

# The NSW Coastal Management Framework

## Environment and Heritage Group



Biodiversity and Conservation Division

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# Outline of Presentation

- Coastal Reforms
- Framework Overview
- Roles and Responsibilities
- Coastal Management Act
- Resilience and Hazards SEPP
- Coastal Management Manual
- Coastal Management Programs
- Coastal Protection Works
- NSW Coastal Council
- Supporting the Framework



# The NSW Coastal Zone

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- Coastline  $\approx$  1500 km in length
- Estuarine foreshores  $\approx$  6500 km in length
- 757 open coast beaches
- 183 Estuaries (13 drowned river valleys, barrier lagoons 60, ICOLLs 110)
- Engine room of the NSW economy
- Focus of domestic/international tourism
- Premium property prices in the country
- Largest population growth projections
- Most intensive development pressures



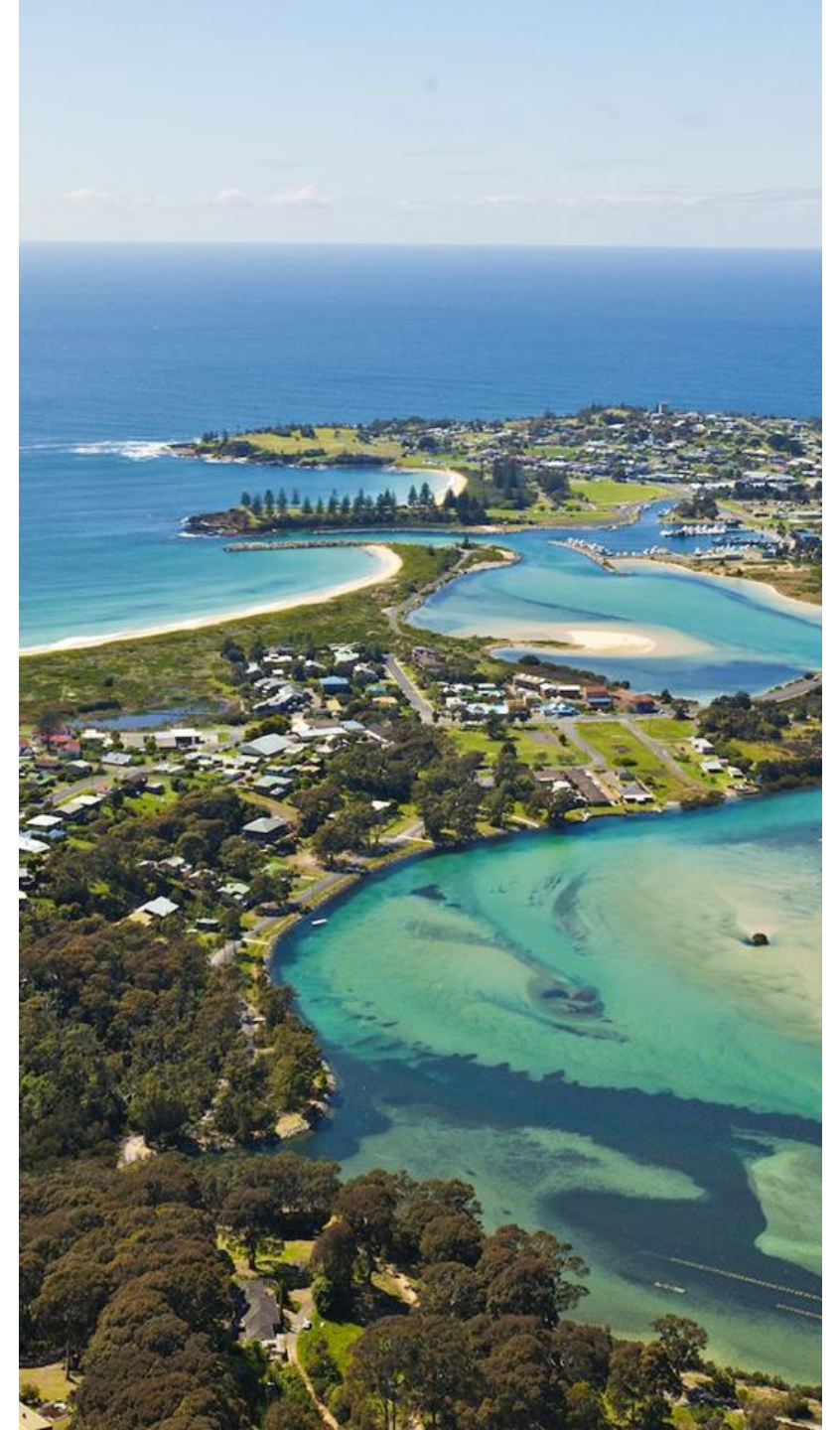
# Coastal Reforms

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Announced in 2014, the coastal reforms promised to deliver a modern, coherent coastal management framework that was responsive to current needs and future challenges.

The reforms were to:

- deliver new legislation
- minimise exposure to risk and liability
- allow communities to manage legacy issues and support local decision making
- establish a more sustainable funding approach
- enshrine public access to beaches
- provide for the protection and conservation of the coastal environment



# Coastal Reforms

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The reforms aimed to create a new management framework that would enable coastal councils and communities to:

- protect and enhance the social, economic and environmental values of the coast
- ensure ongoing use and enjoyment of our beaches and foreshores
- plan for and respond to current and future risk from coastal hazards and threats to coastal environments
- increase our resilience to an uncertain climate future



# Framework Overview

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The new coastal management framework commenced in April 2018.

The new framework comprises:

***Coastal Management Act 2016***

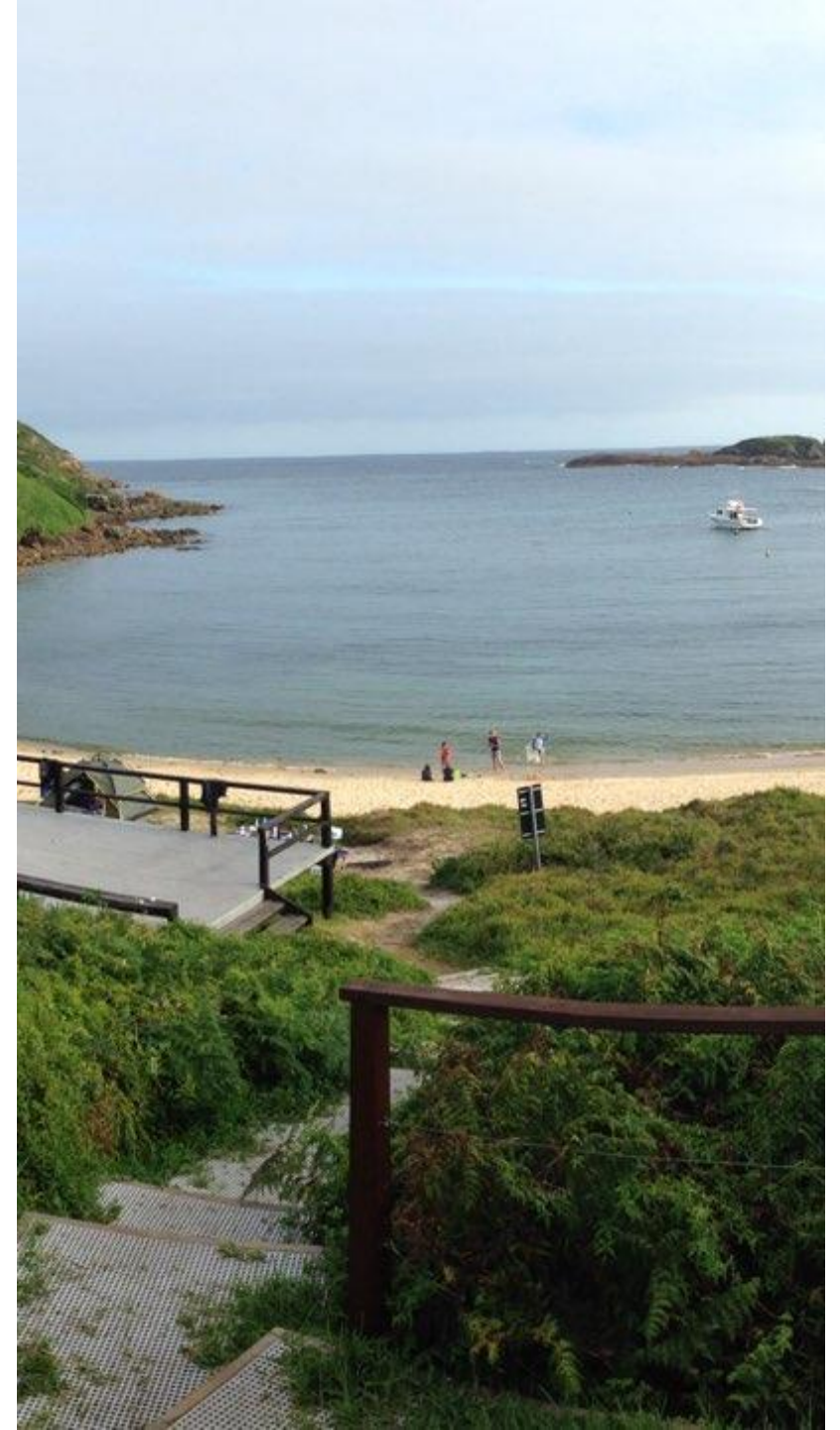
**Coastal Management SEPP → Resilience and Hazards SEPP**

**NSW Coastal Management Manual**

**Coastal Management Programs (CMPs)**

**Grants and Technical Assistance**

**NSW Coastal Council**



# Roles and Responsibilities

- Split between **State** and **Local Government**.
- **Minister for Local Government** – Under the *Coastal Management Act 2016* has consultative and approval functions to Coastal Management Programs (CMPs), develop and publish a coastal management manual, establish and appoint members of a NSW Coastal Council
- **Minister for Planning** has a consent role with regard to proposed developments controlled under the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- **Local councils** play a role in zoning coastal areas (**Local Environmental Plans/Development Control Plans**), developing CMPs, approving development\* and day to day management of coastal land and assets.



# Coastal Management Act (2016)

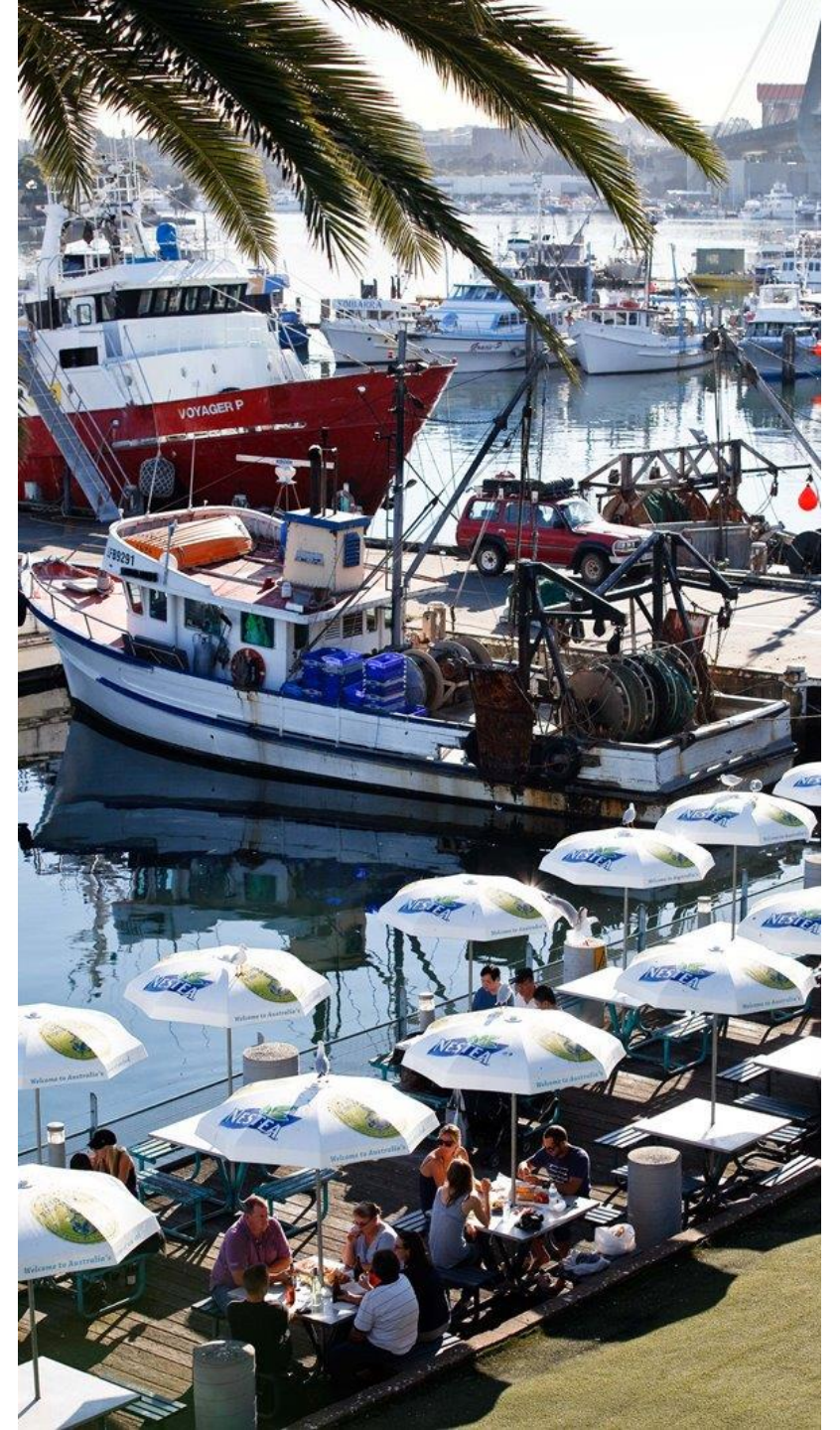


# Coastal Management Act

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- Commenced on 3 April 2018, replacing the (former) *NSW Coastal Protection Act 1979*
- Establishes a new strategic framework and clear objectives for managing coastal issues in NSW
- Promotes strategic and integrated management, use and development of the coast for the social, cultural and **economic** wellbeing of the people of NSW

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2016-020>



# Coastal Management Act

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Objectives are wide-ranging and include:

- protect and enhance natural coastal processes and coastal environmental values
- support the social and cultural values and maintain public access, amenity, and safety
- acknowledge Aboriginal peoples' spiritual, social, customary and **economic** use
- recognise the coast as a vital **economic** zone
- facilitate ESD and promote sustainable land use planning
- mitigate current and future risks from coastal hazards and the effects of climate change



# Coastal Management Act

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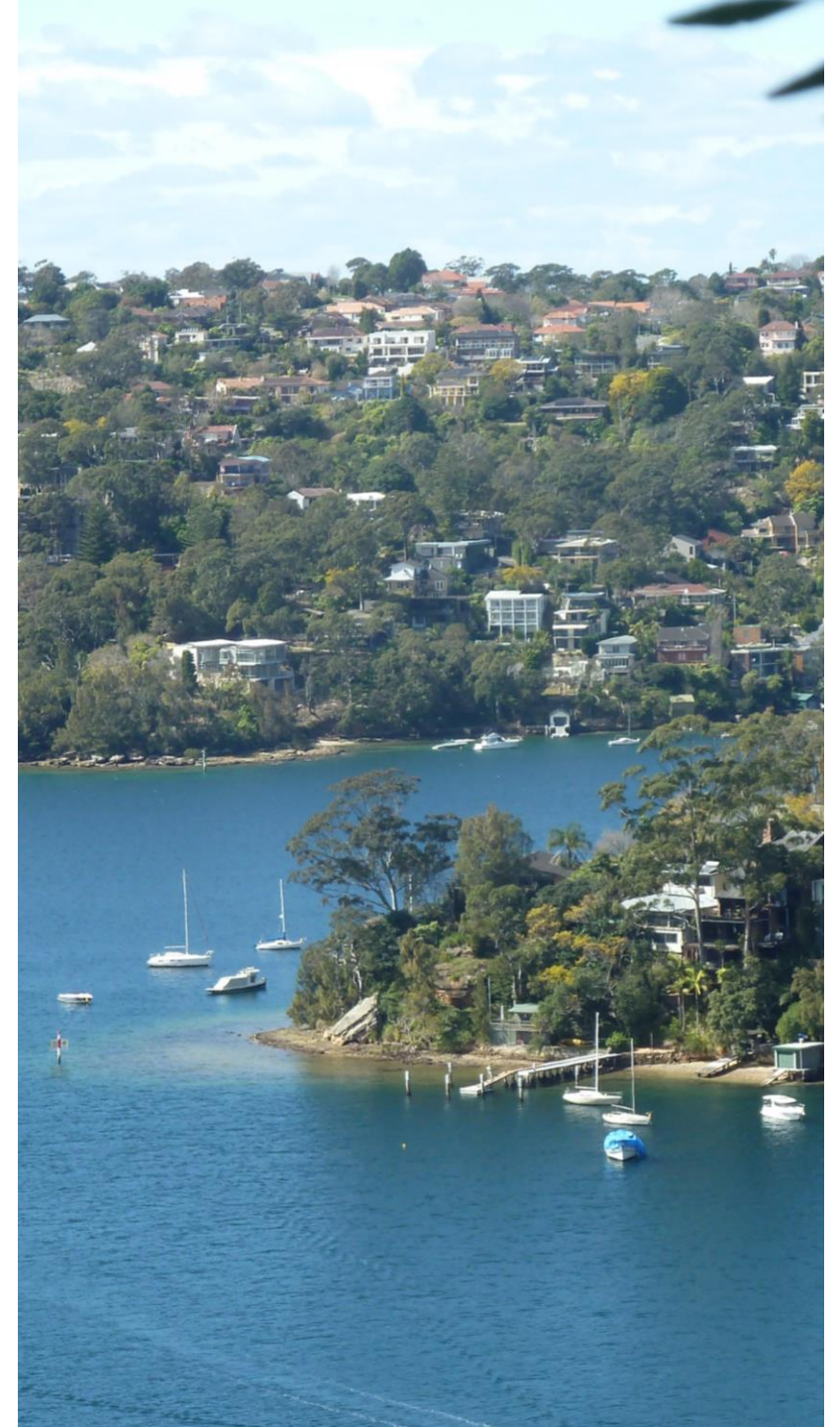
- recognise coastal processes, and the dynamic nature of the shoreline
- promote integrated and co-ordinated planning, management and reporting
- encourage plans to improve resilience to the impacts of climate change and storm events
- ensure co-ordination and integration of management activities
- support public participation
- facilitate the identification of land for acquisition to protect the environment
- support the objects of the *Marine Estate Management Act 2014*.



# Coastal Management Act

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- Defines the coastal zone, comprising four coastal management areas:
  - coastal wetlands and littoral rainforests
  - coastal vulnerability
  - coastal environment
  - coastal use
- Management objectives specific to each of these management areas are established by the CM Act.



# Coastal Management Act

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## ***Coastal wetlands and littoral rainforests area***

- (1) The coastal wetlands and littoral rainforests area means the land identified by a State environmental planning policy to be the coastal wetlands and littoral rainforests area for the purposes of this Act, being land which displays the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features.
- (2) The management objectives for the coastal wetlands and littoral rainforests area are as follows:
  - a) to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity,
  - b) to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests,
  - c) to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration,
  - d) to support the social and cultural values of coastal wetlands and littoral rainforests,
  - e) to promote the objectives of State policies and programs for wetlands or littoral rainforest management.



# State Environmental Planning Policy (Resilience and Hazards)

# Resilience and Hazards SEPP

- The Coastal Management SEPP updated and consolidates into one integrated policy:
  - SEPP 14 (Coastal Wetlands)
  - SEPP 26 (Littoral Rainforests)
  - SEPP 71 (Coastal Protection) and
  - Clause 5.5. of the Standard Instrument – Principal Local Environmental Plan.
- The SEPP maps the coastal zone as a combination of the 4 management areas.
- The Coastal Management SEPP was rolled into a larger Resilience and Hazards SEPP in 2021.



# Resilience and Hazards SEPP

- Defines the four coastal management areas in the Act through detailed mapping and specifies assessment criteria that are tailored for each coastal management area.
- Councils and other consent authorities must apply these criteria when assessing proposals for development that fall within one or more of the mapped areas.
- Detailed, interactive maps accompany the SEPP. Accessible via a map viewer, the maps can be viewed down to the individual lot scale and printed directly from the viewer.





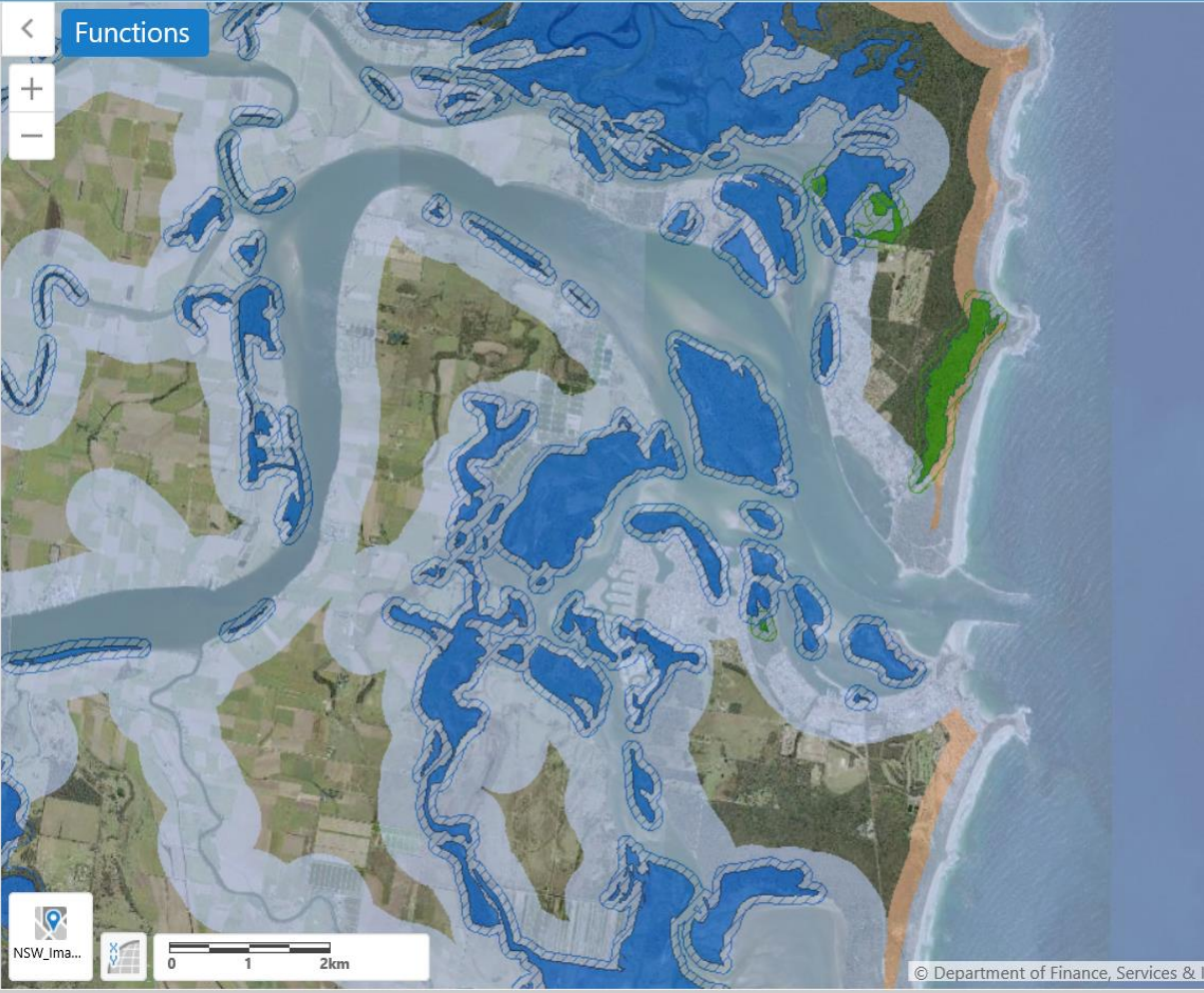
# Resilience and Hazards SEPP

Department of Planning and Environment

Layers

- Coastal Viewer Legend
- Coastal Wetlands and Littoral Rainforest Area Map
  - Coastal Wetlands
  - Proximity Area for Coastal Wetlands
  - Littoral Rainforests
  - Proximity Area for Littoral Rainforests
  - Coastal Vulnerability Area Map (Note: No map at this time)
  - Coastal Environment Area Map
  - Coastal Use Area Map
  - Land Application Map
  - Local Government Area
- Land Zoning
- Administrative Boundaries
  - Lot
  - Suburb
- NSW Imagery

Functions



NSW Imagery

0 1 2km

© Department of Finance, Services & I

# **Resilience and Hazards SEPP**

***Development on land within the coastal environment area Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:***

- a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
- b) coastal environmental values and natural coastal processes,
- c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
- d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
- e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
- f) Aboriginal cultural heritage, practices and places,
- g) the use of the surf zone.

***Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:***

- a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
- b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

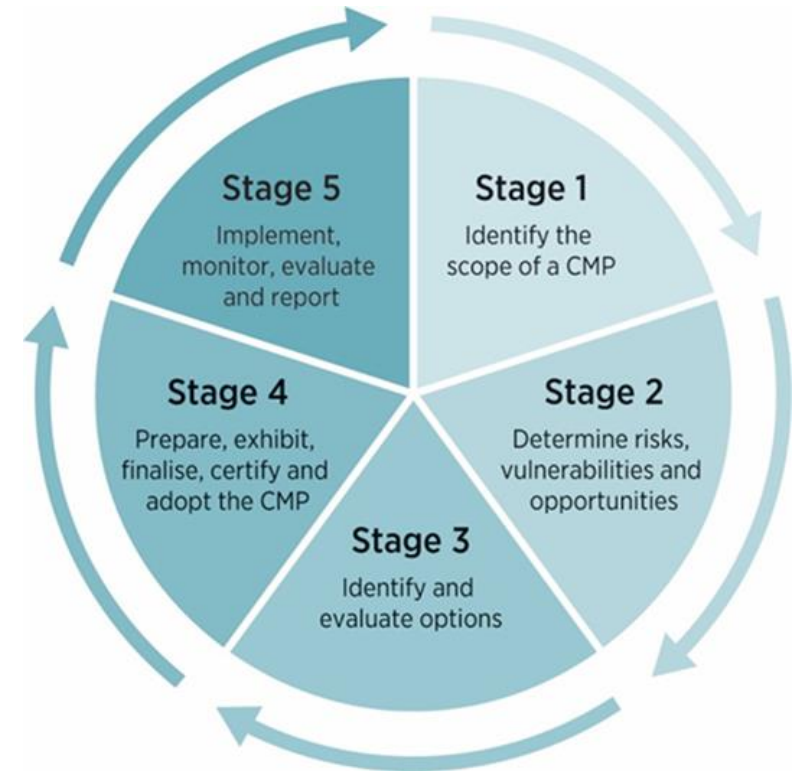
An aerial photograph of a coastal area. On the left, the ocean with white waves meets a sandy beach. To the right of the beach is a dense line of green vegetation. Further right, a residential neighborhood with houses and a road is visible. On the far right, a large, dark blue lake or lagoon is situated. A dark grey semi-transparent rectangular box is overlaid in the center of the image, containing the title text.

# Coastal Management Manual

# NSW Coastal Manual

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- The manual provides guidance to local councils, public authorities and communities about how to implement the new coastal management framework
- Outlines a step by step process for how to prepare a Coastal Management Programs (CMPs) and integrate coastal management with local councils' other strategic and land use planning processes
- Adopts a five stage risk management process



# NSW Coastal Manual

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- **Part A** provides an introduction and mandatory requirements for a CMP
  - The numbered paragraphs of Part A are Mandatory requirements within the meaning of section 21(2) of the CM Act
- **Part B** provides guidance for preparing and implementing a CMP
  - 5 parts covering each stage in the risk management process
  - Additional guidance is also provided in a web based toolkit



# NSW Coastal Manual

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## ***BENEFITS OF FOLLOWING THE MANUAL***

- Demonstrate Council has fulfilled the good faith provisions of section 733 of the Local Government Act 1993.
- Enables access to funding for development and implementation of CMPs.
- Integrate coastal management with councils' broader strategic planning and the Integrated Planning & Reporting framework.
- Improved integration with the land use planning scheme.
- Exemptions to development consent for certain activities undertaken by a public authority when they are identified in a CMP.



# NSW Coastal Manual

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## ***BENEFITS OF FOLLOWING THE MANUAL***

- Manage the coastal environment consistent with the principles of ESD and the CM Act.
- Collaborate with public authorities to coordinate implementation of coastal management actions.
- Demonstrate that council supports public participation in coastal management planning.
- Build community confidence that the coast is being managed in accordance with state objectives, local values, and the public benefit.
- Create more resilient local communities and coastal environments that have the capacity to accommodate and adapt to future changes.



# Coastal Management Programs



# Coastal Management Programs

- The purpose of a coastal management program is to ‘set the long-term strategy for the co-ordinated management of land within the coastal zone’.
- The focus of a program is to achieve the objectives of the *Coastal Management Act*.
- CMPs are prepared by local councils in consultation with their communities and relevant public authorities.
- Initial phase Scoping Study.



# Coastal Management Programs

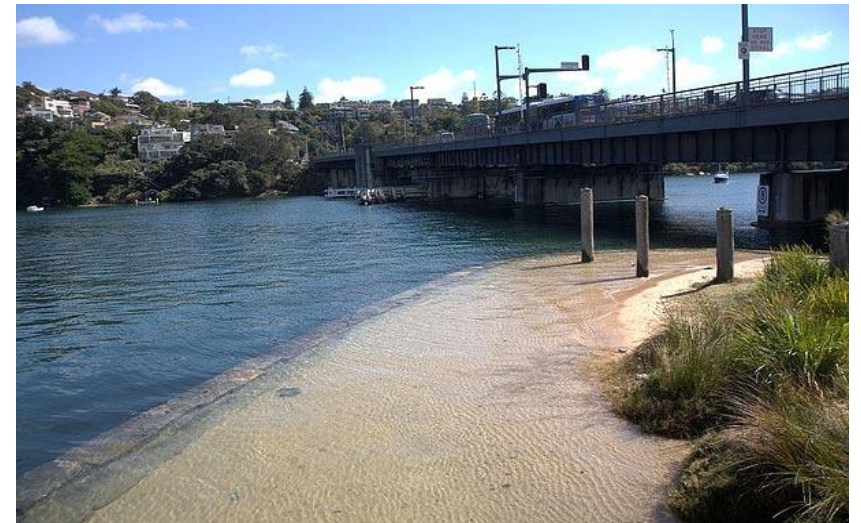
- CMPs identify:
  - key management issues
  - actions to be implemented by council and other public authorities
  - how and when these actions will be implemented
  - the costs and benefits of proposed actions
  - cost-sharing arrangements to enable implementation
- A CMP may be developed for the **whole**, or **any part of the coastal zone**.
- Priority actions in the CMP will generally focus on key management issues and locations with the highest threats, hazards and risks.



# Coastal Management Programs

***Coastal hazard*** means the following—

- (a) beach erosion,
- (b) shoreline recession,
- (c) coastal lake or watercourse entrance instability,
- (d) coastal inundation,
- (e) coastal cliff or slope instability,
- (f) tidal inundation,
- (g) erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters.



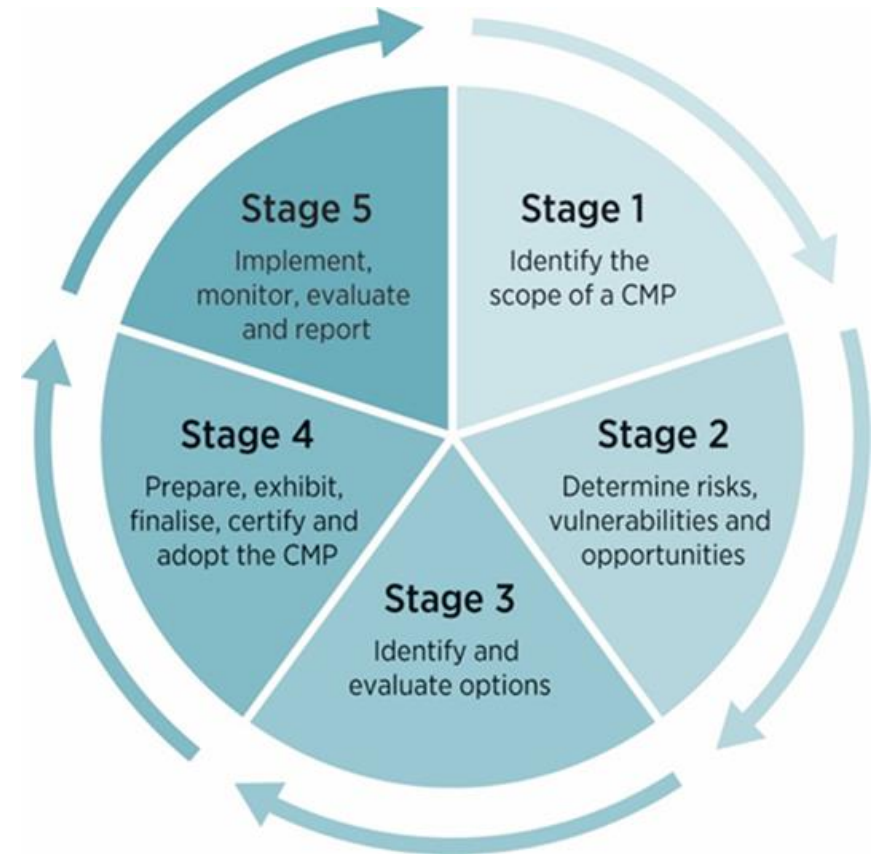
# Coastal Management Programs

A CMP may consider:

- *A range of timeframes and planning horizon*
- *A range of management issues, actions and funding mechanisms*
- *Population growth and land use change*
- *Current and future risks to assets and threats to the environment (incl climate change)*
- *Any planned amendments to the mapping of coastal management areas*

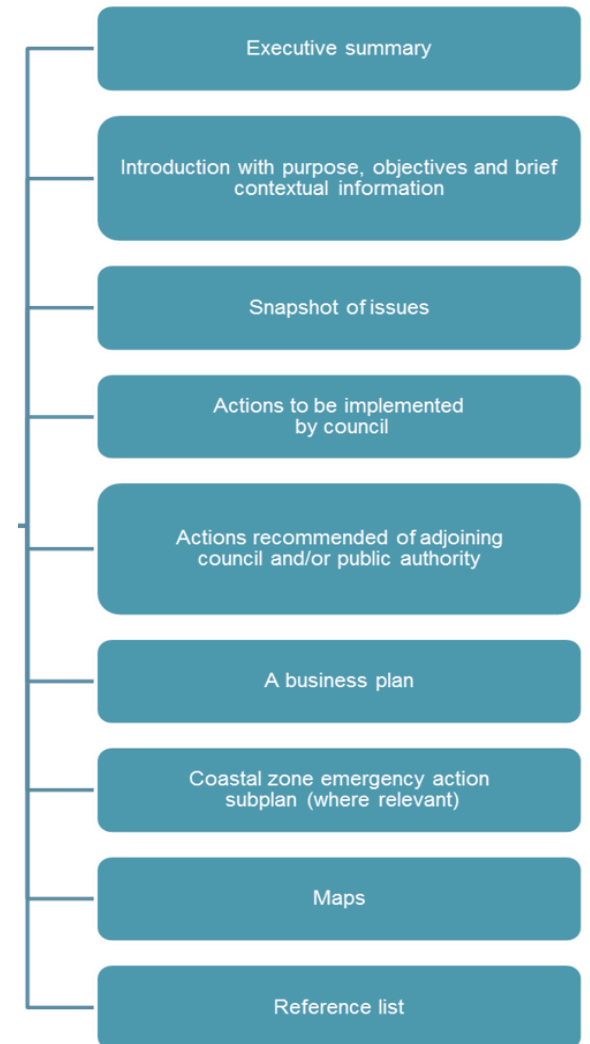
Proposed management actions to be evaluated through:

- Feasibility (is it an effective and sustainable way to treat the risks?)
- Viability (economic assessment)
- Acceptability to stakeholders



# Coastal Management Programs

- Before adopting a CMP, a local council must consult with:
  - the community
  - other councils in shared estuary system or sediment compartment
  - other public authorities (where required)
- A draft CMP must be exhibited for a minimum period of 28 days.
- Undergo a review and certification process by NSW Government.
- Actions in a CMP are implemented through the Integrated Planning and Reporting (IP&R) framework and land use planning system.



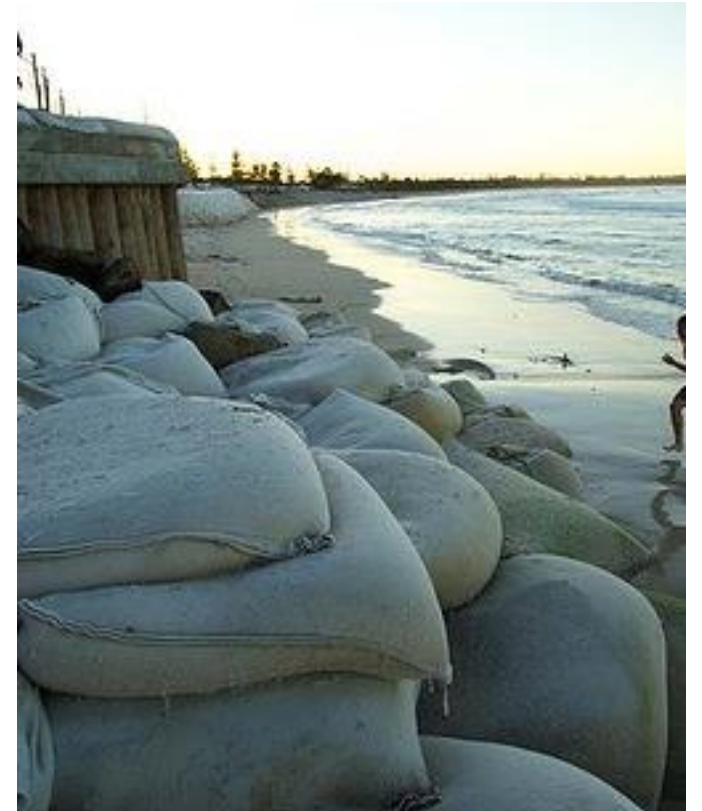
A coastal scene featuring a rocky shoreline with waves crashing against it. In the background, there are several multi-story residential buildings, including a prominent white high-rise. The sky is overcast with grey clouds. A dark semi-transparent banner is overlaid across the middle of the image, containing the title text.

# Coastal Protection Works

# Coastal Protection Works

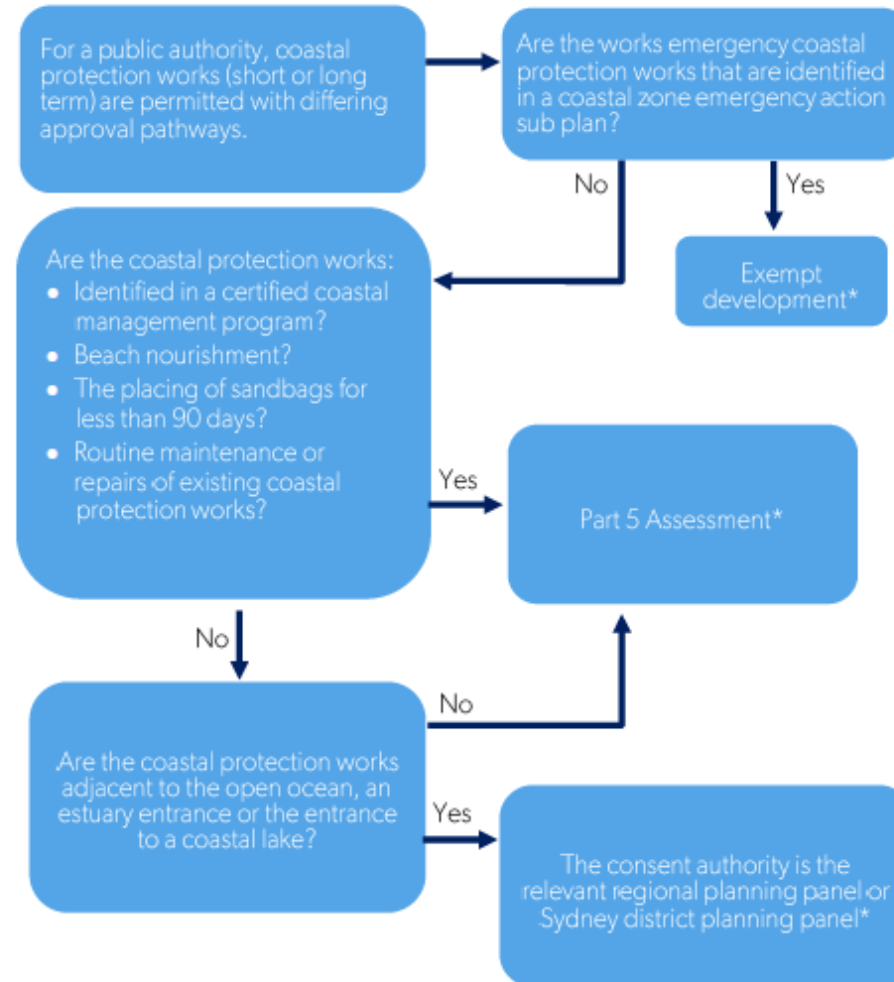
Defined in the CM Act as

- (a) Beach nourishment activities or works;
  - (b) Activities or works to reduce the impacts of coastal hazards on land adjacent to tidal water including, but not limited to, seawall, revetments and groynes.
- Permissible to be built by private landowners and public authorities, with appropriate development consent.
  - A public authority may carry out coastal protection works without development consent if the works are:
    - ✓ Identified in the relevant certified CMP
    - ✓ Beach nourishment
    - ✓ Placing sandbags for not more than 90 days
    - ✓ Routine maintenance works or repairs to existing coastal protection works
  - Coastal Protection works that are identified in a certified CMP have a different approval pathway to works that are not identified in a CMP.



# Coastal Protection Works

Coastal protection works: assessment pathway for public authorities (including councils)



\*Other approvals may be required under different legislation.





# NSW Coastal Council



# NSW Coastal Council

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- CM Act mandates the appointment of a NSW Coastal Council
- The Council has the following functions:
  - provides advice to the Minister relating to:
    - the Minister's functions under the CM Act
    - the compliance by local councils with the Act and the manual in preparing and reviewing CMPs, and
    - performance audits of local councils' CMPs
  - at the request of the Minister, advice to other public authorities on coastal management matters.
  - any other functions (as requested) under the CM Act.



# Supporting the Framework

# Funding and Financing

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- Funding assistance is available to help councils to both prepare and implement CMPs.
- In 2016 the NSW Government announced **\$83.6 million** towards the management of the NSW coast.
  - **\$9.5 million for preparation of CMPs** to help councils to transition to the new arrangements, including additional technical studies.
  - **\$63.2 million for implementation of CMPs**
- Future Funding to 2030:
  - **\$1.85 million** for ongoing technical resources
  - **\$5 million** per year for ongoing CMP implementation
  - **\$12.6 million** Large Scale Capital Works Funding (3 years)



# Resourcing, Data and Monitoring

- Regular LiDAR and Bathymetry Data Capture
- Beach Profile Database
- State-wide Erosion and Inundation Risk Assessment
- Coastal Wave and Water Level Data Collection Network
  - 171 flood and 48 estuary automatic water level recorders, 19 ocean tide sites, 72 rainfall recording stations and 7 offshore Waverider buoys
- Nearshore Wave Tool Transformation Toolbox
- MER Estuaries and Water Quality
- Coastal Management Toolkit
- Program, Science and Regional Delivery Teams



# Remaining Fit for Purpose?

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- Built into process is the need to monitor, evaluate and review CMPs every 10 years.
- Broad consideration of other matters into the CMP, such as environmental values, community use, heritage, coastal economies and population growth.
- Recognition for regional scale collaboration and a systems approach to management (sediment compartment concepts).
- Continued focus on community engagement and recognition of Stakeholder as 'enablers'.
- Review timeframe inbuilt into the legislation "*after the period of 5 years from the date of assent of this Act*" and a report required to be tabled to Parliament.
- Future Directions Statement for the Coastal and Estuary Management Program (released 2021).





**Thank You**



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