

DRAFT SUBMISSION

**Explanation of
Intended Effect:
Improving coastal
management,
supporting blue
carbon and
ecosystem
restoration projects**

June 2026





Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Employ nearly **50,000 people**



Manage more than **1,800 community & public centres**



Maintain more than **168,000km of roads & bridges**



Manage more than **\$220 billion of community assets**



Recycle **1.75 million tonnes of waste**



Spend more than **\$2.5 billion each year on caring for the environment**



Operate more than **380 libraries that attract tens of millions of visits each year**



Make kerbside waste collections for more than **3.1 million households**



Manage an estimated **4 million tonnes of waste each year**



Spend more than **\$2.4 billion on culture and recreation**

Local Government NSW acknowledges and pays respect to the Traditional Owners of the lands on which we work, and the lands we travel through. We also acknowledge our Elders – past, present and emerging.

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Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide feedback on the Explanation of intended effect: Improving coastal management and supporting blue carbon and ecosystem restoration projects

This submission is informed by the policy positions of LGNSW and consultation with councils. LGNSW hosted a feedback forum with councils and has also encouraged councils to make their own submissions.

This submission is provided as a draft, pending endorsement by the LGNSW Board at its next meeting. We will advise of any amendments to the submission in due course.

Background

The NSW Government is consulting on proposed changes aimed at supporting blue carbon and other ecosystem restoration projects and improving coastal management, particularly the management of coastal wetlands and littoral rainforest, including to:

- facilitate blue carbon and ecosystem restoration projects
- continue to protect coastal wetlands and littoral rainforest while streamlining approval processes for low impact proposals
- update approval arrangements for coastal protection works to make them clearer and more practical.

Blue carbon is the term used to describe the carbon captured and stored by marine and coastal ecosystems.

The proposed changes introduce a new land use definition and approval pathway for 'tidal restoration projects' to allow reestablishment of blue carbon ecosystems, which can be used to generate Australian Carbon Credit Reduction Units (ACCUs). The introduction of a new planning approvals framework for ecosystem restoration projects is also proposed, to support assessment of development in sensitive coastal ecosystems and areas subject to coastal hazards.

As part of the exhibition, the Department of Planning, Housing and Infrastructure (DPHI) is also seeking feedback on the [Coastal Wetlands and Littoral Rainforest Technical Guide](#)

LGNSW Advocacy Priorities

The LGNSW [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance and guiding LGNSW in its advocacy on behalf of the local government sector.

LGNSW's overarching positions in relation to this submission include:

6.7 The NSW Government to work with councils to support rebuilding and recovery after natural disasters by streamlining the approvals processes and providing funding and other assistance to review and update local plans.

6.9 The NSW Government to support cultural burning for fire management on Crown land, National Parks and State Forests (and training and employment of Indigenous people for this task)

7.2 Local government to retain control over the determination of locally appropriate development. Local planning powers must not be overridden by State plans and policies or misuse of State Significant Development (SSD) provisions.

7.3 The NSW Government to commit to a collaborative approach in co-designing and implementing planning reforms with councils, to ensure:

a) Reforms are responsive to different planning contexts (in particular, to avoid land with high-risk from natural hazards, such as flood and bushfire) and deliver high quality, liveable and sustainable housing, neighbourhoods and communities.

10.1 Urgent action to address the climate emergency in a bipartisan manner to make clear, effective and unambiguous steps to avert a climate crisis in NSW under four priority areas: d) reduction of Australia's carbon emissions through effective mitigation strategies; planning for and adapting to a changing climate;

10.8 Greater support to local government for coastal and estuary management especially in areas experiencing climate change or severe weather induced erosion.

13.6 Policies and practices that maximise biodiversity and the protection of threatened and endangered species, including: The development and maintenance of habitat corridors.

Our policy position is informed by annual conference resolutions debated and agreed by councillors. The conference resolutions relevant to this submission are listed in Appendix A.

Response

LGNSW is broadly supportive of reforms that facilitate ecosystem restoration, support nature-based solutions and improve coastal resilience. The proposals included in this EIE seek to improve the clarity and effectiveness of coastal planning frameworks and remove barriers for the protection and restoration of coastal wetlands and littoral rainforest, which are vital habitat for vulnerable ecosystems.

LGNSW notes that the proposed reforms align with long-standing advocacy positions supporting nature-based solutions and calls for greater support and guidance in the development and delivery of Coastal Management Programs (CMPs).

The responses below are structured to provide a summary of the change proposed in the EIE, followed by LGNSW's response. Consultation questions from the EIE are in italics.

Tidal Restoration projects – Introduction of a new land use definition and approval pathway for 'tidal restoration projects' to allow for re-establishment of blue carbon ecosystems

2.2 – Tidal Restoration projects

The EIE proposes to define 'tidal restoration project' and 'tidal restriction mechanism' under the Biodiversity Conservation State Environmental Planning Policy (BC SEPP) or alternatively Chapter 2 Infrastructure of the Transport and Infrastructure (T&I) SEPP. The proposal would allow a tidal restoration project to be undertaken in any zone as development without consent if undertaken by or on behalf of a public authority, or with development consent in any other case.

Local government supports the introduction of these definitions and the ability for public authorities to undertake tidal restoration projects as development without consent. The requirement for other proponents to seek development consent is also supported, as a 'development without consent' pathway risks harmful impacts on wetlands and other coastal vulnerability areas if works are not properly assessed and approved.

However, the definitions of 'tidal restoration project' and 'tidal restriction mechanism' should require a demonstrated environmental benefit, rather than simply encompassing works that modify drainage. Councils also seek clarification on whether works undertaken 'by or on behalf of a public authority' include works carried out by a public authority on private land, or works funded by grants from public authorities, as these examples can arise in practice.

Recommendations:

1. That the definitions of 'tidal restoration project' and 'tidal restriction mechanism' include demonstration of environmental benefit.
2. That DPHI clarify whether works undertaken 'by or on behalf of a public authority' include works carried out by a public authority on private land, or under a grant deed from a public authority.

2.3 – Assessment of tidal restoration projects

Given the unique nature of tidal restoration projects, and the potential for uncertainty about whether inundation or other changes should be considered “adverse” for the purposes of the significance test (refer to Part 5, Division 5.1, Subdivision 3 of the EP&A Act), DPHI proposes to provide further guidance to help clarify how these impacts should be evaluated.

LGNSW supports the development of guidance to assist the assessment of tidal restoration projects and their impacts. The Commonwealth’s Tidal Restoration of Blue Carbon Ecosystems Method¹ provides a useful starting point. Guidance should also address the application and interpretation of existing coastal wetland planning provisions, including standards for assessing the biophysical, hydrological and ecological integrity of adjacent coastal wetlands, and the quantity and quality of surface and groundwater flows to and from those wetlands.

Guidance for assessing the significance of impacts for tidal restoration projects should also explain how these provisions interact with NSW and Commonwealth biodiversity legislation, define the type of assessment required, and set thresholds for positive environmental impact, indicators of success, triggers for adaptive management, and whether a staged approach is preferred. It should also address tidal gate installation for climate change adaptation, including the circumstances in which this approach is appropriate.

Recommendations:

3. That DPHI develop comprehensive guidance for assessing tidal restoration projects, including clear standards for evaluating wetland integrity, hydrology, and ecological impacts.
4. That DPHI clarify assessment requirements and thresholds, including how projects interact with biodiversity legislation, define success indicators, and identify triggers for adaptive management, including when tidal gates are appropriate for climate change adaptation.

2.4 – Guideline for tidal restoration projects

As outlined in 2.3, the EIE notes that DPHI will prepare a guideline to assist with considering the significance of impacts of tidal restoration projects, and DPHI is seeking suggestions for matters to be included in the guidance.

¹ <https://www.dcceew.gov.au/climate-change/emissions-reduction/accu-scheme/methods/tidal-restoration-of-blue-carbon-ecosystems> (accessed 29 May 2026)

An approvals guideline to assist proponents and consent authorities understand the various approvals needed in addition to planning approval, and how to obtain those approvals, is supported. The guideline would benefit from input from local government practitioners and well as relevant government agency staff. It should also align with relevant Commonwealth and State Biodiversity, carbon mitigation and nature repair frameworks.

Recommendations:

5. That guidance prepared by DPHI to assist the assessment of tidal restoration projects and their impacts should:
 - a) clarify how coastal wetland planning provisions and biodiversity legislation apply to tidal restoration projects.
 - b) define when development consent is required, by clarifying when and how the public authority exemption applies
 - c) define assessment requirements and impact thresholds, requisite approvals and from where these should be sought.

Ecosystem Restoration Projects – introduction of streamlined planning approval pathways in the Biodiversity and Conservation SEPP

2.5 – New framework for ecosystem restoration projects

The EIE proposes a streamlined approval pathway for ecosystem restoration projects, with these projects permitted in any zone as development without consent if undertaken by or on behalf of a public authority, or with development consent in any other case. The tidal restoration project approvals pathway would sit within this framework.

LGNSW supports amendments to enable a streamlined ‘development without consent’ pathway for public authorities, with other parties required to gain development consent. This approach will assist with delivery of projects in a timely manner, particularly where public authorities are delivering grants e.g. living seawalls.

What types of ecosystem restoration works should be provided for within this new planning approval framework?

It may be best to define ecosystem restoration projects as works that protect, and/or reduce threats to vulnerable or degraded ecosystems. These may include bush regeneration, soil repair, pest and weed management, and can extend to erosion and sediment control works if erosion poses a risk. Water sensitive urban design, cultural burning and ecological burning could also be considered ecological restoration projects.

Are there particular issues and impacts that should be addressed in the 'aims' of the provisions or in the development controls for ecosystem restoration projects?

Where possible, the 'aims' should encourage ecosystem restoration projects that strengthen habitat connectivity and climate change resilience, for example preparing for sea level rise and provision for landward migration of wetlands.

Should a 'development without consent' approval pathway also be available for ecosystem restoration projects by landholders or other parties that are not public authorities?

A 'development without consent' pathway for private landholders is not supported. Consent authorities using the development without consent' pathway are required to undertake a Part 5 assessment (Review of Environmental Factors). It is unclear how a 'development without consent' pathway would work for private landholders (i.e. would they be required to do any form of assessment/REF?). If landholders are required to undertake an assessment, would councils be required to manage / vet the REF process? This would result in additional unfunded work for council development assessment teams.

It is noted that "other parties" that participate in ecosystem restoration works can include volunteer organisations and other conservation bodies, for example Bushcare. Local and volunteer restoration works on public land are best organised by council, or another public authority, to ensure coordinated, evidence-based restoration activities, minimising risks or adverse outcomes. Therefore, development without consent pathways for "other parties" is also not supported.

Are there any other options to facilitate a planning framework that encourages ecosystem restoration?

Enshrining/defining 'net gain' in NSW planning legislation will facilitate demonstrable and measurable ecosystem restoration outcomes. This will require specification of requisite data and information and evidence to verify. Proponents should be required to demonstrate efforts to restore ecosystems before they are allowed to pay into an offset fund; and transparent, time-bound reporting of restoration progress must be mandated to ensure real-world ecological benefits. Streamlined opportunities to access biodiversity or blue carbon credits for ecological restoration projects would also assist.

Recommendations:

6. That a streamlined 'development without consent' pathway for ecosystem restoration projects by public authorities be adopted.
7. That DPHI define ecosystem restoration projects based on their outcome i.e. as works that protect, and/or reduce threats to vulnerable or degraded ecosystems.

Coastal Management - Proposed amendments to the Resilience and Hazards SEPP

3.2.1 – Map review process Coastal Wetlands and Littoral Rainforest map

The EIE proposes that, for minor amendments to the Coastal Wetlands and Littoral Rainforest Area (CWLRA) map where a site assessment is not required, the process for updating the Biodiversity Values (BV) Map under the *Biodiversity Conservation Act 2016* would be used. For larger areas /changes or where an ecological assessment is required, the existing CWLRA process under the Resilience and Hazards (R&H) SEPP would be used.

We support timely improvements and a streamlined process to update mapping as the current process to correct maps for obvious anomalies can be resource-intensive and the 12-month timeframe can cause significant delays to projects. However, there are concerns that adopting map review processes under different legislation depending on the circumstance could be confusing and lead to inconsistent outcomes.

The proposed approach requires further detail, including a definition for ‘minor’ amendments and outlining how consideration will be given to connectivity, landward migration and buffer integrity. Desktop analysis to assess ‘minor map inaccuracies’ may not address these considerations and it may be more appropriate to use expert advice supported by field-based evidence. These changes would assist in ensuring mapping reflects on-ground conditions while reducing unnecessary administrative burden.

Recommendations:

8. That any map review process clearly outline what a ‘minor’ amendment is.
9. That the existing CWLRA map review process be streamlined to enable ‘minor’ amendments to be made based on expert advice and/or field-based evidence.
10. That a process to request a review to the CWLRA map be established to minimise development delays.

3.2.2 – Subdivision of land containing Coastal Wetlands and Littoral Rainforest

The EIE proposes to amend section 2.7 of the R&H SEPP so that subdivisions that do not propose any new lot boundaries that intersect the CWLRA or the 100m proximity area (as mapped in the R&H SEPP) are not designated development. Development consent will still be required for these subdivisions.

The above changes are broadly welcome, however the amendment should be widened so that designated development is triggered where projected landward migration extends beyond the proximity area.

Councils have also flagged there has been inconsistent interpretation of sections 2.7 and 2.8 of the R&H SEPP regarding when development consent is required, which creates uncertainty for consent authorities and applicants. Clarification in supporting guidance or through text amendments to the regulations are supported, so as to limit misinterpretations of these clauses.

Recommendations:

11. That sections 2.7 and 2.8 of the Resilience and Hazards SEPP are reworded to minimise misinterpretation of the terms “in proximity” and “proximity area” and “directly impact”.
12. That clear guidance is developed to specify the process for subdivision of land containing Coastal Wetlands and Littoral Rainforest, including diagrams and or examples.

3.2.3 – Boundary realignment as exempt development

The EIE proposes to define a ‘minor change’ for boundary realignment by amending s2.75 of the Codes SEPP. Under the proposed amendment, a boundary realignment in specified conservation and rural zones would be exempt development if it will not result in a change in the area of any lot by more than five percent (5%) or 10 hectares, whichever is the lesser.

While LGNSW supports providing a clear definition of ‘minor change’, a threshold of 10 hectares represents a substantial area of coastal wetland or littoral rainforest. There is concern that the cumulative impact could be significant where realignments occur across multiple lots, or where successive changes are made over time. A maximum area of 1 hectare may be more appropriate for coastal wetlands / littoral rainforest.

It is unclear if the proposed change to the Codes SEPP would apply to all developments, or just those relating to coastal wetlands and littoral rainforest. If the former, consideration should be given to setting separate maximum areas for ‘coastal wetlands / littoral rainforest’ and ‘other zones’.

Recommendations:

13. Reduce the maximum threshold for ‘minor’ boundary realignments in coastal wetlands and littoral rainforest areas (e.g. to 1 hectare) to limit cumulative ecological impacts.
14. Clarify the scope of the Codes SEPP amendment and, if it applies broadly, introduce separate maximum thresholds for sensitive environments (coastal wetlands and littoral rainforest) and other land zones.

Vegetation Management

3.2.4 – Exemptions for trees posing imminent threat to life or property

The EIE proposes to amend section 2.7 of the R&H SEPP so that development consent is not required for the trimming or removal of a tree that is an imminent risk to human life or property, provided that written permission has first been provided by the relevant council. The applicant would be required to provide a report from an arborist (minimum qualification of AQF5 in Arboriculture). DPHI intends to issue guidance to assist councils in their consideration of imminent risk to life or property.

LGNSW welcomes reductions in regulatory burden on councils, and specifically in relation to minimising risks to life and property. Councils would welcome guidance on the implementation of this section, particularly in the absence of any progress on similar changes proposed under the EIE Illegal Vegetation Clearing (consulted on in April 2025). As noted in the LGNSW submission, councils have repeatedly expressed concerns and called for changes to the tree and vegetation management framework in light of serious cases of illegal vegetation clearing, often in coastal areas.

Guidance on this section of the R&H SEPP should clarify how council can act on any evidence of poisoning or harm, how minimal vegetation removal should be monitored and how the removal of hollow bearing trees will be discouraged.

Recommendations:

15. That DPHI provide clear, practical guidance to councils on assessing “imminent risk,” including:
 - a) how to respond to evidence of tree poisoning or harm and ensure only minimal necessary vegetation removal occurs.
 - b) guidance on safeguards to discourage removal of ecologically significant trees (e.g. hollow-bearing trees) while monitoring compliance.

3.2.5 – Exemption for beneficial vegetation management activities

The EIE proposes amendments to section 2.7 of the R&H SEPP so that development consent is not required for public authorities to undertake weed management or revegetation activities within mapped coastal wetlands or littoral rainforests, even when these activities are not identified in a CMP or plan of management. The EIE states “It is not intended to allow for all environmental protection works to be carried out without consent under this provision, only minor works related to weed removal and revegetation”.

Local government welcomes this reduction in red tape and would welcome guidance on what are considered ‘minor’ works for the purposes of this section. For example, would minor earthworks to support revegetation be development without consent? Councils would like to review and provide input to this guidance before this change is introduced, to ensure broad understanding and familiarisation, which would best support implementation.

Recommendations:

16. That ‘minor works’ related to beneficial vegetation management activities by a public authority (section 2.7) be defined.
17. That guidance developed to support the changes to section 2.7 is informed by council input, to enable efficient implementation.

3.2.6 – Landward migration of coastal wetlands

Sections 2.8 and 2.10 of the R&H SEPP are proposed to be amended to require consent authorities to consider the impact of proposed development on land most likely to be

subject to coastal wetland migration, in the proximity area for coastal wetlands and the coastal environment area.

As sea levels rise, some land may become permanently inundated and areas at a higher elevation may become more suitable for coastal wetland ecosystems to establish. As a result, anticipating the future migration pathways for coastal wetlands is important to consider as part of development assessment. LGNSW supports the amendment of the SEPP, which should also require consent authorities to consider the impact of coastal wetland migration on proposed development.

The NSW Coastal Design Guidelines 2023 acknowledge that, at a local scale, land-use buffers and setback requirements are necessary to protect coastal ecosystems that cross both publicly and privately owned land and that urban centres should be delimited with clear boundaries to prevent sprawl into rural and natural areas.

Mapping and guidance from the NSW Government is required to help plan for and consider future migration pathways and identify buffers, setbacks and urban perimeters that would be required to allow adequate space for the movement of intertidal habitats as sea levels rise. In the first instance, foreshore areas should be retained, or placed into, public ownership wherever possible and zoned for low impact land uses that are compatible with migration pathways for intertidal habitats.

What other planning measures could help plan for and consider future migration pathways for coastal wetlands?

To provide migration pathways for coastal wetlands:

- incentives could be provided to landowners to dedicate land adjacent to coastal wetlands for conservation purposes, for example as a biodiversity stewardship category.
- additional funding for restoration and rehabilitation of coastal wetlands and littoral rainforests could also be provided through the Coastal and Estuary Grant Program and the NSW Environmental Trust.
- Foreshore areas could be protected for migration pathways, for example by dedicating areas on the fringes of or adjacent to foreshore public reserves.
- Limiting the filling of coastal floodplains would assist, as would restoring natural inundation through tidal floodgates, as appropriate.

Recommendations:

18. That the NSW Government publish mapping on projected wetland migration and suitable buffer zones due to future sea level rise under likely emission scenarios, and include guidance for consent authorities on how to apply the projections for development approvals.
19. That incentives to support the protecting of land for wetland migration pathways is introduced/considered through biodiversity stewardship opportunities or a new category in the Coastal and Estuary grants program.

Coastal protection works

3.3.1 – Coastal Protection Works (CPW) and approvals

The EIE proposes to amend s2.16 of the R&H SEPP to:

- include definitions for ‘beach nourishment’, ‘beach scraping’, ‘sand bypassing or backpassing’
- allow ‘beach scraping’ to be undertaken by consent authorities without development consent, and
- ensure potential impacts to the ‘beach fluctuation zone’ are considered in development approvals for coastal protection and emergency works.

The proposed changes to reduce regulatory burden for low impact activities such as beach scraping is supported.

LGNSW also advocates for streamlining of planning approvals for dredging activities, which could be in the form of strategic assessments or codes of practice. Dredging operations by NSW Government should also be expanded to include river entrances on the NSW coast, to restore commercial and recreational navigation.

Recommendations:

20. That DPHI also look to streamline planning approvals for dredging activities and expand and fully-fund dredging activities to include river entrances.

3.3.2 – Sandbags

The EIE outlines the proposal to extend period for sandbags to be in place as coastal protection works as exempt development from 90 days to 365 days.

This change is fully supported.

3.3.3 – Emergency coastal protection works

The EIE proposes that section 2.16(3) of the R&H SEPP be clarified to confirm the current policy that emergency coastal protection works undertaken by or on behalf of a public authority are only exempt development when carried out in accordance with a coastal zone emergency action subplan in a certified Coastal Management Program (CMP).

This change is generally supported. However, we note there are significant areas of the coast not yet covered by certified CMPs, highlighting the challenges facing councils, especially multi-council CMPs, to progress and complete their studies. Councils seek the continuation of NSW Government support for the preparation and implementation of CMPs, recognising the context of increasing likelihood of extreme weather events such as heavy rainfall and storm surges near the coast, under climate change.

Recommendations:

21. That the NSW Government continue to provide councils with support to prepare and implement coastal management plans, noting the increasing likelihood of extreme weather events such as heavy rainfall and storm surges near the coast, under climate change.

3.3.4 – Coastal protection works in CMP

The EIE outlines that DPHI will publish guidance on how councils may consistently identify the purpose and extent of proposed coastal protection works to ensure the streamlined planning approval pathway (under a certified Coastal Management Plan (CMP)) may be applied for the life of the certified CMP.

LGNSW welcomes guidance on this matter, and requests that DPHI engage with local government on the draft guidance to ensure that it is fit for purpose and addresses the aspects that councils need guidance on.

Recommendations:

22. That DPHI engage and consult with local government on the draft guidance for coastal protection works, to ensure it is fit for purpose.

3.3.5 – Coastal protection works on private land

The EIE proposes that section 2.16(1) of the R&H SEPP will be expanded so that the assessment of coastal protection works on private land is required to consider:

- relevant provisions of any certified CMP that applies to the land
- nature-based solutions
- locating the works as landward as possible within the private property
- integration with any adjoining works and structures
- Chapter 4, section 4.2.5 of the NSW Coastal Design Guidelines 2023
- Coastal Crown Land Guidelines
- access for maintenance is provided from within the private property, wherever possible and
- Environmentally Friendly Seawalls Guideline

The additional assessment considerations are supported. Recent scientific studies published by the NSW Government relating to coastal hazards should also be referenced in supporting guidance such as the NSW Coastal Erosion and Inundation Hazards and Exposure Assessment². Councils also request inclusion of guidance for assessing coastal protection works in estuarine environments.

² <https://www.environment.nsw.gov.au/publications/nsw-coastal-erosion-inundation-hazards-exposure-assessment-technical-report-2025> (DCCEEW, 2025)

Recommendations:

23. That section 2.16(1) of the R&H SEPP be expanded, with additional references to suitable data and information, including relevant hazard and exposure assessments published by the NSW Government, and that guidance for assessing coastal protection works in estuarine environments is also included.

3.3.6 – Regionally significant coastal protection works

The EIE proposes to clarify which coastal protection works are ‘regionally significant development’ under section 8A by providing a revised definition, as follows:

land within the coastal zone that is subject to increased incidence of beach erosion, entrance instability, cliff or slope instability, or shoreline recession because the land is:

- a) under or directly exposed to the waters of the open ocean,
- b) exposed to or potentially exposed to tidal waters at the entrance to an estuary, the entrance to a coastal lake, or an embayment that is open to the ocean, or
- c) exposed or potentially exposed to the direct action of wave energy and run-up within estuaries, lakes, lagoons, embayments, or intermittently closed and open lakes and lagoons.

Councils have expressed concern that the revised definition would result in all coastal protection works in estuaries/coastal lakes that experience wave energy (including wind generated waves) would become regionally significant development. A suggested amendment would be to refer to ‘ocean wave energy’ to limit the scope.

Recommendations:

24. That the proposed definition for regionally significant coastal protection works at point (c) refer to ‘ocean wave energy’.

Guidance

3.4 – Guidance, including Coastal Wetlands & Littoral Rainforest Areas Technical Guideline

The EIE outlines that DPHI will update existing coastal management planning fact sheets (1-5) and any other guidance documents, such as relevant planning circulars.

LGNSW supports revisions to DPHI’s guidance and encourages expert review of the Technical Guideline.

Additional guidance that councils would welcome include:

- guidance on determining what is a ‘sufficient measure’ to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland (as referenced in s2.7(4) of the R&H SEPP).
- Guidance on when development consent is required, for example in relation to ‘proximity areas’ or ‘in proximity’ to wetlands, or in cases where a property

includes wetland/proximity area but the proposed development is outside the wetland/proximity area.

- Guidance on appropriate next steps for consent authorities where coastal wetland migration has not been adequately considered.
- Guidance for councils on how they can apply blue carbon and/or nature repair markets in practice.

Consultation, training and support for the guidance material is requested to ensure that consent authorities are equipped to facilitate the changes.

Recommendations:

25. That DPHI provide clearer, more detailed guidance on key regulatory questions, particularly around what constitutes sufficient protection measures and when development consent is required.
26. That DPHI strengthen practical support for implementation, including training, expert review of the Technical Guideline, and guidance on emerging tools such as blue carbon and nature repair markets.

Housekeeping

4 – Housekeeping changes

The EIE outlines a number of proposed minor amendments to a range of Environmental Planning Instruments to correct outdated references, update notes, resolve minor mapping errors, as provided in Appendix A of the EIE.

Councils request a detailed review of climate change provisions in the Biodiversity and Conservation (B&C) SEPP be undertaken to ensure consistency with the R&H SEPP. For example, section 6.28 (1)(e) of the B&C SEPP requires the consent authority to *consider whether the development will minimise risk to the development* from rising sea levels or changing flood patterns as a result of climate change, Whereas Section 2.12 of the R&H SEPP Development states consent must not be granted to development on land within the coastal zone unless the consent authority is *satisfied that the proposed development is not likely to cause increased risk* of coastal hazards on that land or other land.

Recommendations:

27. That the NSW Government undertake a detailed review of climate change provisions in the Biodiversity and Conservation SEPP to ensure consistency with the Resilience and Hazards SEPP.

Conclusion

LGNSW welcomes the opportunity to provide feedback on the Explanation of Intended Effect for improving coastal management.

LGNSW is supportive of many of the proposed changes but seeks clarification and clear, practical guidance on how to assess or implement a number of the changes. In particular, councils wish to be engaged and consulted on the detailed frameworks and guidance to ensure the latter are fit for purpose and workable.

LGNSW would be pleased to discuss these recommendations and possible ways to progress them. For further information, please contact [Susy Cenedese](#), Strategy Manager Environment or [Suzanne Dunford](#), Senior Policy Officer Environment.

Summary of Recommendations

Tidal Restoration projects

1. That the definitions of ‘tidal restoration project’ and ‘tidal restriction mechanism’ include demonstration of environmental benefit.
2. That DPHI clarify whether works undertaken ‘by or on behalf of a public authority’ include works carried out by a public authority on private land, or under a grant deed from a public authority.
3. That DPHI develop comprehensive guidance for assessing tidal restoration projects, including clear standards for evaluating wetland integrity, hydrology, and ecological impacts.
4. That DPHI clarify assessment requirements and thresholds, including how projects interact with biodiversity legislation, define success indicators, and identify triggers for adaptive management, including when tidal gates are appropriate for climate change adaptation.
5. That guidance prepared by DPHI to assist the assessment of tidal restoration projects and their impacts should:
 - a) clarify how coastal wetland planning provisions and biodiversity legislation apply to tidal restoration projects.
 - b) define when development consent is required, by clarifying when and how the public authority exemption applies
 - c) define assessment requirements and impact thresholds, requisite approvals and from where these should be sought.

Ecosystem Restoration Projects

6. That a streamlined ‘development without consent’ pathway for ecosystem restoration projects by public authorities be adopted.
7. That DPHI define ecosystem restoration projects based on their outcome i.e. as works that protect, and/or reduce threats to vulnerable or degraded ecosystems.

Coastal Management

8. That any map review process clearly outline what a ‘minor’ amendment is.
9. That the existing CWLRA map review process be streamlined to enable ‘minor’ amendments to be made based on expert advice and/or field-based evidence.
10. That a process to request a review to the CWLRA map be established to minimise development delays.
11. That sections 2.7 and 2.8 of the Resilience and Hazards SEPP are reworded to minimise misinterpretation of the terms “in proximity” and “proximity area” and “directly impact”.

12. That clear guidance is developed to specify the process for subdivision of land containing Coastal Wetlands and Littoral Rainforest, including diagrams and or examples.
13. Reduce the maximum threshold for 'minor' boundary realignments in coastal wetlands and littoral rainforest areas (e.g. to 1 hectare) to limit cumulative ecological impacts.
14. Clarify the scope of the Codes SEPP amendment and, if it applies broadly, introduce separate maximum thresholds for sensitive environments (coastal wetlands and littoral rainforest) and other land zones.

Vegetation Management

15. That DPHI provide clear, practical guidance to councils on assessing "imminent risk," including:
 - a) how to respond to evidence of tree poisoning or harm and ensure only minimal necessary vegetation removal occurs.
 - b) guidance on safeguards to discourage removal of ecologically significant trees (e.g. hollow-bearing trees) while monitoring compliance.
16. That 'minor works' related to beneficial vegetation management activities by a public authority (section 2.7) be defined.
17. That guidance developed to support the changes to section 2.7 is informed by council input, to enable efficient implementation.
18. That the NSW Government publish mapping on projected wetland migration and suitable buffer zones due to future sea level rise under likely emission scenarios, and include guidance for consent authorities on how to apply the projections for development approvals.
19. That incentives to support the protecting of land for wetland migration pathways is introduced/considered through biodiversity stewardship opportunities or a new category in the Coastal and Estuary grants program.

Coastal protection works

20. That DPHI also look to streamline planning approvals for dredging activities and expand and fully-fund dredging activities to include river entrances.
21. That the NSW Government continue to provide councils with support to prepare and implement coastal management plans, noting the increasing likelihood of extreme weather events such as heavy rainfall and storm surges near the coast, under climate change.
22. That DPHI engage and consult with local government on the draft guidance for coastal protection works, to ensure it is fit for purpose.
23. That section 2.16(1) of the R&H SEPP be expanded, with additional references to suitable data and information, including relevant hazard and exposure assessments published by the NSW Government, and that guidance for assessing coastal protection works in estuarine environments is also included.

24. That the proposed definition for regionally significant coastal protection works at point (c) refer to 'ocean wave energy'.

Guidance

25. That DPHI provide clearer, more detailed guidance on key regulatory questions, particularly around what constitutes sufficient protection measures and when development consent is required.
26. That DPHI strengthen practical support for implementation, including training, expert review of the Technical Guideline, and guidance on emerging tools such as blue carbon and nature repair markets.

Housekeeping

27. That the NSW Government undertake a detailed review of climate change provisions in the Biodiversity and Conservation SEPP to ensure consistency with the Resilience and Hazards SEPP.

Appendix A: Relevant LGNSW Annual Conference Resolutions

Remove council co-contribution to CMP projects (2025 Resolution 107)

That Local Government NSW requests the NSW Government to remove the requirement for co-contributions from council when applying for funding from DCCEEWS Coast and Estuary Grant Program to allow implementation of high priority actions under certified Coastal Management Programs.

Coastal management planning and funding (2025 – X38)

That Local Government NSW:

1. notes the findings of the Audit Office of NSW Coastal Management Report that the coastal management framework is not being effectively implemented to manage the NSW coastal environment, with most local councils still in the process of developing CMPs seven years after the framework came onto effect, and
2. calls on the NSW Government and Australian Government to support local governments in developing a Model Coastal Management Program framework, co-defined by communities, for governance, funding, implementation, and approval pathways. This should include ensuring appropriate resourcing to financially support councils, to equip them to shape approaches to addressing the social, cultural, and economic impacts of coastal erosion due to climate change in ways that are appropriate to their local communities.

Coastal management (2024 Resolution 94)

That Local Government NSW advocates for significant change to the coastal management framework in NSW to respond to:

1. increasing withdrawal of the State Government from coastal management in NSW resulting in councils with varying capacities looking to address very complex and historic issues without the necessary legislative and regulatory guidance.
2. current failings of the NSW Coastal Management Framework which can be seen in the lack of genuine progress in solving historic legacy issues and no clear planning or actions to ensure resilient coastal environments and communities into the future.

Establishment of Beach Nourishment Taskforce (2024 Resolution 95)

That Local Government NSW lobbies the NSW Government to establish a NSW Beach Taskforce to develop and administer a program to assist NSW coastal councils to sustainably access offshore sand to return to beach ecosystems to improve beach amenity in a manner consistent with the Coastal Management Act 2016, incidentally protecting property and reducing the need for beach armouring. The task force should also examine options for measured retreat.

Coastal erosion mitigation and sand replenishment (2023 Resolution 115)

That Local Government NSW calls on the NSW Government to plan strategically and support local councils under its coastal management framework by:

1. Developing a state-wide approach for a sustainable sand nourishment program to support local councils as they develop Coastal Management Programs
2. Establishing a whole of government approach to climate change impacts, including coastal erosion, recession and sea level rise.
3. Providing greater support to the delivery of Coastal Management Programs which are critical to ensure the long-term sustainability of our coasts and estuaries.
4. Formalising a catchment approach for our estuaries, involving all significant stakeholders and adequate funding, to ensure threats to these highly valued areas are more effectively and efficiently managed now and into the future.
5. Appointing a Coastal Commissioner to oversee coastal management on a statewide basis and advisors to assist councils.

Dredging funding (2025 Resolution 61)

That Local Government NSW requests the NSW Government to fully fund and expand their dredging operations as waterways are under State jurisdiction and the costs involved are beyond the reasonable means of local government.

Includes the following resolution:

That Local Government NSW calls on the State Government to review the NSW Coastal Dredging Strategy 2019-2024 to include river entrances on coastal NSW previously left out of the strategy.