

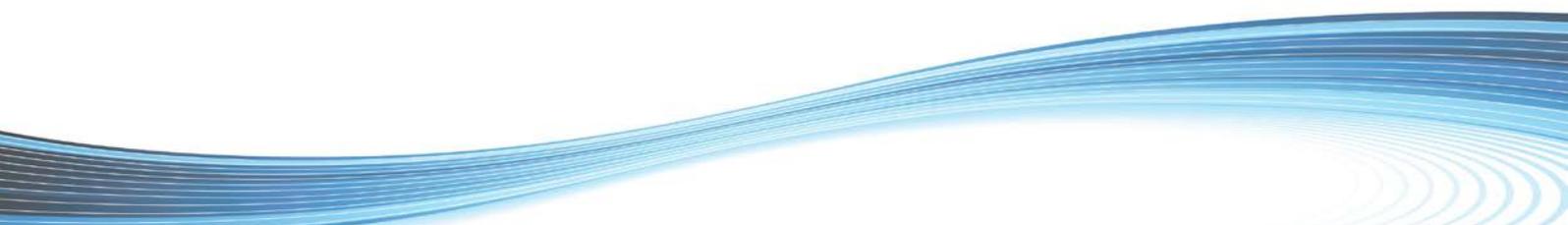


SYDNEY COASTAL COUNCILS GROUP INC.
Councils caring for the coastal environment

SUBMISSION

NSW Marine Estate Threat and Risk Assessment draft Report

April 2017



To: Marine Estate Management Authority

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Date: April 2017

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1. Introduction

Established in 1989, the Sydney Coastal Councils Group (SCCG) is a regional organisation of Councils with twenty-seven years' experience in leading sustainable coastal management. The SCCG comprises eleven Member Councils who represent approximately 1.5 million Sydneysiders and over 600 km of coastline.

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.

As managers and planners of the coastal zone, our Member Councils share an interest in the outcomes of the State-wide Threat and Risk Assessment. The SCCG is a strong advocate for working collaboratively and transparently, with all levels of government, regional bodies, industry and the community, to ensure positive environmental, social and economic outcomes are achieved both regionally and state-wide throughout the NSW marine estate.

2. The Submission

The SCCG previously participated in the threat and risk assessment process for the Hawkesbury Shelf Marine Bioregion, and provided a comprehensive [submission](#) on the Hawkesbury shelf Bioregion Assessment in 2016.

The SCCG welcomes the opportunity to provide a submission in relation to the NSW Marine Estate Threat and Risk Assessment (TARA) Draft Report.

Please be advised that the SCCG is providing a brief submission only on the NSW Marine Estate Threat and Risk Assessment (TARA) Draft Report, as new evidence has not specifically been made available to SCCG by its members/experts. Where new information / reports have been completed these will be noted in the submission.

Given the SCCG region covers the area from Northern Beaches to Sutherland, the comments in this submission will mostly be made in relation to the 'Central Region'.

General comments will address all three assessments:

- an environmental TARA for coastal and marine waters
- an environmental TARA for estuaries
- A social and economic TARA

It is noted that the SCCG will focus its attention on providing a more specific, comprehensive submission once the Marine Estate Management Strategy has been developed and provided for public comment.

3. General Comments

General comments on the NSW Marine Estate Threat and Risk Assessment (TARA) Draft Report are provided below.

- SCCG welcomes the State-wide Marine Estate Threat and Risk Assessment process as a method of prioritising threats and determining risks leading to better informed decision-making on management of the Marine Estate.
- The draft Report states '*assignment of a 'High' or 'Moderate' risk level as part of the TARA process is a trigger for further interrogation of the threat but will not necessarily lead to a change to current management or regulations*'. Clarification around this statement is required. If the process of assigning a risk level was based on the consideration of current management options/regulations in place, then it would indicate that for those threats/stressors given a risk level of 'moderate' to 'high', current management/regulation is not working effectively and therefore changes to regulation and or new management solutions should be identified and implemented to minimise the risk.

The language/wording provided for the risk model 'Low, minimal, moderate and high' is stated as:

'Moderate' - Risk may be acceptable with suitable risk control measures in place. Review of existing management controls or activities for the risk. Increased or different management controls or activities may be needed.

'High' - Risk less likely to be acceptable; additional risk control measures may need to be considered. Review of existing management controls or activities for the risk. Increased or different management controls or activities are likely to be needed.

These categories indicate that at this risk level a review will be undertaken as a minimum and that increased or different controls/activities may be/are likely to be needed.

However, it is noted that the language used in this model is passive. A high risk should clearly state that 'the risk is unacceptable', and that 'additional or strengthened controls/activities are required, particularly if the nominated risk level has already considered the current management.

The statement above and the passive language of the risk model could be construed as a backdoor for inaction regarding necessary changes to and/or strengthening of management/regulation.

- Regarding the Hawkesbury Shelf Marine Bioregion TARA - It is noted that new evidence has been incorporated into the draft state-wide TARA which has resulted in some changes to final risk levels. The SCCG supports these changes where there is sufficient high quality evidence to support the new risk level(s).
- It is understood that the NSW State-wide TARA must address threats/risks across a much broader area, and that the state-wide TARA and management strategy would give precedence to state-wide priorities over regional and local priorities. However, there

should be another mechanism in place to ensure that these high-risk level regional and local issues are addressed and appropriately managed.

- The draft Report states *'agreed that a 'high' risk of impact at the local scale was important to capture as part of the TARA process (See Box 2-1 below). The next stages of marine estate planning under the 5-step decision making process may recommend these highly localised issues are best addressed by existing management regimes and do not need to be addressed by the Marine Estate Management Strategy but noting identification in the risk set out in the TARA is a flag for this further evaluation'*. SCCG recommends that localised issues that are identified as a high risk, at a minimum be acknowledged under the Marine Estate Management Strategy. It is also recommended that these high risk localised issues be eligible for state funding mechanisms (including the Coastal Management Program) to implement localised management options.
- The draft Report states *'in some cases, it will not be feasible, practical or possible to manage all threats to low or minimal risk levels and this will need to be considered in the context of the tolerance of the risk'*. SCCG supports the process of monitoring and tracking those threats given a 'low' or 'minimal' risk level over time, particularly where evidence is inferred or limited.

It is recommended that a mechanism be developed to identify potential partnerships and collaborations between agencies/organisations, to manage and address threats with low risk, if required, with adequate resourcing to do so. Particularly at a local/regional level where the threat is considered an issue of concern for the local / regional community.

- SCCG recommends that where evidence for determining risk levels is inferred and/or limited, as is the case with much of the evidence for climate change, that this triggers a mechanism for identifying the need for, and resourcing further research to improve the evidence base for threat risk levels and priorities, and also feeds into the identification of more appropriate management strategies, where relevant.
- SCCG supports the 5-step decision-making framework under the new approach to marine estate management. However, it is noted that the language within the framework (*similar to the vision of the marine estate in the Act - "healthy coast and sea, managed for the greatest well-being of the NSW community, now and into the future*) is community (human) centric e.g. *step 3 - 'identify and assess current and potential management settings in delivering benefits to the community' and step 4 'Implement options that maximise overall benefits to the NSW community as a whole'*. It is essential that this decision-making framework 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.
- The breakdown of risks in the draft report (Part 3) indicates that moderate/high risks for environmental assets (coasts and marine) is 16%, for estuaries is 27% and for social/economic is 37%. There is a higher number of risks rated as high/moderate for social/economic than environmental assets, and yet the majority of ratings for social/economic were based on limited information sources. Given the community

centric base of the framework, the question needs to be addressed as to whether the threats and moderate/high priority risks identified across the environmental assets and social/economic will be given the same weight in management and decision-making? There needs to be a well-balanced triple bottom line decision-making approach put into place.

- Whilst it is understood that the TARA is a tool for prioritisation of threats and for assessing management options and decision-making. In the longer-term It is important for State Policy to align with the threats identified and the risk levels determined (as long-as there is sufficient evidence behind the risk level).
- SCCG notes that management of the marine estate also needs to be consistent and align with other legislation/regulations e.g. the Coastal Management Act (in how the coastal zone is defined under the new four areas), and the Biosecurity Act 2015 and the NSW Invasive Species Plan 2015-2022, in terms of risk to biosecurity from pests/disease. Whilst pests/disease is included as a threat in the social/economic assessment in terms of impacts on community well-being, it does not appear to have been incorporated as a priority threat with regards to potential impact on the environmental assets /marine biodiversity.

4. Specific Comments

Section 3 of the draft Report – Findings of the Environment Threat and Risk Assessment:

Table 3-2 Environmental Assets for Estuaries

- Water pollution and sediment contamination threat – this is supported as a high-risk priority state-wide. Regarding the summary of evidence – this needs to include studies on the impacts of sediment contamination/water pollution on all marine organisms/ecosystems not just seagrass. It is noted that gross pollutants entering the estuaries is not clearly specified as being included within this category? There is numerous evidence that gross pollutants such as plastics are a major threat to marine life causing entanglement, injury and death. It is recommended that gross pollutants (litter) as well as microplastics be included as a separate threat/stressor in the state-wide environmental TARA for estuaries and ocean/marine waters.

(Reference to the SCCG [submission](#) on the Senate Inquiry into Marine Plastic Pollution and the subsequent Environment and Communications References Committee Report '[Toxic tide: the threat of marine plastic pollution in Australia](#)').

- Climate Change is included in the table 3-2 as a threat based on a 50-year projection of impacts, whilst priority rankings in the report show a 20 yr projection. This nomination of these timeframes needs further clarification. Given the pressures already faced by estuaries, SCCG supports a proactive approach regarding the identification of climate change risks, and planning for these risks now as part of current and future management options, with a view to monitoring and reassessing impacts over the 20+ year timeframe. The SCCG also supports further research/evidence gathering on climate change impacts on the marine estate where the evidence is limited or inferred.

As a component of the SCCG Sydney's Salty Communities Program, SCCG engaged academics at the University of Wollongong and Macquarie University to complete a study and report entitled 'Mangrove and Saltmarsh Threat Analysis in the Sydney Coastal Councils Region. This study aimed to provide knowledge of potential impacts of climate change, in particular, sea level rise on mangrove and saltmarsh. This report can be accessed on the [SCCG website](#).

Table 3-3 and 3-4 Environmental Assets for Coastal and Marine Waters

- The high-risk level provided for 'Foreshore – urban development', including beach nourishment and grooming, is supported for the central region. Beach nourishment and grooming are undertaken as a means of improving amenity and ensuring a community asset is not lost. The loss of beaches would also have ramifications on the tourism industry and local/regional businesses. However, the potential risk/threat from these activities on ecosystems and biodiversity is high/moderate. It is recommended that the need for further scientific studies on the impacts of beach nourishment/ grooming be incorporated into the NSW Marine Estate Management Strategy.
- Table 3-4 shows Recreation and Tourism as including 4WD, swimming, surfing, shark meshing and charter activities as high risk.

It is agreed that charter activities can impact on marine mammals, particularly where charter businesses do not abide by specified code of conduct with respect to maintaining distances between the charter vessel and the animals, this can and should be managed through better regulation of the tourism industry. 4WD activity is also supported as a moderate risk based on the potential damage that this activity can have upon wildlife, saltmarsh, mudflats, sandy beach ecology, roosting/nesting sites, and sand dune structure/processes.

- The Hawkesbury Shelf Bioregion assessment highlighted the 'shark meshing program' as a threat. The Shark meshing program is included as a high risk in coastal and marine waters but not across all three regions, so is not included on the state-wide priority list. The Shark meshing program, even though it does not cover all three regions, has been identified as a key threatening process, and must be considered as a larger scale threat, with respect to its impact on bycatch and threatened species mortality. E.G. according to the 2015/16 Shark Meshing Program Annual report, the nets captured 748 marine animals including 615 non-target species (protected and threatened species included). For 364 marine animals, including sharks, dolphins and turtles, the capture was fatal (49% mortality rate).

SCCG recommends the inclusion of the Shark meshing program in the state-wide TARA as a high-risk priority threat.

- It is noted that 'Pests and disease' is not included as a threat in the environmental assets TARA for coastal and marine waters, nor estuarine, yet is included as a moderate risk in the social and economic TARA. Biosecurity should be a high priority issue within the marine estate, as there is the potential for moderate/high risks of pests impacting adversely on the marine environment and marine biodiversity.

Section 4 of the draft Report – Findings of the Social and Economic Threat and Risk Assessment:

- SCCG supports the recognised need for comprehensive social and economic information as it relates to the marine estate. SCCG also supports addressing knowledge gaps around climate change and public health and safety.
- Climate Change is provided in Table 4-2 as a 20 yr projection and yet is shown as a 50 yr projection in the environmental assets TARA. Why have the different timeframes been used between the environmental assets and social/economic TARA?
- Litter/solid waste/marine debris/microplastics is included in the state-wide priority list for the Social/Economic assessment, which is supported, yet it is not included within the environmental assets assessment as a threat to marine life. Whilst it is mentioned as an interdependency between environment / social economic, it should be provided as a stressor/threat in its own right under environmental assets (estuarine and coastal and marine waters).
- SCCG supports the risk levels provided for 'Inadequate, inefficient regulation, overregulation', however this threat should be split into two components: 'inadequate and inefficient regulation' and 'overregulation', these are two completely different threats and should be addressed as such.
- SCCG also supports the inclusion of 'Lack of compliance with regulation by users, and lack of compliance effort by agencies'. It is recommended that compliance and enforcement be addressed as a high priority within the TARA and the NSW Marine Estate Management Strategy, including mechanisms for increasing compliance effort such as further resourcing of agencies.
- The risk level for Water Pollution (urban stormwater discharge) is supported. The evidence states impacts on recreation and enjoyment from short-term and localised beach closures and health implications. This stated evidence can and should also be applied to 'water pollution from sewer overflows', particularly in estuaries, but also ocean outfalls given an increase in the number of activities that are bringing swimmers into direct contact with sewage pollution. This can also lead to beach closures and impacts on public health, yet does not appear to be included as a state-wide priority under the Social/economic TARA. Stormwater and sewerage infrastructure are both aging within the greater Sydney region, and they impact on each other. It is therefore recommended that the TARA and the NSW Marine Estate Management Strategy address the management of stormwater and sewerage infrastructure and water pollution issues together through an integrated water management approach.

The SCCG has developed, in collaboration with its member councils and Sydney Water, an Action Plan: Systems Management for Healthy Waterways.

- It is noted that 'Public safety' risk levels are predominately minimal to low. 'Other Water Pollution – including toxic algal blooms, e-coli etc' is considered minimal/low and is not

considered a state-wide priority. Active users of the marine estate (e.g. swimmers) could face at least moderate health risks if exposed to toxic algae. It is recommended that this risk level to public health and safety be reviewed, particularly in light of the fact, that responsibility and management of marine algae and subsequent public health and safety is unclear. It is recommended that through the Marine Estate Management Strategy the responsibility for the monitoring and management of marine algae be addressed and one state agency be nominated through regulation as the responsible agency to manage marine algae, and adequately inform, advise and resource local councils as required.

- Whilst spearfishing was incorporated under 'Recreational Fishing' in the environmental risk matrices (Appendix C - estuarine and ocean and marine waters), albeit with a minimal/low risk level, it is not evident that spearfishing has been included in the social/economic risk matrix. 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, and the SCCG will be taking further research and advocacy work in this area on behalf of its members. The inclusion of spearfishing in the social/economic TARA in relation to public safety and user conflicts would be supported. It is recommended that DPI Fisheries review the blanket allowance of spearfishing on ocean beaches within 20 metres of each extremity of the beach, particularly where there are rockpools, baths and other swimming spots within that 20m zone that is cause for public safety concern.

