



# Our future on the coast

NSW Coastal Management Manual Part B:  
Stage 5 – Implement, monitor, evaluate  
and report

© 2018 State of NSW and Office of Environment and Heritage

With the exception of photographs, the State of NSW and Office of Environment and Heritage are pleased to allow this material to be reproduced in whole or in part for educational and non-commercial use, provided the meaning is unchanged and its source, publisher and authorship are acknowledged. Specific permission is required for the reproduction of photographs.

The Office of Environment and Heritage (OEH) has compiled this manual in good faith, exercising all due care and attention. OEH shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice when applying the information to their specific needs.

All content in this publication is owned by OEH and is protected by Crown Copyright, unless credited otherwise. It is licensed under the [Creative Commons Attribution 4.0 International \(CC BY 4.0\)](#), subject to the exemptions contained in the licence. The legal code for the licence is available at [Creative Commons](#).

OEH asserts the right to be attributed as author of the original material in the following manner: © State of New South Wales and Office of Environment and Heritage 2018.

**Cover photograph:**

Caves Beach (Photo: Bob Clout)

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](mailto:info@environment.nsw.gov.au)

Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Report pollution and environmental incidents

Environment Line: 131 555 (NSW only) or [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)

See also [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

ISBN 978-1-76039-968-9

OEH 2017/0676

April 2018

Find out more about your environment at:

**[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)**

# Contents

5.1	Overview of Stage 5	2
5.2	Implementing the CMP through the IP&R framework	2
5.2.1	Integrating coastal management with the Resourcing Strategy	3
5.2.2	Incorporating CMP actions in the Delivery Program and Operational Plan	4
5.2.3	Linking with the Asset Management Plan	5
5.3	Implementing the CMP through the land use planning system	6
5.3.1	Strategic land use planning	6
5.3.2	Land use and development controls in the LEP and DCP	6
5.3.3	Land use planning in coastal wetlands and littoral rainforests areas	8
5.3.4	Land use planning in coastal vulnerability areas	9
5.3.5	Land use planning in coastal environment areas	10
5.3.6	Land use planning in coastal use areas	10
5.3.7	Choosing an appropriate land use zone for coastal management areas	13
5.4	Implementing the CMP in partnership with other councils and public authorities	13
5.5	Compliance and enforcement	14
5.6	CMP monitoring, evaluation and reporting	15
5.6.1	CMP monitoring requirements	15
5.6.2	Involving the community and stakeholders in the monitoring program	16
5.6.3	Reporting	17
5.7	Review of the CMP	17
5.7.1	Role of the NSW Coastal Council in Stage 5	17

## List of tables

Table B5.1 Linking CMP processes with council's financial planning in the Resourcing Strategy	4
Table B5.2 Risk vulnerability and indicative development suitability	10
Table B5.3 Types and timeframes of monitoring and reporting	16

## List of figures

Figure B5.1 Relationship between elements of the IP&R framework and the CMP	3
Figure B5.2 The LEP and DCP control land use and development consistent with strategic objectives and plans	8
Figure B5.3 Example of the application of development controls in a coastal use area	12

# Implement, monitor, evaluate and report

Stage 5 provides guidance for a council on:

- implementing actions in the published coastal management program (CMP) through the Integrated Planning and Reporting (IP&R) framework and land use planning system
- implementing actions in partnership with adjoining councils and public authorities where relevant
- implementing an effective monitoring, evaluation and reporting (MER) program
- monitoring indicators, trigger points and thresholds
- amending, reviewing and updating the CMP
- reporting to stakeholders and the community on progress and outcomes through the IP&R framework.

## 5.1 Overview of Stage 5

The following sections of the *Coastal Management Act 2016* and associated mandatory requirements in Part A are most relevant to this stage.

**Section 18** Review, amendment and replacement of CMPs.

**Section 19** Inspection of a CMP.

**Section 22** Implementation of a CMP by local councils.

**Section 23** Other public authorities to have regard to a CMP and the manual.

Stage 5 of Part B of this manual provides councils with guidance on how to implement and give effect to their coastal management program (CMP) in three main ways:

- by integrating coastal management actions into their Integrated Planning and Reporting (IP&R) framework (refer to **Figure B5.1**)
- through the land use planning system
- in partnership with, or by other councils and public authorities, where relevant.

Stage 5 includes guidance on ongoing monitoring and reporting of the implementation of a CMP to meet the requirements of the IP&R framework and the *Coastal Management Act 2016* (CM Act).

Monitoring and reporting provide information about the effectiveness of management actions and identifies approaching thresholds which may support a change in management response. The monitoring results will be used in the review and update of the CMP.

## 5.2 Implementing the CMP through the IP&R framework

Councils' IP&R framework comprises the following elements:

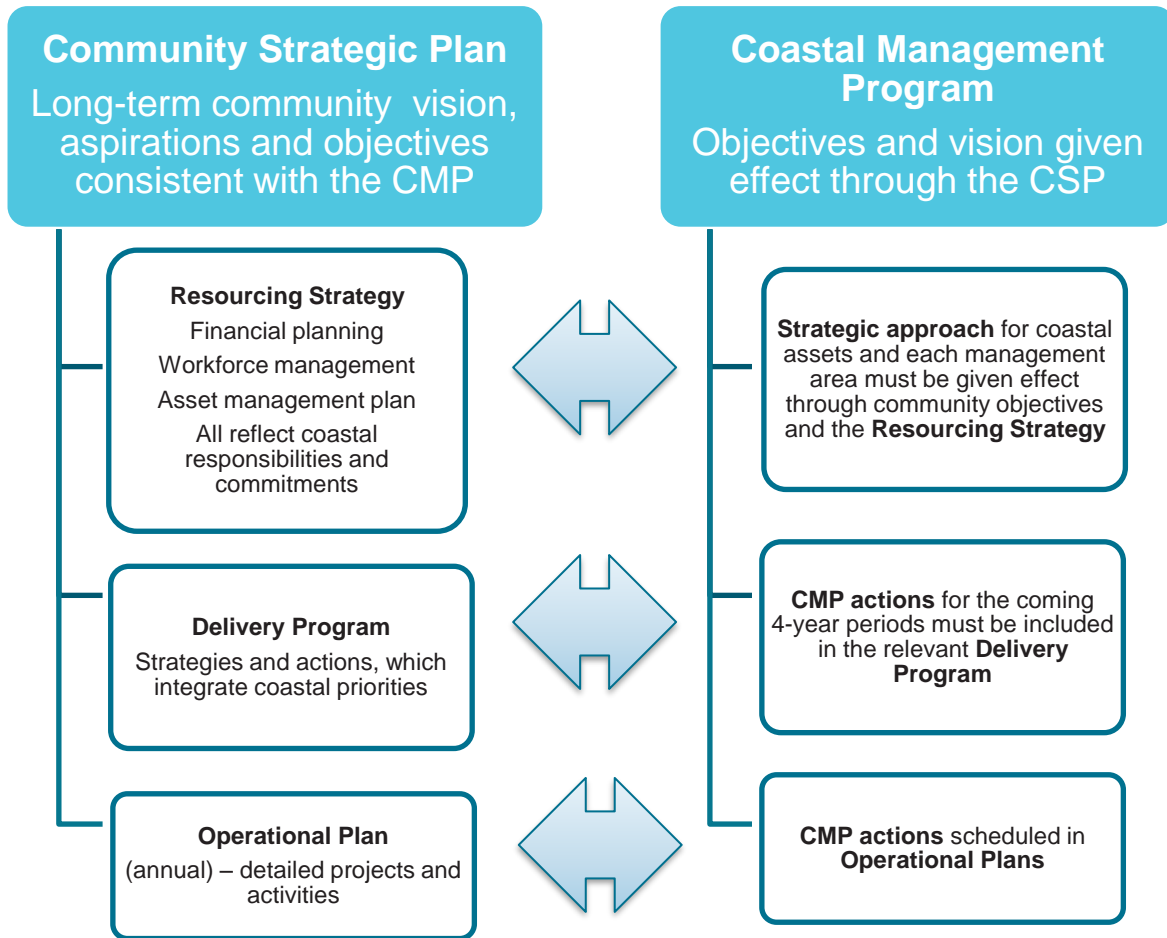
- Community Strategic Plan (reviewed on 10-year cycles).
- Resourcing Strategy, consisting of:
  - long-term financial plans
  - workforce management plans
  - asset management policy, strategy and plans.
- Delivery Program (reviewed in four-year cycles).
- Operational Plan (updated annually).

These elements are informed by community engagement, asset management processes, service delivery and the ongoing monitoring and reporting of progress.

To give effect to the CMP in the preparation of its plans, strategies programs and reports under Part 2 of Chapter 13 of the *Local Government Act 1993*, councils can consider making the relevant objectives, themes and priorities of the Community Strategic Plan consistent with the vision, strategic direction and priorities in the CMP or recognising actions from the CMP in the relevant four-year Delivery Program and Annual Operational Plans.

Resourcing implications of the CMP should be reflected in the Resourcing Strategy and CMP actions relating to council assets should be considered in the Asset Management Plan.

**Figure B5.1** shows how the CMP process informs, and is informed by, the elements of the IP&R framework. More detail about what is involved in integrating coastal management in the ongoing planning and delivery process for council's broader responsibilities is set out in the following sections.



**Figure B5.1** Relationship between elements of the IP&R framework and the CMP

## 5.2.1 Integrating coastal management with the Resourcing Strategy

The Resourcing Strategy, amongst other things, quantifies a council's financial commitment to implement the strategies established in the Community Strategic Plan and is critical to the planned and costed implementation of coastal management actions.

Under the IP&R framework, councils undertake their strategic financial planning for a 10-year timeframe, to accommodate longer-term infrastructure and planning commitments. Councils should be aware that the actions required to effectively implement a CMP may extend well past the 10-year timeframe.

Potential long-term contingent liabilities such as asset management commitments (including project management, planning, design, impact assessment, construction, maintenance or upgrading of coastal protection works or actions) arising from actions in the CMP should be considered in the preparation of the Resourcing Strategy.

The economic evaluation of coastal management options, prepared in Stage 3, will provide useful information about resourcing requirements for coastal management and implementing the CMP.

Councils will refine their financial planning in the delivery stages (Delivery Program and annual Operational Plan), so giving effect to the CMP through council's financial planning is an iterative and multi-timeframe process.

**Table B5.1** shows how the CMP should be linked into council's financial planning processes for short, medium and long timeframes.

**Table B5.1 Linking CMP processes with council's financial planning in the Resourcing Strategy**

Sustainable financial planning for council's coastal responsibilities		
Timeframe – one year	Timeframe – four years	Timeframe – 10 years and longer-term
<p><b>Very detailed, project-based financial planning:</b></p> <p>What coastal actions will be delivered (or continue to be delivered) in this year?</p> <p>Are any changes to specific funding models required (e.g. changes to grant programs and priorities)?</p> <p>Link Stage 5 of the CMP with the Delivery Program and Operational Plan.</p>	<p><b>Detailed, program-based financial planning for the Delivery Program:</b></p> <p>CMP Stages 4 and 5 – consistent with Delivery Program.</p> <p>Incorporate detailed costs and benefits of coastal management actions.</p> <p>Confirm any necessary alignment of agency and council programs.</p> <p>Confirm that cost-sharing for capital works and maintenance for coastal protection works is functioning as intended.</p> <p>Specify funding through agreed and certain mechanisms for each coastal management action, for example:</p> <ul style="list-style-type: none"> <li>• short-term levies or changes in rates</li> <li>• grant programs</li> <li>• internal workforce</li> <li>• borrowings.</li> </ul>	<p><b>Financial projections and assumptions for a financially viable council:</b></p> <p>Have long-term coastal opportunities and commitments, including contingent liabilities, been included?</p> <p>CMP to inform the 10-year and longer-term financial plan.</p> <p>What are the future coastal opportunities for growth and income?</p> <p>What impact could coastal risks and coastal management actions have on council's revenue and expenses (such as insurance premiums for assets and public liability)?</p> <p>Are formal arrangements in place for long-term cost-sharing such as required for coastal protection works?</p> <p>What financial mechanisms can be used to deliver the coastal objectives?</p> <p>What approvals are required for options such as rate changes or levies?</p>

## 5.2.2 Incorporating CMP actions in the Delivery Program and Operational Plan

The Delivery Program is where the community's strategic goals are translated into actions. In the IP&R framework, the Delivery Program is a fixed four-year plan, which is a statement



of commitment from each newly elected council. Each new Delivery Program is intended to be the central reference point within council for decision-making and tracking performance over the four-year election period.

A wide range of coastal management actions from the CMP will be implemented through schedules and detailed project and budget planning established in the four-year Delivery Program and Annual Operational Plans.

Examples of coastal management actions that may be specified in a CMP include actions relating to:

- coastal protection works, including dune reshaping, beach nourishment and protection structures
- beach, foreshore and waterway access ways and facilities
- foreshore park design, accessibility and facilities and actions to improve the safety, amenity and enjoyment of people using the coast for recreation
- restoration or enhancement of ecological communities
- management of environmental issues such as soil/sediment contamination, water pollution or unauthorised development
- research, monitoring, data collation and reporting
- the relationship and partnership between council and other public authorities or landowners (including Aboriginal landowners and claimants and registered Native Title applicants) on the coast
- community awareness, engagement and participation in coastal management.

Further information about when these actions may be appropriate and how to apply them is in Stage 3.

### **5.2.3 Linking with the Asset Management Plan**

Built assets and infrastructure are the focus of the Asset Management Plan. To facilitate integrated delivery of CMP actions that relate to council assets, the CMP will need to identify and map where relevant:

- council assets (natural and built) in the relevant coastal management areas, including essential community infrastructure (such as roads and utilities) and access and amenity assets
- infrastructure assets that may be affected by coastal hazards over time
- management actions for these assets to mitigate risks and maintain service delivery (including access and amenity) where those assets may be affected by coastal hazards
- any projected asset management (including insurance) and asset maintenance, rehabilitation and replacement costs, particularly in coastal vulnerability areas
- a service standard for coastal assets, related to safety, structural integrity and amenity.

It is recommended that councils report on the condition of coastal assets and the extent to which coastal management actions have achieved objectives and service standards for those assets.

Regular review of the CMP as it relates to council assets would facilitate achievement of the IP&R Guideline requirements for continuous improvement of asset management capability, effectiveness and community satisfaction.

## 5.3 Implementing the CMP through the land use planning system

A council's Community Strategic Plan sets out high-level strategic objectives and is relevant to the preparation of the local strategic planning statements prepared by councils under Part 3, Division 3.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Well informed coastal planning is an essential tool in ensuring orderly development of our coastline into the future. The information collated through the CMP process, including coastal risk assessment, community acceptance and the identification of appropriate management response, is critical in driving sound strategic land use decisions.

### 5.3.1 Strategic land use planning

It is good practice for councils to consider coastal management issues, threats, risks and opportunities when they prepare local land use strategies such as local strategic planning statements, settlement strategies, growth plans, tourism strategies and conservation strategies.

The CM Act requires that public authorities (other than local councils) are to have regard to CMPs to the extent that those programs are relevant to the exercise of their functions. In particular, those public authorities are to have regard to relevant CMPs and the coastal management manual in the preparation, development and review of, and the contents of, any plans of management they are required to produce (**See Section 5.4**).

In considering coastal management issues and implementing the CMP in preparing strategies councils and public authorities will identify land suitable for future environmental conservation, coastal development and related economic activity, consistent with:

- objects of the CM Act
- management objectives for the four coastal management areas defined in the CM Act and the *State Environmental Planning Policy (Coastal Management) 2018* (CM SEPP)
- a CMP
- objects and requirements of the EP&A Act (including local planning directions under s.9.1 of the EP&A Act).

To be effective in achieving the state's objectives for the coast, the strategic plans for coastal areas in adjoining local councils should adopt a consistent approach to the values, vulnerabilities and opportunities of the coastal management areas.

### 5.3.2 Land use and development controls in the LEP and DCP

Land use controls in council areas are generally given legal effect by Local Environmental Plans (LEP) under the EP&A Act. These are initiated by councils by preparing a planning proposal. Councils also make development controls plans which provide guidance as to certain matters to people carrying out development. The objects of the CM Act, the strategic direction identified in the CMP and coastal vulnerabilities associated with coastal hazards and environmental sensitivity can be considered by councils in preparing these proposals and plans to give effect to the CMP.

The management objectives of relevant coastal management areas in sections 6, 7, 8 and 9 of the CM Act and mapped in the CM SEPP are relevant considerations for council in these

land use planning processes. For instance, council can consider the following information in a CMP when preparing a planning proposal to amend a LEP or development control plan (DCP) for coastal vulnerability areas:

- the results of coastal hazard studies
- the resilience of infrastructure such as road access, stormwater drainage and sewerage systems
- opportunities to reduce the impacts of coastal development and land use on the health of the coastal environment area and coastal wetlands and littoral rainforests areas (these impacts may relate to drainage, stormwater, effluent management, clearing or filling)
- the influence of coastal protection measures on land capability (e.g. land protected by a seawall) and over what timeframe
- measures to address residual risks from coastal hazards
- opportunities to accommodate future growth in coastal communities
- opportunities to reduce the risk by redevelopment of existing developed areas
- maintenance of foreshore access, amenity, open space and protecting the coastal environment.

A Local Planning Direction – Coastal Management has been made in accordance with s.9.1 of the EP&A Act and aims to protect and manage coastal areas of NSW.

The Local Planning Direction – Coastal Management directs that councils in their role as a planning authority when developing a planning proposal must not rezone land which would enable increased development or more intense land use on land:

- within a coastal vulnerability area identified by the CM SEPP
- that has been identified as land affected by a current or future coastal hazard in a LEP or DCP, or a study or assessment undertaken:
  - by or on behalf of the relevant planning authority and the planning proposal authority
  - by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority
- within coastal wetlands and littoral rainforest areas identified by the CM SEPP.

A council's DCP must be consistent with the LEP. Section 22(2)(b) of the CM Act requires councils to give effect to its CMP through the preparation of planning proposals and DCPs. A DCP may contain more detailed guidance on development for coastal management areas.

Implementation of the CMP will include consideration of the CMP in undertaking land use planning functions under the EP&A Act, including preparing planning proposals and DCPs. Land use zoning and controls in the DCP should encourage development that aims to manage impacts on existing and future development and to improve community resilience consistent with the CMP.

Where the CMP suggests this approach, councils can consider using a broad risk management hierarchy of avoidance, minimisation and mitigation, and reduce the overall risk by:

- ensuring that there is no increase in the level of risk for existing and future development
- reducing the exposure and vulnerability of development and assets
- steering new development towards areas of lower risk and promoting development that is compatible with the level of risk
- avoiding intensification and expansion of development in coastal vulnerability areas and in or around coastal wetland and littoral rainforest areas

- considering the vulnerability of differing land uses and development to varying levels of risk from coastal hazards
- designing development and infrastructure to be more resilient to coastal risks
- identifying triggers and thresholds for changes in land use or types of development
- protecting important environmental assets and values, including beaches, foreshores, environmental features and healthy coastal waterways
- enhancing opportunities for appropriate coast-dependent businesses, that support economic growth and resilient coastal communities.

Figure B5.2 shows the various influences on the LEP and DCP.

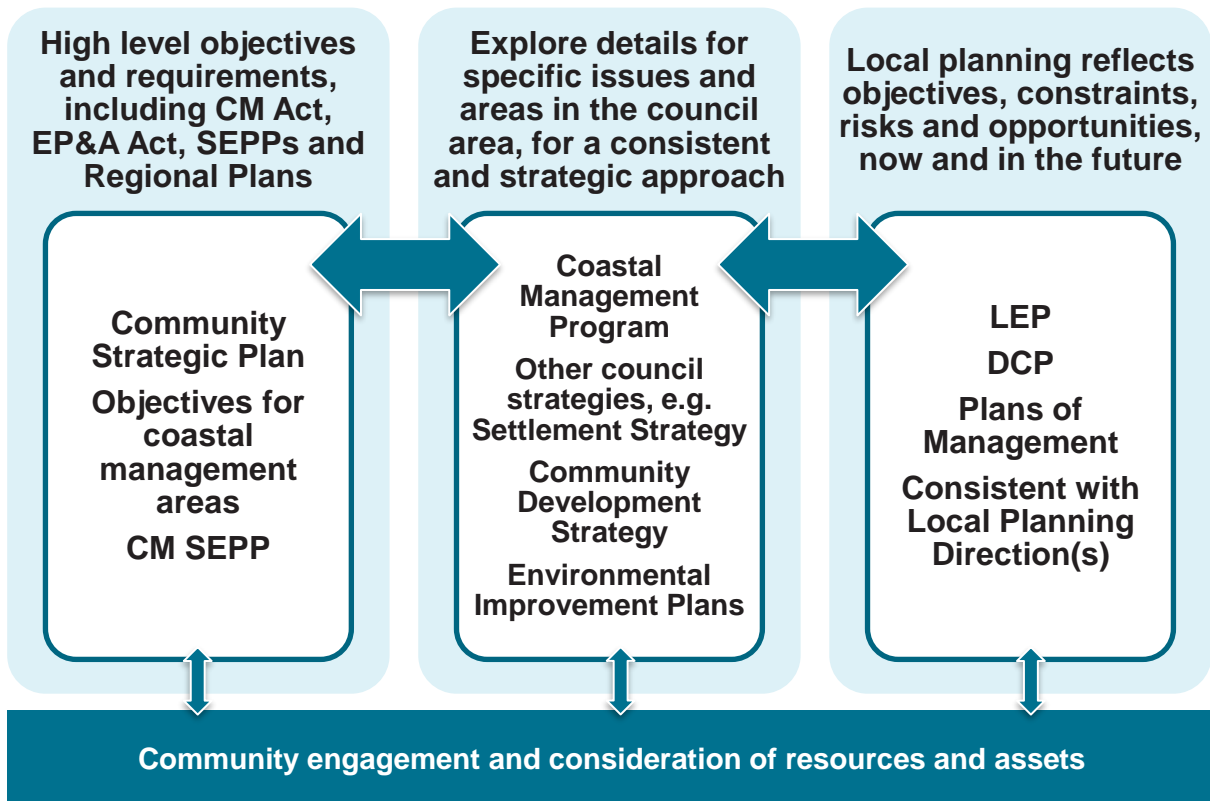


Figure B5.2 The LEP and DCP control land use and development consistent with strategic objectives and plans

### 5.3.3 Land use planning in coastal wetlands and littoral rainforests areas

The focus of development controls applying to this coastal management area is to protect the natural state of sensitive ecological communities, including their biodiversity and ecosystem integrity, improve their resilience to climate change and promote their restoration if degraded (Clause 10 of CM SEPP).

Clause 5 of the Local Planning Direction – Coastal Management made under section 9.1 requires that a planning proposal must not rezone land which would enable increased development or more intensive land use on land within coastal wetlands and littoral rainforests areas.

If consistent with the CMP, the LEP and DCP should identify appropriate development in coastal wetlands and littoral rainforests areas. They may also identify standards, measures

or conditions to be met to facilitate development that maintains or improves the functioning of these natural assets. For instance, the DCP may specify requirements for development within the perimeter area of a coastal wetland or littoral rainforest, to protect surface or groundwater quality, habitat quality and conservation values.

### 5.3.4 Land use planning in coastal vulnerability areas

If the CMP provides a coastal management action in relation to providing appropriate planning controls for the coastal vulnerability areas this may be implemented with a focus on development controls. These controls would require consent authorities to be satisfied that appropriate measures and responses are in place to manage risk to life and public safety from current and future coastal hazards identified in the CMP. This can include siting of the development, design and construction elements, or consent conditions relating to time and trigger limits.

Clause 4 of the section 9.1 direction – Coastal Management, requires that a council must not rezone land that would enable increased development or more intensive land use in the coastal vulnerability area (see **Section 5.3.2**). It is important that land use zoning is compatible with current and future risks from coastal hazards and the effects of climate change identified in the CMP.

If necessary to implement the CMP, provisions in the LEP could be amended to encourage appropriate development and may also prohibit specific types of development in coastal vulnerability areas. Development permitted in a coastal vulnerability area must satisfy the requirements of Clause 12 and Clause 15 of the CM SEPP.

Councils should consider the vulnerability of different land uses and development to varying levels of risk from coastal hazards identified in the CMP, the types of development that may be appropriate and what level of risk assessment may be required as set out in the CMP.

**Table B1.3** outlines the vulnerability of a variety of land uses.

Clause 15 of the CM SEPP requires that development consent must not be granted to development on land in the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The vulnerability of different types of development is an important factor when considering development proposals in the coastal vulnerability area.

**Table B5.2** provides an indication of the types of development that may be suitable in areas subject to different levels of risks from coastal hazards identified in the CMP. Refer to **Table B1.3** for information about vulnerability of different development types. **Figure B1.5** identifies levels of risk.

Mitigation structures and a range of recreational and public land management activities may be suitable in areas subject to extreme risk and will be identified in the CMP. Where the CMP identifies areas of extreme risk the CMP will be given effect by generally avoiding new development in those areas. If such a management action is identified in the CMP, public authorities should plan to relocate existing essential infrastructure from these areas, where the CMP identifies that new essential infrastructure, such as water and wastewater infrastructure, must be located in these areas, it should be designed appropriately.

Less vulnerable uses (such as commercial developments and agriculture) may be suitable in areas identified in the CMP as at high risk from coastal hazards, subject to rigorous assessment.

Highly vulnerable uses may not be suitable in areas identified in the CMP as having a risk greater than medium and most vulnerable uses may only be suitable in areas with low risks from coastal hazards.

**Table B5.2 Risk vulnerability and indicative development suitability** (Source: modified from Guidance - Flood risk and coastal change, UK Department for Communities and Local Government, 2014)

Risk classification	Vulnerability category				
	Essential infrastructure	Compatible uses	Most vulnerable	Highly vulnerable	Less vulnerable
<b>Extreme</b>	Further detailed assessment is required to determine suitability	Yes	No	No	No
<b>High</b>	Further detailed assessment is required to determine suitability	Yes	No	No	Further detailed assessment is required to determine suitability
<b>Medium</b>	Yes	Yes	Further detailed assessment is required to determine suitability	Further detailed assessment is required to determine suitability	Yes
<b>Low</b>	Yes	Yes	Further detailed assessment is required to determine suitability	Yes	Yes

### 5.3.5 Land use planning in coastal environment areas

LEP and DCP land use planning controls for the coastal environment area should give effect to management objectives identified in the CMP for this area and the requirements of the CM SEPP to minimise impacts on environmental systems and values.

Where the CMP identifies land as coastal environment area, to give effect to this development controls should generally aim to:

- avoid adverse impacts on the environment or coastal processes
- avoid adverse impacts on water quality in the marine estate, including the cumulative impact of development on sensitive coastal lakes and estuarine waters and incorporate water sensitive urban design principles
- maintain natural sections of the coast
- protect Aboriginal cultural heritage and places
- protect native vegetation including that on undeveloped headlands and dunes
- protect aquatic, intertidal and foreshore habitat
- protect the surf zone.

### 5.3.6 Land use planning in coastal use areas

Coastal use areas may be identified in the CMP and if so, land use planning considerations will be aimed at mitigating existing and future risks associated with coastal hazards,

development control in these areas should reflect relevant coastal values identified in the CMP such as water quality, coastal vegetation, accessibility, scenic amenity and protection of coastal open space and recreational areas from overshadowing by the height and bulk of urban development.

Where the CMP identifies proposed changes to the planning controls, if consistent with the CMP these changes should aim to:

- maintain or improve public access to beaches, foreshores, dunes and headlands
- minimise overshadowing, wind funnelling and loss of views from public spaces
- not detract from the scenic nature of the coast and maintain visual connections from public land to the coast
- maintain natural areas along the coast
- protect items and places of historic heritage
- protect Aboriginal cultural heritage and provide for Aboriginal community access to cultural heritage sites, resources and gazetted Aboriginal Places
- protect the surf zone
- accommodate both urbanised and natural stretches of the coastline.

**Figure B5.3** illustrates the application of development controls in the design of a coastal urban area.



**Figure B5.3 Example of the application of development controls in a coastal use area**  
(Source: North Coast Urban Design Guidelines NSW Department of Planning 2008)



### 5.3.7 Choosing an appropriate land use zone for coastal management areas

The CMP may identify proposed changes to land use zoning in coastal areas. Where changes are pursued, councils should consider the CMP as well as relevant matters under the EP&A Act including the:

- requirements of the Standard Instrument and other planning guidelines, practice notes and circulars issued by the Minister responsible for planning
- extent of overlap between the four coastal management areas. This determines the hierarchy of coastal management objectives that will apply to the locality
- existing primary use and value of the land, such as residential, tourism, conservation or environmental management
- proposed long-term use and value of the land, considering coastal processes and hazards for planning horizons such as immediate, 20 years, 50 years, 100 years and beyond, where appropriate
- capacity of the council and community to manage coastal vulnerability by maintaining measures such as coastal protection works and works to improve drainage in low-lying areas over the long-term planning horizon
- council's flexibility and capacity to accommodate and limit the risks associated with uncertainty by incorporating adaptive strategies
- the public interest.

The current primary use of a coastal management area may include residential development, commercial activity, recreation or agriculture, as well as conservation or environmental management. Where necessary to give effect to the CMP, councils should consider rezoning land that is within a coastal vulnerability area to best align future land use (e.g. through redevelopment) with the anticipated coastal risk.

Similarly, a change to zoning may be necessary to give effect to the CMP to allow a coastal environment area such as a beach or coastal dunes or coastal wetland (such as saltmarshes) to respond to climate change.

## 5.4 Implementing the CMP in partnership with other councils and public authorities

There are mutual benefits to local councils and public authorities in working together to implement the actions in a CMP. Consultation with public authorities and neighbouring councils is recommended when preparing and implementing a CMP. When preparing policies, programs or plans of management relating to their coastal responsibilities, public authorities are required to recognise the:

- objects of the CM Act in terms of their objectives and contents
- strategic direction and priorities of a CMP
- the public interest as it applies to the coastal zone.

These policies, programs and plans of management may include:

- settlement and infrastructure strategies for coastal regions
- regional economic development or tourism strategies
- regional environmental or biodiversity strategies
- waterway dredging programs

- plans of management prepared for lands managed by public authorities (such as those prepared under the *Local Government Act 1993*, *Crown Lands Act 1989* (or *Crown Land Management Act 2016*, when commenced), or the *National Parks and Wildlife Act 1974*)
- management plans prepared for recreational boating or other uses of coastal waterways.

It is best practice for councils to develop and maintain clear communication and a collaborative approach with adjoining councils and with public authorities. This will facilitate integrated delivery of projects and programs. It will also facilitate efficient use of resources and reduce duplication where roles and responsibilities are shared or adjoin.

Councils are encouraged to work closely with public authorities who own or manage coastal land, particularly where landholders consent may be required for proposed works. Actions should also be consistent with the purpose of Crown or other public reserve land.

Councils are advised to maintain records of consultation with public authorities and adjoining councils, as part of the evidence which may be requested by the NSW Coastal Council in the conduct of a performance audit of implementation of the CMP. **Section 5.7.1** provides details.

## 5.5 Compliance and enforcement

Compliance and enforcement arrangements are a necessary part of the orderly management of the coastal zone. The compliance and enforcement powers under the EP&A Act have been broadened in relation to unauthorised works and development in the coastal zone.

Action can be taken by land managers to prevent and remedy damage caused by:

- illegal or unauthorised works (resulting in increased erosion or other impacts such as rock debris on beaches)
- other inappropriate development undertaken along the coast.

Compliance activities can also be used to:

- minimise the likelihood of public safety issues arising from poorly designed, placed and maintained works, including coastal protection works, access structures (such as cliff top and dune crest lookouts and pathways) and drainage
- prevent or mitigate legacy issues for coastal communities
- demonstrate council's strategic direction and send a clear message about acceptable and unacceptable approaches to managing coastal areas
- demonstrate that a council is managing the coast in accordance with its CMP.

The main tools used by councils under the EP&A Act for investigating and dealing with unauthorised works and development are:

- investigation powers
- orders under section 121B9.34
- penalty notices or fines.

Other relevant enforcement provisions include penalties under the *Protection of the Environment Operations Act 1997* (PoEO Act) for illegal dumping of materials and the *Local Government Act 1993* (LG Act).

At any time during the preparation of, or after the gazettal of, a CMP it is important that councils and public authorities work together to undertake relevant compliance and enforcement actions when illegal or unauthorised activities take place. This will reinforce consistent messages about inappropriate responses to coastal issues.

## 5.6 CMP monitoring, evaluation and reporting

An important purpose of preparing and implementing a CMP is to strengthen the resilience of natural coastal systems and create sustainable opportunities for coastal communities. To maintain focus, highlight successes and provide early warning of problems, it is important to monitor and review progress towards these outcomes at regular intervals. This approach will also assist in developing and applying an approach of continuous improvement in coastal management across New South Wales.

The IP&R reporting system (including annual operational reporting and longer interval strategic reporting) provides the opportunity to formally report on monitoring of coastal management and its outcomes.

The NSW Coastal Council can conduct performance audits and provide advice to the Minister on the status of CMP implementation by local councils (see **Section 5.7.1**).

### 5.6.1 CMP monitoring requirements

Councils and public authorities (where relevant) should develop and implement a monitoring program for the delivery of the CMP. An overview of this monitoring program should be included in the CMP, with details in the supporting documents.

A council's coastal monitoring program should be fit-for-purpose and focus on information needed to evaluate the outcomes of coastal management actions. This will contribute to the long-term adaptive management of the coast.

Key elements of a monitoring program should consider:

- the implementation status of the CMP
- socioeconomic and environmental parameters
- triggers and thresholds
- the outcomes of the CMP in meeting the objects of the CM Act.

This program should not duplicate existing monitoring programs (but may make use of data from existing monitoring programs when the objectives and methods are relevant).

Responsibilities for monitoring should be clearly stated.

Councils may access a range of coastal monitoring data that is collected by the NSW Government, such as:

- tides and water levels
- water quality for primary contact recreation at beaches
- LiDAR, aerial photography and other spatial data.

Multiple publications from the NSW Government, non-government organisations and universities provide guidance on the design of monitoring programs with the relevant indicators, scale, complexity and timing to track changes in the condition of coastal landforms and ecosystems and the social and economic wellbeing of coastal communities.

Effective long-term environmental monitoring can be challenging as it requires clear objectives, good design (reflecting the dynamic nature of the coast), careful review and long-term commitment. Well-designed long-term monitoring provides the evidence on which to base effective coastal management decisions including adaptive changes.

Complex monitoring programs for water quality or ecological indicators can be expensive and labour intensive and may not be practical or necessary for all coastal councils. They can also create large amounts of complex data that is hard to interpret. Monitoring should be

reported at meaningful timeframes for the performance issues being tracked (see **Table B5.3** for some examples).

**Table B5.3 Types and timeframes of monitoring and reporting**

Key monitoring and reporting issues to be identified in the CMP	Annual	4 years (IP&R)	10 years (review CMP)
Whether the priority coastal management actions for the planning period have been delivered as intended	Yes	Yes	Yes
Whether the implemented actions achieved the intended outputs and outcomes. This is generally site-specific. It should include short-term outcomes and monitoring that tracks the long-term resilience of the outcomes of management actions	Program specific	Yes	Yes
The overall condition of coastal wetland and littoral rainforest and coastal environment areas, based on an array of monitoring points that provides information about diverse aspects of the coastal environment, relevant to council and/or public authority responsibilities	No	If needed for council's SOE Report	Yes
Whether any critical thresholds or trigger points have been passed	Only when a trigger has been reached	Yes	Yes
Community use of the coast and satisfaction with the management of the coast	Possibly	Yes	Yes

## 5.6.2 Involving the community and stakeholders in the monitoring program

To help raise awareness of coastal issues, and to facilitate landscape-wide sampling, councils are encouraged to involve community organisations and individuals in coastal monitoring and reporting. This could include:

- Partnerships with universities and local community groups that conduct their own monitoring programs relevant to their specific interests, e.g. migratory shorebird observations by bird groups, photos of sites sensitive to biophysical change (king tides).
- A broader community workshop process to discuss environmental and development pressures, management responses and environmental condition.
- Community participation in implementing council's monitoring program in the coastal environmental areas, or participation in special monitoring events. Community monitoring programs are part of citizen science.

- Awareness raising activities for the broader community on what the monitoring means and implications for future actions and priorities.

### 5.6.3 Reporting

Councils should report progress in implementing the CMP as part of their IP&R framework and consistent with the CM Act and in doing so, will cumulatively provide valuable information for the strategic review of the CMP. Councils are encouraged to promote the successes in developing and implementing CMPs.

Public authorities should report on the implementation of coastal management actions in their routine program-based reporting or in reporting linked to relevant plans of management.

## 5.7 Review of the CMP

The CM Act (section 18(1)) requires a council to ensure that its coastal management program is reviewed at least once every 10 years. A council may review or update the CMP sooner, for any reason, including if there are significant new circumstances which need to be considered. **Part B Stage 1** provides information about the requirements and matters to consider for a review of the CMP to assess its overall performance and determine any important changes that need to be made.

The review of the CMP may consider:

- the extent to which actions proposed to be wholly implemented within that 10-year period have been implemented and the outcomes achieved
- progress in the implementation of responses, actions and commitments which continue beyond the 10-year timeframe
- whether coastal change (either related to the implementation of the CMP, or for reasons outside of the CMP) has reached a threshold where the strategic management approach needs to be reviewed.

It is advisable for councils to consider the implications of the longer-term commitments that may be inherent in the CMP. These include actions that will need to be continued in order to support development consents that have been issued on the assumption that the management regime certified and adopted in the CMP will be ongoing.

### 5.7.1 Role of the NSW Coastal Council in Stage 5

The Minister may request the NSW Coastal Council to undertake a performance audit of the implementation of CMP of a local council. The purpose of the performance audit is to determine whether a local council is effectively implementing its CMP and to identify opportunities for local council capacity building.

A council will be required to provide information and records in connection with the performance audit to the NSW Coastal Council when directed to do so by a notice in writing.

The Coastal Council is to provide a report to the Minister. The Minister is required to table the reports in each House of Parliament within 3 months of the end of each year.

Where there is a significant lack of implementation of a council's CMP, the NSW Coastal Council may make recommendations to the Minister on appropriate remedial actions to be taken, including referral to the Minister administering the *Local Government Act 1993* for further consideration.