

10.6. Changes to the NSW Government Beachwatch Program

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ATTACHMENTS	1. Sydney Coastal Councils Group letter to Minister Sharpe [10.6.1 - 4 pages]
CSP LINK	1. Our Living Environment 1.1 Protected, enhanced and biodiverse natural environment 1.3 Clean and green places 1.4 Well utilised open space and recreational facilities

PURPOSE:

The purpose of this report is to outline proposed changes to the NSW State Government Beachwatch Program.

EXECUTIVE SUMMARY:

- In December 2023, the NSW Government advised that it will be cutting funding to its Beachwatch Program.
- The program tests water quality at coastal and estuarine locations and results are made publicly available through the Beachwatch website.
- There is one sampling location in the North Sydney Local Government Area (LGA), Hayes Street beach, Neutral Bay.
- In March 2024, representation was made by the Sydney Coastal Councils Group (SCCG) on behalf of member Councils to the Minister for the Environment.
- In May 2024, the Minister for the Environment agreed to extend consultation with local councils until June 2025.

RECOMMENDATION:

- 1. THAT** Council object to cost-shifting by the NSW Government and affirm Beachwatch as a NSW Government responsibility.
- 2. THAT** Council advocate to the NSW Government and the Minister for the Environment throughout the consultation period to maintain Beachwatch as a State Government-funded program.

Background

The NSW Government Beachwatch program has been testing pollution and contamination levels in Sydney Harbour and surrounds since 1985, at no cost to Sydney councils. The program aims to help people make informed decisions about when and where to swim.

In December 2023, the NSW Environmental Protection Agency (EPA) announced it will be cutting funding to the Beachwatch program, with local Councils to sign on as program partners.

In March 2024, the Sydney Coastal Councils Group (SCCG) advocated to the Minister for the Environment to maintain Beachwatch as a State Government-funded program, and in early May 2024 advice was received that the Minister has agreed to extend consultation until June 2025.

Report

In the North Sydney LGA, the Beachwatch program undertakes water quality sampling and testing at Hayes Street Beach, Neutral Bay. The program tests water quality (specifically faecal coliform levels) weekly from October to April, and monthly between May and September. Results are uploaded to the Beachwatch website where the information is publicly available. Website statistics for the Hayes Street Beach location have recorded 825 views since August 2023, on average 20 views per week.

On 8 March 2024, the Sydney Coastal Councils Group (SCCG) wrote to the Minister for the Environment on behalf of its member councils (Attachment 1) to object to shifting the costs of the Beachwatch program onto local councils. The SCCG outlined specific concerns including:

- lack of consultation with coastal councils and recognition of budgetary cycles;
- unclear rationale for the decision;
- no legal obligation for councils to undertake water quality monitoring of beaches and ocean pools;
- Sydney Water responsibility for monitoring sewage, the primary source of bacteriological contamination (faecal coliform) in coastal waterways;
- financial impost on coastal councils, to the detriment of local ratepayers;
- NSW Coastal and Estuaries Grants Program funding for monitoring not appropriate nor guaranteed; and
- risk of compromising the integrity of NSW Beachwatch Program.

Following feedback from the SCCG and local councils, the Minister for the Environment has the consultation period has been extended to June 2025, to allow for further consultation on proposed changes to the funding model and design of the program.

Options

Council has the following options in relation to this matter:

1. Do nothing/ take no action.
2. Council advocates to the NSW Government and the Minister for the Environment throughout the consultation period to maintain Beachwatch as a State Government-funded program.

These options are assessed in the table below.

Option	Finance/Resourcing	Risk/Opportunity	Consultation
1.	Council and staff resources will not be required to facilitate the program. Program will operate as per current arrangement throughout the consultation period.	No risk as program will operate as per current arrangement.	Not applicable at this stage.
2.	No financial resources and minimal staff resources are required for advocacy on the issue.	Opportunity for Beachwatch program to remain State government funded following the consultation period.	Not applicable at this stage.

Option 2, is recommended on the following basis:

- Council noting clear objection to cost-shifting by the NSW Government and affirm Beachwatch as a NSW Government responsibility;
- no financial or resourcing implications; and
- community consultation is not applicable at this stage.

Consultation requirements

Community engagement is not required.

Financial/Resource Implications

There are no financial or resource implications.

Legislation

There is no legal obligation for councils to undertake water quality monitoring of beaches and ocean pools.

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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



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Randwick City Council
a sense of community

