



DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT

Checklist

Coastal Management Program



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Coastal Management Program Checklist

This document has been prepared by the Department of Planning, Industry and Environment as a tool to aid consideration of the suitability of a Coastal Management Program (CMP) to meet relevant requirements for certification under Section 17 *Coastal Management Act 2016*. This checklist steps through the relevant statutory provisions of the *Coastal Management Act 2016* and Mandatory Requirements of the NSW Coastal Management Manual (2018) – Part A.

The document contains relatively simple drop-down lists from which to select Yes/No or N/A regarding whether the relevant requirement has been met. In most circumstances, the answer will be either **Yes** or **No** and the 'Where documented in CMP/Additional notes' column of the checklist should detail where the relevant supporting information can be found. However, in circumstances where the focus of a CMP or its geographical scope are very narrow, some requirements might be necessarily deemed as N/A in which case the 'Where documented in CMP/Additional notes' column of the checklist should be used to detail why.

Section 1 follows the relevant statutory requirements set out in the *Coastal Management Act 2016*.

Section 2 follows the Mandatory Requirements (MR) set out in the NSW Coastal Management Manual (2018) – Part A.

Section 3 meets the objects of the *Coastal Management Act 2016* and management objectives for the coastal management areas covered by the CMP. This section enables the individual objectives to be assessed separately, whilst the references to same covered in Sections 1 and 2 enable broad summary position on whether or not all objectives (as relevant) have been met.

Important note

It is recognised that legislative requirements in the *Coastal Management Act 2016* and Mandatory Requirements in the NSW Coastal Management Manual (2018) – Part A contain some overlap and duplication. However, the requirements are often not exactly the same. In this checklist, you must respond to all the listed items in Sections 1 and 2, even if the requirements look like they contain similar content or lead to duplications.

Section 1: Statutory requirements set out in the *Coastal Management Act 2016*.

CM Act 2016	Issue	Requirement met	Where documented in CMP/Additional notes
s13(2)	A coastal management program may be made in relation to the whole, or any part, of the area included within the coastal zone.		
s14(3)(a)	In preparing a coastal management program, a local council must: <ul style="list-style-type: none"> consider and promote the objects of this Act. <p>[Refer section 3 of the Checklist]</p>		
s14(3)(b)	In preparing a coastal management program, a local council must: <ul style="list-style-type: none"> give effect to the management objectives for the coastal management areas covered by the program. <p>[Refer section 3 of the Checklist]</p>		
s14(3)(c)	In preparing a coastal management program, a local council must: <ul style="list-style-type: none"> consider the State and regional policies and plans prescribed by the regulations for this section. 		
s15(1)(a)	A coastal management program must: <ul style="list-style-type: none"> identify the coastal management issues affecting the areas to which the program is to apply. 		
s15(1)(b)	A coastal management program must: <ul style="list-style-type: none"> identify the actions required to address those coastal management issues in an integrated and strategic manner. 		
s15(1)(c)	A coastal management program must:		

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CM Act 2016	Issue	Requirement met	Where documented in CMP/Additional notes
	<ul style="list-style-type: none"> identify how and when those actions are to be implemented, including those to be implemented by local councils under Chapter 13 of the <u>Local Government Act 1993</u>, those to be implemented under environmental planning instruments and development control plans under the <u>Environmental Planning and Assessment Act 1979</u> and those to be implemented by public authorities (other than the local council). 		
s15(1)(d)	<p>A coastal management program must:</p> <ul style="list-style-type: none"> 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. 		
s15(1)(e)	<p>A coastal management program must:</p> <ul style="list-style-type: none"> 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 sub plan. 		
s15(4)	<p>A coastal management program must not include the following:</p> <ol style="list-style-type: none"> matters dealt with in any plan made under the <u>State Emergency and Rescue Management Act 1989</u> in relation to the response to emergencies 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 		

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CM Act 2016	Issue	Requirement met	Where documented in CMP/Additional notes
	<p>authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the program.</p>		
s16(1)	<p>Before adopting a coastal management program, a local council must consult on the draft program with:</p> <ul style="list-style-type: none"> a) the community b) if the local council's local government area contains: <ul style="list-style-type: none"> i. and 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) ii. an estuary that is within two or more local government areas (as specified in Schedule 1), the other local councils c) other public authorities if the coastal management program: <ul style="list-style-type: none"> i. proposes actions or activities to be carried out by that public authority ii. proposes specific emergency actions or activities to be carried out by a public authority under the coastal zone emergency action sub plan iii. relates to, affects or impacts on any land or assets owned or managed by that public authority. 		

Section 2: Mandatory Requirements set out in NSW Coastal Management Manual (2018) – Part A

Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
MR2	A CMP is to consider a range of timeframes and planning horizons including immediate, 20 years, 50 years, 100 years and (if the council considers it relevant based on expert advice) beyond.		
MR3	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 <u>Coastal Management Act 2016</u> .		
MR4	A CMP must include the rationale for selecting the area to be covered by a CMP and identify whether it applies to: <ul style="list-style-type: none"> • all or part of the coastal zone of one local government area • 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 <u>Coastal Management Act 2016</u> – a CMP that addresses an area comprising that coastal sediment compartment or estuary must reflect this regional context). 		
MR5i	A CMP must identify: <ul style="list-style-type: none"> • any proposed amendments to mapping of the relevant coastal management areas. 		
MR5ii	A CMP must identify:		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
	<ul style="list-style-type: none"> evidence to support any proposed amendments or additions to the area of the four coastal management areas in the relevant area. 		
MR5iii	<p>A CMP must identify:</p> <ul style="list-style-type: none"> 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 <i>Environmental Planning and Assessment Act 1979</i>. 		
MR6i	<p>During preparation of a CMP, a council is to:</p> <ul style="list-style-type: none"> identify the scope of the CMP. 		
MR6ii	<p>During preparation of a CMP, a council is to:</p> <ul style="list-style-type: none"> determine and assess coastal risks, vulnerabilities and opportunities (including without limitation risks to environmental, social and economic values and benefits). 		
MR6iii	<p>During preparation of a CMP, a council is to:</p> <ul style="list-style-type: none"> evaluate and select coastal management options. 		
MR7i	<p>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:</p>		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
	<ul style="list-style-type: none"> 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 <u>Coastal Management Act 2016</u>. 		
MR7ii	<p>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:</p> <ul style="list-style-type: none"> the effectiveness of the existing coastal management of that area. 		
MR7iii	<p>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:</p> <ul style="list-style-type: none"> whether any circumstances concerning the coastal management of that area have changed. 		
MR8i	<p>A CMP must:</p> <ul style="list-style-type: none"> describe how the objects of the <u>Coastal Management Act 2016</u> have been considered and promoted in preparing the CMP. <p>[Refer section 3 of the Checklist]</p>		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
MR8ii	<p>A CMP must:</p> <ul style="list-style-type: none"> describe how the objectives of the coastal management areas covered by the CMP have been given effect to in preparing the CMP. <p>[Refer section 3 of the Checklist]</p>		
MR8iii	<p>A CMP must:</p> <ul style="list-style-type: none"> identify the key coastal management issues affecting the areas to which the CMP is to apply and how these have been considered. 		
MR8iv	<p>A CMP must:</p> <ul style="list-style-type: none"> identify any coastal management actions required to address those key coastal management issues in an integrated and strategic manner. 		
MR8v	<p>A CMP must:</p> <ul style="list-style-type: none"> identify how the coastal management actions in (iv) have been considered and evaluated (including, without limitation, how the council has evaluated the coastal management actions in light of the functions and responsibilities council has under legislation other than the <u>Coastal Management Act 2016</u>). 		
MR8vi	<p>A CMP must:</p> <ul style="list-style-type: none"> 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 <u>State Environmental Planning Policy (Coastal Management) 2018</u>, that are proposed to be carried out by or on behalf of a public authority. 		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
MR8vii	<p>A CMP must:</p> <ul style="list-style-type: none"> identify any coastal protection works that are proposed to be carried out by or on behalf of a public authority. 		
MR8viii	<p>A CMP must:</p> <ul style="list-style-type: none"> set out the recommended timing for the proposed coastal management actions. 		
MR8ix	<p>A CMP must:</p> <ul style="list-style-type: none"> 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. 		
MR8x	<p>A CMP must:</p> <ul style="list-style-type: none"> include a business plan. 		
MR9i	<p>The business plan included in the CMP must identify:</p> <ul style="list-style-type: none"> all proposed coastal management actions identified elsewhere in the CMP. 		
MR9ii	<p>The business plan included in the CMP must identify:</p> <ul style="list-style-type: none"> the full proposed capital, operational and maintenance costs, and recommended timing, of proposed coastal management actions. 		
MR9iii	<p>The business plan included in the CMP must identify:</p> <ul style="list-style-type: none"> 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. 		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
MR9iv	<p>The business plan included in the CMP must identify:</p> <ul style="list-style-type: none"> the distribution of costs and benefits of all proposed coastal management actions. 		
MR10	<p>Where coastal hazards have been identified in a coastal management area, a CMP must identify proposed coastal management actions for those hazards.</p>		
MR11	<p>If the <u>Coastal Management Act 2016</u> requires that a coastal zone emergency action sub plan be prepared, it must identify any requirements for how emergency coastal protection works, within the meaning of the <u>State Environmental Planning Policy (Coastal Management) 2018</u>, are to be carried out.</p>		
MR12i	<p>A CMP must demonstrate how a council has considered:</p> <ul style="list-style-type: none"> projected population growth and demographic changes. 		
MR12ii	<p>A CMP must demonstrate how a council has considered:</p> <ul style="list-style-type: none"> projected use of coastal land for infrastructure, housing, commercial, recreational and conservation purposes. 		
MR13i	<p>A CMP must demonstrate how a council has considered:</p> <ul style="list-style-type: none"> current and future risks, at timeframes of immediate, 20 years, 50 years, 100 years and (if the council considers it relevant based on expert advice) beyond. 		
MR13ii	<p>A CMP must demonstrate how a council has considered:</p>		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
	<ul style="list-style-type: none"> (if the council considers it relevant) current and future risks of potentially high consequence, low probability events that may affect the relevant area. 		
MR13iii	<p>A CMP must demonstrate how a council has considered:</p> <ul style="list-style-type: none"> the effects of projected climate change and how it may affect the relevant area. 		
MR13iv	<p>A CMP must demonstrate how a council has considered:</p> <ul style="list-style-type: none"> the local and regional scale effects of coastal processes. 		
MR13v	<p>A CMP must demonstrate how a council has considered:</p> <ul style="list-style-type: none"> the ambulatory and dynamic nature of the shoreline and how it may affect the relevant area. 		
MR14	<p>A CMP is to include the following sections:</p> <ol style="list-style-type: none"> Executive summary Introduction A snapshot of issues Actions to be implemented by the council or by public authorities Whether the CMP identifies recommended changes to the relevant planning controls, including any proposed maps A business plan Coastal zone emergency action sub plan, if the <i>Coastal Management Act 2016</i> requires that sub plan to be prepared Monitoring, evaluation and reporting program Maps 		

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Mandatory requirement	Issue	Requirement met	Where documented in CMP/Additional notes
10. Reference list			
MR15	<p>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 not less than 28 calendar days before it is adopted. This mandatory requirement does not prevent community consultation, or other consultation, in other ways.</p>		
MR16	<p>When implementing a CMP, a council must:</p> <ul style="list-style-type: none"> • carry out the monitoring, evaluation and reporting program in the CMP (MER) • monitor key indicators, trigger points and thresholds identified in the MER. 		
MR17	<p>Councils must report on the implementation of a CMP through the IP&R framework on an annual, four-yearly and 10-yearly basis.</p>		
MR18	<p>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.</p>		
MR19	<p>Councils must maintain sufficient information and records about its management of the relevant parts of the coastal zone that will enable it to demonstrate:</p> <ul style="list-style-type: none"> • how the CMP has been implemented • 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. 		

Section 3: Meeting the objects of the *Coastal Management Act 2016* and management objectives for the coastal management areas covered by the CMP (where relevant)

A. Objects of the *Coastal Management Act 2016* (Section 3 CM Act)

Objective	Issue	Requirement met	Where documented in CMP/Additional notes
(a)	to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience		
(b)	to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety		
(c)	to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone		
(d)	to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies		
(e)	to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making		
(f)	to mitigate current and future risks from coastal hazards, taking into account the effects of climate change		
(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)		

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Objective	Issue	Requirement met	Where documented in CMP/Additional notes
	and other arms of the sea), and to manage coastal use and development accordingly		
(h)	to promote integrated and co-ordinated coastal planning, management and reporting		
(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		
(j)	to ensure coordination 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		
(k)	to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions		
(l)	to facilitate the identification of land in the coastal zone for acquisition by public or local authorities to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone		
(m)	to support the objects of the <u>Marine Estate Management Act 2014</u>		

B. Management objectives for the coastal wetlands and littoral rainforests area (Section 6 CM Act)

Management objective	Issue	Requirement met	Where documented in CMP/Additional notes
(a)	to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity		
(b)	to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests		
(c)	to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration		
(d)	to support the social and cultural values of coastal wetlands and littoral rainforests		
(e)	to promote the objectives of State policies and programs for wetlands or littoral rainforest management		

C. Management objectives for coastal vulnerability area (Section 7 CM Act)

Management objective	Issue	Requirement met	Where documented in CMP/Additional notes
(a)	to ensure public safety and prevent risks to human life		
(b)	to mitigate current and future risk from coastal hazards by taking into account the effects of coastal processes and climate change		
(c)	to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place		
(d)	to maintain public access, amenity and use of beaches and foreshores		
(e)	to encourage land use that reduces exposure to risks from coastal hazards, including through siting, design, construction and operational decisions		
(f)	to adopt coastal management strategies that reduce exposure to coastal hazards: <ul style="list-style-type: none"> i. in the first instance and wherever possible, by restoring or enhancing natural defences including coastal dunes, vegetation and wetlands ii. if that is not sufficient, by taking other action to reduce exposure to those coastal hazards 		
(g)	if taking that other action to reduce exposure to coastal hazards: <ul style="list-style-type: none"> i. to avoid significant degradation of biological 		

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Management objective	Issue	Requirement met	Where documented in CMP/Additional notes
		diversity and ecosystem integrity	
	ii.	to avoid significant degradation of or disruption to ecological, biophysical, geological and geomorphological coastal processes	
	iii.	to avoid significant degradation of or disruption to beach and foreshore amenity and social and cultural values	
	iv.	to avoid adverse impacts on adjoining land, resources or assets	
	v.	to provide for the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by actions to reduce exposure to coastal hazards	
(h)		to prioritise actions that support the continued functionality of essential infrastructure during and immediately after a coastal hazard emergency	
(i)		to improve the resilience of coastal development and communities by improving adaptive capacity and reducing reliance on emergency responses	

D. Management objectives for coastal environment area (Section 8 CM Act)

Management objective	Issue	Requirement met	Where documented in CMP/Additional notes
(a)	to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity		
(b)	to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change		
(c)	to maintain and improve water quality and estuary health		
(d)	to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons		
(e)	to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place		
(f)	to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms		

E. Management objectives for coastal use area (Section 9 CM Act)

Management objective	Issue	Requirement met	Where documented in CMP/Additional notes
(a)	to protect and enhance the scenic, social and cultural values of the coast by ensuring that:		
	i. the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast		
	ii. adverse impacts of development on cultural and built environment heritage are avoided or mitigated		
	iii. urban design, including water sensitive urban design, is supported and incorporated into development activities		
	iv. adequate public open space is provided, including for recreational activities and associated infrastructure		
	v. the use of the surf zone is considered		
(b)	to accommodate both urbanised and natural stretches of coastline		