



Our future on the coast

NSW Coastal Management Manual Part A:
Introduction and mandatory requirements
for a coastal management program

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Published by:

Office of Environment and Heritage

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

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Coastal management manual

The coastal management manual (the manual) has been prepared as a resource for local councils and public authorities to use when planning their future on the coast. It imposes mandatory requirements and provides guidance pursuant to the *Coastal Management Act 2016* (CM Act) when preparing, developing, adopting, implementing, amending and reviewing, and contents of, a coastal management program (CMP).

Structure and content of the manual

The manual has two parts:

Part A:

- provides an introduction and background to the coastal management framework in NSW, which is for guidance and not mandatory
- imposes the mandatory requirements for the preparation, development, adoption, implementation, amendment and review of a CMP in a series of numbered paragraphs from 1 to 19
- imposes the mandatory requirements for consultation in numbered paragraph 15.
- **Part B** provides guidance and information in connection with preparing, developing, adopting, implementing, amending and reviewing a CMP, including guidance on:
 - considering and promoting the objects of the CM Act
 - undertaking the adaptive risk management process that councils and public authorities are to follow when preparing a CMP to:
 - identify and assess risks to environmental, social and economic values
 - evaluate and select management actions to address those risks
 - undertaking studies to address information gaps, refining maps for management areas and supporting the preparation of a CMP
 - the preparation of coastal zone emergency action subplans
 - the contents of a CMP
 - the role of the Minister, public authorities and the NSW Coastal Council
 - integrating a CMP into the Integrated Planning and Reporting (IP&R) framework for local councils under the *Local Government Act 1993* and land use planning system.

Part A

Introduction and mandatory requirements for a CMP

- Provides an introduction to the coastal management framework in New South Wales and an overview of the coastal management manual.
 - Lists the mandatory requirements that councils are required to follow when preparing, developing, adopting, implementing, amending, reviewing, and contents of, a coastal management program (CMP).
 - Sets out the mandatory consultation requirements during the preparation, development or review of a CMP.
-

Part B

Guidance for preparing and implementing a CMP

- Provides guidance and information in connection with preparing, developing, adopting, implementing, amending, reviewing, and contents of, a CMP.
- Provides guidance to support the carrying out of a five-stage risk management process to follow when preparing and implementing a CMP.
- Provides guidance on integrating a CMP into the IP&R framework and land-use planning systems.

Figure A1 Components of the coastal management manual

Introduction

The importance of the coast

The NSW coast is one of our greatest assets. It is a diverse, complex and dynamic environment made up of beaches, dunes, headlands, cliffs, rock platforms, estuaries, coastal floodplains, coastal lakes and lagoons. The coast has unique values, natural and urban landscapes and cultural significance that support our vibrant, healthy and prosperous way of life.

The coastal landscape is under increasing pressure. Nearly 85% of the NSW population lives within 50 kilometres of the coastline and people are placing increasing value on a coastal lifestyle with access to beaches and coastal waterways. Major cities, regional centres and small coastal villages are continuing to grow. New South Wales is expected to be the home of 11 million people by 2040, of which a significant proportion will live close to the coast.

The coast is a vital economic zone that supports most of the state's industrial, transport and commercial activity. It also contains our iconic beaches and important coastal waterways, along with our marine protected areas and many of our national parks.

Recent NSW Government legislative and regulatory reforms seek to guide the management of the coast consistent with the principles of ecologically sustainable development and help ensure that New South Wales has thriving coastal communities living and working on a healthy coast now and into the future.



Figure A2 Park Beach and Coffs Creek (Photo: R Cleary, Seen Australia/OEH)

The coast is a dynamic and changing environment

The NSW coast is a dynamic and constantly changing environment. It has evolved over millions of years, responding to long-term geological processes and climate change. Wind, waves, ocean currents, river flows, sediment transport, sea level and storm events influence the nature of coastal landscapes over time.

A relatively narrow continental shelf, moderate wave climate, warm waters of the East Australian current, rocky headlands and clean quartz-rich sandy beaches help define the open coast. The southern and central sections of the NSW coast are generally characterised by numerous headlands that compartmentalise beaches whereas the northern coastline is typically characterised by longer exposed sandy beaches, sometimes backed by extensive dunes.

Estuaries in New South Wales generally reflect the differences in rainfall, geology and wave climate along the coast and may be categorised into three main types: drowned river valleys, barrier estuaries, and coastal lakes and lagoons that offer great beauty and utility.



Figure A3 Lake Macquarie flood tide delta (Photo: B Clout/OEH)

Aboriginal people have lived on the NSW coast for many thousands of years. They have found food and raw materials in the wide variety of coastal environments. Physical evidence of Aboriginal life and activity can be found along the coast. Aboriginal communities have traditional and cultural connections with the coast and continue to use the abundant coastal resources.

Since 1788 there have been waves of settlement of coastal areas that have utilised the natural resource base, e.g. timber harvesting and sand mining. Construction of port facilities has facilitated the opening of coastal lands to agriculture and waters to fishing and aquaculture. Road, rail and other infrastructure have enabled the expansion of coastal cities,

towns and villages. Demographic and socioeconomic change has been accompanied by increased tourism, commercial and industrial activity.

In some areas, past development has created social, economic and environmental legacies. Future population growth and changes in land use will add further development pressure that needs to be considered in planning and management of the coastal environment.

The variability of coastal processes and the ambulatory and dynamic nature of the shoreline can give rise to a range of potential coastal hazards and risks to the physical landscape and to the social and economic values of coastal communities. Climate change is a further factor in modifying the spatial patterns and intensity of coastal processes.



Figure A4 Erosion at Collaroy Beach, June 2016 (Photo: UNSW Water Resources Laboratory)

Sustainable management of the coastal zone often involves councils, their communities and public authorities balancing a diverse range of challenges and opportunities. The context is one of rapid environmental, social and economic change along with dynamic coastal processes affecting the open coast, estuaries and coastal lakes.

The manual seeks to facilitate ecologically sustainable development (ESD) in the coastal zone and promote sustainable land use planning decision-making.

This manual aims to encourage councils to think about how they might:

- avoid inappropriate development in areas exposed to high levels of risk from coastal hazards or directed towards areas of lower probability of hazards and risk
- achieve land uses where the impacts and risks can be mitigated and the development is necessary
- plan and design development to be safe without increasing the risks or threats elsewhere, and ensuring any residual risks are addressed.

The NSW Government is delivering a new legislative and regulatory framework to better equip coastal communities to respond to the dynamic nature of the coast and sustainably manage the coastal environment.



Figure A5 Coastal development at Kiama (Photo: J Lugg/OEH)

The framework for managing the NSW coast

Local councils and public authorities are required to manage their coastal areas and activities in accordance with relevant state legislation, policies and plans.

The framework for managing the NSW coast includes:

- *Coastal Management Act 2016* (CM Act)
- State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP)
- coastal management programs (CMPs) prepared in accordance with the NSW coastal management manual.

Figure A6 shows the new coastal management framework.

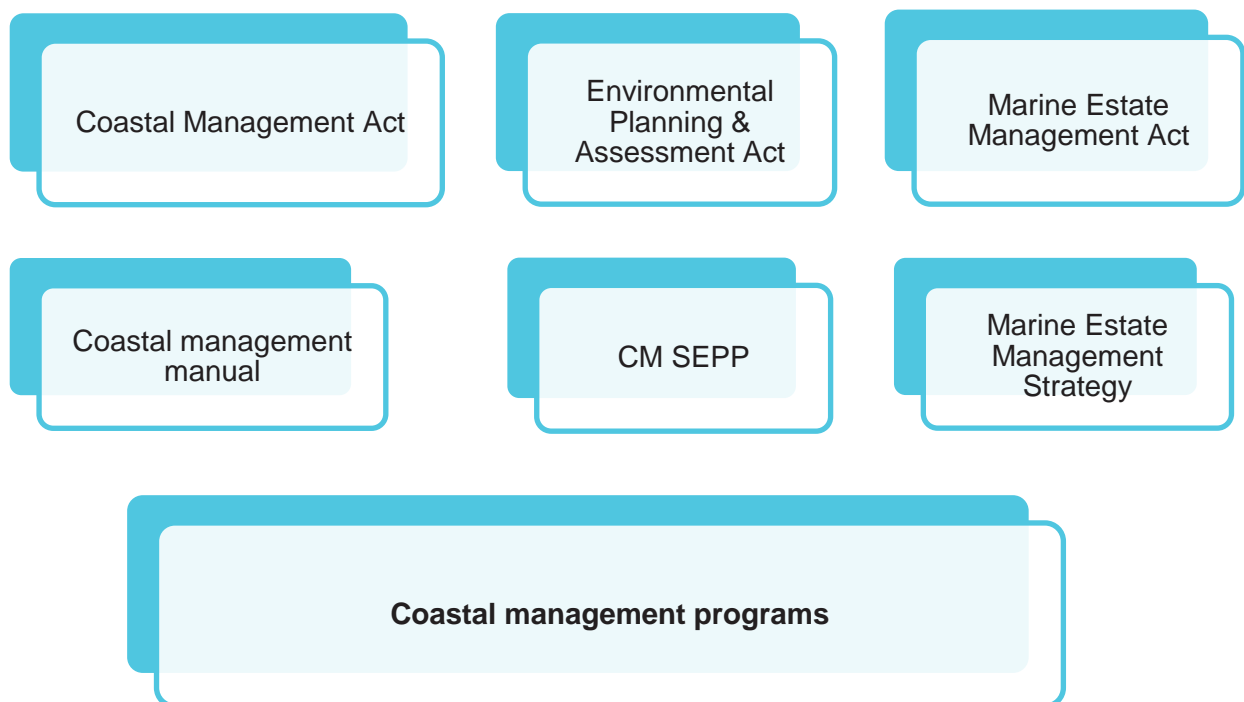


Figure A6 NSW coastal management framework

Other NSW legislation is relevant to the management of the environmental, social and economic values of the coastal zone, including:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *Local Government Act 1993* (LG Act)
- *Crown Lands Act 1989* (which is to be replaced by the *Crown Land Management Act 2016*, some parts of which have already commenced and other parts which are to commence in 2018)
- *National Parks and Wildlife Act 1974*
- *Fisheries Management Act 1994*
- *Marine Estate Management Act 2014*
- *Local Land Services Act 2013*
- *Biodiversity Conservation Act 2016*.

Coastal Management Act 2016

The *Coastal Management Act 2016* (CM Act) provides for the integrated management of the coastal environment of New South Wales consistent with the principles of ecologically sustainable development, for the social, cultural and economic wellbeing of the people of the state. The objects are detailed below.

3 Objects of this Act

The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular:

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and*
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and*
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and*
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and*
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and*
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and*
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and*
- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and*
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and*
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and*
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and*
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and*
- (m) to support the objects of the Marine Estate Management Act 2014.*

The CM Act also:

- defines the NSW coastal zone as being made up of four distinct coastal management areas and sets out specific management objectives for each of the areas
- identifies the hierarchy of management objectives for the management areas where there is overlap
- sets out the purpose of a CMP and provides for a manual to guide the preparation and implementation of a CMP
- requires local councils to give effect to their CMPs through some aspects of the Integrated Planning and Reporting (IP&R) framework established in the *Local Government Act 1993* (LG Act) and through the preparation of planning proposals and development control plans under the *Environmental Planning and Assessment Act 1979* (EP&A Act)
- provides for public authorities to have regard to CMPs to the extent that they are relevant to exercising their functions, and in particular, to have regard to the manual, the CMP and the objects of the CM Act when preparing, developing or reviewing plans of management
- defines coastal sediment compartments and estuaries
- establishes the NSW Coastal Council as an independent coastal advisory body.

State Environmental Planning Policy (Coastal Management) 2018

The State Environmental Planning Policy (Coastal Management) 2018 (CM SEPP) seeks to balance social, economic and environmental interests by promoting a coordinated approach to coastal management, consistent with the objectives of the CM Act.

The CM SEPP outlines a range of development controls (including matters for consideration by a consent authority) that aim to help protect and manage sensitive coastal environments, manage risk from coastal hazards, and support appropriate urban development.

The CM SEPP identifies four coastal management areas that when combined, define the coastal zone. Separate development controls apply to each of the coastal management areas and focus on achieving specific objectives.

Coastal management areas may overlap and more than one set of development controls may apply to that land if there is no inconsistency between controls. In the case of any inconsistency, the CM SEPP sets out the priority order for these controls, from the highest to the lowest:

- i coastal wetland and littoral rainforest area
- ii coastal vulnerability area
- iii coastal environment area
- iv coastal use area.

It is anticipated that CM SEPP maps identifying coastal management areas will be modified in time by further environmental planning instruments (EPIs) as further information becomes available, including as a product of the CMP process.

Studies and modelling that councils may undertake as part of their CMP preparation process are valuable because they can be used as part of the preparation of a planning proposal or a draft Local Environmental Plan (LEP) that seeks to amend the maps of coastal management areas under the CM SEPP.

The four coastal management areas are:

- **Coastal wetlands and littoral rainforests area (CWLRA)** is land that displays the hydrological and floristic characteristics of coastal wetlands and littoral rainforest communities and lands adjoining those features.

Development controls for the mapped CWLRA aim to continue existing protection for these important ecological communities. A CMP can identify development for the purposes of environmental protection works on CWLRA land that may be carried out by or on behalf of a public authority without consent.



Figure A7 Coastal saltmarsh, Homebush (Photo: P Laegdsgaard/OEH)



Figure A8 Littoral rainforest at Iluka rainforest reserve (Photo: N Cubbin/OEH)

- **Coastal vulnerability area (CVA)** is land which is subject to current and future hazards, as defined in the CM Act. Defining and applying specific controls to this area will build awareness of coastal hazards and inform land use decisions.

Development controls for the CVA are concerned with managing risk to human life, infrastructure, and public and private property that may be impacted by coastal hazards, and ensuring that we do not create legacy issues for future generations to deal with.

The NSW Government will continue to work with local councils and communities to ensure that coastal hazards identified in studies or plans prepared by or for council are further considered, and where appropriate, reflected in land use planning instruments.



Figure A9 Road damaged by coastal erosion, Jimmy's Beach, Hawkes Nest (Photo: P Davies/OEH)

- **Coastal environment area (CEA)** is made up of environmental features such as state waters, estuaries, coastal lakes and lagoons. It also includes land adjoining those features, including headlands and rock platforms. It aims to protect the values, assets and features of these waters and the natural features on the adjoining land.

Development controls for the CEA aim to protect and improve natural coastal features, coastal waters and environmental values for places such as beaches, dunes, surf zone and undeveloped headlands.



Figure A10 Public access way to Pretty Beach (Photo: N Cubbin/OEH)



Figure A11 Coastal cliffs, rock platforms and intertidal zones, Depot Beach (Photo: J Yurasek/OEH)

- **Coastal use area (CUA)** focuses on lands adjacent to coastal waters, estuaries, coastal lakes and lagoons, where impacts of development on the use and enjoyment of the beaches, foreshores, dunes, estuaries, coastal lakes and lagoons, and the ocean, need to be considered.

Development controls for CUA are concerned with ensuring appropriate urban development for coastal areas, considering urban design issues such as the bulk, scale and size of proposed development, water sensitive urban design, and preventing adverse impacts on scenic qualities, visual amenity and Aboriginal cultural heritage.



Figure A12 Aerial view of Caves Beach, showing part of the coastal use area and coastal environment area (Photo: B Clout/OEH)

The CM SEPP also sets out a range of other provisions, including some development controls and permissibility provisions relating to coastal protection works (CPWs). CPWs comprise beach nourishment activities or works, and activities or works to reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) seawalls, revetments and groynes.

A CMP is required to identify CPWs that are proposed to be carried out on land by, or on behalf of, a public authority within the area to which it applies.

Coastal management programs

The purpose of a CMP is to set the long-term strategy for the coordinated management of the coastal zone with a focus on achieving the objects of the CM Act. It provides an opportunity for councils, public authorities and local communities to plan for, and implement, actions that will help achieve coastal management objectives at a local level, consistent with the objects of the CM Act.

Developing a CMP will help councils clearly identify and balance competing interests and priorities in the coastal zone. Management actions will consider the benefits from economic growth, development and public access to the coastal zone along with the need for protecting and enhancing coastal environments and managing the risk to human life and property.

Building on existing coastal management policies and plans

Risks associated with coastal hazards and threats to healthy coastal ecosystems, as well as the changing social character of coastal settlements, have long been recognised by the NSW Government and local governments as important challenges and opportunities to be addressed.

Many councils have previously prepared and implemented coastal zone management plans to address management issues for coastal lakes, estuaries or beaches, dunes and headlands. If a coastal zone management plan (including an emergency action subplan) was certified under the *Coastal Protection Act 1979*, the savings and transitional arrangements in Schedule 3 of the CM Act mean it will continue to have effect until 31 December 2021 unless replaced by a CMP prepared and adopted under the CM Act.

Councils may have also identified and mapped the spatial extent of vegetation communities, assets and coastal hazards. The process outlined in the manual allows council to build on existing information and previous achievements in coastal management and planning. It allows the previous work to be updated to ensure that coastal management continues to meet the state's objectives and remains effective for the benefit of local communities.

Scope of a CMP

Each council has different experience, issues, challenges and opportunities in coastal management. The scope of a CMP may be specific to local circumstances, the community and coastal environment and may depend on a range of factors including the:

- local management issues, challenges and opportunities identified for each coastal management area, including the spatial extent
- effectiveness of existing management approaches and land use planning instruments to address current and future challenges
- responsibilities and capacities of council, public authorities, communities and other stakeholders to address coastal management issues
- future population growth and development pressures
- risks and liabilities associated with coastal hazards and threats to coastal environments
- vulnerability of coastal assets, environments and social and economic systems
- potential opportunities to adapt to change and thereby enhance the resilience of natural features and coastal communities.

Preparation of a CMP

It is recommended that councils follow a five-stage risk management process for the preparation and implementation of a CMP (refer to **Figure A13**). Councils will report on progress, outcomes and achievements in line with reporting requirements under the Integrated Planning and Reporting (IP&R) framework.

Councils can choose to fast-track stages 2 to 3 (or parts of those stages) as outlined in Part B, Stage 1. Fast-tracking is only recommended where the management approach is performing well and key drivers of change have not passed thresholds for introducing a new approach.

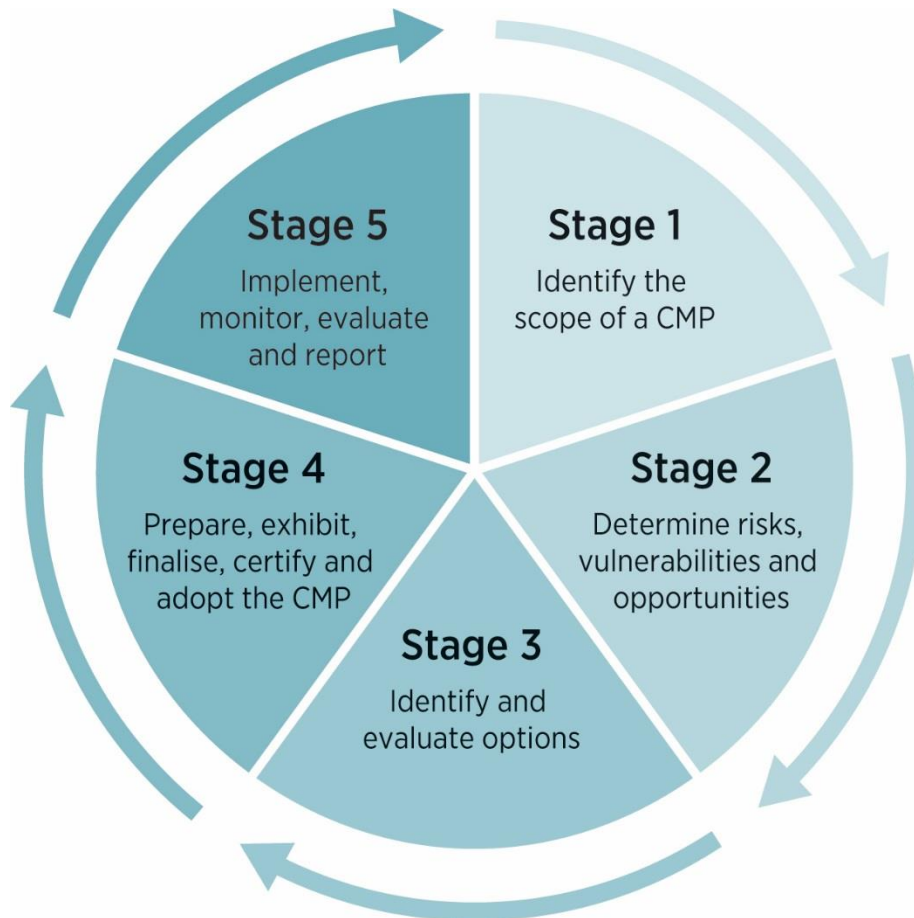


Figure A13 Stages in preparing and implementing a CMP

Roles and responsibilities

The CM Act (and other relevant legislation) establishes specific roles and responsibilities for relevant Ministers, the NSW Coastal Council, public authorities and local councils, as well as providing opportunities for communities to participate when preparing and implementing a CMP, as summarised in **Table A1**.

Table A1 Roles and responsibilities

Entity	Roles and responsibilities
Minister for the Environment	<ul style="list-style-type: none"> • Administers the CM Act • Gazettes the manual • May direct a council to prepare a CMP under the CM Act • May certify, or refuse to certify, a CMP • Appoints the NSW Coastal Council • May direct the NSW Coastal Council to undertake a performance audit of CMP implementation • May direct a review of the CM Act • Tables reports from the NSW Coastal Council in Parliament • May report a failure to comply with a directive to prepare a CMP • May prepare a CMP under certain circumstances
Minister for Planning	<ul style="list-style-type: none"> • Issues section 9.1 directions under the EP&A Act • Recommends the making or amendment of the CM SEPP including maps of the coastal management areas • May make Local Environmental Plans (LEP) that amend coastal management area maps in the CM SEPP (note if the planning proposal relates to the Greater Sydney Region, the Greater Sydney Commission makes the LEP, and if a Gateway determination authorises it, a council for its local government area may make the LEP)
NSW Coastal Council	<ul style="list-style-type: none"> • Provides independent and expert advice to the Minister • Oversees the effectiveness of coastal management • Provides advice to councils and public authorities if requested by the Minister • Provides advice on compliance by councils with the management objectives and the manual when preparing a CMP • Conducts performance audits of the implementation of local council CMPs and identifies opportunities for local council capacity building • Reports to the Minister about the outcomes of audits and makes recommendations on appropriate remedial actions
Office of Environment and Heritage	<ul style="list-style-type: none"> • Supports the Minister administering the CM Act • Prepares and updates the manual and any supporting material • Is a point of contact for local government or public authorities preparing and implementing a CMP • Provides advice on preparation and implementation of a CMP • Provides technical and financial support to implement coastal management in New South Wales • Provides advice to the Minister administering the CM Act

Entity	Roles and responsibilities
Other public authorities	<ul style="list-style-type: none"> • May participate in the preparation of CMPs when consulted • Before actions are identified in a CMP as their responsibility for implementation, or that affect their land or assets, they must agree to the action beforehand • Have regard to CMPs to the extent that they are relevant to exercising their functions, have regard to the manual, the CMP and the objects of the CM Act when preparing, developing or reviewing plans of management
Local councils	<ul style="list-style-type: none"> • Prepare a CMP in accordance with the requirements of the CM Act and the manual • May seek advice from public authorities or the NSW Coastal Council (through the Minister) • Consult with the community, relevant public authorities and adjoining councils when required • May prepare a planning proposal to amend mapping of coastal management areas • May make LEPs that amend coastal management area maps in the CM SEPP if a Gateway determination authorises it (note that otherwise if the planning proposal relates to the Greater Sydney Region, the Greater Sydney Commission makes the LEP, and for all other areas it is the Minister for Planning) • Identify cost and cost-sharing arrangements for implementing management actions • Implement the CMP through their IP&R program and/or land use planning system according to law • Monitor and report on implementation of the CMP • Assess certain development proposals within the coastal zone, and be a consent authority in certain circumstances, according to law

Mandatory requirements

Section 21 (2) of the *Coastal Management Act 2016* (CM Act) requires that this manual '*is to impose mandatory requirements and provide guidance in connection with the preparation, development, adoption, implementation, amendment, and review of, and the contents of, coastal management programs*'.

The CM Act itself also imposes requirements in connection with the preparation, development, adoption, implementation, amendment, and review of, and the contents of, coastal management programs. The mandatory requirements in this manual are in addition to those requirements.

Mandatory requirements

Mandatory requirements and guidance in this manual

1. In this manual:
 - i the numbered paragraphs of Part A are mandatory requirements within the meaning of section 21(2) of the CM Act;
 - ii the numbered paragraphs addressing consultation in Part A are also mandatory requirements within the meaning of section 21(2) of the CM Act and are the relevant provisions for the purpose of section 16(2) of that Act; and
 - iii all other content in Parts A and B provide guidance within the meaning of section 21(2) of the CM Act.

Purpose of a coastal management program

Statutory provisions

12 Purpose of 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 with a focus on achieving the objects of this Act.

Mandatory requirements

The purpose, scope and focus of a CMP

2. A CMP is to consider a range of timeframes and planning horizons including immediate, 20 years, 50 years, 100 years and (if council considers it relevant based on expert advice) beyond.
3. A CMP is to consider a broad range of coastal management issues and management actions with a focus on achieving the objects and objectives of the CM Act.

Where and when a coastal management program is prepared

Statutory provisions

13 Requirement for coastal management programs

(1) A local council may, and must, if directed to do so by the Minister, prepare a coastal management program in accordance with this Part.

Note. See sections 20 and 30 regarding a failure of the local council to comply with a direction of the Minister.

(2) A coastal management program may be made in relation to the whole, or any part, of the area included within the coastal zone.

(3) A direction under this section may specify the time within which the direction must be complied with.

Mandatory requirements

The area that a CMP covers

4. A CMP must include the rationale for selecting the area to be covered by a CMP and identify whether it applies to:
 - i all or part of the coastal zone of one local government area; or
 - ii all or part of the coastal zone of adjoining local government areas that share a coastal sediment compartment or estuary (where adjoining local government areas share a coastal sediment compartment or estuary - refer to Schedule 1 of the CM Act - a CMP that addresses an area comprising that coastal sediment compartment or estuary must reflect this regional context).

5. A CMP must identify:
 - i any proposed amendments to mapping of the relevant coastal management areas;
 - ii evidence to support any proposed amendments or additions to the area of the four coastal management areas in the relevant area; and
 - iii information about these proposed amendments that can support the preparation of a planning proposal and, in particular, that could be forwarded along with a planning proposal to the Greater Sydney Commission (if the planning proposal relates to the Greater Sydney Region) or the Minister (for elsewhere) to inform a Gateway determination under section 3.34 of the EP&A Act.

How a coastal management program is prepared

Statutory provisions

14 Preparation of coastal management programs

(1) A local council is to prepare a coastal management program in accordance with the coastal management manual.

(2) The Minister may, by notice in writing given to a local council, direct the local council in its preparation of a coastal management program. A direction under this subsection prevails to the extent of any inconsistency between it and the coastal management manual.

Note. See sections 20 and 30 regarding a failure of the local council to comply with a direction of the Minister.

(3) In preparing a coastal management program, a local council must:

(a) consider and promote the objects of this Act, and

(b) give effect to the management objectives for the coastal management areas covered by the program, and

(c) consider the State and regional policies and plans prescribed by the regulations for the purposes of this section.

(4) A direction under this section may specify the time within which the direction must be complied with.

Mandatory requirements

Preparing a CMP

6. During preparation of a CMP, a council is to:
- i identify the scope of the CMP;
 - ii determine and assess coastal risks, vulnerabilities and opportunities (including without limitation risks to environmental, social and economic values and benefits); and
 - iii evaluate and select coastal management options.

Note: These requirements correspond to the first three stages of the five-stage risk management process for the preparation and implementation of a CMP. These requirements are in addition to the specific requirements during preparation in the CM Act. Guidance for preparation is provided in Part B of this manual. Specific guidance on the requirements in (i)-(iii) above is given in Part B, Stages 1 to 3 respectively.

7. A council may choose not to repeat steps (or parts of steps) in subparagraphs (ii) or (iii) of mandatory requirement 6 for the area the subject of the proposed CMP (or parts of that area) if those tasks have already been undertaken for the coastal management of that area, provided that council first considers:
- i whether the existing assessment of coastal risks, vulnerabilities and opportunities, or the existing evaluation of coastal management options, that council proposes to

- rely on enables council to prepare the CMP in accordance with mandatory requirement 8 below and sections 14 and 15 of the CM Act;
- ii the effectiveness of the existing coastal management of that area; and
 - iii whether any circumstances concerning the coastal management of that area have changed.

Matters to be dealt with in a coastal management program

Statutory provisions

15 Matters to be dealt with in coastal management program

- (1) *A coastal management program must:*
 - (a) *identify the coastal management issues affecting the areas to which the program is to apply, and*
 - (b) *identify the actions required to address those coastal management issues in an integrated and strategic manner, and*
 - (c) *identify how and when those actions are to be implemented, including those to be implemented by local councils under Chapter 13 of the Local Government Act 1993, those to be implemented under environmental planning instruments and development control plans under the Environmental Planning and Assessment Act 1979 and those to be implemented by public authorities (other than the local council), and*
 - (d) *identify the costs of those actions and proposed cost-sharing arrangements and other viable funding mechanisms for those actions to ensure the delivery of those actions is consistent with the timing for their implementation under the coastal management program, and*
 - (e) *if the local council's local government area contains land within the coastal vulnerability area and beach erosion, coastal inundation or cliff instability is occurring on that land, include a coastal zone emergency action subplan.*
- (2) *A coastal management program may also include other matters as may be authorised or permitted by the coastal management manual.*
- (3) *A coastal zone emergency action subplan is a plan that outlines the roles and responsibilities of all public authorities (including the local council) in response to emergencies immediately preceding or during periods of beach erosion, coastal inundation or cliff instability, where the beach erosion, coastal inundation or cliff instability occurs through storm activity or an extreme or irregular event. For the purposes of this subsection, those roles and responsibilities include the carrying out of works for the protection of property affected or likely to be affected by beach erosion, coastal inundation or cliff instability.*
- (4) *A coastal management program must not include the following:*
 - (a) *matters dealt with in any plan made under the State Emergency and Rescue Management Act 1989 in relation to the response to emergencies,*
 - (b) *proposed actions or activities to be carried out by any public authority or relating to any land or other assets owned or managed by a public authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the program.*

Mandatory requirements

Key issues to be identified

8. A CMP must:
 - i provide a description of how the objects of the CM Act have been considered and promoted in preparing the CMP;
 - ii provide a description of how the objectives of the coastal management areas covered by the CMP have been given effect to in preparing the CMP;
 - iii identify the key coastal management issues affecting the areas to which the CMP is to apply and how these have been considered;
 - iv identify any coastal management actions required to address those key coastal management issues in an integrated and strategic manner;
 - v identify how the coastal management actions in (iv) have been considered and evaluated (including, without limitation, how council has evaluated the coastal management actions in light of the functions and responsibilities council has under legislation other than the CM Act);
 - vi identify any environmental protection works, on land identified as 'coastal wetlands' or 'littoral rainforests' on the Coastal Wetlands and Littoral Rainforests Area Map under the CM SEPP, that are proposed to be carried out by or on behalf of a public authority;
 - vii identify any coastal protection works that are proposed to be carried out by or on behalf of a public authority;
 - viii set out the recommended timing for the proposed coastal management actions;
 - ix identify a proposed monitoring, evaluation and reporting program in relation to the CMP, including by identifying key indicators, trigger points and thresholds relevant to the CMP; and
 - x include a business plan.

Requirements for the business plan in the CMP

9. The business plan included in the CMP must identify:
 - i all proposed coastal management actions identified elsewhere in the CMP;
 - ii the full proposed capital, operational and maintenance costs, and recommended timing, of proposed coastal management actions;
 - iii any proposed cost-sharing arrangements and any other viable funding mechanisms for the proposed coastal management actions to ensure delivery of those actions is consistent with the timing for their implementation under the CMP; and
 - iv the distribution of costs and benefits of all proposed coastal management actions.

Requirements for preparing a CMP which includes a proposed or mapped coastal vulnerability area

10. Where coastal hazards have been identified in a coastal management area, a CMP must identify proposed coastal management actions for those hazards.
11. If the CM Act requires that a coastal zone emergency action subplan be prepared, it must identify any requirements for how emergency coastal protection works, within the meaning of the CM SEPP, are to be carried out.

Note: Clause 19(4) of the CM SEPP defines emergency coastal protection works to mean *'works comprising the placement of sand, or the placing of sandbags for a period of not more than 90 days, on a beach, or a sand dune adjacent to a beach, to mitigate the effects of coastal hazards on land'*.

Requirements for taking coastal change into account when preparing a CMP

12. A CMP must demonstrate how a council has considered:
 - i projected population growth and demographic changes; and
 - ii projected use of coastal land for infrastructure, housing, commercial, recreational and conservation purposes.

13. A CMP must demonstrate how a council has considered:
 - i current and future risks, at timeframes of immediate, 20 years, 50 years, 100 years and (if council considers it relevant based on expert advice) beyond;
 - ii (if council considers it relevant) current and future risks of potentially high consequence, low probability events that may affect the relevant area;
 - iii the effects of projected climate change and how it may affect the relevant area;
 - iv the local and regional scale effects of coastal processes; and
 - v the ambulatory and dynamic nature of the shoreline and how it may affect the relevant area.

Format and content required for a CMP

14. A CMP is to include the following sections:
 - i Executive summary
 - ii Introduction
 - iii A snapshot of issues
 - iv Actions to be implemented by the council or by public authorities
 - v Whether the CMP identifies recommended changes to the relevant planning controls, including any proposed maps
 - vi A business plan
 - vii Coastal zone emergency action subplan, if the CM Act requires that subplan to be prepared
 - viii Monitoring, evaluation and reporting program
 - ix Maps
 - x Reference list

Consultation on the coastal management program

Statutory provisions

16 Consultation

- (1) Before adopting a coastal management program, a local council must consult on the draft program with:
 - (a) the community, and*
 - (b) if the local council's local government area contains:
 - (i) land within the coastal vulnerability area, any local council whose local government area contains land within the same coastal sediment compartment (as specified in Schedule 1), and*
 - (ii) an estuary that is within 2 or more local government areas (as specified in Schedule 1), the other local councils, and**
 - (c) other public authorities if the coastal management program:
 - (i) proposes actions or activities to be carried out by that public authority, or*
 - (ii) proposes specific emergency actions or activities to be carried out by a public authority under the coastal zone emergency action subplan, or*
 - (iii) relates to, affects or impacts on any land or assets owned or managed by that public authority.***
- (2) Consultation under this section is to be undertaken in accordance with the relevant provisions of the coastal management manual.*
- (3) A failure to comply with this section does not invalidate a coastal management program.*
- (4) The regulations may amend Schedule 1.*

Mandatory requirements

Community engagement and consultation

15. A draft CMP must be exhibited for public inspection at the main offices of the councils of all local government areas within the area to which the CMP applies, during the ordinary hours of those offices, for a period of not less than 28 calendar days before it is adopted. This mandatory requirement does not prevent community consultation, or other consultation, in other ways.

Adoption, certification and gazettal of a coastal management program

Statutory provisions

17 Adoption, certification and gazettal of coastal management program

- (1) *A local council may adopt a draft coastal management program and submit it to the Minister for certification under this section.*
- (2) *The Minister may certify, or refuse to certify, that the draft coastal management program submitted to the Minister has been prepared in accordance with the requirements of this Part and the coastal management manual.*
- (3) *The local council, after the coastal management program has been certified by the Minister, must publish it in the Gazette.*
- (4) *A coastal management program takes effect on the date on which it is published in the Gazette or, if a later date is specified in the program for its commencement, on the later date so specified.*

Review, amendment and replacement of a coastal management program

Statutory provisions

18 Review, amendment and replacement of coastal management programs

- (1) *A local council is to ensure that its coastal management program is reviewed at least once every 10 years. The review is to be undertaken in accordance with the coastal management manual.*
- (2) *A coastal management program may, at any time, be amended (in whole or in part) by another coastal management program.*
- (3) *A coastal management program may, at any time, be replaced by another coastal management program.*
- (4) *Following a review, a local council may, by notice published in the Gazette, repeal a coastal management program.*

Mandatory requirements

Monitoring and reporting on implementation of a CMP

16. When implementing a CMP, a council must:
 - i carry out the monitoring, evaluation and reporting program in the CMP (MER); and
 - ii monitor key indicators, trigger points and thresholds identified in the MER.

Note: It is intended that the information obtained from the MER will be used during the review of a CMP under section 18 of the CM Act or in connection with any amendment to, or replacement of, the coastal management program.

17. Councils must report on the implementation of a CMP through the IP&R framework on an annual, four yearly and ten-yearly basis.

Inspection of a coastal management program

Statutory provisions

19 Availability of coastal management programs

- (1) *A copy of a coastal management program must be available for inspection by the public without charge at the office of the local council during ordinary office hours.*
- (2) *A copy of a coastal management program must be available for public inspection on the website of the local council within 7 days of its publication in the Gazette.*

Implementation of a coastal management program

Statutory provisions

22 Implementation of coastal management program by local councils

- (1) *A local council is to give effect to its coastal management program and, in doing so, is to have regard to the objects of this Act.*
- (2) *In particular, without limiting subsection (1), a local council is to give effect to its coastal management program in:*
 - (a) *the preparation, development and review of, and the contents of, the plans, strategies, programs and reports to which Part 2 of Chapter 13 of the Local Government Act 1993 applies, and*
 - (b) *the preparation of planning proposals and development control plans under the Environmental Planning and Assessment Act 1979.*

Mandatory requirement

18. When an adjoining council or a public authority is affected, or is likely to be affected, by implementation of some aspect of a CMP, a council must liaise with that authority when implementing that aspect of the CMP.

23 Other public authorities to have regard to coastal management program and coastal management manual

- (1) *Public authorities (other than local councils) are to have regard to coastal management programs to the extent that those programs are relevant to the exercise of their functions.*
- (2) *In particular, those public authorities are to have regard to relevant coastal management programs and the coastal management manual in the preparation, development and review of, and the contents of, any plans of management that those public authorities are required to produce and, in doing so, are to have regard to the objects of this Act.*

26 Performance audit of implementation of coastal management programs

- (1) *The NSW Coastal Council, at the request of the Minister, is to conduct a performance audit of the implementation of a coastal management program of a local council.*
- (2) *The purpose of the performance audit is:*
 - (a) *to determine whether a local council is effectively implementing its coastal management program, and*
 - (b) *to identify opportunities for local council capacity building.*
- (3) *The NSW Coastal Council may, by notice in writing given to a local council, require the local council to provide it with such information or records (or both) as the notice requires in connection with a performance audit.*
- (4) *A local council is to comply with a notice given under this section.*
- (5) *The NSW Coastal Council is, at the conclusion of the performance audit, to provide the Minister with a report.*
- (6) *If the NSW Coastal Council is of the opinion that the local council is not complying with its coastal management program to a significant extent, the NSW Coastal Council may make recommendations to the Minister on appropriate remedial actions to be taken, including that the Minister refer the matter to the Minister administering the Local Government Act 1993 for further consideration.*
- (7) *The Minister, within 3 months of the end of each calendar year, is to cause the reports provided to the Minister under this section during that year (if any) to be tabled in each House of Parliament.*
- (8) *The regulations may make provision for or with respect to performance audits under this section.*

Mandatory requirements

Information to support a performance audit

19. Councils must maintain sufficient information and records about its management of the relevant parts of the coastal zone that will enable it to demonstrate:
 - i how the CMP has been implemented
 - ii what has been achieved in connection with the CMP, including whether coastal management actions have been carried out within the timeframes identified in the CMP.