

# MEDIA RELEASE

15 April 2018

**NSW COASTAL ALLIANCE SLAMS NEW COASTAL MANAGEMENT ACT**



(Refer to the NCA community briefing paper “Coastal Management under the NSW State Coalition”)

The NSW State Coalition Government proclaimed its long awaited Coastal Management Act 2016 on 28 March 2018 and launched the legislation with a low-key media release.

According to the NSW Coastal Alliance, the legislation is deceptive and will ultimately “rip coastal communities apart”. The NSW government had the option of setting sea level rise trigger points and deferring any punitive planning action until those trigger points were reached. Instead, it elected to allow local councils to frame a hodgepodge of sea level rise policies based on a wide range of futuristic projections. Now it is obliged to implement a policy of climate change adaptation based on either “mitigation and defensive adaptation” or “planned retreat” now known as “managed realignment”. Planned retreat being a policy of coastal surrender that restricts development, destroys property values and ultimately results in property being resumed by the state without compensation.

The owners of properties identified as “vulnerable to coastal hazards” under the new Act will have their futures decided in Coastal Management Programs (CMP’s) developed by their local council. On the surface, the new Act appears to provide for mitigation planning that might involve anything from beach nourishment and dune reconstruction to engineered defences like revetment walls. In fact, the directions provided in the Coastal Manual, the government’s refusal to acknowledge the entitlement of climate change affected property owners to compensation, and the appointment of a Coastal Council biased towards coastal retreat, sets the scene for “managed realignment” up and down the NSW coastline. Managed realignment being the new bureaucratic buzzword for planned retreat.

The Alliance points out that the last seven years of coastal management under a NSW State Coalition Government has been a demonstration of its ultimate objective of coastal retreat. It quotes examples from Byron Bay to the Eurobodalla where defensive engineering solutions have been rejected or delayed, and unpalatable tactics employed to sterilise the development potential of waterfront land. It even extends to the expropriation of land affected by tidal inundation, without any compensation being offered.

At the same time as the state government is conniving to surrender coastal properties to the sea without compensation, it is collecting billions of dollars in coal mining royalties. It blames fossil fuel usage for causing the projected cataclysmic sea level rise but refuses to share the booty with those in its own State who will be worst affected by the fall-out.

The NSW Coastal Alliance plans to hold public briefings to educate affected home owners in the lead up to the next state election.

# Community Briefing – Coastal Management under a NSW State Coalition Government.

How threatened coastal communities of New South Wales are being devastated by flawed and destructive State Government coastal management legislation.



After seven years of coastal management under a State Coalition Government, NSW has been left with a **deceptive illusion - a framework of legislation that will ultimately rip coastal communities apart!**

A report by the Australian Department of Climate Change in 2009 indicates that **in NSW, between 40,800 and 62,400 residential buildings - 102,000 to 156,000 people - will be adversely affected by the implementation of the NSW Coastal Management Act** as it is forced on NSW's coastal communities, particularly those in NSW regional areas.

The legislation offers no solutions for existing coastal communities other than to accept what has been handed down. Any hope of adaptation that would allow coastal communities affected by sea level rise projections to secure their future through **“defensive adaptation”**, has been dispelled by a NSW State Coalition Government oblivious to what they have created.

Adaptation will be interpreted by most NSW coastal councils in accordance with the new coastal management framework, allowing them to determine that **“managed realignment”, previously known as “planned retreat”**, is the most cost effective option.

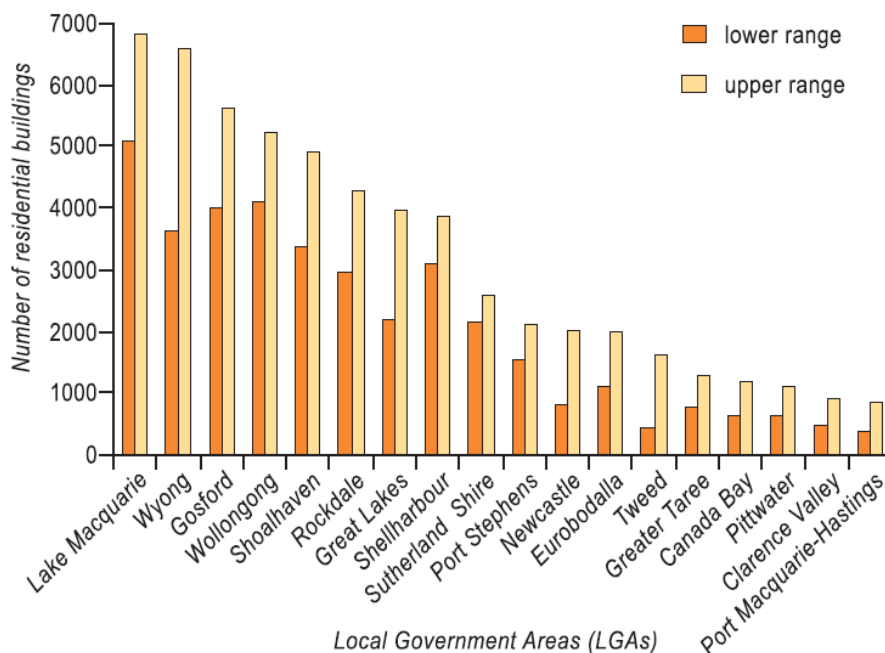


Figure 5.9 Estimated number of existing residential buildings in New South Wales at risk of inundation from a sea-level rise of 1.1 metres and a 1-in-100 year storm tide. **“Climate Change Risks to Australia’s Coast”, Australian Department of Climate Change 2009**

**Minister Upton and the Office of Environment and Heritage, including her Coastal Panel, are proud of legislation that takes away personal rights and destroys livelihoods!** They have achieved this result by embarking down a pathway of **no community engagement and limited consultation.**

The new coastal management framework rebadges old phrases to disguise the fact that **the NSW State Coalition Government has caved in to the demands of public servants who have captured the regulatory powers of government.** Public servants in positions of power with direct conflicts of interest should never have been permitted to engage in the development of the Coastal Management Act and the accompanying Coastal Management State Environmental Planning Policy and the Coastal Manual.

Together with the NSW State Coalition Government they have developed a biased coastal management framework comprising an Act of Parliament not subjected to true public scrutiny or consultation, a manual with statutory power that can be changed at any time without the approval of Parliament and a State Environmental Planning Policy, **that in total deny the value of private and public assets in favour of “planned retreat”**.

In a cynical ploy, the phrase **“planned retreat”, a hated term**, is replaced in the new **Coastal Manual**, by the term **“managed realignment”**, as an **option for local councils to now legally take private land without compensation**. Using a highly biased Cost Benefit Analysis developed by the Office of Environment and Heritage, **“planned retreat” now “managed realignment”** is the most cost effective management option of choice for all NSW councils,

This rebadging will not fool coastal residents but **the NSW State Coalition Government, with hand on heart, will state that they do not have a policy of planned retreat!**

After seven years of failed policy related to coastal management, the NSW State Coalition Government has given up and shifted all responsibility to local government and local communities to deal with the threat of sea level rise projections. To ensure that this responsibility never again haunts the NSW State Government, they have created a **pseudo coastal police force, the “NSW Coastal Council”**. This new “independent” statutory body will ensure that local communities and local government fully comply with legislation that will never allow average people the right to defend their property or the right to **“just terms compensation”** as their property is swallowed by rising seas and **the title is transferred to the Crown with no compensation – expropriation of privately owned land**.

For those who deny that a coalition of Liberals and Nationals could ever contemplate let alone condone expropriation of private land with no compensation, look at the coastal management record of the NSW State Coalition Government over the past seven years:

- **Eurobodalla:** At Wharf Road, close to the CBD of Batemans Bay, the title of privately owned land subject to tidal inundation, **is to be transferred to the Crown with no compensation**, in accordance with a Eurobodalla Council coastal plan. The owners of that land are still required to pay council taxes on land that has been destroyed by poorly planned dredging campaigns conducted by the NSW State Government. The Coastal Zone Management Plan for Wharf Rd is expected to **soon be certified by Minister Upton** meaning that **the NSW State Coalition Government supports the expropriation of privately held land**.

In other parts of Eurobodalla, over 6000 homeowners are threatened by the **Eurobodalla Council Adaptation Plan**. **If their properties are affected by four tidal inundation events in one year, all development must be removed and the land left in a natural state-with no compensation!**

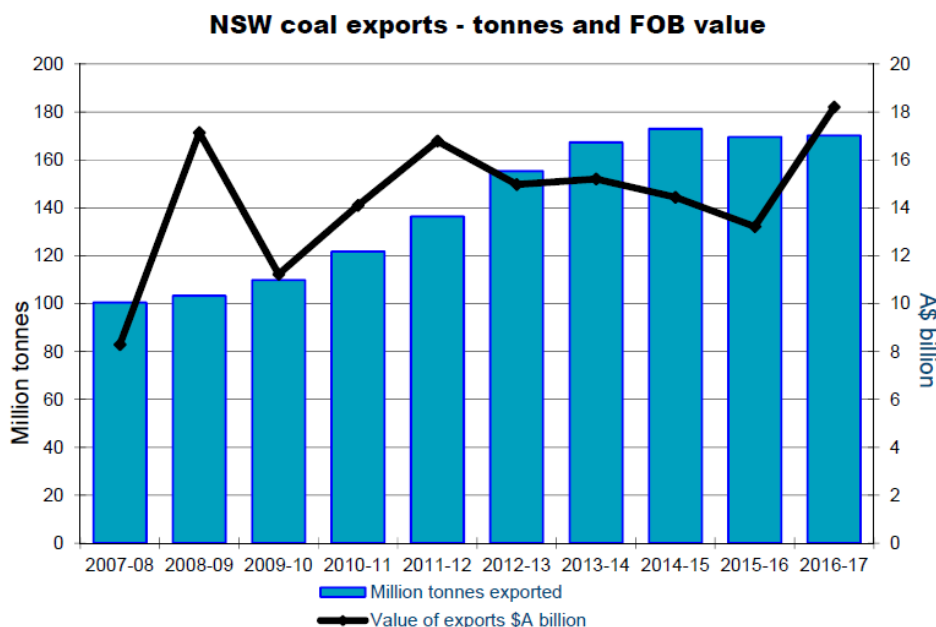
- **Newcastle:** Minister Upton and the Office of Environment and Heritage have rejected a Coastal Zone Management Plan for the heavily eroded Stockton Beach, expressing concern at the cost of an artificial headland that would protect the beach and both public and private assets.
- **MidCoast:** Old Bar homes have been lost and seaward boundaries of privately owned land are now covered by the high tide. **The public beach now lies on private property**. Despite being one of the worst examples of coastal erosion, little or no assistance has been provided for this small regional community. At Boomerang and Blueys Beach, **the Boomerang & Blueys Residents Group Inc. (BBRG) is taking Land & Environment Court legal action against Minister Upton and MidCoast Council** regarding a recently certified CZMP classifying homes as being at high risk when the beaches have been peer researched and declared stable.
- **Byron Bay:** privately funded sea walls to protect the whole community and a new pedestrian walkway have been **dropped by Minister Upton on the advice of the NSW Coastal Panel (now the Coastal Council)**,

- **Central Coast: a devastated asbestos contaminated public beach, looks like a war zone** while the State Government and local council, refuse to remove a sand shoal that blocks the nearby entrance to Brisbane Water. This is sand that could be used to repair eroded beaches at Umina and Wamberal. Brisbane Water and Tuggerah Lakes suburbs are again threatened by a council that will introduce the State Coalition Government’s concept of **“managed realignment” for up to 12,000 homes** threatened by projected sea level rise in the Central Coast LGA.
- **Collaroy Narrabeen:** a small group of homeowners have been held to ransom by the combined efforts of NSW State Government agencies, OEH & Lands, while their homes are still in ruins.
- **Lake Macquarie:** the NSW State Coalition Government fails to promote **an award-winning adaptation plan** that would ensure the future viability of lakeside communities. The **community developed adaptation plan** provides a model for other NSW coastal communities. Communities at Belmont South, Marks Point and many others around Lake Macquarie will benefit from an adaptation plan with the potential to revitalise and future proof. This same concept is now being used by Lake Macquarie Council to develop another adaptation plan for Pelican, Swansea Channel and Blacksmiths including the beach.

The NSW State Coalition is quick to claim credit for the financial management of NSW while disregarding the financial sacrifices made by all people of NSW. Our growth has been underpinned by new **State Government profit centres**, including stamp duty, land tax and increased taxes and fines which have allowed NSW to embark on a necessary but costly infrastructure program.

Part of the revenue of the NSW State Government is royalties from the mining of coal.

**In 2016/17 NSW coal mining royalties were \$ 1.56 billion dollars. This is the very product claimed by State Government and Federal Government agencies to be the major cause of Climate Change. Those same agencies assert that sea level rise threatens to inundate between 157,000 and 247,600 existing residential buildings Australia wide.**



Coal Services 2017 Press Release – NSW Coal Industry Statistics

While NSW State revenues have very substantially increased over the past year, a **funding package of \$83.6 million was announced for Coastal Management from 2016-17 to 2020-21** with just over \$2.6 million dollars having been awarded to councils to date. For these funds to be expended over 5 years, an average of \$16.72 million dollars must be spent each year. At this stage after 2 years, **take up of program**

**funding by NSW councils is set to be around \$30 million dollars less than is required to fully expend these funds over the five year term.**

Contrary to the understanding of the NSW Coastal Alliance in late 2014, none of this funding can be spent on the protection of private assets. Despite the **\$1.56 billion dollars in NSW coal mining royalties**, there is the very strong possibility that only a small proportion of the \$83.6 million dollar package will be spent. Potentially, **only \$15 million dollars of the \$83.6 million dollar program will be spent on coastal management by the NSW State Coalition Government, over the five year term of the funding program.**

On balance this appears as an act of complete negligence and contempt towards the **102,000 to 156,000 people who will be adversely affected by the implementation of the NSW Coastal Management Act.**

Residents of these same communities also contribute to the NSW emergency services fund through a levy on their insurance but in a coastal erosion event or a coastal flooding event are denied access to emergency services that are provided during bushfires, storms and other natural disasters. This is an **act of betrayal perpetrated by the NSW State Coalition Government.**

Those **low lying and flood liable communities** around NSW waterways and the **beachside communities** impacted by coastal erosion **will be ignored by councils intent on shifting all responsibility and all costs of adaptation** onto those same affected communities, **by implementing “managed realignment” – “planned retreat”!**

Governments at a State and Federal level are willing to throw coastal communities under a bus while reaping the benefit of the fossil fuel products **that they claim will cause cataclysmic sea level rise!**

**All State Governments and the Federal Government benefit financially from the production and sale of fossil fuels.** These benefits are redistributed to all Australians who also use fossil fuel products.

This **hypocrisy and duplicity** is astounding and a disgraceful abrogation of responsibility now demonstrated by the NSW State Coalition Government as it applauds legislation **designed to destroy the rights and the livelihood of those who will be adversely affected by climate change projections.**

In coming months **leading up to the NSW and Federal elections, the NSW Coastal Alliance will hold public briefings** in those areas affected by the NSW 2016 Coastal Management Act. We look forward to engaging our local coastal communities and presenting information and solutions.



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