




Our future on the coast

Overview of the coastal
management reforms



A modern integrated package for better managing how we live on the coast

A framework for thriving and resilient communities living and working on a healthy coast – now and into the future

A legacy for future generations...

Better managing how we live with a dynamic coastline

The NSW Government has a vision of thriving and resilient communities that live and work on a healthy coast, now and into the future.

The new coastal management framework will better equip coastal communities to respond effectively to existing and emerging coastal challenges and opportunities.

The coastal management reforms will establish the legislative and policy settings, and the practical tools, that resilient coastal communities need to:

- protect and enhance the natural values of the coast
- ensure ongoing public access, use and enjoyment of our beaches and coastal foreshores
- support coastal communities to increase their resilience to existing and emerging coastal hazards and threats.

The reforms will encourage coastal communities to build capacity, forge strong partnerships and shape their own future on the coast.

The NSW Government is implementing this vision through:

- a new legislative and regulatory framework to establish a contemporary approach to coastal management
- a new coastal management manual to better support council decision-making
- a toolkit for identifying and assessing coastal hazards and risks, and selecting and funding affordable coastal management programs.



Photography: Top: Erosion at Collaroy-Narabeen beach (Angus Gordon). Bottom: Erosion at Jimmys Beach (Andrew Staniland/Great Lakes Council)

This document provides an overview of the coastal management reforms and sets out how the key elements work together to achieve the government's vision.

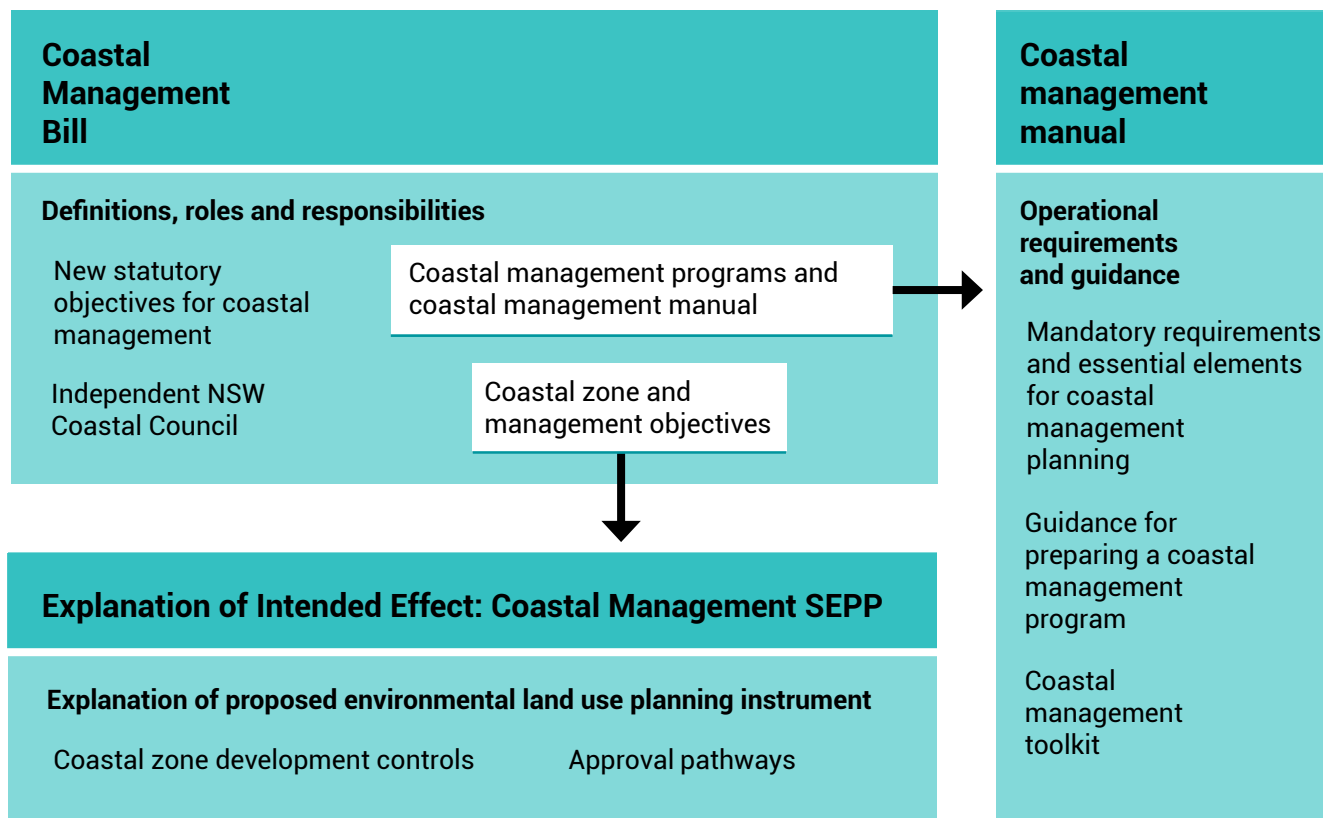


Photography: Bouddi National Park (John Spencer/OEH)

Key elements of the reforms

The elements of the reform relevant to the current consultation process are:

- a draft Coastal Management Bill
- an Explanation of Intended Effect for the proposed Coastal Management State Environmental Planning Policy (SEPP)
- key elements of a draft coastal management manual.



Have your say

The public consultation period is an important opportunity for the community to have a say on the reforms. We want to know whether we have the balance right and whether we could improve the draft framework.

The *Coastal reforms: our future on the coast* consultation page at www.haveyoursay.nsw.gov.au enables you to make a submission on the reforms, ask a question or get further information.

We are seeking your feedback on the elements of the reforms that are currently on exhibition:

- a draft Coastal Management Bill
- an Explanation of Intended Effect for the proposed Coastal Management State Environmental Planning Policy
- key elements of a draft coastal management manual.

Additional elements of the proposed new framework will be released later for public comment, including maps of the coastal zone that will form part of the SEPP and proposals concerning the effects of coastal erosion on coastal boundaries, to inform finalisation of the draft Coastal Management Bill and SEPP.



Photography: Coastal erosion monitoring, Wollongong beach (Peter Robey/OEH)

A new Coastal Management Act

The current *Coastal Protection Act 1979* is to be replaced by a new Coastal Management Act. The new Act will enable more integrated and strategic management of coastal communities.

Importantly, it will require decisions about how to balance economic, social and environmental values when living on the coast. It will also assist councils and communities to sustainably manage current and future risks to our natural and built coastal assets.

New statutory objects for coastal management

The new Coastal Management Act will contain objects that better communicate the NSW Government's vision for coastal management. They will recognise the vital natural, social, cultural and economic values of our coastal areas and promote the principles of ecologically sustainable development in managing these values.

Importantly, the objects will recognise natural coastal processes and the locally and regionally dynamic character of the coast, and promote land use planning decisions that accommodate them.

The new statutory objects will ensure coordinated planning and management of the coast and support public participation in these activities.

The objects will also support the aims of the *Marine Estate Management Act 2014*, as the coastal zone forms part of the marine estate.

New definition of the coastal zone

The reforms move away from managing the coast as a single homogenous zone. Instead, the new Coastal Management Act will divide the coastal zone into four coastal management areas. These four areas will be defined by the unique features of different local areas.

These four areas are:

- the coastal wetlands and littoral rainforests area
- the coastal vulnerability area
- the coastal environment area and
- the coastal use area.

As well as being defined in the new Act, the four areas will be mapped as part of a new Coastal Management State Environmental Planning Policy. The legislation will establish clear, outcome-orientated management objectives for each area to ensure councils apply appropriate management tools and development controls.

Coastal management planning and the Integrated Planning and Reporting framework

The new Coastal Management Act will establish requirements for the preparation of coastal management programs (CMPs). Over time, CMPs will replace current coastal zone management plans.

CMPs will give effect to the management objectives for the four coastal management areas.

Current coastal zone management plans may be developed separately from a council's main community, financial and asset-management planning processes. The reforms will ensure that coastal management planning both informs, and is informed by, the planning that councils already invest in for their mainstream asset management and community service delivery functions.

The new coastal management programs will have a strong emphasis on implementation. The new Act will ensure this by requiring coastal management programs to be given effect within the local government Integrated Planning and Reporting (IP&R) framework. This will include performance auditing powers to ensure that programs are appropriately implemented.

In developing a CMP, appropriate consultation will be required. Importantly, the Act will recognise that sand and other sediment moves on a scale larger than local government boundaries (within areas known as sediment compartments). Consultation should also be at the scale of these sediment compartments so that coastal management activities can take into account strategic issues on a regional scale.

The IP&R framework is established under Chapter 13 of the *Local Government Act 1993*, and is the main mechanism by which councils comprehensively plan for, and report on, their asset management and service delivery responsibilities within a local government area.

This means that coastal management programs and identified coastal management activities are aligned with broader community strategic plans, reflect community priorities, and are feasible, financially viable and able to be resourced.

It will also be important to ensure that councils, and other public authorities with a role in the coastal zone, collaborate to ensure that actions at all levels reflect the objects of the new Act and are compatible with the long-term strategy for the coast.

Essentially, all public authorities will be required to have regard to relevant coastal management programs when carrying out their functions such as coastal planning, management, and undertaking infrastructure and other works in coastal areas.



Photography: Coffs Creek Solitary Islands Coastal Walk (Rob Cleary, Seen Australia/OEH)



An independent NSW Coastal Council

A new independent NSW Coastal Council will replace the statutory NSW Coastal Panel, as well as the NSW Coastal Expert Panel that was established to provide advice on the current reforms.

The NSW Coastal Council's role will be to provide independent advice to the Minister for Planning on coastal planning and management issues.

The NSW Coastal Council may provide advice to the Minister when granting Ministerial certification of a coastal management program, and may commission technical advice on matters of strategic importance.

The NSW Coastal Council will also be able to conduct, at the Minister's direction, performance audits of a local council's implementation of its coastal management program. Performance audits will enable the NSW Government to determine whether CMPs are being effectively implemented, and to identify opportunities for local council capacity building.

Regulating coastal protection works

The new Coastal Management Act will bring across existing provisions in the *Coastal Protection Act 1979* designed to protect beaches and headlands from the impacts of inappropriate coastal protection works. The new Act will require councils and other consent authorities to be satisfied that proposed coastal protection works do not unreasonably limit public access to or use of beaches and headlands, or pose a threat to public safety.

The *Environmental Planning and Assessment Act 1979* will also be amended to allow consent authorities to condition approvals for coastal protection works to require the payment of costs for rectifying potential damage caused by the coastal protection works to other property.

These provisions are in addition to other planning and development controls that will be applied in the coastal zone via the Coastal Management State Environmental Planning Policy.

Integrated compliance and enforcement

To reduce regulatory overlap, enforcement of the new legislative arrangements will be delivered through amendments to the *Environmental Planning and Assessment Act 1979*.

These new arrangements will be essential to the success of the reforms and will, for example, ensure that unauthorised works do not create legacy issues for our beaches.

This is consistent with integrating coastal management into the legal framework for land-use planning.

Coastal erosion emergency action plans and emergency coastal works

Current requirements for emergency action sub-plans will be retained. However, provisions for temporary coastal protection works will be repealed and 'coastal erosion emergency action sub-plans' will focus on the roles and responsibilities of public authorities.

Councils with land or assets within mapped 'coastal vulnerability areas' will be required to outline the emergency actions they will carry out immediately before, during or after periods of beach erosion.

A new Coastal Management State Environmental Planning Policy

In order to effectively integrate coastal considerations into land-use planning, the new Coastal Management Act will be supported by a redesigned package of land-use planning instruments, including the following:

- a new Coastal Management State Environmental Planning Policy (SEPP)
- a Coastal Management s.117 Planning Direction relating to plan making
- non-statutory planning instruments, such as regional growth and infrastructure plans and Coastal Design Guidelines.

Coastal Management State Environmental Planning Policy

The proposed Coastal Management SEPP will form part of the broader land-use planning framework in NSW. It will be a key environmental planning instrument for land-use planning in the coastal zone, and will deliver the statutory management objectives for each of the four coastal management areas that make up the coastal zone (and which are set out in the proposed Coastal Management Act).

The four coastal management areas will be mapped under the Coastal Management SEPP and published in a digital format that will be accessible via the Department of Planning and Environment's website. The area covered by these maps may be refined over time.

The aim of the proposed Coastal Management SEPP will be to maintain and enhance the relevant provisions that currently apply in the three key State Environmental Planning Policies which relate specifically to coastal matters:

- *State Environmental Planning Policy No 14 – Coastal Wetlands (SEPP 14)*
- *State Environmental Planning Policy No 26 – Littoral Rainforests (SEPP 26)*
- *State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71).*

Consolidation and updating of existing coastal SEPPs into the new Coastal Management SEPP will mean that existing provisions in clause 5.5 of the Standard Instrument, and the guidance provided by the NSW Coastal Policy and Coastal Design Guidelines, will also be reflected in the controls and matters for consideration proposed in the single consolidated Coastal Management SEPP, and related planning instruments.

In addition, provisions in the *State Environmental Planning Policy (Infrastructure) 2007* relating to proposals for coastal protection works will be replaced by provisions in the new SEPP.

The SEPP will specify the development controls that will apply to particular forms of development within each coastal management area. The controls will be tailored to the needs of the relevant coastal management area.

Once the new Coastal Management SEPP is made, the current instruments will be revoked.

A modern coastal management manual

The coastal management manual (the manual) will be an invaluable resource for coastal communities as they plan for their future on the coast. The manual will support coastal communities to develop integrated coastal management programs (CMPs) that are feasible, technically viable and affordable.

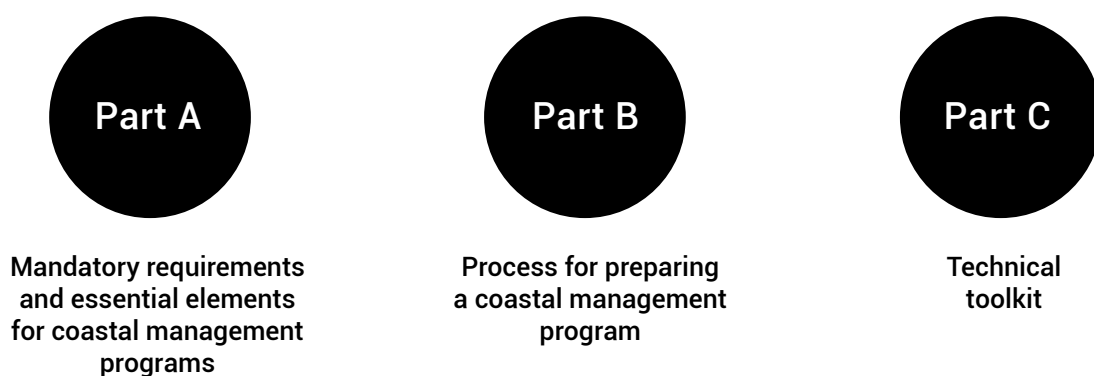
It will provide clear instructions and step-by-step guidance for councils to meet the requirements of the new Coastal Management Act. Compliance with the manual will ensure that councils fulfil their good faith obligations under the *Local Government Act 1993*.

The manual will build on existing guidelines and fill critical gaps that councils have identified. The process outlined in the manual will enhance what many councils are already doing in coastal management and planning.

A new coastal management manual to better support council planning and decision making

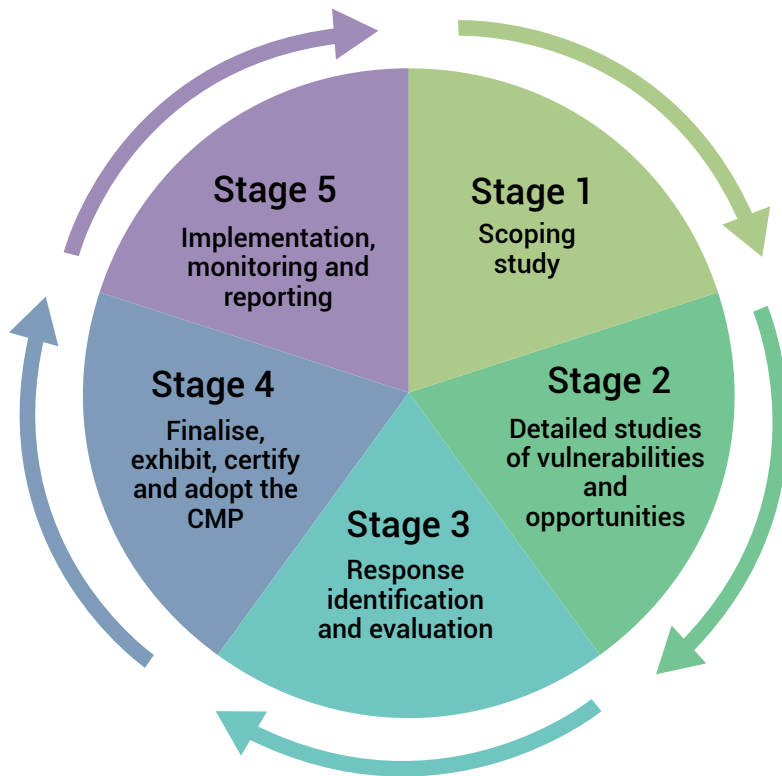
The manual will establish a consistent and transparent process for understanding and assessing coastal issues. It will provide instruction and guidance for the preparation of coastal management programs. At its core, the manual will promote collaboration and consultation to ensure that management programs are developed by the community, for the community.

The coastal management manual will be divided into three main parts.



Part A outlines the mandatory requirements proposed in the draft Coastal Management Bill, and the essential elements councils are required to follow.

Part B will describe in detail the steps councils will go through in developing a coastal management program. The process will comprise five stages and the guidance will allow for a degree of flexibility in the staged planning process.



Stages in developing a coastal management program

The manual will incorporate a flexible process to recognise and 'fast-track' those councils with well-developed coastal management strategies, policies, and practices.

Part C, the technical toolkit will be a web-based collection of resources containing detailed technical advice on topics including:

- coastal processes and estuary health
- hazard and risk assessment
- methods for evaluating management actions, including cost-benefit analysis
- advice on community engagement.



Preparing coastal management programs

The new Coastal Management Act will require that councils preparing a CMP use the manual to identify:

- existing and potential risks from coastal hazards
- actions for managing or reducing these risks in an integrated and strategic manner
- the costs of proposed actions and proposed cost-sharing arrangements

Councils will be required to consult with their local community, as well as relevant public authorities and adjacent coastal councils, throughout these various decision-making steps.

The Office of Environment and Heritage has worked with more than 200 coastal management practitioners from local councils to inform the development of the manual, to ensure it is practical and fit for purpose.

The manual will provide the highest priority elements identified in consultation with councils over the last year. Further tools will be included in the final manual and as additional versions are prepared. The new Act will provide the Minister with the power to update the manual as needed to ensure new evidence and information can be included to support best practice.

Improved technical advice to identify and assess coastal hazards and risks

The manual and related technical information will provide coastal communities with the best available scientific information about coastal processes and the potential impacts of climate change on coastal areas, including changes in sea levels, severe weather events and flooding.

In addition to assisting councils with preparing CMPs, this information can be used by other public authorities in their preparation of plans of management for national parks, reserves and other Crown land, and when undertaking coastal protection works and related coastal management activities.

Funding affordable coastal management programs

The manual will include a toolkit for selecting and funding affordable coastal management programs.

The toolkit will include guidance on how to conduct analysis to clarify the costs and benefits of the management responses being considered. This information will enable councils and their communities to select effective and affordable management options and fair cost-sharing arrangements that deliver net benefits to the community.

The NSW Government is reviewing how it contributes to the costs of coastal planning and management so that future funding programs are aligned with the coastal reforms. The review and any resulting changes to current funding programs will be completed in mid-2016, in line with the finalisation of the new legislation and other elements of the reforms.



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Office of Environment and Heritage on behalf
of the NSW Government
59 Goulburn Street, Sydney NSW 2000
PO Box A290, Sydney South NSW 1232
Phone: +61 2 9995 5000 (switchboard)
Phone: 131 555 (environment information and
publications requests)
Phone: 1300 361 967 (national parks, general
environmental enquiries, and publications requests)
Fax: +61 2 9995 5999
TTY users: phone 133 677, then ask for 131 555
Speak and listen users: phone 1300 555 727,
then ask for 131 555
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au
Report pollution and environmental incidents
Environment Line: 131 555 (NSW only) or
info@environment.nsw.gov.au
See also www.environment.nsw.gov.au

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