

Coastal Conference NSW 2006

KEYNOTE ADDRESS

The NSW coast from an Australian perspective

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I am always delighted and honoured to be invited to speak at the NSW Coastal Conference. It is an opportunity to share with you some of my concerns and hopes for CZM in Australia.

Over the next 20 to 30 years, an additional one million or more people will want to move to Australian non-metro coastal locations. They will have aspirations and demands. This means that coastal environments will continue to be faced with the "tyranny of small decisions". Growing populations must be catered for while sea-levels rise, water supplies dwindle and biodiversity is threatened. Furthermore the capacity of governments, especially local councils, to provide necessary planning directions and infrastructure to meet the aspirations of those seeking to live and play on the coast will be stretched.

Given this scenario, it is my premise that institutional arrangements within the Australian federated system are not really capable of meeting the challenges of protecting coastal values in the face of population expansion and global warming. My address will focus on NSW. However, many of my points are relevant to other states.

[Note: a national summary on a state by state basis is to be found in the autumn issue of Waves published by MCCN.]

Recently I spotted a quote attributed to Aristotle:

*What is common to the greatest number has the least care bestowed upon it.
Everyone thinks chiefly of his own, hardly at all in the common interests
(in Dunlop, SMH, 16/10/06).*

Words from over 2000 years ago and highly relevant today, are they not? In the coastal domain the plethora of competing and conflicting interests is manifest in so many ways as pressures for development are supported or opposed by investors, communities, media, scientists, engineers and bureaucrats all seeking to influence political decision making.

Since 1989 I have been privileged as an academic to witness and comment on processes and outcomes of decision-making where those with power and influence

have striven for benefits both private and public. But I have also been privileged to be a contributor in decision-making and have participated in the rough and tumble of political decisions, policy debates and legal confrontation. Being able to combine these two perspectives, the academic and the policy advocate, at national, state, catchment and local government levels makes me appreciate those wise Aristotelian words although the idealist in me does not want to accept them. From my point of view:

The common or public good must have its champions and deserves fighting for: private interests must somehow be reconciled with those that provide common benefits for existing and future generations.

In applying this philosophy, I have witnessed defeats and frustrations. However, I have also been party to some successes one of which is the establishment and continuation of the NSW Coastal Conference. Here I want to pay tribute to the late Councillor Joy Matthews. She provided the spark and organisation for the first and tenth conferences in Yamba. She passed away earlier this year, a true champion of coastal causes. Hopefully her legacy lives on and this annual event will perpetuate all that she stood for. I dedicate this address to Joy.

Let me now reflect on the national coastal scene. Using its rather restricted constitutional powers, the Commonwealth has intervened in state coastal interests on a number of occasions: most memorably the Great Barrier Reef in the late 60s and Fraser Island in 1975. The House of Representatives has conducted two significant coastal zone inquiries with reports emerging in 1980 and 1991. Then there was the Resource Assessment Inquiry of 1993. Its recommendations further highlighted the need for Federal action and a significant coastal program was mooted by the Keating Government. Things changed with the election of the Coalition in 1996.

Under NHT 1 there were some valuable Federal initiatives such as Coastcare and Coast and Clean Seas. The Coastal Catchment Initiative (CCI), Envirofund and regional delivery programs of CMAs under NHT 2 are now active. Also there has been the painfully slow in coming "National Cooperative Framework for Integrated Coastal Zone Management" (and Implementation Plan) between Commonwealth and States driven by some truly dedicated souls on the Intergovernmental Coastal Advisory Group (ICAG).

All these initiatives have contributed to improving the common good around the Australian coast, but there are problems. Coastcare involved incredible community efforts with over 2000 groups and 60,000 participants. Similarly Coast and Clean Seas under the Tripartite Agreement of NHT 1, funding local government to a significant degree, led to important water quality improvements for our estuaries and off our beaches. The Federal Minister of the time, Senator Robert Hill, was the "champion" of these initiatives. However, Coastcare as originally conceived, with its dedicated professional staff support, is dead, or is it? Notably local government was essentially

frozen out of NHT 2 as a partner in NRM, , and NHT 2 investments in marine management to date are quite limited.

What are the prospects for the coast under NHT 3? The Keogh review, and the DEH Evaluation Review of coast-estuarine-marine (CEM) programs, both point to the need for more local government engagement. Coastcare may be revived. Beyond that, who knows? What we do expect is a much stronger connection between levels of government, industry and community groups.

The demise of the Coastal CRC in June,2006, is but one of several frustrations for the coast at the national level. Back in 1980 the House of Representatives noted the absence of a national coastal policy. Since then there have been murmurings of the need for such. Even our Prime Minister mentioned it in the Liberal Party platform prior to the 2001 election. Only last year the Minister for the Environment and Heritage was reported as being interested in a stronger Federal role on the coast. DEH took various steps to provide the necessary documentation. Even that Framework document mentioned earlier started off life as a National Coastal Policy, but that term did not last for long. Why? It is now simply a "Framework" with no new resources attached to implement it.

What is of great concern is their appears to be little Federal Government enthusiasm for coastal R&D to support the urgent information and knowledge needs of stake holders like local councils and CMAs. Less than 5% of CMA funding can be used for R&D. CSIRO and other organisations, including the NMSC here in Coffs Harbour, were encouraged to submit proposals for a CERF grant. Three coastal proposals related to urban Australia were shortlisted, but none were supported. Why? Perhaps they just were not competitive. However, from various sources we were hearing that the Australian coast was no longer the flavour of the month – is it too messy, too politically difficult in a State v Commonwealth sense, and are there more pressing and institutionally complex issues to resolve – drought, water supplies, wind farms and even climate change?

Just who at the Federal level should be responsible for coastal issues? Should there be a Parliamentary Secretary for Coasts, as there is for Water, given the array of NRM, economic, social and infrastructure issues that confront regions experiencing rapid demographic change which cut across several Federal portfolios. At the national Coast to Coast 2004 in Hobart, I advocated consideration of a national Coastal Management Act not unlike that in the USA. My speech can be accessed on the Wentworth Group website (www.wentworthgroup.org) . This idea was canvassed and not rejected by those House of Representative inquiries mentioned earlier. Such an Act would guarantee states and local councils a revenue stream if they followed certain national criteria. It works in a federated system in the USA, why not here?

The national fight for the coastal common good continues. Forces of light are to be found in the National Sea Change Task Force and within ALGA, research institutions and many community groups. There are also bureaucrats such as members of ICAG

to maintain pressures on governments to look after our coastal regions. Continuation of national and state coastal conferences is vital in this regard.

Let us turn to NSW. Can we identify here any light amongst the national darkness, or are we similarly afflicted?

First I must express lament over two attempts at integrated NRM and urban planning which have been recently exterminated. One is the Coastal Council; the other is DIPNR.

The Coastal Council has had a cyclic history. First established as a coordinating advisory body under the Coastal Protection Act (Part 2) in 1979, it survived two terms before being shut down in 1986. Who shut it down? Bob Carr. As Minister for Planning and Environment he announced here in Coffs Harbour that the Government saw no need for "coordination". The Greiner Government restored the functions of the Council in 1989 in the guise of a Section 22 Committee with me as Chair. This committee oversaw the production of the NSW Coastal Policy released with bipartisan support in 1997 by Craig Knowles as Minister for Planning in the Carr Government.

The Coastal Council was formally reconstituted with an amendment to the CP Act in 1998. Under Knowles, and later Andrew Refshauge, the Council reviewed for the Minister over 300 LEPs and Master Plans; it reported annually to Parliament; it conducted inquiries; it acted for the Minister in the Land & Environment Court, it initiated the Coastal Protection Package of 2001 (which included the CCA and SEPP 71); it developed the Coastal Design Guidelines with help from UDAS; and it established Coastal Awards to be presented at each Coastal Conference. Alas, the Awards and Coastal Council are no more.

It took the vote of one person in the Legislative Council for the Coastal Council to be abolished. Will we see the NSW Coastal Council return for a third time? Interestingly, the Victorian Coastal Council has survived but it never quite had the influence of its NSW counterpart. Of course we now have an NRC and NRAC. Both these entities embrace the sweep of natural resources, but are limited in the way they can advise Government (and Parliament) on all matters related to "Coastal Protection" as outlined in Section 3 of the CP Act 1979. Under its new Commissioner, Dr John Williams, the NRC is examining various ways to broaden its advisory and audit role in CEM matters. We all look forward to the outcome of this review; in particular how standards and targets can be applied beyond the remit of CMAs. Is it too much to expect the NRC to perform like the Coastal Council?

The other experiment was DIPNR. After the 2003 election, Craig Knowles was given an opportunity to integrate planning, natural resource management and infrastructure development. Inspired by its new D-G, a number of us joined this department; my mission was to assist in the integration of coastal planning and management and, where possible, implement the work of the Coastal Council and

the HRC. In particular, I helped establish coastal CMAs and regional strategies. What an opportunity! A Ministerial Statement on Coasts was prepared for Minister Knowles in 2004. Unfortunately, it was never formally released. However, we established integrating mechanisms to develop projects through the different stages of formulation, consultation, endorsement and delivery. Here was the genesis of a new type of regional plan, the Coastal Regional Strategy.

The “integrated” vision for the coast, as envisaged by Knowles and DIPNR, involved developing a regional and planning model that was similar to what the Labor Government was doing in SE Queensland driven by its then Treasurer. This vision was set out in the NSW Government’s submission (July 2005) to the Public Works Committee of the Legislative Assembly’s Inquiry on Coastal Infrastructure. But this document was prepared just prior to a critical political event. That event was the resignation of Bob Carr as Premier in August 2005. A chain reaction followed. Resignations of Andrew Refshauge, Craig Knowles, Jennifer Westacott and departmental restructuring and downsizing all occurred. What was one department became three! Overnight we drifted back into the confines of our departmental silos.

From a coastal perspective, the DIPNR structure had advantages. The split into separate departments of Natural Resources under one Minister and Planning under another was one thing, but Infrastructure went off the (or more correctly returned to) Treasury where the ethos regarding planning was very different. One Treasury official remarked, “big picture” planning to address population pressures on the coast was not going to happen:

We don’t put it out because it would raise expectations and it doesn’t give the Government the opportunity to change their mind (Kerry Schott, SMH, 22/5/06).

So much for integrating infrastructure with NRM and urban planning! The Government’s response in the Legislative Assembly this year to the Coastal Infrastructure Inquiry, contrary to the Committee’s recommendations, reflected the changed world. Now we have a situation where:

1. Draft regional strategies do not contain costed and staged infrastructure plans as in SE Qld;
2. The NRM components of each strategy are not based on the high level of intellectual input as was originally envisaged;
3. Without the professional departmental integrator, DIPNR, it is now easier for departments to defend their own turf, leaving coordination to central agencies like TCO who have to reconcile often conflicting objectives of different agencies;
4. There is inconsistency in legislation and implementation of regulations for use by agencies of State Government, local government and CMAs; the different

approaches to managing vegetation in urban compared to rural lands is one example.

5. And the persuasive power of developers persists, if not enhanced, by the new institutional and legislative arrangements with both the “big boys” and local operators selectively promising jobs, rate income, infrastructure and, as shown by the Tweed Inquiry, re-election.

Fortunately, there have been a number of positive developments which despite other frustrations, have arisen and give us hope:

1. Coastal CMAs are functioning and, although poor cousins to inland CMAs, have investment strategies which can only improve environmental values over which they have domain; long may they flourish, without the red tape imposed by Commonwealth and State governments, and with close relationships with local councils and other agencies.
2. DNR, DEC, DPI and DoP all have specialist coastal units with a core of professional staff to fight the many battles within the bureaucracy and in the courts and expand the information base; a question of course is how long will they remain in the face of possible further restructuring?
3. There are dedicated funding programs in DNR and DoP designed to support local councils such as the Coastland Protection Scheme, the Coastal Cycleway (DoP) and the coast and estuaries program (DNR); they should continue to offer good news to Ministers especially as an election approaches!
4. Greenhouse Grants through TCO provide DoP, DEC and DNR with opportunities to better understand and define potential impacts of climate change; this is an inspired program in the face of greenhouse sceptics; we must anticipate the utilisation of this knowledge in planning and regulation in the future;
5. Regional strategies, conservation plans, Marine Park zoning plans, the State Infrastructure Strategy, and the new State Plan should all be capable of offering direction for urban growth, for conservation of high valued natural assets and for state investment in roads and services; let us only hope that they can be meshed together and be effective beyond an electoral cycle!
6. Regional strategies are part of planning reform. Local councils, developers and communities should benefit from increased certainties like the draft FNC Strategy which clearly restricts the urban footprint east of the Pacific Highway; strategy directions must be incorporated into LEPs; new planning instruments and Ministerial powers must be clear on buffers, protected agricultural land, urban design and foreshore access to withstand court challenges; section 149 certificates on properties should define risks including probabilities of impact

under climate change; the right signals are there – will they remain or will selfish private interests dominate leading to uncertainty and questionable compromise?

7. We also have new tools to apply to coastal planning and management: new techniques of vegetation mapping; the CCA; use of LIDAR for assessing areas of risk to sea-level rise; Coastal Design Guidelines; improved GIS techniques etc. What is critical is the political will and the capacity of councils, state agencies and CMAs to use these tools. Five year statutory reviews of regional strategies and LEPs make possible their application.
8. And as we head into 2007, we should have an Australian Coastal Society to support the good work of MCCN, Surfriider and other groups interested in the common good on our coast. In this connection, the excellent work of the SCCG, under the leadership of Geoff Withycombe, offers an exemplar of what can be achieved through cooperation, goodwill and staff dedication.

From all this what are the lessons?

First, there is the crucial dependency of new initiatives on a political “champion”. My experience of Federal and State Ministers is that an individual Minister’s aspirations, allegiances and political strengths can greatly determine coastal outcomes. For instance, Terry Macinroff, the former Queensland Treasurer, was the driver behind the SE Queensland Regional Plan, and Senator Hill was very influential at the Federal level. Ministers who are seriously interested in the coast will make things happen. Once Carr went, the coastal regional strategies had to wear a new cloth under a new emperor. They have survived and are being developed into potentially very powerful planning documents under an enthusiastic Minister armed with new powers through amendments to the EP&A Act perhaps to the chagrin of some local councils. Quite clearly, we need political champions with a passion for the coast.

Second, coastal management is often termed the “wicked problem” for good reason. It falls between so many stools some of which extend beyond the obvious remit of NRM. Is it thus the case that the curse of the coast with its “death by a thousand cuts” is not people or climate change, but institutional dysfunction? Decision making is split between levels of government, between agencies and even branches within agencies, and a myriad of Acts, regulations, strategies and policies. Some agencies have to return dividends through sales, leases and levies; others are both regulators and managers. The potential for conflict and overlap is enormous. It is hard for all of us to comprehend and work within this highly complex system, but we have to. There is a role for a “coordinator” and “watchdog” to comment on the complexities. The lesson is to be persistent and patient and not be swayed or depressed by those inevitable decisions that do not appear to be in the public good.

And third, the political system will respond to opportunities as they are presented. This is the experience of the Wentworth Group. The challenge for us, those who care about the coast, is to create those political opportunities that will make a difference. If

we don't know how to fix the problem and speak with one voice, how can we ever expect the political process to accept our ideas? There are other voices out there prepared to influence decisions in their favour. I can only hope that the new ACS, or a national Coastal Council as proposed by the extinct CRC, or even the NRC in NSW, can articulate the cause of "coastal protection".

The health of the coast is of common interest and concern to most Australians. It is the source of much pleasure and wealth. Protecting, maintaining and improving the coast for the public good is a given. This is the vision articulated in the NSW Coastal Policy in 1997; it is still the vision today:

A coastal environment which is conserved and enhanced for its natural and cultural values while also providing for the economic, social and spiritual well-being of the community (Coastal Policy, 1997).

But to achieve the vision Aristotle warns us of individual preoccupations with their own selfish interests. This is the curse of "property rights". There must be enough of us prepared to put pressure on our federated political system, at all levels, to fight for the common good, to provide the necessary ideas to create institutional change where necessary so that we can really conserve and enhance those natural and cultural values that we cherish in coastal Australia.