

Department of Planning and Environment

# Analysis of the NSW Coastal Council Report

on the Annual Survey of the Coastal Management Framework Implementation 2021



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# **Analysis of the NSW Coastal Council Report on the Annual Survey of the Coastal Management Framework Implementation**

The Department of Planning and Environment (the department) notes the findings of the Coastal Council's annual surveys, including the highlighted key findings and recommendations.

The department continues to support the framework implementation, particularly in relation to providing guidance, technical and financial assistance to local government in the preparation of their Coastal Management Programs (CMPs). Many of the issues raised in the Coastal Council's report are already recognised, having been identified in previous surveys and through the department's ongoing close working relationship with local government.

The department is continuing to implement the Future Directions Statement for the NSW Coastal and Estuary Management Program, which is intended to address many of the issues highlighted in the Coastal Council's report. Responses to the key issues highlighted by the Coastal Council's report are provided in the following table:

Key findings	Response
<p>i. <b>Guidance and Capacity building.</b> Enhanced guidance and capacity building programs to support local government and other stakeholders with implementation of the framework are sought. Support for interpretation and application of the Manual in the development of CMPs in particular is a common request.</p>	<p><b>Noted.</b> Provision of updated guidance to local councils is continual and ongoing. Several items under Priority 2 (Reviewing legislation and updating guidance) of the Future Directions Statement involve providing additional guidance materials and information to councils to assist in the preparation of CMPs and in coastal management more generally.</p> <p>Support with regard to interpretation and application of the Manual in CMP development is available through the department’s regional teams who work closely with their local government counterparts.</p>
<p>ii. <b>Partnering between state and local government.</b> Stakeholders are looking for innovative ways state and local government can engage using existing networks to build a collective capacity for coastal management and facilitate CMP development. This could include improved alignment of state and local government programs in the coastal zone, better access to information, including sharing of case studies of good practice, and communication of the shared benefits for state and local government through active participation in CMPs.</p>	<p><b>Noted.</b> The department is committed to the ongoing support of local government in the preparation and implementation of CMPs. This includes:</p> <ul style="list-style-type: none"> <li>• proactively supporting the preparation of CMPs</li> <li>• continuing strong partnerships with councils to progress CMPs and, where possible, implementing coastal management actions</li> <li>• understanding council’s needs to ensure that best available support is provided in managing existing and emerging issues in CMP preparation and implementation.</li> </ul> <p>Priority 3 (Supporting coordination, collaboration and engagement) of the Future Directions Statement includes a number of actions that are intended to improve the coordination of coastal management planning and implementation in New South Wales, including ongoing partnering with local government.</p>

Key findings	Response
<p>iii. <b>Prioritising action to clear regulatory hurdles.</b> Further action by state government is needed to address local government and other stakeholder concerns for the framework implementation. CMP certification and their successful implementation will benefit from addressing long term regulatory issues (e.g., legislative amendments for whole of embayment coastal protection works and cost recovery; recognition of catchment management as a key component of waterway health and CMPs; state-led coastal vulnerability mapping; policy and approvals pathway for the use of offshore sand for beach nourishment).</p>	<p><b>Noted.</b> The perceived regulatory hurdles raised are being considered by the NSW Government as part of the process of reviewing legislation (particularly the 5-year statutory review of the <i>Coastal Management Act 2016</i>, which is currently underway) and in updating guidance. Matters being considered in the review have been guided by the results of previous annual surveys (which raised similar issues), input from the NSW Coastal Council and consultation with key stakeholders.</p> <p>The findings of the review of <i>Coastal Management Act 2016</i> will be tabled in Parliament when complete.</p>

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Coastal Council recommendations	Response
<p><b>i. CM Act Review</b></p> <p>Council's opinion on the CM Act Review is that wholesale changes to the Act are not necessary or supported at this stage.</p> <p>There are, however, several key issues that council considers could be addressed in a review of the Act, including to:</p> <ul style="list-style-type: none"> <li>• encourage 'whole of embayment' coastal management approaches and enable local councils to recover the costs of coastal protection works and other management actions</li> <li>• clarify the requirement to consider coastal vulnerability as part of a CMP and to map these areas for inclusion in the state.</li> </ul>	<p><b>Noted.</b> The Coastal Council's input and recommendations are encouraged and welcomed as part of the review of the <i>Coastal Management Act 2016</i>. As noted above, these matters are being considered as part of the Act review which is currently underway. The findings of the review of the Act will be tabled in Parliament when complete.</p>
<p>Environmental Planning Policy (Coastal Management) 2018 (SEPP).</p> <ul style="list-style-type: none"> <li>• encourage a catchment and coastal systems approach through a clarifying amendment to the CM Act</li> <li>• develop a shared understanding of the purpose or application of the beneficiary pays principle and cost benefit economic analysis within the coastal management framework</li> <li>• simplify the process to map coastal management areas</li> <li>• reflect changes in other legislation, particularly the <i>Marine Estate Management Act 2014</i></li> <li>• housekeeping of Act terms, including definitions, and schedules, to ensure they are consistent with the Act intent and current procedures.</li> </ul>	

Coastal Council recommendations	Response
<p><b>ii. Priority areas for action</b></p> <p>The 2021 survey shows that while some progress has been made to assist local government, many of the issues reported in 2018 continue to be a barrier to the completion and certification of CMPs. These barriers typically can be addressed without the need for legislative amendment. To address these known barriers initial action can be taken on 3 priorities, for which the former Minister has sought and received advice from council:</p> <ol style="list-style-type: none"> <li>1. Economic analysis and beneficiary pays principle. Amendments to existing guidance and access to improved data and information to support local government in the effective application of the beneficiary pays principle and use of economic analysis when developing funding models for CMPs. An independent review of the latest economic analysis for the Terrigal–Wamberal seawall by council would provide a case study on where barriers persist and how they can be addressed.</li> </ol>	<p><b>Noted.</b> The department is committed to the ongoing support of local government in the preparation and implementation of CMPs.</p> <p>With regard to the specific recommendations made, the department is progressing with the implementation of the Future Directions Statement which is intended to address barriers to the preparation and implementation of the coastal management framework. This includes among other actions to:</p> <ul style="list-style-type: none"> <li>• provide additional guidance on the application of beneficiary pays principle and cost–benefit analysis</li> <li>• provide clarity on the use of the term ‘public benefit’ in the Coastal and Estuary Grant Program</li> <li>• establish an integrated approach to identifying and prioritising knowledge needs of coastal management stakeholders, including adopting a collaborative approach to data collection and information sharing with councils</li> <li>• collaborate with relevant agencies and councils to undertake a review of current land use planning controls to manage risks due</li> <li>• to coastal hazards and provide further guidance to improve land use planning outcomes.</li> </ul>



Coastal Council recommendations	Response
<p>2. Coastal vulnerability area mapping. Improved guidance to local government on how to complete coastal vulnerability assessments as part of their CMPs. This information, incorporated into a certified CMP, can be the basis for Coastal Vulnerability Area mapping prepared by local government and/or the state.</p> <p>3. Engagement with local government to increase CMP certification. A coordinated communication campaign developed in consultation with local government and led by the department to provide practical guidance and case studies on how to address known issues for the framework implementation and CMP development.</p>	<ul style="list-style-type: none"> <li>• work with councils and stakeholders to develop guidance around sea level rise and coastal adaptation</li> <li>• continually update the Coastal Management Toolkit guidance in response to new information and feedback from councils</li> <li>• support councils to build capacity to identify and deliver on the community’s environmental values and uses of waterways through a risk-based framework, including support to revise water quality objectives</li> <li>• continue to increase the capacity of local councils to manage the coastal zone.</li> </ul> <p>It is noted that the above is not an exhaustive list and numerous other actions planned by the department are intended to continue to provide assistance to local government in managing the coastal zone.</p>