



18 April 2024

Jessica Bourner

Acting Director Water Wetlands & Coastal Science, Science, Economics, and Insights Division
Department of Planning and Environment

Email: jessica.bourner@environment.nsw.gov.au

Dear Ms Bourner

Re: Proposed changes to NSW Beachwatch Program

I am writing regarding the proposed change to the Beachwatch Program to shift the costs of the program to Councils as advised by the (then) Department of Planning and Environment by letter to councils in December 2023.

Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of 12 councils twelve local councils in the area south of Sydney harbour. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. The SSROC area covers central, inner west, eastern and southern Sydney, an area with a population of almost 1.8 million, that contributes much of Sydney's gross domestic product.

The finances of NSW local government are increasingly heavily stressed, with rates pegged well below the level of cost increases, costs shifted from state to local government, and community expectations ever-increasing. The matter is the focus of significant current inquiries:

- NSW Legislative Council's Inquiry into the ability of local governments to fund infrastructure and services
- Australia's House of Representatives' Inquiry into Australia's local government sustainability.

It is disappointing and concerning that this shift is proposed, is raised at this time when finances are clearly under scrutiny, and without consultation with Councils.

SSROC fully supports the position put forward by our colleagues in the Sydney Coastal Councils Group, many of whose members are also members of SSROC. We reiterate the concerns raised in their letter to Minister Sharpe (attached) of 20 February 2024:

- Poor timing of the advice, out of sync with council budgetary cycles;
- No rationale for the decision provided;
- No legal basis for councils to take on water quality monitoring at beaches and ocean pools;
- No role for Sydney Water, which has responsibility for sewage, the main source bacterial contamination of coastal water;
- Inequity of disproportionate cost allocation to coastal councils and ultimately their ratepayers, for monitoring beaches that are used by visitors as well as local communities.
- The grant funding program identified as potential financial assistance for councils for monitoring is neither appropriate nor reliable;
- Councils may lack the skills, capacity and capability to effectively and efficiently deliver the hitherto successful Beachwatch Program.



In conclusion, we strongly recommend that the NSW Government:

1. Maintain the NSW Beachwatch Program as a fully-funded state program without shifting costs to Sydney coastal councils
2. In consultation with the Minister for Water, consider Sydney Water's role in monitoring at Beachwatch sites
3. Release the 2021 independent audit review of the NSW Beachwatch Program

Should you have any further enquiries in relation to this letter, please contact me or SSROC's Program Manager, Dr Vincent Ogu, at ssroc@ssroc.nsw.gov.au or phone 02 8396 3800

Yours sincerely

A handwritten signature in black ink that reads 'H Sloan'.

Helen Sloan
Chief Executive Officer
Southern Sydney Regional Organisation of Councils

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Reference: 002-24
DCCEEW Ref: CM9: SF23/120790

8 March 2024

The Hon. Penny Sharpe MLC
Minister for the Environment
52 Martin Place
SYDNEY NSW 2000

cc. Minister for Water

Dear Minister

Re: Proposed changes to NSW Beachwatch Program

The Sydney Coastal Councils Group (SCCG) writes to you in response to a letter from the Department of Planning and Environment (now Department of Climate Change, Energy, the Environment and Water) of 8 December 2023 regarding the future of the NSW Beachwatch program. The SCCG and its individual member councils are disappointed and concerned with the proposed change to now require councils in the Sydney region to pay for the program.

We seek your urgent attention to this unwelcome shifting of costs to local government for a service that benefits the NSW community and the national and international tourism industry and which should remain a state responsibility. SCCG has the following specific concerns.

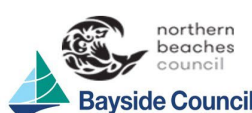
1 Lack of consultation with coastal councils and recognition of budgetary cycles

Our member councils were not consulted on the proposed change and given no forewarning prior to receiving letters in December 2023. Although a strategic document '[Beachwatch 2022-32 – Our vision for the future](#)' was released in 2022 which stated that the Beachwatch program would be expanded across NSW it does not mention that this will be done by requiring councils in the Sydney region to financially contribute. No consultation occurred with our member councils on this document.

In addition, your department failed to recognise the budgetary cycles of councils. The budgets of the majority of councils are set by December prior to the next financial year. Councils have not made any allowance for providing Beachwatch services in the 2024/25 financial year

2 Unclear rationale for decision

From our meetings with staff from Department of Planning and Environment (DPE) and Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 19 December 2023 and 31 January 2024, we are led to believe that the decision to have Sydney coastal councils pay for the NSW Beachwatch program was made by previous state government on the basis of findings from an independent assurance review of the program in 2021.



Selected statements from the independent assurance review are quoted in the 'Beachwatch 2022-32 – Our vision for the future' document. We were told, however, that the review is not publicly available and cannot be made available under the provisions of the *Government Information (Public Access) Act 2009*.

We therefore question the rationale for the decision and strongly disapprove of the lack of transparency.

3 No legal obligation for council councils to undertake water quality monitoring of beaches and ocean pools

The SCCG is disappointed that the NSW Government has assumed that the Beachwatch program should rest with Sydney councils when there is no legal basis for this assumption. We are mystified that the government has not sought its own legal advice as confirmed to us at our meeting with DCCEEW staff on 31 January 2024.

The Office of Local Government (OLG) has confirmed that the *Local Government Act 1993* and specifically the OLG's [Practice Note 15 - Water Safety](#) does not obligate councils to undertake water quality monitoring for public health and safety. There is no other legislation under which councils are obliged to undertake water quality monitoring for public safety.

From a liability perspective, the key issue is control and management. Councils have no control or management over the land or waterbodies below mean high water where Beachwatch monitoring is conducted. Councils also have no control over or management of sewers which, as discussed below, are the primary source of bacteriological contamination of waterways. Like other water safety activities such as shark mitigation, this responsibility rests with state agencies.

Even where councils have control and management of ocean pools, the council cannot be responsible for monitoring water quality when the contaminant source is out of the council's control. The *Public Health Act 2010* imposes no obligations for water quality monitoring in ocean pools, given ocean pools are filled with untreated ocean water and do not have circulation systems.

4 Sydney Water responsibility for monitoring

Research conducted by the University of Technology Sydney has confirmed that sewage is the primary source of bacteriological contamination in our coastal waterways¹. Given Sydney Water's responsibility for the sewerage system, including sewer overflows, SCCG believes that Sydney Water has a significant role to play in monitoring water quality for public health and safety beyond what is currently required of Sydney Water under its operating licence and environmental protection licences.

It should be noted that the situation in Sydney differs from non-metropolitan coastal areas where councils act as sewerage service providers and have responsibility for providing clean and safe waterways. It is therefore not appropriate to justify the Beachwatch program becoming an equitable model across councils in NSW when Sydney councils do not have a responsibility for the sewage and sewerage infrastructure that is the primary cause of poor water quality ratings.

We understand that Sydney Water has not been approached to discuss what responsibility and role it may have for water quality monitoring at swim sites. We believe this is a significant oversight.

¹ Refer to [Williams et al 2022, 'Molecular microbiological approaches reduce ambiguity about the sources of faecal pollution and identify microbial hazards within an urbanised coastal environment'](#)



5 Financial impost on coastal councils to the detriment of local ratepayers

The proposed quotes from the NSW Government for providing Beachwatch services represent a significant financial impost on the majority of our member councils. Our councils are already grappling with increasing community demand for services, constrained budgets and other forms of cost-shifting.

Councils with a greater number of Beachwatch sites like Northern Beaches, Sutherland Shire, Randwick and Waverley Councils, are disproportionately affected by the proposed change. It is considered unfair for these councils to fund a service for internationally recognised beaches such as Manly, Bondi, Coogee and Cronulla beaches that are enjoyed by local communities and visitors alike, to the detriment of services provided to their own local communities.

6 NSW Coastal and Estuaries Grants Program funding for monitoring not appropriate or guaranteed

The DPE letter identifies that funding assistance for councils to pay for monitoring may be available through the NSW Coastal and Estuaries Grants Program. This is dependent on monitoring being listed as an approved action within a certified coastal management program (CMP), however, the majority of our member councils are at least three years away from completing their CMPs.

More importantly, it is not appropriate for councils to attempt to obtain funding for ongoing long-term monitoring using an annual grants program. Discussions with DCCEE staff indicate it is unlikely that the ongoing monitoring will be eligible for grant funding based on current grant guidelines.

7 Risk of compromising the integrity of NSW Beachwatch Program

The Beachwatch Program's success has been built on the expertise and impartiality of its monitoring activities. It is imperative that the program remains independent and free from any external influences, especially financial ones.

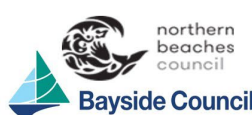
By requiring local councils to fund the monitoring, there is a risk that the program's integrity may be compromised or questioned. For instance, council staff undertaking the testing could face issues around conflicts of interest, lack of training, quality control, chain of custody, auditing, etc. This may lead to the community questioning the reliability of the program.

8 Recommendations

In light of the above, we strongly urge you to:

1. Maintain the NSW Beachwatch Program as a fully-funded state program without shifting costs to Sydney coastal councils
2. In consultation with the Minister for Water, consider Sydney Water's role in monitoring at Beachwatch sites
3. Release the 2021 independent audit review of the NSW Beachwatch Program

We would welcome the opportunity to discuss our concerns and recommendations with you in person.



In the meantime, if you have any queries, please do not hesitate to contact me on 0407 733 075 or at executiveofficer@sydneycoastalcouncils.com.au.

Yours sincerely



Sarah Joyce
SCCG Executive Officer



Sutherland Shire
COUNCIL



INNER WEST



WAVERLEY
COUNCIL



Bayside Council

northern
beaches
council



WILLOUGHBY
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a sense of community

