

# LESSONS FROM THE NSW COAST

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## Introduction

It is a wonderful opportunity to be here in Bundaberg and be given the honour of a keynote speaker. Although my mother was born in Charters Towers, I have to confess to being a “true blue cockroach”. After a few general thoughts, I will reflect on coastal life in NSW from the perspective of the interim Chair of the Australian Coastal Society.

Let me start with a proposition: Australian coasts deserve Australian leadership. By this I mean we should expect from our federal government greater long-term commitment and engagement with state and local councils in improving the standard of management and planning of coastal environmental, economic and social systems.

Many enquires at the federal level over the last three decades have recommended more Commonwealth Government involvement. Of course we see an example of that here in Queensland on the Great Barrier Reef. There is also the agreement for a National Cooperative Approach to Integrated Coastal Zone Management, but that agreement has not been translated into much action. Yet it is a start. In addition there are some specific investments through the Natural Heritage Trust. More may be forthcoming under NHT3 with a coast and peri-urban investment theme and promises of better links to local government. But as Mike Berwick and Alan Dale quite rightly point out, coastal issues in this country extend beyond NRM; for instance, they embrace the tax system as it affects property investment, employment and social services, and support for both hard and soft infrastructure in local communities.

The complexity and interconnectedness of coastal issues as they confront over 80% of Australia’s population cannot be simply left to individual decisions of state and local governments. There is a fundamental need for national guidance and direction backed up where appropriate by federal resources that will address the challenges of further population growth and global warming. We are entering a period in our history as a nation when the sword of global warming is swiftly descending on this fragile continent. The coast will not be immune. With rising sea levels, water shortages and higher temperatures, each coastal community will face “tipping points” requiring investment in adaptive strategies. Only the Commonwealth has the resources to meet these challenges in consistent and sustainable ways.

The forthcoming federal election offers political parties the opportunity to embrace new initiatives that should improve the management of our precious coastal assets. In the meantime, independent national activities such as the Australian Coastal Society, the National Sea Change Taskforce, the Marine and Coastal Community Network, the proposed National Coastal Alliance, the Surfrider Foundation, and the increased research interests of CSIRO, AGO

and other groups should all assist in placing coastal issues on the public agenda. This is where coastal conferences can help.

Coastal management conferences have been conducted nationally and on a state basis since 1990. This year will be the 16<sup>th</sup> for NSW, and will be held in Yamba in November. I have been privileged to attend state meetings in Victoria, W.A. and Tasmania. The fact that these conferences involve the interests of local councils highlights the indisputable fact that Coastal Zone Management (CZM) in Australia is largely the responsibility of local councils, a point which often is not appreciated in the halls of power in Canberra.

It is clear that decisions on coastal development in Queensland, taken by past and present local councils, have greatly altered the character and function of many parts of this state's coast. Some of these decisions may be seen in hindsight as not being "sustainable", but other actions involving local councils in association with state agencies such as the Environmental Protection Agency, demonstrate national leadership. Three examples will suffice: the first is the Southeast Queensland (SEQ) regional plan; the second is the Healthy Waterways partnership of councils in SEQ; and the third is the recent release of the guide to adapting to climate change from the Local Government Association of Queensland. This guide is a model for those who seek to adapt to forces of climate change and not just be obsessed with emissions control. I also perceive a high level of energy in the way regional bodies in Queensland like the Burnett Mary NRM Regional group, the host of this conference, is dedicating resources to coastal matters.

## Context

I want to briefly reflect on four contextual issues common to all state and local jurisdictions before I descend into the miasma of NSW.

The first flows from Australia's love of the coast, the passion for coastal living, and the need to occupy spaces close to the sea.

As a nation our coast offers choices: in environments to enjoy, in types of settlement, in lifestyles and livelihoods, and in how much we must pay to do what we want to do. The result is increasing population pressure, demographic shifts and local and regional transformation of natural habitats. Increasingly, the need to service growth is proving difficult. The creation of the Sea Change Taskforce is a recognition of these needs where urban and peri-urban settlements in many LGAs continue to grow at rates of 2% or more each year. Here we often see "death by a thousand cuts". Development activity, including tourism, proceeds with limited understanding or acceptance of environmental protection. Amenity values are placed at risk as each "coastopolis" expands its urban footprint.

The second issue is more recent as we increasingly turn our attention to the potential impacts of global warming. Our coastal lands over the next few decades could be subject to greater thermal and water stress, cyclonic flooding and higher sea levels.

One of our Wentworth Group scholars, Donovan Burton, in a recent paper with Dianne Dregde, summarised the situation in Queensland in a way that is equally pertinent to the rest of Australia:

"Given the vague directions contained within the state policy directions, councils are in the awkward position of having to find their own way across a minefield of addressing climate [change] related risks and local vulnerabilities."

The threat of climate change litigation looms large over councils, as Philippa England of Griffith University has outlined, unless new knowledge is assessed and applied by local authorities. Work by CSIRO, AGO and agencies using new Airborne Laser Scanning survey techniques (e.g. LIDAR), must increasingly be made available to local councils. This is one of the aims of the National Coastal Alliance. I fear that scepticism of climate change by some pro-development councillors will place more and more properties and infrastructure in hazardous locations, or allow acceptance of building designs that will be unsustainable as temperatures rise and water supplies dwindle.

The third issue is one which is more personal to those who live or want to live in beautiful coastal locations: it is the issue of "contested space".

This issue reflects the continued dichotomy between those in coastal communities who seek to capitalise on their property rights, for instance by clearing native vegetation, and those who seek to protect coastal environmental values. The coast is a "battleground" for many today. Judith Wright and John Sinclair saw this in their respective battles for the GBR and Fraser Island in the '60s and '70s. But the battles are still being fought creating community division, political hostilities and long-running personal feuds. It saddens me to witness community tensions when there are often ways to achieve both private benefit and public good. But I suspect that development pressures, supported by those preaching the need for jobs and wealth creation, will continue to be confronted by well-informed objectors as long as money is to be made from coastal developments.

The fourth issue is institutional.

We live in a country with very complex and changing institutional arrangements. We must continue to remind ourselves what we face in terms of governance. What is the case today is very different from say 30 years ago, and given current discussions on federal – state relations, will most likely be very different in 30 years time!

Professor Mike Gourlay (UQ), in his keynote address to the International Coastal Engineering Conference in 2000, lamented the loss of corporate memory in agencies as they downsize, restructure and outsource. The demise of the Beach Protection Authority in Queensland is an example. Public administration today relies less on in-house technical support and more on policy advisers who often work very hard to second guess ministerial decisions. Community and scientific input in some states is arguably less acknowledged today than previous decades.

In common with other countries is just how easy it is for policies, legislation, and regulations affecting CZM to change with a change in government, or change of a Minister, and/or Departmental head. The urge is often to do something new! This point was brought home to me by a speaker from Iceland at an international symposium on coastal property rights in Sweden in 2003; it has been my personal experience in NSW to which I now turn.

## Lessons from NSW

NSW has had over 200 years of intensified coastal use and abuse. I have summarised some of the history in a chapter in a book which Neil Lazarow will be speaking to at this conference.

The legacy of the past in NSW is today's cost burden; it requires restoration and rehabilitation of damaged tracts of coastal land, the beaches, dunes, heathlands, wetlands or waterways. Dioxin in Sydney Harbour, acid sulfate scalds, Bitou bush infestation, poorly constructed and inappropriately placed seawalls, seagrass destruction; these are a few of the damaging impacts that challenge coastal managers. In addition, there are areas where public access to foreshores is restricted; where planning (or lack of it) has placed homes and infrastructure in hazardous

locations; and where property interests have destroyed the beauty of coastal scenery. For generations to come we will pay for such legacies of degradation.

What stands out in my mind is the way different governments, ministers and their bureaucracies have approached coastal management. In NSW we have witnessed shifts in approaches from benign neglect allowing councils freedom to foster development; to strong central agency "command and control"; to loose coordination backed by increased regulation; and on to fragmentation of state agencies with individual Ministers prepared to override council powers and maintain, as far as they can, a separation of responsibilities from other Ministers.

Following the devastating 1974 storms, the Public Works Department dominated technical and financial support for coastline and floodplain actions in NSW. This strong interventionist role succeeded a long period in which local council engineers were able to exercise control and local councils, with few exceptions, supported the need to mine beaches and dunes for rutile and zircon. Job creation, new housing, and any industry which could be relocated to the coast, was pursued in the name of "progress".

We have since seen three distinct periods in which loose coordination has occurred between agencies in association with industry, community groups and local government: 1979-1986, 1989-1994 and 1998-2003. These were periods when the Coastal Council functioned in a form as set out in Part 2 of the Coastal Protection Act, 1979 (now rescinded) and the NSW Coastal Policy 1997.

Government efforts to establish "partnerships" with local councils, and to foster coordinated advice through entities such as the Coastal Council became a feature of the late 1990s. During this period a small number of Ministers saw value in working with such entities and using them to develop what some may term an "integrated" approach to CZM.

The fact that such an approach did not continue from 2004 onwards reflects a return to the view that high profile advisory groups with broad agendas may not be the preferred way to serve an individual Minister's interest. And so we have returned to a more focussed silo-like mentality in public administration of the coastal zone. This coincided with a time when new entities have emerged (Catchment Management Authorities).

What then are the lessons from NSW? They fall into three categories: the good, the bad and the mixed.

I see "good" lessons from the point of view of research, planning and management.

First, research. There is no doubt that NSW has benefited enormously from a vast array of coastal research over the past 20 years or so. University and agency research groups have invested wisely in hypothesis testing, experiments, monitoring and modelling coastal biophysical systems to a level which has received high international standing in ecology, geochemistry, geology, soil science work on acid sulfate soils, and beach morphodynamics.

In planning, the much revised EP&A Act 1979 has been used to limit coastal development in some cases. A key mechanism has been the use of prescriptive planning instruments, in particular State Environment Planning Policies or SEPPs 14, 26, 50 and 71. These SEPPs have restricted private land-owner use of property in coastal wetlands and littoral rainforests; in prohibiting canal estates (since 1997); and in constraining building heights. The 1997 NSW

Coastal Policy limited to 1km from MHW, is a matter for consideration under the EP&A Act 1979 (Regulations) and has been used to stop or modify developments in certain cases in the Land & Environment Court. In addition, in 2002 there were amendments to the Coastal Protection Act 1979 to strengthen the powers of the state government when individual property owners for whatever purpose attempt to alienate the beach for private use.

In management, three key programs have greatly benefited the coast.

The first is the partnership program for coastline and estuarine management supported by technical manuals. The partnership is between individual councils and a state agency. This leads to the development of council management plans; they provide legal indemnification to councils through provisions of the Local Government Act (s733) and the Coastal Protection Act 1979. Lack of funds, however, has limited the implementation of some of these plans. Perhaps NHT3 will help in the future.

The second has been the progressive declaration of land (and waters) as National/Marine Parks covering c.35% of the coastline. The existence of these national parks distributed along the coastline will forever prevent the concreting of the coast from border to border.

The third is the use since 1973 of the Coastal Land Protection Scheme (CLPS). This scheme targets specific private lands for purchase through either voluntary arrangement or compulsory acquisition.

There are other programs which are moderately successful at local and regional levels including acid sulfate soil remediation and Bitou bush abatement. The introduction of BASIX to reduce household energy and water use is also a worthwhile initiative. And the annual coastal conference continues to provide a mechanism for sharing knowledge and experience, if not also a little whingeing!

What could be classed as bad and should not be emulated?

First you should not sack independent advisory committees which can offer coordinated advice to government. Victoria has successfully persisted with its Coastal Council. The NSW Coastal Council was removed twice (in 1986 and 2004) and the Healthy Rivers Commission was eliminated in 2004. Both had strong public profiles with the Coastal Council reporting annually to the NSW Parliament. Replacement bodies have not possessed the technical skills or advocacy passion for improved CZM that characterised the CC or HRC.

Second, as already noted, there emerged since 2004 a more divided, sectoral approach to CZM and planning. In my view, the disconnect between agencies is stronger now than any time since 1989. This comes when adaptation to potential impacts of global warming requires decisive whole-of-government commitment to short and long term strategies. Perhaps Queensland is better placed than NSW to provide national leadership. I hope you do not have strong climate change sceptics in governments in your state.

Third, it is perhaps easier now for major developers to access government and to seek Ministerial intervention over local council approval powers. These so-called Part 3A powers (of the EP&A Act) are strongly criticised by councils and remove community inputs into the decision-making process. Here perception is the key. Some developments of state significance need to be "called in". However, now we see developers actively putting pressure on the

Minister to take away approval powers from councils in more and more cases; the catchcry is "all the way with Part 3A".

Other concerns include the failure of the Native Vegetation Act 2003 (or an equivalent) to apply to areas zoned urban or for urban release. Hopefully, this will change in the future. There is also no explicit recognition of beaches as a target by the Natural Resources Commission (NRC), which means that Catchment Management Authorities or CMAs are not expected to develop actions to "improve or maintain" one of the state's greatest natural assets, especially under projected conditions of sea level rise.

Finally, what are the mixed blessings?

I have mixed feelings on a number of changes in the way NSW is approaching NRM in general and CZM in particular. These feelings can be expressed as a series of questions related to five new initiatives:

- 1) To what extent will the excellent Coastal Design Guidelines, endorsed by Government in 2002, be used as a template for improved Greenfield urban design? To date the answer is "very selectively".
- 2) Similarly the \$8.5m investment in the Comprehensive Coastal Assessment (2002-2006) provides invaluable planning and management tools and information ( the 2 DVD set costs \$10). But there are no directions from Government on how to use the CCA. Why?
- 3) Just how far will the new, non-statutory coastal regional strategies drive changes to statutory Local Environment Plans or LEPs and thus reflect the need to constrain future development through protection of high conservation and agricultural lands, and limit development in areas subject to flooding, coastal erosion and sea-level rise? These strategies are nowhere near as comprehensive and resourced as the one for SEQ. But they are a start.
- 4) How will the new CMAs with their plans and investments, funded by NHT, integrate their programs with planning and management activities of councils (and state agencies)? Will the new NRC be given powers to audit performance against catchment targets for councils, CMAs and agencies in order to determine just how well the State is able to maintain and improve natural resource conditions?
- 5) And will the 2006 State Plan really provide the intended over-arching, integrative process which will limit conflict, encourage investment and support protection of coastal values?

## Conclusion

My life in coastal science and management has been fun. But at times it has involved moving slowly forward in the traffic jam of development. To paraphrase a writer in the SMH (15/8/07): you must savour each small advance; you may only see your destination in the distance. Sometimes greed, ignorance and egos bring your journey to a standstill. But we must never falter for our coast is just too wonderful to be ruined by those who promote excess.

So back to my proposition.

Experience in NSW over the past 20 years, and elsewhere in Australia, alerts me to the need for a major paradigm shift in the way our coast is managed. Coasts like water are national not just

state or local assets. Faced with massive challenges, there should be in place a national program that can deliver consistent long term objectives, not those determined by an electoral cycle. A "Coastal Zone Act" similar to that in the USA should be seriously considered by the next federal government in consultation with the states, but with the federal government driving the agenda towards a sustainable legislative, policy and financial base. Our coast deserves nothing less (or am I dreaming?).