

KEYNOTE ADDRESS

The Australian Coast: images, problems and solutions

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Overview

There is something about coastal management which is quite paradoxical: on the one hand it is central to the well-being, the livelihoods and the lifestyles of so many Australians; on the other hand it appears marginal to the central interests of natural resource management, to planning, to public policy, and even to R&D.

My personal and professional life has been to some extent consumed by this paradox. For 40 years I have been richly rewarded by an association with our shallow waters, beaches, reefs, cliffs, mangroves, waterways; and all those wonderful people who share the same passion; but over this same period I have been challenged and frustrated by those who see little or no need to rank coastal protection as an important issue for present and future generations.

Why is that? Are there no great exceptions to this generalisation, such as the “fights” for Ningaloo, the GBR and Fraser Island, and the “battle” for removing sewage or stormwater wastes off certain key metropolitan beaches or waterways? My point is that over the past 40 years or so coastal problems may temporarily rise to the top of a regional or local (or even national) agenda, and may achieve some degree of resolution, but NO government, federal or state, has ever managed to sustain a powerful and consistent coastal protection manifesto as a central plank to its environmental policies and management regimes – rural interests all seem to get in the way. Yet coastal land and water systems are CENTRAL to the lives of at least 85% of Australia’s population as well as to an unknown number of visitors to our shores.

In this address I do not want to sound like a belligerent, frustrated academic determined to have another whinge about the wrongs and difficulties we all face. Far from it: I want to capture the spirit of why we are all here in Hobart. It is the spirit of the “never-ending quest” to retain and where possible enhance those magnificent coastal values nature has provided for us. This never-ending quest involves managing the contradictory forces of protection and development, of ensuring the beauty and ecology are sustained in the face of continued population growth, and job and wealth creation. As pointed out in the excellent report compiled by Kevin Walsh and his team following Coast to Coast, 2002, it also involves an appreciation of the uncertainties of global warming with sea levels rising, ocean currents changing and shoreline features and habitats being modified. Let us then look at 4 sets of IMAGES of the Australian coast and see what they tell us about ourselves and how we may best manage coastal phenomena now and into the future. First some general images, then views from a national then a states perspective, and finally images for a future.

General Images

Travellers through the ages have held our coast in great awe. There are those who suffered tragically at the hands of waves on rocks or crossing river-mouth bars whilst others have foundered on reefs; and what of those who bore the brunt of tropical cyclones in northern settlements; or have used cliffs as suicide sites. But there are others who marvel at the

grandeur. Some like our friends the coastal engineers, use their professional skills to design structures to withstand and tame the forces of the sea so we can enjoy the coast that much more.

A remarkable traveller and engineer is Storey Musgrave, a 6-time space shuttle American astronaut. Whilst circling the Earth, he shot thousands of photos of Australia. It was an obsession and earlier this year he gave an illustrated lecture in Sydney. Time and again he spoke of the contrasting colours of marine waters; of the sweeping curvature of the beaches; of the impressive sand dunes; and of the intricate web of estuarine waterways slicing into the land. His lecture enthralled me not just because I identified with the location of many of the images, but because he captured from space that spirit of *attachment* to the beauty and diversity of the Australian coast which I also possess.

He may have exhibited attachment but you could not expect from him *dedication*. The coast has turned many a local and overseas-born scientist into a dedicated Australian coastal expert. From a science perspective the image of the coast is one of many peculiarities which need to be investigated. Bowen and Bowen's recent masterpiece (2004) of environmental history on the Great Barrier Reef demonstrates how the scientific fraternity sought to understand and value reef attributes and achieve its PROTECTION.

Dedication to the coast comes from other quarters, both native born and immigrant. There are those like Tim Winton and Judith Wright who portray coastal features and characters so eloquently in novels and poetry, and numerous artists who have captured coastal beauty and dynamics on canvas and film. Huntsman (2001) has documented these "images" in her book *Sand in our Souls*. Then there are the millions whose lives are so engrossed in the surf, those who simply find the salt spray, the wind across the sea, the channels of the estuaries, the solitude of lakes, the opportunity to go fishing, and the incessant beat of waves on beaches as an integral part of their very being.

As Bernard Salt has noted, there now arises a third culture in Australia which is devoted to a life on the coast as part of the "sea-change" phenomena. Articles in *The Age* over summer captured the pressures and impacts from our passion for coastal use arising from the growth of this love of the coast. The *Sea Change Summit* held at Maroochydore in February served to reaffirm in the minds of 27 local council CEOs who attended, the need for coordinated planning, and funding for the provision of infrastructure in response to the great surge of people moving inexorably to the coast.

And we must admit that the image we have of the grandeur of OUR coast is distorted by where we live!

All this attachment and dedication comes at a time when it is very hard to get governments to devote as much attention as some of us may feel is needed to coastal planning and management. Let us explore why, and see if images from both a national and state perspective are consistent with a model which could protect in perpetuity those values that are so attractive for coastal living in the first place.

National Images

Most Australians view our Federal Government as being responsible for the national well-being. But states have retained much constitutional power for managing natural resources and through the exercise of planning legislation linked to the role of local government. Since 1975, the Federal Government has been presented with at least 4 significant reports:

- 1975 – Australian Advisory Committee on the Environment, Coastal Land Report No.5
- 1980 – Management of the Australian Coastal Zone, Report House of Representatives Standing Committee on Environment and Conservation
- 1991 – *The Injured Coastline*, Report House of Representatives Standing Committee on Environment, Recreation and the Arts.
- 1993 – Coastal Zone Inquiry, Resource Assessment Commission

All four reports highlight the need to develop a national coastal policy and legislation. Back in 1980 the HORSCEC report stated (p.38):

The Committee believes that had Commonwealth Governments adopted and implemented recommendations made in previous reports the need for this [1980] Inquiry may not have arisen.

The constant theme of evidence presented to the Committee, and of recommendations made in previous reports, is the need to develop a national coastal policy. There is widespread concern in Australia over the continuing degradation of coastal resources due to over-exploration and over-development.

Most states are now making some attempt to develop coastal planning and to prevent further degradation. The Commonwealth Government is clearly involved with these problems, but as yet has made no obvious attempt even to review its position far less develop a comprehensive national policy for the coastal zone.

The Committee believes that the formulation of such a policy would assist planning and, more particularly resolve conflicts and duplication that have arisen from existing ad hoc Commonwealth programs.

That was back in 1980! What has changed?

- (i) There is still no Federal coastal legislation like the USA *Coastal Zone Management Act* 1972 as canvassed in the 1980 and 1991 House of Representatives reports and RAC 1993;
- (ii) Again, unlike the US, there is no consistency requirement placed on the Commonwealth to manage their lands consistent with state planning principles through an agreed mechanism;
- (iii) There is no established over-arching national coastal policy or strategy developed in cooperation with the states *and* local government; AND
- (iv) There has been no sustained and dedicated program for providing financial assistance to states and local government for coastal activities as in the USA based on federal legislation; BUT
- (v) There has been some agreement in the development of a national framework for management of the CZ [as noted by Minister Kemp]; AND
- (vi) There exists some federal funding tied to changing NHT programs in which the coast has been clearly recognised.

However, the score sheet on achieving resolutions to what some call the “wicked problems” of CZM within our federal system of government is pretty poor given all the inquiries over the past 30 years. Moreover we could all easily mount a case that since 1980 the problems have intensified:

- So where are the solutions?
- Is it possible that progress can only be made when there is a Federal-State-Local Government cooperative framework based on tied grants for accredited plans underpinned by Federal legislation similar to that in the USA?

Since the RAC1993 there have been attempts to develop a national coastal policy. In 1996 the Coalition Government abandoned most elements of the Keating Government’s program which was based on a diluted version of RAC 1993 recommendations. The formation of NHT MK1 saw the formal establishment of Coastcare resulting in \$27m investment in 2000 groups incorporating c.60000 people over a 5 year period. Many former Dunecare projects were funded and an enormous amount of physical effort was undertaken by teams caring for their “place”, their stretch of Australian coast. [This work was recently reviewed by Bev Clark of Flinders University.]

Minister Hill kept tight personal control over all elements of the Coasts and Clean Seas Program under NHT1. One element that received his particular attention was the Clean Seas program based on a tripartite agreement between Commonwealth – State – Local governments. Over \$80m was expended to support a range of projects with a maximum of \$250,000 per project from the Commonwealth. However, there were some special projects that received up to \$1m from the Commonwealth. Local government was the major beneficiary. By using matching dollars councils were able to undertake infrastructure projects aimed at reducing pollution and encouraging water reuse in coastal areas. This program was terminated with the arrival of NHT2 and the creation of the regional delivery model for NRM based on “catchments”.

What has replaced the Coast and Clean Seas Program under NHT2?

- (i) The establishment of the regional delivery model using CMAs that should result in limited (13%) NHT investment in coastal management as per accredited plans (but how do the regions match up with coastal districts, and how well are coastal interests represented on the Boards?);
- (ii) After a brief delay the reinstatement of a number of dedicated Coastcare facilitators in all states but Victoria (but why the hiatus and will they work best in a local council or CMA);
- (iii) Consistent with the Howard Government’s 2001 election commitment to achieve targeted reduction in pollution in coastal and urban water quality “hotspots”, Minister Kemp announced the CCI in November 2002, based on the development and implementation of Water Quality Improvement Plans (but how effective has been the CCI?); and there is also
- (iv) *Envirofund*, a purely Australian Government program, funding local grants up to \$30,000, the last round of which gave some preference to coast and marine projects.

In 2003 I was involved in a survey of coastal programs in local governments in South Australia [with B. Caton] and NSW. Quite clearly councils in both states saw the demise of Coasts and Clean Seas as a negative with very limited benefits coming as yet from the CCI and NHT2. A few comments from councils in NSW:

“The current program structure that is determining the allocation of NHT2 resources and partnerships has eroded opportunities and compromised coastal management momentum” [Newcastle].

“The loss of funding under NHT2 will potentially impact on Council’s ability to achieve community goals with regard to preservation and restoration of waterways” [Sutherland].

These are cries for help because local councils bear much of the cost of infrastructure required to protect our coast.

There is scope for improving coastal investments under NHT2 and the CCI. Recent announcements of more Coastcare facilitators by the Minister is a step in the right direction recognising that the loss of such expertise at the local level would be to the detriment of communities living along the Australian coast. However, we are still bouncing from one program to another. I note that with a few exceptions the regional structure under NHT2 and the NAP is heavily weighted to improving rural landscapes. These may have flow-on benefits to our estuaries and marine waters, but rural demands for freshwater can have negative impacts [estuary water rights]. There is no doubt that *direct* investments in coastal protection have declined under NHT2 (probably by as much as 75% since NHT1).

Another step forward under the leadership of Minister Kemp has been the development of a *Framework for a National Cooperative Approach to ICM*. This has occurred through the Natural Resources Ministerial Council. The discussion paper launched by the Minister at this conference was developed by a group of committed Federal and State officers under ICAG. Preparing this paper has been a long process with innumerable drafts. Despite a strong spirit of cooperation, the formulation of an implementation strategy for the Framework has not been easy to achieve. Note we are dealing with a Framework for National Cooperation, not a National Coastal Policy as first requested by the Prime Minister in 2001 or in the various old reports. The states are reluctant to accept too much Commonwealth intervention in coastal matters. Yet 6 themes or priority areas have been agreed upon. Elucidation of the scope and use of the Framework awaits further discussion. At the moment there are NO proposals for shared dedicated funding arrangements like that of the Natural Disaster Mitigation Program where the Commonwealth contributes 1/3 (i.e. \$13.2m) to assist states and local governments. A similar secure and dedicated program for coastal infrastructure including water reuse would go along way to meet current needs.

We note the six priority areas in the Framework paper are:

- Integration across the catchment coast ocean continuum
- Land and marine based sources of pollution
- Impacts and opportunities of climate change and sea-level rise
- Pest plants and animals
- Planning for population change
- Knowledge, capacity building and access to information

Please take the time to read and comment on the Framework Discussion Paper, it is an important initiative which we must build upon.

What image do we then have of national interest in Australian coast post 1980? Some would say it remains a “fractured” image, one involving some vision (eg Coasts and Clean Seas tripartite agreement, the new Framework of National Cooperation), but also one that is still full of never-ending discourse, and dare I say it mistrust. Continuity of structure and process as guided by Federal legislation is lacking. And here we can DREAM: any image for the future must involve decisive leadership from the Federal Government along the lines suggested by the H of R in 1991, ie:

- Enact a Coastal Resource Management Act
- In the Act there should be a link between funding from the Commonwealth to a set of activities consistent with nationally agreed objectives and principles; and
- Agreements between all levels of government should be enshrined in the Act.

More on this “dream” later.

State and Local Images

And now to the states and by extension to local government. Here is where coastal issues really become complex.

As indicated in the 1980 Federal Parliament report, there were a number of state legislative initiatives in the 1970s which aimed to address coastal problems. This is not the place to review all that went on back then, nor can I do justice to the raft of more recent legislation including the development of statutory coastal policies. These have been summarised elsewhere by Westcott and by Harvey and Caton although these authors recognised how quickly their summaries get out-of-date. But what we can say is that the states have developed different models for managing coastal assets and for controlling or regulating development proposals. Moreover each state is quite protective of its own processes, and with the notable exception of the agreements to set up regional delivery mechanisms for NRM under NHT2, there is a reluctance to share and learn from each other. Just a few observations:

- several states are undergoing major changes in policy and administration related to coastal management and planning (eg Tasmania, South Australia, NSW)
- most states devolve planning powers to local councils which operate outside any NRM framework
- there is enormous variability in local land use zones, permitted uses within zones, and capacity to change zones, all of which can reflect adversely on the ability of states and local councils to manage coastal environments when confronted by rapacious developers
- one state (Qld) has an incredible statutory land surrender clause with no compensation whereby private property owners are to return hazardous areas back to the Crown, but elsewhere private property rights are near sacrosanct although the Coastal Protection Act, the Coastal Policy and SEPP71 in NSW have provided some constraints
- one state (NSW) has over 50% of the shoreline in private ownership with c.50,000 property boundaries defined by ambulatory HWM
- few states now have an independent Coastal Council (Victoria), but there is one state that has just established a NRC with an explicit statutory responsibility for coastal protection (NSW) based firmly on the principles of ESD

- legal appeal processes, involving third parties or not, vary enormously between states and only recently have some High Court decisions emerged to provide national common law guidance (eg water quality management *Ryan v Great Lakes Council* 2003).
- resources available for coastal management have declined in most states especially since the decade of great storm impacts (Qld and NSW, 1970s), and there is a reduced capacity to buy-back coastal properties in sensitive locations at today's inflated prices
- agency structures and personnel responsible for CZM seem to change quite frequently both in name, composition and roles often perpetuating sectoral divisions within the bureaucracy and with little respect for corporate memory and maintaining the integrity of data bases
- and finally, there is little evidence to date of linking major infrastructure planning, settlement strategies, and social implications of demographic change with NRM interests anywhere in coastal Australia as identified at the *Sea Change Summit*.

All these different approaches, and the various new models for CZM, highlight the great difficulty we face as a nation to engage in effective and efficient integrated CZM. On top of all this we must confront and work with a culture of local council decision-making which in the words of *John Mant*, a prominent South Australian and NSW planner:

“The council waits for development applications to come in and then decides. This is developer driven planning and doing business like this is like death by a thousand cuts” [Quoted in *Wentworth Courier*, 17/3/04].

This process was well understood by the RAC 1993 Inquiry. It is a process which flies in the face of strategic planning and any prior identification of values that need protection. Special interests can lead a developer-friendly council (and a compliant state government) into zoning years ahead of when developments actually take place. This occurred in the now defunct Albert Shire in SE Qld. It can still occur although powerful environmental lobby groups like TEC in NSW, and an interventionist Coastal Council using both statutory policies and courts can create some resistance. But in the absence of long term vision in the form of a plan or independent body which has teeth, and insufficient funds in the face of rising coastal land prices to acquire and protect corridors or sensitive sites, we will still be confined to processes of CZM which are *ad hoc* and piecemeal. In the worst cases, we will remain at the mercy of cashed-up politically, savvy developers who will mercilessly exploit local land shortages, rising demand from “sea changers” and compliant local councils.

On the more positive front and for the sake of future generations, local champions are emerging who are prepared to fight battles to protect not only national assets like the GBR or Ningaloo, but also local features such as the dwarfed clay heath community at Byron Bay or the bird-rich waters of Lake Wollumboola in southern NSW, or the aesthetics of wind-farmed landscapes in western Victoria. People are prepared to be arrested, be vilified and to take a long term stance to protect coastal values which they treasure. There are also “new-age” developers who are prepared to make apparent financial sacrifices in order to retain valued Natural assets and to protect their investments.

Coastal development and redevelopment is inevitable in many coastal parts of Australia. We must recognise that large sections of our coast are amongst the most attractive for living and recreating anywhere in the world. Even with global warming, these attractions will in the main, remain. Governments want to facilitate development; the need for jobs and services will

ensure this will occur; and no government will put in place development moratoriums although local planning controls can restrict certain urban design types (eg high rise tower blocks). As recently noted by the Special Minister for State in NSW, the Hon. John Della Bosca "Local employment that matches our way of life, that is a good fit with our beautiful [coastal] environment, is our challenge and goal" [Central Coast Herald, 27/3/04]. This job oriented philosophy is paramount amongst politicians of most persuasions.

So are we then left with a depressing scenario of "let things just roll on as they have been", promoting employment growth wherever possible, OR are we as professionals working with communities across Australia prepared to look forward and create a new set of images for coastal Australia?

Images for the Future

I take the very strong view that OUR coasts and seas cannot be left to "muddle along" as a recognised but somewhat marginal component of NRM or regional and urban planning. Let us look at some of the on-going and emerging "images" we are facing.

For marine regions, the Commonwealth's Oceans Policy has been a useful start along with the recent joint Qld-Federal efforts on the Great Barrier Reef. Marine Parks and protected areas are slowly being developed elsewhere, but not without a lot of rancour. Recent achievements in Victoria are remarkable. The MCCN must be congratulated for its valiant attempts at "marinizing" NRM especially through the efforts of Tony Flaherty and Tim Allen, but as the community "voice of the sea" the MCCN is struggling to survive on a reduced Commonwealth grant.

Any future vision for improved ICZM in Australia must involve leadership. There is an obvious need for "champions" to emerge and persist at all levels of government. I was personally quite saddened when Gerry Morvell was moved out of "coastal" in the Federal Department of Environment back in 1996. That guy had commitment, attachment and courage. Likewise I have been saddened by the departure or changed roles of many key state figures like Peter Crawford and Mike Geary in NSW, and Paul Coughlan in Qld. Some of us hang in there working both "inside" and "outside the tent", and while new models such as the NRC in NSW give us hope, there remain many frustrations and impediments.

We must loudly proclaim that any future for the Australian coast based on ESD principles must go beyond the confines of NRM. Coastal management is complex because it embraces so much of the population's lifestyles and livelihoods. Critical to any "integrated" management, therefore, is how well we build onto NRM principles and practices other social and economic considerations. This will include plans for the provision of major infrastructure in health, recreation, education, transport and other services, not the least of which are those associated with law, order and security, in areas of growing coastal populations.

Rights and responsibilities of indigenous peoples also becomes important as we seek to address inequities of the past and present. And there is a need to communicate with people of non-English speaking backgrounds whose cultures with respect to use of coastal resources may be quite exploitative.

Coastal management must confront the vex issue of property rights; we cannot escape the demands of those who pay great sums to buy a coastal block to build their dream "MacMansion". Such investments may lead to unobtrusive holiday shacks being destroyed. Furthermore many owners see no difficulty in running the risk of building such housing

monsters in hazard zones and expect the State to protect them! Such structures can intrude upon natural sand transport systems leading to loss of beaches, denial of public access to foreshores, and the long-term loss of coastal amenity. Just go to New Jersey if you don't believe me!

The lesson from all this is that local councils and planning agencies must be empowered to legally enforce public good and ecological benefits in zoning for coastal land and water use. Urban design guidelines based on McHarg's *Design with Nature* principles, incorporating the use of public set backs and access routes are now available for incorporation into council plans. But will councils (and by extension state governments) incur the wrath of prospective developers and limit the size and location of structures with consequential impacts on property rights, land availability and house prices?

Then there are the issues of a future for the vast non-urban stretches of the Australian coast where the increasing hordes of "grey nomads" are free to roam. Over the next 20 years the number of such beasts will multiply. How can states like WA, SA, Qld and perhaps even Tasmania [as well as indigenous communities] manage the impacts of these often well-intentioned, curious travellers? Will their numbers have to be limited and contained in certain areas? What can we do to help local councils and indigenous communities in remote parts of Australia cope with these invasions? And what can we do to control the proliferation and abuse of the coast by those who occupy shacks in remote places?

So how can our precious coasts be better managed in the future? What are the options? To what extent can planning and management be integrated and adapted to the uncertainties and tensions associated with global warming, market forces, private design tastes and community expectations?

At this point I am reminded and guided by the words of the recently retired [redundant] Healthy Rivers Commissioner for NSW, Peter Crawford. In his 2003 book, *Captive of the System!*, he puzzles as to "why with all the energy of so many, and so much funds expended, so many rivers continue to deteriorate". For much of our populated coasts a similar question arises. He found:

"...that the controlling systems of legislative and administrative controls, and the institutional arrangements, rules and standards designed to "manage" the rivers often lay at the heart of the problems"

He went on to note we do not manage our rivers [read our coasts] as a whole but subdivide them into convenient parts, and design the management approaches and rules accordingly Crawford concedes there is "no easy and general way of fixing long-standing problems in the management of major natural systems" but that:

"...we need to devise strategies which are capable of being adapted in the light of actual progress"

This means doing all we can to NOT segment roles and resources at Commonwealth, State and local levels.

Australia's deeply entrenched institutional structures put great constraints on managing interdependent natural systems like rivers and coasts. The NHT2 regional delivery experiment

is trying to embrace interdependency, but as I've indicated perhaps at the expense of better coastal management in Urban and urbanizing coastal areas.

For there to be anything other than "business as usual" or "muddling along", or playing a subservient role in the national NRM game, it is my view that we must have a national cooperative approach to ICM which goes beyond NRM and involves a secure source of funds. There are 4 components to my image for a better coastal future:

1. a more comprehensive national cooperative approach, or strategy, which builds on the Natural Resource Management Framework process currently underway within the NR Ministerial Council, and goes one step further by embracing a national agreement on state and local planning through the Planning and Local Government Ministerial Council;
2. for the comprehensive strategy which emerges from these two ministerial councils to go to COAG with an agreement for the Federal Government to enact a *Coastal Zone Management Act*;
3. for this Commonwealth legislation to enshrine an explicit role for the Federal Government as agreed with the States and be based on:
 - agreed national objectives
 - agreed national guidelines and standards;
 - agreed scheme for financial assistance to assist States and local government (and where appropriate CMAs) to develop and implement plans and policies consistent with the national strategy; and
4. for each State to have an independent advisory and audit body to oversee delivery of state plans and policies in the coastal zone and which reports to respective State parliaments, and, in addition, is periodically audited at the Federal level by the national Audit Office or a body like the Productivity Commission (because federal funds are involved).

These are not new ideas (see for instance p.87 of *The Injured Coastline*, 1991). Nor do they provide all the answers. But they work in a similar federal context in the USA and have done so for 32 years. Is it time that they be recycled and put into practice here! Let's not let state vested interests again block consideration of such a model; let us seek to convince federal and state authorities that it is in our *national* interest to protect the coast and so limit the impact of sectoral voices of greed and ignorance which will otherwise dominate our future.

At Coast to Coast 2004, we have a GRAND opportunity to build on previous conferences and collectively assert our dedication to improved coastal management and planning. Here in Tasmania there are many challenges. During this week let us see what we can do to propagate the protection of those values in Tasmania and elsewhere in Australia.

Thank you.