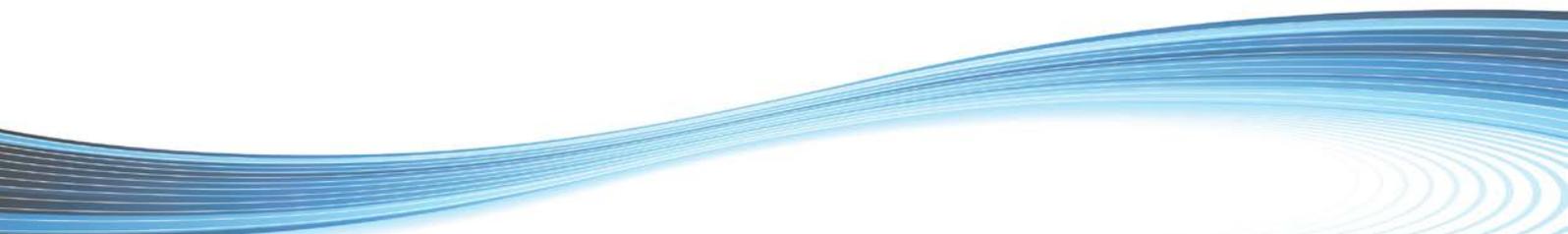




SYDNEY COASTAL COUNCILS GROUP INC.
Councils caring for the coastal and estuarine environment

SUBMISSION

Draft NSW Marine Estate
Management Strategy



To: Marine Estate Management Authority

Prepared by: Sydney Coastal Councils Group Incorporated (SCCG)

Date: 8 December 2017

Contact details: Sydney Coastal Councils Group Inc
GPO Box 1591, SYDNEY NSW 2001
t: +61 2 9246 7326
e: info@sydneycoastalcouncils.com.au

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1. Introduction

Established in 1989, the Sydney Coastal Councils Group (SCCG) is a regional organisation of Councils comprising eleven-member councils, with twenty-seven years' experience in leading sustainable coastal management.

The Sydney Coastal Councils Group Strategic Plan 2015 – 2019 sets out three guiding principles which encapsulate the core vision, mission and goals of the SCCG, namely to:

1. Restore, protect and enhance the coastal environment, its associated ecosystems, ecological and physical processes and biodiversity.
2. Facilitate the sustainable use of coastal resources, now and in the future.
3. Promote adaptive, integrated and participatory management of the coast.

SCCG is a strong advocate for working collaboratively and transparently, with all levels of government, regional bodies, industry and the community. As managers and planners of the coastal zone, our Member Councils share an interest in the development and implementation of a comprehensive Marine Estate Management Strategy that will achieve positive and sustainable outcomes for the NSW Marine Estate.

2. The Submission

SCCG previously provided a [submission](#) in relation to the NSW Marine Estate Threat and Risk Assessment (TARA) Draft Report in April 2017. SCCG has attended the general stakeholder engagement workshop 14 November, and the targeted workshop 17 November 2017, to input into the consultation process for the draft NSW Marine Estate Management Strategy.

SCCG's submission provides general comments on the draft Strategy, and specific comments in relation to proposed management initiatives/actions.

3. General Comments

General comments on the draft NSW Marine Estate Management Strategy are below.

- SCCG welcomes the draft Strategy and acknowledges the role the TARA has played in prioritising threats and initiatives within the draft Strategy. Overall the draft Strategy covers the primary areas for consideration addressing social, cultural, environmental and economic aspects of the Marine Estate, and provides positive initiatives and actions to reflect the threats that need to be addressed.
- There is a concern that the funding mechanisms for actions within the draft Strategy are not fixed and/or committed, and that funding is reliant on business case proposals to Treasury and other funding bodies/agencies. Not having the funding guaranteed upfront is a risk for the implementation of the draft Strategy.
- SCCG recommends that localised/regional issues that were identified through the TARA as a high risk in one or two regions only, at a minimum, still be acknowledged under the Marine Estate Management Strategy; and that a mechanism be developed to identify potential partnerships and collaborations between agencies/organisations to mitigate and manage these threats. It is also

recommended that these high risk local/regional threats be eligible for state funding mechanisms (including Coastal Management Program) to implement management options.

- It is essential that the decision-making framework within the draft Strategy equally supports management options that benefit the marine environment (biodiversity / ecosystems) in itself, and manages for retaining and enhancing its intrinsic value as well as habitat value, so that a true sustainable management approach of the marine estate can be achieved.
- A positive aspect of the document is the direct linkage between the identified cumulative threats and the management initiatives proposed in the draft Strategy, ensuring that these cumulative threats will be addressed through the draft Strategy.
- With reference to Box 2 – page 11 – ten underpinning principles. *Number 3 'Values will be assigned to enable trade-off decision between alternative uses of the marine estate'*. How will values be assigned, through what process? Will this be a hierarchical approach to trade-off? It is recommended that any trade-off decision-making process must follow a thorough triple bottom line approach, to ensure environmental / biodiversity / intrinsic values are not automatically assigned lesser value than economic / social values.
- SCCG notes that the draft Strategy has considered and integrated other coastal and marine reforms to achieve a more coordinated approach, which is supported.
- SCCG supports the eight management initiatives in addressing priority threats to the marine estate. With reference to table 3 pg. 25, *Initiative 3 - Planning for a changing climate*, should include mechanisms for 'data/reporting'.
- The establishment of a Marine Integrated Monitoring Program to report on KPI's and evaluation and review of the management initiatives and actions within the Strategy, is critical. It is recommended that the monitoring program measure and report on progress for all actions/initiatives on an annual basis as a minimum.

SCCG is also supportive of the 5-year health check that will review progress of the Strategy and include a review of the TARA. It is recommended that stakeholders including local councils be consulted during the health check/review process, and the development of the revised implementation plan following the 5-year review; and that reporting on the health check as well as the Marine Integrated Monitoring Program be transparent and accessible.

4. Specific Comments – Management Initiatives

4.1.1 Management Initiative 1. Improving Water Quality and Reducing Litter

SCCG is supportive of the actions under Initiative 1. Specific comments are as follows:

Action 1.1

- It is recommended that local government be represented on the government working group and that information/outputs from this group be made available to local councils.

- Clarifying roles and responsibilities of various agencies in the management of diffuse source water pollution is supported, however, simply clarifying roles and responsibilities does not necessarily reflect what happens on the ground, nor addresses gaps and issues in managing diffuse source pollutants, particularly where jurisdictional boundaries meet or overlap. This working group and other stakeholders including local councils need to work together collaboratively to identify and address management gaps, as well as share knowledge and data. (E.g. Local Councils and RMS regarding litter removal from waters/inaccessible bays, wetland areas).

Action 1.2

- This action is supported as a pilot approach, provided the methodology and findings are applicable and transferrable to other Creeks/River Systems within the Marine Estate.

Action 1.3

- The establishment of cost-effective funding programs are recommended, particularly with respect to providing increased funding and resources to local councils to implement on-ground activities to reduce diffuse-source runoff. Funding programs must also consider ongoing maintenance costs for councils.

Action 1.4 and 1.5

- It is recommended that water sensitive urban design, water quality, and waterway health outcomes be incorporated into the revision of the relevant State Environmental Planning Policies; included as conditions in standard LEP and DCP templates; and incorporated as a module in BASIX.
- Adopting the Risk based framework would provide a consistent framework for considering waterway health outcomes in strategic land-use planning decisions for the marine estate. The Framework is beneficial in quantifying land-use activities, stressors and impacts on waterway health (e.g. stormwater runoff/sewer overflows), and identification and effectiveness of management actions. This would be a useful framework to apply to stormwater and sewer systems management, providing for local/regional based objectives, targets, trigger values and management strategies / action. It is recommended that a training package be developed for councils on the application of the Framework and a resource/funding package be made available for local councils to assist in the delivery of strategies/actions under the framework.
- It is recommended that these actions incorporate catchment modelling to determine catchment attributes (including water sensitive urban design), runoff volume and pollution sources and loads to pinpoint hotspot catchments, to assist in developing local/regional based water quality targets, trigger values, and targeted action to reduce diffuse source water pollution.

Action 1.6

- This Action is extremely important as it will enable government and industry to work together to prevent and/or minimise pollutants at the source. SCCG is supportive of improving and raising the bar for minimum industry standard requirements, whilst also providing the level of best practice that industry must work towards achieving.
- It should be noted that good examples of regulation, education and compliance programs do exist that may be transferable with respect to this action (e.g. food

authority rating systems/programs, and the [Get the Site Right Campaign](#) around erosion and sediment control at building sites which in 2017 included training of council compliance officers).

Action 1.7

- A marine litter working group made up of all relevant stakeholders including local government/ROCS is supported, as this is an issue that requires collaborative effort to manage. Whilst the Hey Tosser campaign is a good example of a state government program, there are some existing concerns regarding this program within local councils/communities which has in some circumstances limited take up. If the Hey Tosser campaign is expanded, there needs to be a requirement for early consultation with local councils on how this program may work and be dispersed to communities.
- It should also be noted that individual councils and numerous community groups already have good examples of ongoing education and engagement programs in this space which should be considered within the Action to avoid duplication and ensure consistent messaging.
- It is a good opportunity for this draft Strategy to incorporate stronger actions and facilitate a proactive approach, such as the inclusion of an action for NSW State Government to ban single use plastic bags.

Action 1.8

- SCCG is supportive of monitoring, reporting and evaluating performance indicators for water quality actions, and in ensuring that this monitoring program information and data is made accessible to relevant stakeholders including local councils.

4.1.2 Management Initiative 2. Sustainable Coastal Use Development for Healthy Habitats

SCCG is supportive of the actions within Initiative 2. Comments on specific actions are provided below.

Action 2.4

- This action is supported to better identify and implement strategies/actions specific to estuarine vegetation and foreshore management within and across jurisdictions, however, Council's resourcing capability to develop and implement these plans must be considered and resolved. Existing plans required by Councils such as plans of management, estuary management plans, coastal zone management plans and the coastal management program must also be considered to determine whether it is appropriate to combine information into one plan rather than multiple plans.
- There is opportunity and need to reduce the complexity and inconsistency of approvals processes associated with the intertidal zone, however, care needs to be taken that in reducing complexity there remains a strong, consistent process to assessment and approval of works in the intertidal zone, to ensure maximum protection of the intertidal zone and estuarine environment.

Action 2.5

- SCCG is supportive of spatial management such as multi-use areas to address threats within the Marine Estate.

Action 2.7

- The review and update of existing coastal design guidelines, including the Environmentally Friendly Seawalls Design Guideline, to promote best practice is supported. However, it is recommended that the Strategy go one step further than just promoting a guideline and instead provide mandatory coastal design options for coastal assets to ensure that habitat enhancement and coastal processes are included as a standard part of works programs.

Action 2.8

- A consistent and coordinated approach to considering and conditioning development applications is recommended.

4.1.3 Management Initiative 3. Planning for Climate Change

SCCG is supportive of the actions within Initiative 3. Further comments are provided below.

- SCCG agrees that the development of tools and resources, as well as conducting research to increase our understanding and knowledge of climate change impacts and influences, is essential in closing knowledge gaps, and providing evidence-based data for decision-making and management action.
- There is a need to clarify and state the actual intent of these climate change actions including the proposed outputs and outcomes. The wording for e.g. action 3.6 needs to be stronger instead of using 'consider', as climate change should be automatically built into any planning/decision-making for the marine estate.

Action 3.3

- It is recommended that the Authority and/or relevant state agency provide consistent guidance, advice and data to local councils on what climate change projections should be used by councils within coastal management programs and other relevant studies, plans, and works within the coastal zone.

Action 3.4

- It is recommended that engagement of land managers, particularly relevant local council staff, involve the facilitation of workshops on the development and application of the adaptation pathways approach.

4.1.4 Management Initiative 4. Protecting the Cultural Values of the Marine Estate

SCCG supports the actions included under Initiative 4.

- In respect to the wording of *Action 4.6*, it is recommended that the term 'economic development' be removed as this provides uncertainty and potential negative connotations about what this term could mean for the Marine Estate. This should be replaced with specific wording e.g. 'opportunities for enhanced cultural tourism programs/activities'.

4.1.5 Management Initiative 5. Reducing Impacts on Wildlife

SCCG supports the actions included under Initiative 5, and those linkages to initiative 8, particularly in relation to:

- working collaboratively on wildlife conservation and management programs; identification of roles and responsibilities; formalising wildlife rescue partnerships between organisations and agencies, and the development of a wildlife notification protocol; and a shared/readily accessible database for inputting, reviewing and communicating data on wildlife threats and action.
- It is recommended that MEMA work closely with Destination NSW, Tourism Associations and the Tourism industry to ensure that adequate codes of practice are in place that will minimise potential impacts of tourism on wildlife within the Marine Estate.

4.1.6 Management Initiative 6. Sustainable Fishing and Aquaculture

Actions within this initiative, including research outcomes to address knowledge gaps, are supported. Further comments on specific actions are provided below.

Actions 6.1, 6.2 and 6.3

- With reference to the above actions; SCCG is supportive of actions that will enforce sustainable commercial fishing practices, ensure sustainable harvest, and a measurable reduction in bycatch and impacts on threatened species within the marine estate; including the development of performance indicators, management responses, and a mandatory data collection and transparent reporting system for the commercial fishing industry which is monitored and evaluated through the Monitoring Program.

Action 6.4

- SCCG is supportive of a well-designed multi-use approach to the Marine Estate, which aims to reduce threats and conserve, protect and enhance marine biodiversity, whilst also providing sustainable social, cultural and economic benefits.

Action 6.5

- An assessment of recreational fishing, including a review of the rules, licencing system, and issues concerning illegal harvesting and bycatch is recommended as a priority action.
- Currently there are insufficient DPI compliance resources throughout the Marine Estate, particularly within the Sydney region. It is recommended that sustainable recreational fishing education and compliance programs are funded and resourced (staffing) as an action in the draft Strategy. It is also recommended that ongoing training be provided for local council compliance officers authorised under the Fisheries Management Act, where appropriate.
- Spearfishing has been raised as an issue within the SCCG region with respect to non-compliance with regulations, user conflict, and risks to public safety. It is recommended that DPI Fisheries review the spearfishing regulations, specifically the allowable 20 metre zone at either end of an ocean beach where there are rockpools, baths and other swimming infrastructure that may lead to potential conflict and increase risks to bather safety. It is also recommended that education and advice on conflict and bather

safety, be included, along with sustainable fishing rules and regulations, as part of a spearfishing licence/fee system.

Actions 6.6

- It is recommended that best practice approaches for seagrass protection be incorporated into all relevant industry and infrastructure strategies, management plans and planning instruments as a standard.

4.1.7 Management Initiative 7. Enabling Safe and Sustainable Boating

SCCG supports actions 7.4 and 7.5 that link to Initiative 5. Further comments are provided on specific actions below.

Action 7.1:

- The Moorings review is supported, but there must be a deadline for review completion, and a commencement date for action based on review findings; including pilot programs and broader scale implementation of technologies; innovative solutions to environmentally friendly sea grass moorings; and strengthened regulations in place including standard conditions in planning instruments and within the DA process for moorings that minimise impacts on seagrass.

Action 7.2:

- Education and compliance programs must go hand in hand to address water pollution from vessels. The education program should be a coordinated approach, partnering with the Boating Industry Associations, Marina's, and relevant State agencies and local government to ensure that a consistent educational message is widely spread to boat owners.
- It is recommended that the education program also include components on litter and most importantly the rules around sewage containment and proper disposal as well as illegal discharge from boats.

Action 7.3:

- This action is supported, however there is a requirement to ensure that once sump drain systems/sediment traps are installed, that a plan, schedule and funding commitment has been developed and put in place to maintain and clean the system/sediment traps.

Actions 7.7 and 7.8:

- Improving waterway access to the Marine Estate is supported through the existing NSW boating programs, however improving access and/or increasing access, whilst a positive social/economic benefit, must be regulated to ensure environmental threats to the Marine Estate, from increased number of boats and increased frequency of boating, is managed sustainably.
- Funding provided under these programs must be adequate to ensure regional boating plans can be implemented. Plans must also address issues local councils face with boating infrastructure, boat storage on the water/land interface, and the storage of boats / trailers on local community roads and public space.

- Currently there are issues of lack of coordination and regulation regarding waterway infrastructure; with respect to scheduled maintenance works, access and waste management. There are also social issues and conflicts with respect to noise from boats anchored just off shore, or boats anchoring and/or landing on beaches creating a safety risk for bathers/divers (linkages to Initiative 8). Partnerships and strong coordination and collaboration between State and Local Government is highly supported to address these issues.

4.1.8 Management Initiative 8. Improving Governance and Enhancing Social and Economic Benefits

SCCG supports the actions included under Initiative 8. General comments in relation to these actions are provided below.

- Public safety whilst undertaking passive/active recreational activities in the marine estate is a high priority, as is reducing resource-use conflict. SCCG is supportive of comprehensive spatial mapping, and education and compliance programs to reduce user-conflict and ensure sustainable management of the marine estate.
- SCCG highly recommends strengthening relationships, partnerships between relevant state agencies and local government; and building capacity in terms of knowledge and data sharing, and research outcomes; as well as increasing resources and funds for state and local government to implement programs and to engage and educate communities on the Marine Estate.
- The Marine Integrated Monitoring Program is critical to the implementation, monitoring, evaluation and review of the Strategy, and the sustainable management of the Marine Estate now and in the future.

5. Conclusion

The SCCG congratulates MEMA on the draft Marine Estate Management Strategy and its eight management initiatives.

It is essential that funding mechanisms be established to fund the Marine Estate Management Strategy and subsequent Implementation Plan to ensure adequate protection, conservation, threat abatement, and sustainable management of the marine estate in the future.

SCCG formally requests that all discussion points and recommendations presented in this submission be considered, and that a submission response report be developed and made publicly available.

SCCG is keen to assist further throughout the finalisation and implementation of the Strategy, Implementation Plan and Monitoring Program; and is interested in representation on any such coordination group(s) or committee(s), as deemed appropriate.

