



New South Wales Coastal Council

New South Wales Environment Protection Authority Draft Climate Change Policy and Climate Change Action Plan 2022-2025

NSW Coastal Council Submission

Scope

The NSW Environment Protection Authority (EPA) has developed a new draft *Climate Change Policy* and *Climate Change Action Plan 2022-2025* in response to the [Bushfire Survivors for Climate Action Incorporated v Environment Protection Authority \[2021\]](#) which found that EPA's statutory duty to protect the environment and human health extends to protection from climate change.

EPA's draft [Climate Change Policy](#) and [Climate Change Action Plan 2022-2025](#) were released for public comment on 8 September 2022 with feedback sought by 3 November 2022.

About the NSW Coastal Council

The Coastal Council (the Council) was established under the NSW [Coastal Management Act 2016](#) (CM Act) to provide independent expert advice on coastal issues to the Minister administering the CM Act (see CM Act [Part 4](#)), the minister for Local Government. The CM Act commenced in April 2018 and supports the objects of the *Marine Estate Management Act 2014* (see CM Act [Object m](#)).

The new NSW [Coastal Management Framework](#)¹ draws clear connections between the responsibilities of all levels of government in managing the coast, has strong links to the landuse planning system via *State Environment Planning Policy (Resilience and Hazards) 2021 (Chapter 2 Coastal Management)*, drives coordination via local council planning instruments, and promotes integrated and sustainable management of coastal land and waterways in public tenure. The CM Act provides a framework for strategic long-term management of the coastal zone, including estuaries and coastal waterways of the marine estate, through Coastal Management Programs (CMPs) that are prepared by local councils in consultation with other public authorities.

The Council comments on matters on public exhibition it considers important to the implementation of the NSW Coastal Management Framework. Its submissions are not government policy.

Coastal Council Submission – Context and Focus

Council's submission provides general comments focused on EPA's draft *Climate Change Action Plan 2022-2025*. These comments highlight the importance of EPA: as a regulator of water pollution discharged in, or impacting on, the coastal zone; and as a necessary partner for local councils in development and implementation of CMPs. The health of coastal, estuarine and marine ecosystems is heavily influenced by water quality, with priority threats to environmental values from water pollution exacerbated by climate change such as through increases in extreme weather and incident or disaster-related events.

The submission is informed by Council's review of EPA's draft *Climate Change Policy* and *Climate Change Action Plan 2022-2025*, together with its insights accumulated across work plan tasks and surveys undertaken since 2018 at the direction of the Minister for Local Government to identify matters considered central to achieving integrated outcomes for the NSW coast and marine estate.

¹ The [Coastal Management Framework](#) is comprised of:

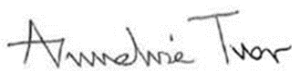
- [Coastal Management Act 2016 \(CM Act\); State Environment Planning Policy \(Resilience and Hazards\) 2021 \(Chapter 2 Coastal Management\); NSW Coastal Management Manual; Coastal Management Programs; NSW Coastal Council.](#)

General comment is provided below on the **NSW EPA Climate Change Action Plan 2022-2025** continuing and new actions under the pillars 'Inform and Plan' and 'Adapt'. Comments by actions are shown in Attachment A.

- Council supports EPA's existing responsibility to monitor and report on the impacts of climate change, including water pollution, through the *NSW State of the Environment* reporting (**Continuing action 1**). Council encourages EPA to share water pollution data, including licensed discharged loads from industries, with local councils to assist with CMP development, implementation and monitoring.
- Council recognises the importance of supporting EPA officers to make climate-change-related decisions (**New action 1**).
 - In reference to the coastal zone¹, this requires ensuring water policy guidelines appropriately reference the *Coastal Management Act 2016* including CMPs as the primary mechanism for coordinated and long-term management of the coastal zone. Guidelines should be current or expedited for review where they are out of date, such as [*Considering environmental values of water when issuing prevention notices \(2006\)*](#).
 - Effective long-term management of the coastal zone through CMPs require local council partnership with a range of public authorities including the EPA. In this context, EPA could help provide local councils' greater visibility of threats to water quality impacting on coastal zone, which includes licensed facilities.
- Council supports the new requirement for licensees to prepare, implement and report on climate change mitigation and adaptation plans (CCMPAs), and update their pollution incident response management plans (PIRMP). Where licensed activities impact on the coastal zone, Council recommends these plans include mandatory reference to a local councils' CMP (**New action 2(b), (d); and New action 13**).
- Council supports EPA partnership with the Department of Planning and Environment (DPE) and local councils to ensure climate change considerations are adequately addressed by proponents being regulated (**New action 2 (c)**). Climate change guidance in planning proposals and approvals should appropriately give reference the *Coastal Management Act 2016*.
- Council acknowledges EPAs role to protect the environment during emergency response and recovery, and supports the action to strengthen preparedness of the impacts of climate change (**Continuing action 10**). Council recommends EPA EnviroPlan consider reference to local councils CMPs coastal zone emergency action subplans.

Contacting the NSW Coastal Council

The Coastal Council would welcome the opportunity to clarify or elaborate on the comments made in this submission. Please address all correspondence to John Hudson, Secretary, NSW Coastal Council John.Hudson@environment.nsw.gov.au



Annelise Tuor
Chair
NSW Coastal Council
3 November 2022

Encl. / Attachment A NSW Coastal Council comments by actions listed in the *Climate Change Action Plan 2022-2025*

¹ The *coastal zone* is a defined term in the [NSW Coastal Management Act 2016](#), the coastal zone means the area of land comprised of the following coastal management areas—(a) the coastal wetlands and littoral rainforests area;(b) the coastal vulnerability area; (c) the coastal environment area; (d) the coastal use area. This definition effectively includes coastal waters of the state and adjacent lands.

Attachment A

NSW Coastal Council comments by actions listed in the *Climate Change Action Plan 2022-2025*

EPA proposed action	NSWCC comment
Continuing action 1 Monitor and report on the impacts of climate change, greenhouse gas emissions and the implementation and effectiveness of the NSW Net Zero Plan, in ^[1] the ^[SEP] NSW <i>State of the Environment</i> reports	Council encourages EPA to share water pollution data, including licensed discharged loads from industries, with local councils to assist with CMP development, implementation and monitoring.
New action 1 Support EPA officers to make climate-change-related decisions	<p>In reference to the coastal zone, this requires ensuring water policy guidelines appropriately reference the <i>Coastal Management Act 2016</i> including CMPs as the primary mechanism for coordinated and long term management of the coastal zone. Guidelines should be current or expedited for review where they are out of date, such as Considering environmental values of water when issuing prevention notices (2006).</p> <p>Effective long-term management of the coastal zone through CMPs require local council partnership with a range of public authorities including the EPA. In this context, EPA could help provide local councils greater visibility of threats to water quality impacting on coastal zone, which includes licensed facilities.</p>
New action 2(b) Progressively require and support our licensees to prepare, implement and report on climate change mitigation and adaptation plans (CCMAPs)	Where licensed activities impact on the coastal zone, Council recommends these plans (CCMAPs and PIRMPs) include reference to a local councils' CMP.
New action 2(c) Partner with DPE to seek to ensure climate change is being adequately ^[1] is ^[SEP] addressed by proponents of activities we'll regulate, and that approvals contain appropriate conditions	Climate change guidance in planning proposals and approvals should appropriately give reference to the <i>Coastal Management Act 2016</i> .
New action 2(d) Require and support all our licensees to specifically consider how a changing climate might increase their risk of pollution incidents, and require them to ^[1] to ^[SEP] update their pollution incident response management plans (PIRMPs) accordingly	Refer new action 2(b)
Continuing action 10 Protect the environment during emergency response and recovery, and strengthen our approach by being better	Council recommends EPA EnviroPlan consider reference to local councils CMPs coastal zone emergency action subplans.

prepared for the impacts of climate change	
New action 13 Prepare or adopt climate change adaptation guidance for key industry sectors we license, including the performance outcomes we seek	Refer new action 2 (b)