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Council Ref: SC2134 – 16/26627
Your Ref: NSW Coastal Management Reforms

4 April 2016

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Dear Sir / Madam,

Woollahra Municipal Council Submission: NSW Coastal Reform Package

Council provides the following submission on the NSW Coastal Management Reforms to the NSW Office of Environment and Heritage for consideration. Council staff from the compliance, development assessment, strategic planning, risk, and environmental units have reviewed the documentation and have raised the following issues.

The majority of the submission is provided in table format. A number of additional comments are also provided at the end of the document.

While it is acknowledged that this submission is being provided after the due date, Council expects that the NSW Office of Environment and Heritage will give the submission consideration as a matter of public interest.

The following Table of Tables is provided to assist in navigating the submission.

Table of Tables

Table 1. Draft Coastal Management Bill 2015 – WMC Response 2
Table 2. Coastal Management State Environmental Planning Policy – Answers to Consultation Questions..... 8
Table 2. Coastal Management State Environmental Planning Policy – Explanation of Intended Effects – WMC Response 12
Table 3. NSW Coastal Manual – Part A – WMC Response 13
Table 4. NSW Coastal Manual – Part B – WMC Response 15
Table 5. NSW Coastal Manual – Part C – WMC Response 19

Table 1. Draft Coastal Management Bill 2015 – WMC Response

Section	Text	Comments/ Suggested changes
Part 1 *Section 3.* *Objects of this Act*	*The objects of this Act are to manage the coastal environment of New South Wales consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular:* *(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and* *.....* *(l) to support the objects of the Marine Estate Management Act 2014.*	Conflicting objectives: Council acknowledges that conflicts often exist between objectives in planning instruments; however the practical implication of the conflicting objectives within the Draft Coastal Management Bill will result in Council implementation of projects that satisfy a selection of the objectives, rather than the set. It is requested that guidance is provided for situations where an action or program is consistent with some, or part of some objectives, but inconsistent with others, or parts of others.
Part 2 Section 7 Coastal vulnerability Area	*7 Coastal vulnerability area* *(1) The coastal vulnerability area means the land identified by a State environmental planning policy to be the coastal vulnerability area for the purposes of this Act, being land subject to coastal hazards.* *(2) The management objectives for the coastal vulnerability area are as follows:* *(a) to ensure public safety and prevent risks to human life,* *...* *(i) to improve the resilience of coastal development and communities by improving adaptive capacity and reducing reliance on emergency responses.*	Conflicting objectives: Council acknowledges that conflicts often exist between objectives in planning instruments; however the practical implication of the conflicting objectives within the Draft Coastal Management Bill will result in Council implementation of projects that satisfy a selection of the objectives, rather than the set. It is requested that guidance is provided for situations where an action or program is consistent with some, or part of some objectives, but inconsistent with others, or parts of others.
Part 2 Section 8 Coastal Environment	*The management objectives for the coastal environment area are as follows:* *(a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal*	Conflicting objectives: Council acknowledges that conflicts often exist between objectives in planning instruments; however the practical implication of the conflicting objectives within the Draft Coastal

Section	Text	Comments/ Suggested changes
Area	*lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,* .... *(f) to maintain public access, amenity and use of beaches, foreshores, headlands and rock platforms.*	Management Bill will result in Council implementation of projects that satisfy a selection of the objectives, rather than the set. It is requested that guidance is provided for situations where an action or program is consistent with some, or part of some objectives, but inconsistent with others, or parts of others.
Part 3 Division 2, 12	*12 Purpose of coastal management programs* *The purpose of a coastal management program is to set the long-term strategy for the co-ordinated management of land within the coastal zone with a focus on achieving the objects of this Act.*	Suggest amending purpose to include management of water cycle, natural assets, and the catchment areas. Suggest replacing this text with: "The purpose of a coastal management program is to set the long-term strategy for the coordinated management of the water cycle, land, and natural assets within the coastal zone and associated catchment areas, with a focus on achieving the objects of the Act".
Part 3 Division 2, 14 (2)	*(2) The Minister may, by notice in writing given to a local council, direct the local council in its preparation of a coastal management program. A direction under this subsection prevails to the extent of any inconsistency between it and the coastal management manual.*	Council does not support this provision, and recommends that the Minister can only provide direction consistent with the coastal management manual.
Part 3 Division 2, 20 (1)	*(1) If* *(a) a local council has failed to comply with a direction under this Part, or* *(b) the Minister has refused to certify a draft coastal management program under section 17, the Minister may prepare and adopt a coastal management program for the local council as if the Minister were the local council*	Please clarify the requirements for the Minister to consult with the Local Government in the preparation of a CMP for a Local Government. It is assumed the Minister would require information on Council assets, resources, budgets and capital and operating plans/ budgets. Please clarify the process for retrieving this information. Please clarify whether the Minister would be conducting community consultation, and if not please provide the

Section	Text	Comments/ Suggested changes
		justification for this. It is assumed that the Minister would be responsible for all negotiations and consultation associated with this process. Please clarify the process for the Minister to secure funding from beneficiaries under this process.
Part 3 Division 3, 21(4)	*(4) The Minister may review and amend the manual from time to time*	Please confirm and clarify that Councils are to proceed with the manual that is in place at the time that the CMP process commences, and that any changes made to the manual during that time will not apply to Councils once they have commenced the Coastal Management Program development process.
Part 3 Division 4, 22	*(1) A local council is to give effect to its coastal management program, and in doing so, is to have regard to the objects of this Act.* *(2) In particular, without limiting subsection (1), a local council is to give effect to its coastal management program in* *(a) The preparation, development and review of, and the contents of, the plans, strategies, programs and reports to which Part 2 of Chapter 13 of the Local Government Act 1993 applies, and* *(b) The preparation of planning proposals and development control plans under the Environmental Planning and Assessment Act 1979*	Council objects to the inclusion of clause 22 of the Draft Bill insofar as it imposes a positive obligation to give effect to Coastal Management Programs. The creation of a positive statutory obligation may potentially give rise to actionable rights on behalf of landowners or stakeholders to seek to enforce compliance with action items, works or responsibilities in any CMP.
Part 4, 24(2)	*The NSW Coastal Council is to consist of at least 3 and not more than 7 members appointed by the Minister*	It is noted that a council of 3 members would not be able to cover the range of expertise listed in clause 3. Council would support a mandate to have a NSW Coastal Council of at least 5 and not more than 7.
Part 4, 24(3)	*"The members of the NSW Coastal Council must have expertise in one or more of the following fields..."*	The current wording allows the possibility of all Council members to have experience in the same field. Council suggests that the Council must have expertise in the

Section	Text	Comments/ Suggested changes
		following fields at a minimum • Coastal physical sciences, including geomorphology • Coastal land use planning • Coastal ecology • Economics And preferably including: • Coastal engineering • Social science • Local government management
Part 4, 25, (1b)	*(1) The NSW Coastal Council has the following functions:* ... *b) at the request of the Minister, to provide advice to another public authority on any matter referred to the Council by the Minister relating to coastal management issues.*	Council proposes that the NSW Coastal Council be available to provide advice to Council in the event of a significant query that cannot be resolved within Council, and that this can be carried out without a prior referral/ request from the Minister. The ability for Councils to receive advice directly from the NSW Coastal Council is implied in the Draft Coastal Management Manual – Part B, Stage 2, Table B2.2. Further, in his address on 14 November 2015, Minister Stokes stated that on the three key elements of the reform package would be: *"new arrangements to better support council decision making. This will include a new decision support framework, a new coastal management manual and improved technical advice"* And later expanded to note that this would involve: *"improving the delivery of technical advice to councils, through the new independent advisory body to be established under the legislation."*

Section	Text	Comments/ Suggested changes
		It is noted that the only mechanism for Council to receive advice is via a Ministerial referral. This process is not consistent with statements provided above.
Schedule 1	*Coastal Sediment Compartment: Sydney Harbour does not include Harbour Councils including City of Sydney, Mosman, and North Sydney. Consultation between harbour councils should be required to lead to more consistent management of Sydney Harbour.*	Suggest inclusion of all Councils adjoining Sydney Harbour within the Sydney Harbour Coastal Sediment Compartment
Schedule 4 Section 4.2, Environmental Planning and Assessment Regulation 2000 [3]	*Schedule 4 Planning Certificates* *Omit clauses 4 and 4a*	Clauses 4 and 4a currently provide the requirements to include coastal hazard information on s149 certificates. Following the deletion of this clause, it is unclear how a potential purchaser will be made aware of the coastal risk associated with the property. With regards to the proposed coastal management areas identified via the Coastal Management SEPP, it is recommended that if a property falls within one of the four areas, this information should be mandated in Part 2 of a Section 149 Certificate. This will ensure a potential property purchaser is aware of the application of the SEPP, and will allow consistency in information distribution across NSW.
Schedule 4, Section 4.4, Local Government Act 1993 No	*[5] Section 733 Exemption from liability—flood liable land, land subject to risk of bush fire and land in coastal zone* *Omit "a manual referred to in subsection (5) (b)" from section 733 (2) (a).*	Inserted text may place liability on Council if actions were taken in line with their current Coastal Management Program or Coastal Zone Management Plan, if that Plan/Program was prepared following a previous version of the coastal management manual

Section	Text	Comments/ Suggested changes
30 [9]	*Insert instead "the coastal management manual under the Coastal Management Act 2015"*	Council suggests that the included text be changed to: "the coastal management manual that was in place at the time of commencement of that Coastal Management Program or Coastal Zone Management Plan".

Table 2. Coastal Management State Environmental Planning Policy – Answers to Consultation Questions

Council reserves the right to make additions to, amend, or delete any of the following responses on reviewing the Draft Coastal Management SEPP. Council has been given access to draft maps and has based its comments on those maps and the explanations given at the Office of Environment and Heritage, and Department of Planning and Environment workshop held at Sydney Town Hall on Wednesday 16 March 2016.

OEH Consultation Question	WMC Response
Question 1 ***Should councils be able to propose changes to the maps for all or some of the coastal management areas?***	Yes, to all coastal management areas.
Question 2 ***Should the development controls be included in the proposed Coastal Management SEPP or as a mandatory clause in council LEPs***	Council staff are strongly opposed to the application of the Coastal Use Area and the Coastal Environment Area to the foreshore of Sydney Harbour. The existing provisions in the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) (and the Woollahra LEP 2014) already suitably address land use planning issues within the Woollahra LGA. There should be no duplication or overlapping of controls through multiple state policies. If there is a need to supplement the provisions applying to the foreshore of Sydney Harbour, then amendments should be made to the existing *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) and the Woollahra LEP 2014 With regards to land along the open coastline (outside of Sydney Harbour estuary), Council staff recommends that these provisions (both the map and the controls) remain as local provisions in the LEP. We do not support including the controls in the Coastal Management SEPP. Retaining the provisions in the LEP ensures all relevant controls are in one document. This results in a planning framework which is easier for applicants to understand and the relevant assessment authority to administer. Any amendments to these controls should be made via the Standard Instrument to provide consistency across the NSW coast. Including this information in the Coastal Management SEPP creates an unnecessary additional assessment layer for applicants and assessment teams to navigate.

Question 3 ***Do the proposed development controls for mapped coastal wetlands and Littoral rainforests remain appropriate for that land***	Not relevant to Woollahra Municipal Council
Question 4 Do you support the inclusion of a new 100m perimeter area around the mapped wetlands, including the application of additional development controls	Not relevant to Woollahra Municipal Council
Question 5: are the proposed development controls for mapped coastal vulnerability areas appropriate for that land	Not relevant to Woollahra Municipal Council. Flood planning levels and estuary planning levels are currently incorporated into the Woollahra DCP 2015. Council understands that the Coastal Vulnerability Area maps will not apply to Woollahra. Council supports this approach.
Question 6 Are the proposed development controls for coastal environment areas appropriate for that land?	As identified above, Council staff do not support the Coastal Environment Area applying to land within Sydney Harbour, where the provisions of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) apply. Council is strongly opposed to two state policies, addressing similar issues, applying to the same area. Further, it is unclear whether the SREP or the Coastal Management SEPP would override in the instance of an inconsistency. The existing provisions in the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) (and the Woollahra LEP 2014) already suitably address land use planning issues in this area. Further, the proposed development controls are ill-conceived and overly onerous. It is unclear how the matters can be addressed by applicants. It is noted that this process will add significant amounts of time and cost to the assessment process. For example: *"Development consent must not be granted... unless the consent authority has considered the extent to which the development .....is not likely to cause adverse impacts on the* ***biophysical*** *....environment."*

	Council queries how this would be assessed. It is assumed that adequate assessment of this criterion would involve expertise that is not currently held within Councils.
Question 7 Is the inclusion of the 15 sensitive lakes (listed in Schedule 1) within the coastal environment area appropriate?	Not relevant to Woollahra Municipal Council
Question 8 Which is the best option for mapping the coastal use area? Is the proposed approach to mapping of the coastal use area for the Sydney metropolitan area appropriate?	As identified above, Council staff do not support the application of the Coastal Use Area to land within Sydney Harbour. The existing provisions in the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) (and Woollahra LEP 2014) already suitably address land use planning issues in this area. Should the Coastal Use Area apply to our LGA for land along the east coastline (and outside of Sydney Harbour), it should be provided to Council as a digital layer which can be easily integrated into our existing GIS infrastructure.
Question 9 Should councils be able to propose variations to the Coastal Use Area maps over time to take into account local characteristics and circumstances	Yes. Development intensity, land use and knowledge of coastal processes will change over time.
Question 10 Are the proposed development controls for mapped coastal use areas appropriate for that land	No. Council staff recommend that the development controls in the Coastal Use Area be limited to those areas that are not currently covered by the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP). Further, the nature of the proposed development controls are ill-conceived, overly onerous, and inconsistent with the existing local planning instruments that apply to this area. As a minimum, the conditions related to Coastal Use Areas should be amended as follows: *The proposed development controls will provide that development consent must not be granted to development on land within this coastal management area unless the consent authority considers the extent to which the development:*

	• *maintains or enhances public access to beaches, headlands, and ocean, estuarine, lake and lagoon foreshores* • ~~*does not exceed the scale and size of the existing buildings and the visual impact on the surrounding area*~~ ***[delete this point]*** • *incorporates measures to maintain or improve the amenity of the coastal foreshore, including minimising overshadowing and minimising the loss of views from a public place to the coastal foreshore* • *protects the visual amenity and scenic qualities of the coast* • *protects Aboriginal cultural heritage and places* • *minimises overshadowing* ***[please clarify this part]*** ~~*and wind funnelling*~~ ***[delete this part]*** • *conserves biodiversity and ecosystems, including:* *i. native coastal vegetation and existing wildlife corridors, and* *ii. rock platforms, and* *iii. water quality of coastal waterbodies, and* *iv. native fauna and native flora, and their habitats; and* • *affects the cumulative impacts of the proposed development and other development on the coastal catchment.* For example: *"Development consent must not be granted ...unless the consent authority considers the extent to which the development...does not exceed the scale and size of the existing buildings and the visual impact on the surrounding area".* This control is inconsistent with and would override the existing height controls in the WLEP 2014 and building envelope controls in the WDCP 2015 which already apply to the land. It is inappropriate for controls relating to the scale and size of buildings to be applied at the State level, considering the diversity of coastal development across NSW.

Table 3. Coastal Management State Environmental Planning Policy – Explanation of Intended Effects – WMC Response

Council reserves the right to make additions to, amend, or delete any of the following responses on reviewing the Draft Coastal Management SEPP. Council has been given access to draft maps and has based its comments on those maps and the explanations given at the Office of Environment and Heritage, and Department of Planning and Environment workshop held at Sydney Town Hall on Wednesday 16 March 2016.

Section	Text	Comments/ Suggested changes
Approval pathways for new coastal protection works Page 23	*Approval pathways for new coastal protection works (Table)*	No guidance is given for emergency protection works not provided for in a Coastal Erosion Emergency Action Sub Plan. Please clarify the approvals process of works in an area that is not covered by a CEEASP.
Exempt and Complying Development	Exempt and Complying Development Coastal Management Area 3: Coastal Environment Area *Complying development set out in the General Housing Code, Rural Housing Code, and Commercial and Industrial (New Buildings and Additions) Code cannot currently be carried out on land that is identified in an environmental planning instrument as being environmentally sensitive land (or similar). This arrangement is to continue*	It is noted that complying development cannot be carried out on land which within an "environmentally sensitive area" (1.17A of the SEPP Exempt and Complying). Council seeks confirmation that land classified as Coastal Environment Area or Coastal Use Area would not fall within the definition of "environmentally sensitive area".

Table 4. NSW Coastal Manual – Part A – WMC Response

Section	Text	Comments/ Suggested changes
Essential Elements – General Comment	Wording – use of 'should'	Wording is ambiguous; Essential Element indicates mandatory, however the use of "should" throughout the text indicates Councils can use their discretion. Please confirm and clarify mandatory/ discretionary nature of "Essential Elements".
Essential Element 9	*Councils should identify the priority management issues and opportunities:* *j Public Participation*	Public participation should not be listed as an "issue" as it is a part of the planning process itself. Council suggests removing public participation from the list of issues.
Essential Element 10a	*The CMP should be developed after the preparation of: Coastal Strategy Statement and Summary Statement*	Council suggests that due to the following it would be extremely difficult to prepare an accurate and meaningful summary statement: • the complicated nature of coastal management • the wide and varying scope of CMPs • the array of objectives contained within the Draft CM Bill, regional strategies and Council planning objectives that the CMP is required to address A summary statement would most likely provide a broad statement about coastal management that would be of little use to Council or the community, and may oversimplify the process and provide a misleading representation to stakeholders. Council recommends that the requirements for a Coastal Strategy Statement and Summary Statement be removed.
Essential Element 23	*Councils may adopt a certified CMP and, if so, they need to notify the making of the CMP in the Gazette*	The purpose of this requirement is unclear. If a CMP is prepared by a Council it would need to be adopted

Section	Text	Comments/ Suggested changes
		by Council prior to submission for certification. If a CMP is prepared by the Minister on behalf of a Council it would be assumed that the Council would have no choice but to adopt the CMP. This statement is in conflict with the direction provided in Section 4.5 in the NSW Coastal Management Manual Part B
Essential Element 26 and 27	*26. ....Councils should report:* *a) Annually on the implementation of coastal management actions* *b) At four yearly intervals on what has been achieved from management of the coast, and* *c) At intervals of not more than 10 years on the performance of the CMP* *27. The Strategic review of the CMP should be conducted at least every 10 years and should include an evaluation of the effectiveness of the CMP in achieving its objectives*	Council suggests that 10 yearly reporting would add an unnecessary and unhelpful layer of reporting, considering that Council is already reporting annually, and every four years. Further, considering that the CMP is to be reviewed every 10 years, it seems an unnecessary reporting exercise as a summary of actions/ progress over the last 10 years would be an inherent step in the CMP review.

Table 5. NSW Coastal Manual – Part B – WMC Response

Section	Text	Comments/ Suggested changes
Stage 1 Section 1.1	*Figure B1.1 Five stage process for developing a coastal management program*	Council notes that the current annual grant funding process can result in long delays, where separate grant funding applications are required for subsequent phases. Council recommends that a review of this process is undertaken to avoid delays, e.g. a single grant application for all stages, or multiple funding rounds each year.
Stage 1 Section 1.2 Purpose of Stage 1 – a scoping study	*Councils are required to complete Stage 1 regardless of whether a council already has a CMP, coastal zone management plan (CZMP) or other management plans, policies and practices in place.*	As the CMP is a voluntary process for most Councils it is unclear why a Council would complete a scoping study if they have a CMP, CZMP or other management plan in place that is adequately managing the coast. It is assumed that this statement applies only to those Councils which have been directed to complete a CMP by the Minister. For clarity this should be stated.
	The intent in Stage 1 [Scoping Study] is to use available information about the coastal zone, not to commission new studies. If new detailed studies are necessary, they will be part of Stage 2.	The scoping study is to include "a review of priorities, triggers for change.." but the intent is to "use available information" and "not to commission new studies" Council suggests that an accurate and meaningful review of priorities and triggers for change would in many cases require additional studies to be conducted. Council requests that further thought be given to the necessity of carrying out this step, and suggests the replacement of this step with an "Immediate Concern and Data Gap Identification" step .
Stage 1 Section 1.3.2	*At the conclusion of Stage 1, councils should be able to answer the following questions:*	To answer the three questions listed, Council would likely need to commission additional technical studies, and research, which

Section	Text	Comments/ Suggested changes
Outcomes from Stage 1	..... *2) Which of the four coastal management areas are applicable and which management objectives take priority* *3) Which of the four coastal management areas require further effort?* *4) Do current management practices, policies, or approaches need to change?*	is not the intent of the Scoping Study. The outcomes listed in the Scoping Study are incongruent with the level of investment/ time suggested by OEH. Council suggests that the Scoping Study step should be replaced with a less comprehensive Immediate Concern and Data Gap Identification step. This would not include any additional studies and would help direct investment in further investigation
Stage 1 Section 1.7.2 Private assets and uses	*The scoping study should consider the legality, sustainable competency and effectiveness of these existing structures.*	Council is not, and should not, be responsible for the ongoing monitoring of private structures. The owners of private seawall should have the sole responsibility for managing these assets. It would be inappropriate and unrealistic for Council to undertake an LGA wide assessment of the sustainable competency and effectiveness of existing structures. With regards to illegal structures, where these are brought to the attention of Council, Council will determine what, if any, remedial action is necessary in accordance with Part 6 of the *Environmental Planning and Assessment Act 1979 No 203*&A Act and Council's adopted Enforcement Policy.
Stage 1 Section 1.9 Coastal Use Areas	*"a iii) urban design, including water sensitive urban design, is supported and incorporated into development activities"*	Urban design controls are already suitable addressed in existing adopted planning documents (LEP, DCP etc). Council suggests the following text: "a iii) water sensitive urban design is supported and incorporated

Section	Text	Comments/ Suggested changes
		into development activities"
Stage 1 Section 1.9.1 Access, Use and Amenity	*For some councils there will also be value in conducting an initial community use survey during the scoping stage, to gain a better understanding of which assets are most valued by coast users and why*	This is in conflict with the intent of the scoping study; to "use available information" and "not to commission new studies". It would be inefficient and costly for Councils to conduct an initial community use survey, followed by a more comprehensive study later in the project.

Stage 3	Section 3.2.1 Involving the community and stakeholders in Stage 3
	Stage 3 requires input from within council, external stakeholders and the community. The engagement process should facilitate stakeholder involvement in identifying and evaluating local and regional scale management actions to enhance coastal values, address identified risks and provide input to apportion costs to beneficiaries
	
	Section 3.8.1 Preparing an economic evaluation
	...councils should analyse the distribution of the costs and benefits to council, public authorities, stakeholders and the environment. When undertaking this analysis councils should consider the capacity of beneficiaries to pay when apportioning the costs
	
	3.9.2 A mix of funding mechanisms will be needed
	The range of potential beneficiaries/contributors includes:
	• *at-risk property owners, not-at-risk property owners and beach users/non beach users who either reside or own a property within the local community*
	• *visitors from elsewhere within the local council area who do not live in the local community, and out-of council area visitors*
	• *non-beach-related or beach-related businesses, with beach-related businesses being either tourist-dependent or local community dependent*
	• *local government and state government asset owners, where state agencies include infrastructure agencies, environment asset agencies and natural resource agencies*
	• *Commonwealth government where there are national benefits for*
		Council notes that while this was presented as a significant aspect of the Coastal reforms, principles for cost sharing, and specific guidance on identifying beneficiaries was not provided.
		
		Specific limitations of the guidance provided in the draft documents are listed below:
		• No cost sharing "principles" are provided
		• No clear guidance is given on defining beneficiaries for the range of projects or measures that Council may implement.
		• Appendix 6: Valuing recreation impacts provides some general commentary on property valuation, based on a study by Landry and Hindsley (2011). This information is of little value to Council due to the following:
		  • as stated this study did not address identification of beneficiaries.
		  • The study removed recreational users of the coast who lived beyond 300m from the coastline
		  • The study then focused only on recreational use by tourists, which for this purpose is irrelevant as Councils have no mechanism for charging tourists for their use of the beach.
		  • Based on the information given in this section, the only beneficiaries that Council could levy or request

Section	Text	Comments/ Suggested changes
	example tourism and hence the overall economy, but in particular where the program is aimed at reducing the potential for future need of emergency management or disaster relief funding from the Commonwealth. It is further noted that in his address on 14 November 2015, Minister Stokes stated that "*For the first time we will develop and adopt a set of agreed cost sharing principles that will enable councils to fairly and transparently apportion the costs of management actions.* *These principles will ensure that cost sharing arrangements:* • *Fairly apportion the costs of coastal management actions between the beneficiaries of those actions* • *Include the full capital and recurrent expenditure associated with coastal management actions* • *Encourage the most efficient and effective way to deliver actions, whether these are to protect, accommodate or relocate* • *Are simple to administer* • *Are decided in consultation with relevant parties* • *Are transparent and reviewed regularly* • *Are aligned with local and strategic objectives* *The cost sharing principles will support councils to work out who benefits from different coastal management options, and on that basis, which options are the most effective and affordable overall.* .. *We will deliver a funding and financing 'tool kit' to councils as part of the new coastal management manual, which makes sure*	contribution from are those who live or own property within 300m of the coastline. It is expected that the residents in these areas will object to this. The State Government should take responsibility for broad consultation with coastal residents and wider NSW community explaining the rationale behind changes to funding arrangements, and recommendation for Councils to identify and request funding assistance from beneficiaries.

Section	Text	Comments/ Suggested changes
	they have the information and guidance they need to deploy the mechanisms that are right for their circumstances, and, if necessary, the regulatory backing to use them effectively."	

Table 6. NSW Coastal Manual – Part C – WMC Response

Section	Text	Comments/ Suggested changes
Part C: Funding Mechanisms to implement coastal management actions: Guidance for local councils	*Section 2.2 Negotiated funding arrangements and partnerships* *Some coastal management responses may benefit from, or require, a negotiated arrangement with individuals or groups of individuals. For example, a proposal to construct a protective structure that largely benefits a small group of private landowners may be more efficiently funded by direct contributions from those landowners, rather than through the application of a special rate.* *Section 3. Examples of financing and other mechanisms of potential interest* *... there are examples of other financing and implementation mechanisms that may be of interest to councils....* *Reverse Mortgages* ... *Property Leasebacks* ...	Council is concerned that reliance on voluntary donation for coastal protection works will result in the lack of ability for council to implement necessary works. It is expected that in most cases, a coastal protection work will benefit more than those owning property directly adjoining the coastline. Council notes that the NSW OEH Coastal Management Program and the NSW Estuary Management Program remains the most appropriate funding source for coastal protection works that are likely to benefit landowners and the wider community. The State Government should take responsibility for broad consultation with coastal residents and wider NSW community explaining the rationale behind changes to funding arrangements, and likelihood of costs to beneficiaries.
Part C: Using	*Cost-Benefit analysis (CBA) is an economic assessment*	Council does not see the value in the use of the Cost-Benefit

Cost-Benefit Analysis to assess coastal management options: Guidance for Councils	*approach which can play a valuable role assisting councils to make decisions about appropriate coastal management options. A CBA approach can accompany other decision-making criteria which councils may wish to use (e.g. technical feasibility, community acceptability, environmental impact), to ensure that an optimal management response is selected.*	Analysis in making decisions about appropriate coastal management options. Council will continue to prioritise projects based on our standard management processes.

Additional Comments: Council Liability and Enforceable Obligations
Council has significant concerns with the higher threshold being set to meet the statutory defences to liability by the proposed changes to the Local Government Act, as well as the creation of enforceable obligations to implement coastal management programs.

The proposed amendment to Section 733 of the Local Government Act reduces Council's potential protection even when acting in 'good faith'. The obligation on Council is higher for coastal zone risks than other similar risks without there being any basis provided as to why that is necessary.

Additional Comments: Community and Stakeholder Consultation
Throughout the suite of documents stakeholder and community consultation is identified as a mandatory requirement for certification (e.g. Clause 21(3)(d) and also non-mandatory (e.g. Clause 16(1)(b). This needs to be clarified.

The State Government should take responsibility for broad consultation with coastal residents and wider NSW community explaining the changes to planning conditions resulting from the Coastal Management SEPP. This must include contacting each landowner whose land become mapped as one or more of the four coastal management area.

Additional Comments: Terminology
'CMP' is the current acronym for "Construction Management Plan". This is likely to cause confusion in Development assessment and planning discussions and documentation. Council suggests that the title Coastal Zone Management Plan (CZMP) be retained for clarity.

Yours sincerely

Tom O'Hanlon
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