



Office of
Environment
& Heritage

Coastal zone management guide note

Emergency action subplans

Consultation draft

Submissions invited

Comments are invited on this draft. Where concerns are raised, recommended changes to address these concerns would be valued.

Please send your submissions

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or by post to:

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Submissions must be received by 5 pm Friday 24 June 2011

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1 Introduction

Adverse weather systems can produce storms that generate strong winds, large waves and elevated ocean water levels along the NSW coastline. These conditions are generally short-lived but can result in extensive erosion along sandy beaches and seawater inundation where wave run-up overtops coastal dunes or sea defence barriers.

Extreme beach erosion can directly threaten any assets and infrastructure that lie within an active beach system. This can occur either through undermining that resulted from erosion of the dunal system or indirectly because the foundation capacity of the remaining dune adjacent to the eroded area has been reduced. Erosion can also lower the beach berm, often resulting in a tall, unstable, near-vertical back-beach erosion escarpment. This can also present hazards for beach users.

Even without damaging coastal storms, erosion and landward migration of an erosion escarpment can still occur. Relatively minor wave action coinciding with high spring tides can induce erosion and undercut an erosion escarpment.

Preparing and implementing coastal zone management plans remains the key long-term strategic mechanism to manage these threatening processes. The emergency action subplan forms an integral component of a coastal zone management plan (CZMP). It outlines council's intended response to a coastal erosion emergency and details how and where beachfront property owners can undertake placing emergency coastal protection works according to the *Coastal Protection Act 1979* (CPA).

2 Legislative and policy framework

The CPA objectives provide 'for the protection of the coastal environment of the State for the benefit of both present and future generations and, in particular, to ensure co-ordination of the policies and activities of the Government and public authorities relating to the coastal region and to facilitate the proper integration of their management activities.'

Within this context, the CPA provides the legislative framework for preparing and certifying CZMPs. Section 55C(1)(b) of the CPA states a CZMP must provide for 'emergency actions carried out during periods of beach erosion, including the carrying out of related works, such as works for the protection of property affected or likely to be affected by beach erosion, where beach erosion occurs through storm activity or an extreme or irregular event'.

While an emergency action subplan of a CZMP is required under these provisions, section 55C(2)(a) of the CPA requires that CZMPs *must not* include matters dealt with in any plan made under the *State Emergency and Rescue Management Act 1989* (SERMA) in relation to emergency responses.

The roles and responsibilities of government agencies, councils and other relevant organisations during severe storm events (including events that cause erosion) are detailed in the NSW State Storm Subplan (NSW Government 2007).

3 Minimum requirements for CZMPs

The *Guideline for preparing coastal zone management plans* (DECCW 2010) was gazetted on 31 December 2010 as a guideline under section 55D of the CPA. This guideline provides the minimum requirements that must be addressed when preparing an emergency action subplan. These include:

- describing intended emergency actions to be carried out during periods of beach erosion, such as coastal protection works for property or asset protection, other than matters dealt with in any plan made under the *State Emergency and Rescue Management Act 1989* relating to emergency response (sections 55C(b) and (g) of the CPA)
- describing any site-specific requirements for landowner emergency coastal protection works, and
- describing the consultation carried out with the owners of land affected by a subplan.

These requirements are in addition to those in the CPA, particularly section 55C(1)(b) and the requirement for a minimum 21-day consultation period under section 55E.

4 Area covered by emergency action subplan

The minimum area to be covered by an emergency action subplan would be either:

- any area defined via a direction from the Minister according to section 55B of the CPA or
- all beachfront margins where erosion is likely to threaten public and private infrastructure or assets.

The subplan may also cover areas of the coastline accessed or utilised by the general public where there is an identified threat posed by erosion (for example, walking tracks through coastal parkland).

5 Matters to consider in the emergency action subplan

The following are considered key elements when preparing an emergency action subplan.

5.1 Context of the emergency action subplan

The focus of the emergency action subplan is to clearly and concisely describe the emergency response actions the council will take in a coastal erosion event. It should both complement and integrate with the local DISPLAN but it does not cover other issues or responsibilities that ordinarily fall within the authority of the SERMA or NSW State Storm Plan (NSW Government 2007).

The subplan is considered operational until the risks from coastal erosion have been managed so that the residual risk is low. Implementing a coastal zone management plan will achieve this. So when developing the subplan, the actions outlined in it should not be inconsistent with a coastal zone management plan for the same area, nor should they hinder its preparation and implementation.

5.2 Defining a beach erosion emergency

It is important to determine the criteria or threshold that would be used to initiate actions under the emergency action subplan. For example, criteria could be based on warnings or forecasts from the Bureau of Meteorology or other relevant sources that would indicate potential for a beach erosion event. Other actions in the emergency action subplan might be initiated through monitoring on site conditions during progression of an erosion event to determine when relevant 'trigger' conditions might be realised that would initiate action under the subplan.

5.3 Actions before, during and after erosion emergency

5.3.1 Actions before erosion emergency

There are several actions that can be initiated prior to an erosion event that will be critical to the success of the emergency management response. These could include:

- informing the community of the council's intended erosion emergency responses under its emergency action subplan
- preparing a communication strategy to advise the community of the likelihood of an impending beach erosion emergency that would initiate actions under the subplan
- identifying areas where landowners may install emergency coastal protection works (in accordance with part 4C CPA) and any applicable site-specific requirements for those works.
- preparedness for planned emergency actions (where protection works are proposed, this includes arranging access to the areas where those works are located, obtaining relevant approvals and/or permissions to access lands for emergency management purposes, stockpiling necessary materials and ensuring appropriate plant, equipment and experienced personnel readily available)
- undertaking necessary environmental assessments and any development approval processes (where necessary) to facilitate emergency works outlined in the subplan (refer to the provisions of clause 129 SEPP (Infrastructure) 2007)
- preparing up-to-date personal contact details for key council staff involved in coordinating actions under the subplan (include responsibilities for those staff who prepare for, manage and recover from an erosion emergency event) and key individuals the council may need advice from (such as OEH staff) or to integrate with from other emergency sectors.

5.3.2 Actions during erosion emergency

Actions undertaken during the erosion emergency are the key focus of the emergency action subplan. They should be managed by council officers who clearly understand the subplan and know the roles and responsibilities of key personnel. No actions undertaken should impede, conflict or overlap with those of response agencies under SERMA unless there is prior agreement between the relevant parties. At all times actions should focus on the safety of personnel who might be working under the extreme adverse weather conditions that gave rise to the emergency.

A communication strategy needs to be in place during an erosion emergency, keeping affected communities informed of the council's intended responses. It should include giving regular warnings where erosion is likely to sever public access and result in relatively high, unstable, near-vertical erosion escarpments along beaches. In this case, it

is vital to advise the public of the dangers these conditions may present. The communications strategy may need to be complemented by erecting temporary safety fencing and associated warning signage.

5.3.3 Actions after erosion emergency

After an erosion emergency has ceased, the following tasks are recommended.

- restore services and public access, and remove any threats to public safety (such as debris deposited or exposed on beaches)
- continue temporary safety fencing and associated warning signage (as necessary)
- monitor the performance and impact of any coastal protection works including any emergency coastal protection works installed (according to part 4C of the CPA) and take remedial action where necessary
- assess the structural integrity of unprotected infrastructure, buildings and other assets exposed during the erosion event and take appropriate action where necessary
- continue to maintain a communication strategy warning of the dangers of any persisting high, unstable or near-vertical erosion escarpments drying out and collapsing without notice (in high-use public areas, the council may consider collapsing these escarpments with machinery)
- replenish any emergency materials and supplies
- critically review the subplan to ensure it achieved its performance objectives and revise it to address any identified shortcomings.

5.4 Landowner emergency coastal protection works

Part 4C of the CPA lets landowners place emergency coastal protection works without development approval providing they follow the CPA and the CPA's code of practice (DECCW 2011), which was established under the Coastal Protection Regulation 2011. This includes a schedule listing 'authorised locations' for placing works and any associated beach access.

Any site-specific issues that might limit landowners placing emergency coastal protection works at 'authorised locations' should be clearly identified in the emergency action subplan. In this respect, consult in-depth with any landowners who might be affected by the subplan.

Consider including in the subplan a list and a map of properties within an 'authorised location' for emergency coastal protection works.

6 Review of the emergency action subplan

Irrespective of any post-emergency reviews outlined in section 5.3.3, the emergency action subplan should ideally be reviewed at least annually. This makes sure the document and key contacts are current, along with up-to-date relevant legislation, government policies and changes to 'authorised locations' for landowner emergency coastal protection works.

Revised subplans must be certified according to section 55G CPA.

7 References

DECCW 2011, *Code of practice under the Coastal Protection Act 1979*, Department of Environment, Climate Change and Water, NSW. Access at: www.environment.nsw.gov.au/resources/water/coasts/110223CodeofPracCoastProtAct1979.pdf

DECCW 2010, *Guidelines for preparing coastal zone management plans*, Department of Environment, Climate Change and Water, NSW. Access at: www.environment.nsw.gov.au/coasts/101019guidelinesczmps.htm

SES 2007, *NSW state storm plan*, State Emergency Service State Headquarters, NSW. Access at: www.emergency.nsw.gov.au/content.php/554.html

8 Links to relevant legislation

Coastal Protection Act 1979

www.legislation.nsw.gov.au/maintop/view/inforce/act+13+1979+cd+0+N

Coastal Protection Regulation 2011

www.legislation.nsw.gov.au/viewtop/inforce/subordleg+127+2011+cd+0+N/?dq=Regulations%20under%20Coastal%20Protection%20Act%201979%20No%2013

State Emergency and Rescue Management Act 1989

www.legislation.nsw.gov.au/maintop/view/inforce/act+165+1989+cd+0+N