of New South Wales residents living in close proximity to our coastal areas is set to increase.

The existing Coastal Protection Act 1979 was prompted by the severe storms in the 1970s. The reaction of government and communities at the time was understandable: they sought to develop legislation that protected the coast and existing settlement patterns. We now know about the existence of natural systems—such as bodies of submarine sand termed "sediment compartments"—that are not uniform. Like our coastal settlements, these sediment compartments are unique. The bill is world leading in that it enshrines our scientific understanding of the natural systems that maintain beaches. These reforms will help us to continue to resolve legacy issues of the past, but also ensure we do not miss the opportunities to manage the unique environmental, social and economic values of the coast in a planned and strategic way. They encourage a proactive management approach to our coastline.

The reforms have been, and will continue to be, co-created between State government, local government, coastal experts and communities. I hope that the House will support them. When it comes to planning, meaningful, long-lasting reforms require collaboration. The bill is an important part of the New South Wales Government's coastal management reforms. The much-needed and long-awaited coastal management reforms establish the legislative and policy settings and the practical tools that resilient coastal communities need to protect and enhance the natural values of the coast; to ensure ongoing public access, use and enjoyment of our beaches and foreshores; and to prepare for and respond to existing and emerging coastal hazards and threats.

The New South Wales Government is funding these reforms properly. I was delighted to make the first announcement of the 2016 State budget recently, in which the New South Wales Government committed \$83.6 million to the management of our coastline over the next five years to support local councils and increase the resilience of our coastal communities. This is the biggest funding boost to coastal management since the 1970s and recognises the importance of New South Wales's coastal economy, environment and community cohesion.

Consultation has been a core part of this reform over the past two years. The bill is the result of extensive consultation and collaboration between the State Government and local councils up and

down the coast, as well as coastal experts and coastal communities. In November 2014 I announced a comprehensive reform agenda for coastal management at the NSW Coastal Conference in Ulladulla. Twelve months later in Forster, again at the NSW Coastal Conference, I released a draft bill for public consultation alongside key elements of a coastal manual and an explanation of the intended effect of a new Coastal Management State Environmental Planning Policy.

Around 450 submissions were received that expressed a range of views, voiced concerns, raised issues and proposed suggestions. The bill that I put before the House today has been shaped and improved because of the extremely valuable input from councils, community members and experts. In response to submissions during this process, the bill I will outline today places a greater emphasis on public safety and ecologically sustainable development in the coastal zone than was evident in the public exhibition bill. The bill also recognises the importance of dunes and now explicitly requires consideration of the surf zone.

The bill is the first legislation in Australia to specifically recognise the use of the surf zone in a land-use planning context. The surf zone is not only a place of recreation for surfers, beach fishers and swimmers but also a stunning part of the scenic values of the coast and a major element of attraction for our tourism industry. Daniel Reineman's study on the utility of surfers' wave knowledge for coastal management demonstrated how significant the surfers were in contributing to our understanding of coastal resources. The inclusion of the "surf zone" in the bill was made after a compelling submission by the Surfrider Foundation Australia, and its advocacy has improved the legislation. In addition, the important concept of a "beach fluctuation zone", which recognises the range of natural locations a beach profile occupies, has been clarified and improved.

Other representations by community groups and coastal landowners led to the retention of an existing object in the Coastal Protection Act pertaining to land identification and acquisition. It also led to the expansion of the potential fields of expertise for the membership of the NSW Coastal Council, to include experts in property law and dispute resolution. Last week I met with the Collingwood Beach Preservation Group to discuss these and other issues. Amendments moved in the other place further expanded the potential fields of expertise for the membership of the NSW Coastal Council to include traditional and contemporary Aboriginal use and management of the coastal zone. An additional amendment also requires the tabling of performance audit reports that may be undertaken by the new NSW Coastal Council. I thank all the stakeholders and members of Parliament who contributed to this process for their time and attention and their passion for our coast, particularly during the exhibition period. The Submissions Analysis Report is available on the Office of Environment and Heritage website, along with all submissions.

There is a strong rationale for the coastal management reforms of which this bill is the centrepiece. The New South Wales Government recognises the importance of our State's saltwater economy and we want to see thriving, resilient communities living, working and playing on a healthy coast now and into the future. The reason we need this reform is to make the system simpler by replacing and improving on the outdated and complex web of laws managing our coast. We also need to make the system more strategic to enable us to resolve the issues arising from past settlement patterns and to manage the unique environmental, social and economic values of the coast in a planned, coordinated and strategic way. The reforms will also provide better support for local councils as the custodians of our coast in partnership with the communities they represent.

The new legislation, the Coastal Management Bill 2016, is easier to navigate and more helpful in managing our coast. The bill provides the architecture for strategic management of our coastal areas. I turn now to the specific provisions of the bill. The bill includes a new definition of "coastal zone". Unlike earlier coastal legislation, the bill recognises that the coast is not one uniform strip of land next to the sea. Rather, the bill reflects the reality that the New South Wales coast is a unique and interrelated treasure trove of scenic landscapes, sensitive environmental processes and important public places. Those environments are linked to diverse cultural, economic and social values.

In total, it is proposed that the coastal zone be a combination of four coastal management areas: a coastal wetlands and littoral rainforests area; a coastal vulnerability area, being an area subject to coastal hazards such as beach erosion, shoreline recession and tidal inundation; a coastal environment area, which contains coastal features including coastal waters, estuaries, coastal lakes, coastal lagoons, headlands and rock platforms; and a coastal use area, being an area of land adjacent to coastal waters, estuaries, coastal lakes and lagoons where development is present or may be carried out in the future. These four areas are defined in the bill and will be mapped as part of a consolidated Coastal Management State Environmental Planning Policy.

Management objectives for the coastal zone are set out in the bill. The legislation establishes clear, outcome-oriented management objectives for each area to ensure that councils apply the best

management tools and development controls. As the most sensitive area of the coastal zone, coastal wetlands and littoral rainforests are to be protected in their natural state, including their biological diversity and ecosystem integrity. The management objectives for the coastal vulnerability area are focused on ensuring public safety and preventing risks to human life. Coastal managers are to manage these areas so as to mitigate current and future risk from coastal hazards by taking into account the effects of coastal processes, including climate change.

Importantly, public access, amenity and use of beaches and foreshores is to be maintained. The bill recognises that a fundamental understanding of being Australian is free access to our precious beaches. This is a uniquely Australian characteristic of our coastal zones. Many other jurisdictions do not have free access to beaches—an important element we seek to enshrine in this bill. The bill prioritises natural defences, including coastal dunes, vegetation and wetlands, and recognises that if these are not sufficient to reduce exposure to coastal hazards then other actions should be taken to reduce exposure. Actions that reduce exposure to coastal hazards must avoid significant degradation of or disruption to natural environmental processes as well as beach and foreshore amenity. The management objectives for the coastal environment area are to protect and enhance the coastal environmental values and natural processes of the area and to enhance natural character, scenic value, biological diversity and ecosystem integrity.

The final coastal management area is the coastal use area. The management objectives for this area are focused on protecting and enhancing the scenic, social and cultural values of the coast by ensuring that the type, bulk, scale and size of development are appropriate for the location and natural scenic quality of the coast that this bill seeks to defend. Where these management areas overlap the management objectives will be combined and the bill provides a hierarchy in case there are any inconsistencies.

The forthcoming Coastal Management State Environmental Planning Policy will set the land use planning framework for coastal management. It will support implementation of the management objectives for each of the areas that I have outlined. The Coastal Management Bill establishes requirements for the preparation of coastal management programs [CMP]. Over time, coastal management programs will replace coastal zone management plans [CZMP] prepared by local councils. The purpose of a coastal management program is to set the long-term strategy for the coordinated management of land within the coastal zone.

Under the bill, a local council may, and must if directed to do so by the Minister, prepare a coastal management program in accordance with the legislation. A council's coastal management program will need to consider and promote the objects of the Act and give effect to the management objectives for the coastal management areas. Councils will be required to consider a range of options and will need to work closely with their communities to decide the best option for a particular area.

The bill establishes the key requirements that a coastal management program must meet. These are to identify the coastal management issues affecting the areas to which the program is to apply; to identify the actions required to address those coastal management issues in an integrated and strategic manner; to identify how and when those actions are to be implemented; to identify the costs of those actions and proposed cost-sharing arrangements and other viable funding mechanisms for those actions; and, if needed, to include a coastal zone emergency action sub-plan that outlines the roles and responsibilities of all public authorities in response to coastal zone emergencies, such as beach erosion. In developing a coastal management program, a council must consult with the community and relevant public authorities.

Importantly, the bill recognises that natural processes occur on a scale larger than local government areas and requires consultation between councils that share sediment compartments and also where an estuary spans two or more local government areas. The new coastal management programs will have a strong emphasis on implementation. The bill does this by requiring local councils to give effect to their coastal management programs, including through plans, strategies, programs and reports developed under their main reporting framework, that is, the integrated planning and reporting framework [IPR] under local government legislation. This means that coastal management programs and identified coastal management activities will need to be aligned with broader community strategic plans, reflect community priorities, and be feasible and financially viable.

The bill provides the Minister with the authority to certify or refuse to certify that a council's coastal management program has been prepared in accordance with the legislation's requirements, which is primarily the proposed coastal management manual. The NSW Coastal Council will be an advisory body under the bill. The bill recreates the NSW Coastal Council, which I have already referred to, and it will be a new statutory advisory body to replace the NSW Coastal Panel. The Minister may seek advice from the NSW Coastal Council, which will be made up of people with

expertise in areas relevant to coastal management, such as coastal land use planning, coastal physical sciences, economics and social science.

The NSW Coastal Council will be allocated functions, including the provision of strategic advice to the Minister on the operation of the Act and other technical matters of State significance and in council preparation and development of coastal management programs. The Coastal Council may also be tasked by the Minister to audit the performance of a local council's implementation of its coastal management program. This will enable the Minister to determine whether coastal management programs are being implemented effectively, which is one of the key criticisms raised in consultation in relation to the existing legislative framework.

I thank those who have been integral in the drafting of the bill, that is, Darryl Low Choy, Kevin Schreiber and Kristin Stubbins. They have provided support in the preparation, reflection and peer review of the bill. I reserve special acknowledgement to two coastal experts: leading geomorphologist and member of the Wentworth Group of Concerned Scientists, Professor Bruce Thom, and Mr Angus Gordon. They are in a real sense old men of the sea. They are New South Wales treasures who have brought a lifetime of knowledge, experience and understanding to this area.

Both of them have a wide local, regional, national and global perspective on the challenges faced by coastal communities and the important intersection of engineering, ecosystem services, geomorphology and other related disciplines that need to be considered to engage in proper integrated coastal plan management, which is what this bill is fundamentally about. I cannot understate the gratitude that the New South Wales Government and members of this Parliament owe to Angus and Bruce for the work they have done to ensure the bill incorporates the best of current scientific understanding of coastal processes and reflects the desires and aspirations of coastal communities along the New South Wales coast. The bill has had to respond to the expectations of a diverse range of coastal communities, and the wisdom and expertise of Angus and Bruce has been invaluable.

Finally, I echo the calls for a national approach, national funding and national leadership on coastal management, as were made by academics Nick Harvey, Beverley Clarke and Melissa Nursery-Bray in the *Journal of Environmental Science* 2012. While it is important that States provide for integrated coastal zone management, as we do in this bill, we recognise that the challenges faced by coastal communities are real. We have an ambulatory and dynamic coastline. Our existing legal processes have not been sufficient to deal with some of the engineering, social and environmental challenges. It is important that each State reflects carefully on its coastal management legislative and policy frameworks and on the need for national consistency in approaches around coastal planning.

The issues faced by coastal communities are very real. In the last couple of weeks we have seen the first of the winter storms hit the coastline. We have a duty to the citizens of New South Wales, each and every one of whom has free access to the coast. We know how important our beaches are to every Australian. It is incumbent on all of us to use our best efforts to ensure that our laws are modern and consistent and protect the interests of current and future generations. I commend the bill to the House.