

NSW Coastal Policy 1997

A Sustainable Future for the New South Wales Coast

© Crown copyright 1997

Printed October 1997

ISBN 0 7310 9072 1

97/73

Design: Impress Graphic Design

DISCLAIMER

Any representation, statement, opinion or advice, expressed or implied in this publication is made in good faith but on the basis that the State of New South Wales, its agents and employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any representation, statement, or advice referred to above.

100% recycled

Contents

Foreword	5
Part A The Policy	
Introduction	8
1.1 Role of the Coastal Policy	8
1.2 The Review Process	9
1.3 Public Submissions	10
1.4 New Initiatives	11
1.5 Key Themes	12
The Policy Statement	14
2.1 An Ecologically Sustainable Coast	14
2.2 The Framework	17
2.3 Key Actions	18
2.4 Where Does the Policy Apply?	22
2.5 Implementation	23
Strategic Actions Overview	30
Monitoring and Review	31
Part B Implementation	
Strategic Actions	34
Part C Appendices	
Appendix A Significance of the Coast	70
Appendix B Principles Underlying the Policy	75
Appendix C Explanatory Notes for Local Government	78
Appendix D Bibliography	87
List of Figures	
Figure 1 Coastal Policy - Key Roles and Implementation Mechanisms	9
Figure 2 Schematic Representation of the Coastal Policy	17
Figure 3 Major Elements of the Coastal Policy	19
Figure 4 Coastal Zone - Tweed Heads to Nambucca Heads	26
Figure 5 Coastal Zone - Nambucca Heads to Newcastle	27
Figure 6 Coastal Zone - Newcastle to Ulladulla	28
Figure 7 Coastal Zone - Ulladulla to Cape Howe	29

Foreword

The NSW Government's new Coastal Policy is the next major plank in our environmental agenda. It follows the success of our historic forestry and waterway's decisions which have lifted NSW to the forefront of environmental protection.

The 1997 Coastal Policy fulfills the Government's election commitment to manage the coast in an ecologically sustainable way. The objective of the policy is to protect and conserve the coast for future generations.

The Government has already banned canal estates and conducted an inquiry into ocean disposal of effluent and alternative re-use schemes.

New initiatives in the policy include:

- prohibiting new sandmining ventures in coastal national parks and other environmentally sensitive areas;
- banning the development of tourist resorts that impede public access to beaches;
- prohibiting development on the beach fore dunes (other than for essential public purposes such as surf life saving clubs); and
- re-forming the Coastal Council as a source of professional and independent advice to Government on coastal management issues.

This document brings together many individual policies to create a new management system to protect our coast.

The 1997 Coastal Policy recognises that the coastal zone is managed by a range of organisations, both government and non-government, which often have overlapping responsibilities or agendas. One of the Government's key objectives is to coordinate the management of the coast by these different bodies.

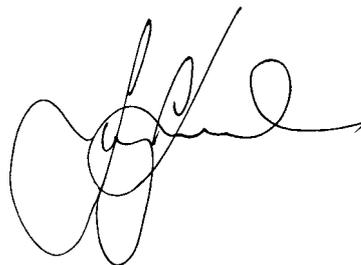
Another key aim of the 1997 Coastal Policy is to establish a comprehensive system of protected areas and reserves in the coastal zone. An inventory will be carried out by the National Parks and Wildlife Service to assess conservation values along the NSW coast.

The 1997 Coastal Policy heralds a new approach to the protection of our precious coastline. The Coastal Council will have a central role in monitoring the impact of the policy. We take this opportunity to thank the Coastal Committee and its Chair, Professor Bruce Thom, for the time and effort they have put into this important initiative.

This policy provides a clear direction for the management of our coast into the next century. We commend it to everyone with an interest in the management and protection of the coast line of New South Wales.



Bob Carr
Premier



Craig Knowles
Minister for Urban Affairs and Planning

Part A

The Policy

1. Introduction

The 1997 Coastal Policy sets a new direction for coastal zone management, planning and conservation in NSW.

The policy, which is designed to guide management and planning of the coastal zone into the next century, builds on the work of the 1990 Coastal Policy and 1994 Draft Revised Coastal Policy and is the product of an extensive process of review and community participation.

While the 1990 Coastal Policy laid the foundations for many of the coastal management initiatives being undertaken today, it did have its limitations. The 1990 Coastal Policy was limited by the fact that it was largely a compendium of State Government programs. The policy also suffered from the lack of an overall integrating philosophy and a limited geographic application.

The new Coastal Policy, by contrast, is a more comprehensive, user-friendly and goals oriented policy. The policy has been extended to cover an enlarged coastal zone.

The policy also has a strong integrating philosophy based on the principles of ecologically sustainable development (ESD). The competing demands for use of the coastal zone's resources, together with the intrinsic fragility of coastal environments, makes it essential to have a philosophy which provides a framework for reconciling or making choices between these competing demands. ESD is such a philosophy.

The 1997 Coastal Policy develops a number of new themes in coastal zone management which are considered by the community to be vital contemporary issues. These include the importance of coastal water quality issues, especially estuarine water quality, and the need to co-ordinate and integrate all

levels of government involved in coastal zone management.

1.1 Role of the Coastal Policy

The NSW coast is a special region in need of special attention. A framework is needed in order that balanced and co-ordinated management of the coast's unique physical, ecological, cultural and economic attributes can occur. The Coastal Policy provides this framework.

Although the coast is a special region, no single government organisation is responsible for its management, nor is it defined administratively. It is subject to management by a range of government and non-government organisations with responsibilities that may at times be complementary, but can often be disparate and overlapping. The spatial extent of these responsibilities varies widely and often extends beyond the realm of what would be considered as coastal.

The Coastal Policy represents an attempt by Government to better co-ordinate the management of the coast by identifying, in a single document, the State's various management policies, programs and standards as they apply to a defined coastal zone. These policies, programs and standards frequently obtain their legitimacy from other legislation or programs and are often implemented by local councils or the community, either in partnership with the State Government or independently. The key roles and implementation mechanisms for the policy are illustrated in Figure 1.

The Coastal Policy is therefore in fact many individual policies and programs in one. Its value is in co-ordinating the endeavours of all the players in coastal management, in identifying the State's major concerns for coastal planning and management and in

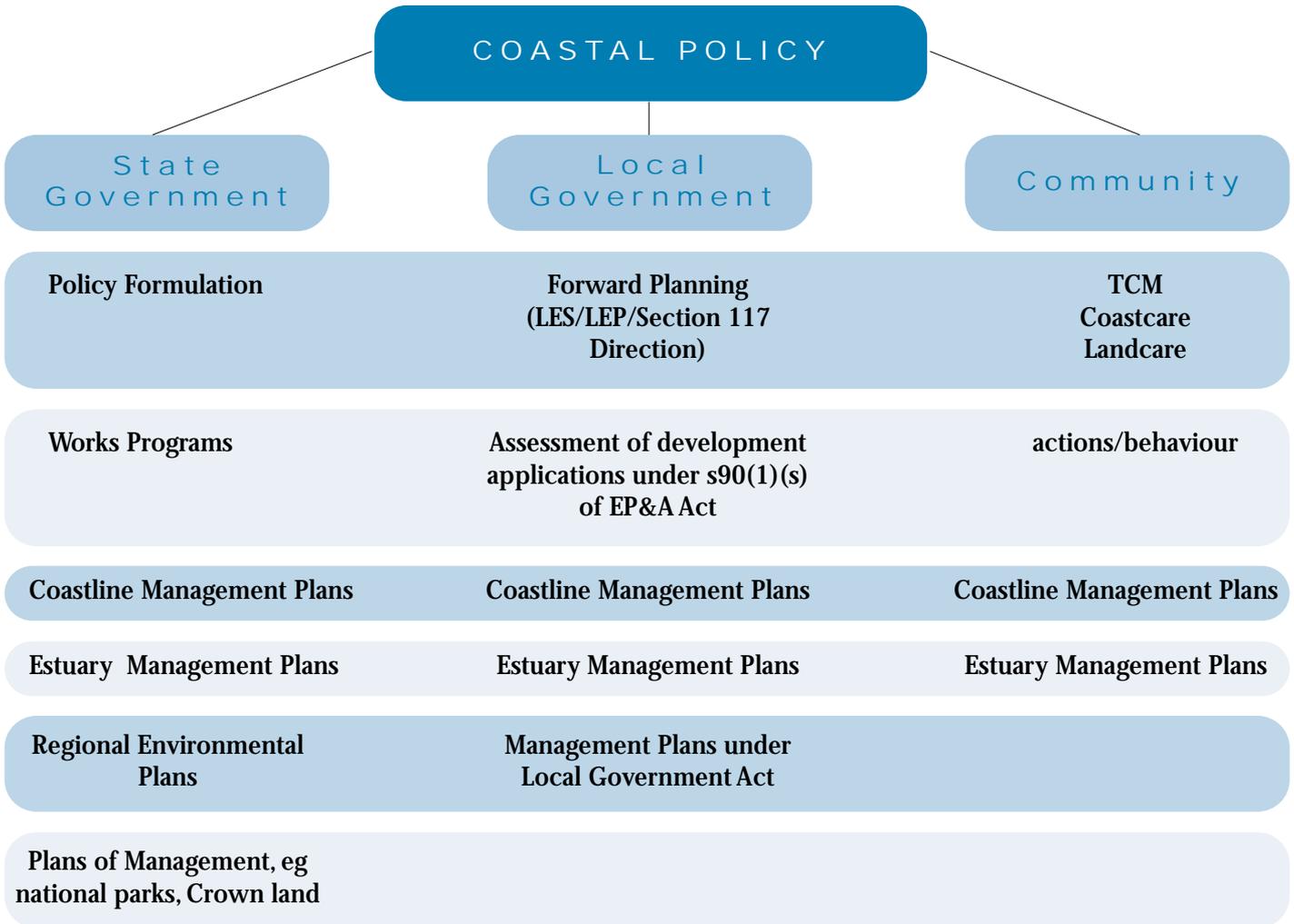


Figure 1 Coastal Policy – Key Roles and Implementation Mechanisms

providing an over-riding philosophy or ideology for coastal zone management.

The Coastal Policy is accompanied for the first time by explanatory notes to indicate how it should be implemented by local government in the planning process and reporting requirements under the Local Government Act (Appendix C). The need for explanatory notes was raised in a number of submissions to the draft revised policy and has been made necessary by the extension of the policy to cover an expanded coastal zone area. It is intended

that the explanatory notes will ensure that the planning and reporting aspects of the policy are implemented effectively.

1.2 The Review Process

The basis for the 1997 Coastal Policy is the *Draft Revised Coastal Policy for NSW* (1994) prepared by the Government’s independent advisory body on coastal matters, the Coastal Committee of NSW.

Considerable community input was involved in the formulation and review of the draft revised coastal policy. This included:

- A series of public workshops in the major coastal centres of Kiama, Narooma, Newcastle, Port Macquarie, Ballina and Sydney. These workshops were attended by some 250 people representing industry, peak organisations, community and conservation groups and local government.
- Distribution of a brochure *The NSW Coast — Have Your Say in its Future*. Over 120 submissions were received in response to this brochure.
- Public exhibition of the Draft Revised Coastal Policy for NSW between April and October 1994. In excess of 200 submissions were received in response to the draft policy.

The Coastal Committee reviewed the draft revised policy in the light of public submissions and then forwarded a recommended coastal policy to the Minister for Urban Affairs and Planning for his consideration.

The policy recommended by the Coastal Committee has been used substantially as the basis for the Government's new coastal policy.

1.3 Public Submissions

Over 200 submissions were received in response to the public exhibition of the *Draft Revised Coastal Policy for NSW*

Most submissions supported the overall aims of the draft policy. The most significant issues raised in submissions were:

- consider mechanisms for ongoing public participation and education;
- consider the issue of ballast water discharge;
- integrate the policy's goals with councils' and agencies' corporate planning goals as part of improved co-ordination between councils and agencies;
- raise the profile of wetlands, biodiversity and ecologically sustainable development in the policy;
- consider further control over the use of recreational (4WD) vehicles and recreational water craft;
- consider the issue of safety in the coastal zone, particularly as it relates to beach hazards;
- include the metropolitan areas of Sydney, Newcastle and Wollongong in the policy;
- extend the definition of the coastal zone to include coastal islands, lakes, lagoons and estuaries, the tidal reaches of coastal rivers and land adjoining them.

The Government has had regard to the issues raised in public submissions in finalising the 1997 Coastal Policy and in particular has accommodated the overwhelming public view that an expanded coastal zone should be established.

The new definition of the coastal zone includes a one kilometre strip along the coastline, three nautical miles seaward and all coastal rivers, lakes, lagoons, estuaries and islands. The definition also includes land within one kilometre of coastal rivers, lakes, lagoons, estuaries and islands. This is a compromise between Option 3 (40m around coastal rivers, lakes, lagoons, estuaries and islands) and Option 4 (5 km around coastal rivers, lakes, lagoons, estuaries and islands), two of the most favoured options in the exhibited coastal policy.

The full definition of the coastal zone is provided in Section 2.4.

Strong consideration was given to including the urban areas of Sydney, Newcastle, the Illawarra and Central Coast in the new Coastal Policy, however this was considered to potentially conflict with the large range of regional plans and policies which protect sensitive coastal areas in these regions.

A stocktake indicates that there are over 20 regional environmental plans, regional coastal planning strategies and regional coastal management strategies existing or in preparation in the Greater Metropolitan Region (GMR), which are of direct relevance to the planning and management of the coastal zone. Examples include the Sydney Eastern Beaches REP, the Sydney and Middle Harbour REP, the Sydney Regional Coastal Management Strategy being prepared by the Sydney Coastal Councils Group, the Hunter Coastal Urban Settlement Strategy, the Illawarra Coastal Planning Strategy (in preparation) and the Central Coast Regional Planning Strategy (in preparation). A broader policy framework is provided in the GMR by the Metropolitan Strategy (*Cities for the 21st Century*). There is also a large number of local planning instruments and local coastal and estuary management plans which are of relevance.

The Government's new Coastal Council, to be established in association with the new Coastal Policy, will undertake a priority review of these regions to ensure that significant coastal attributes are adequately protected by the range of existing and proposed planning and management mechanisms.

The offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark, will also still apply in the Sydney, Newcastle, Illawarra and Central Coast regions

in order that important strategic actions in the policy relating to beaches and oceanic water quality are given effect.

1.4 New Initiatives

The Government since early 1995 has embraced a number of new initiatives in coastal zone management which have been incorporated into or support the 1997 policy. The most significant of these initiatives are:

- the decision to prohibit canal estate developments on the coast in recognition of the impacts these developments have on water quality, flooding and valuable ecosystems;
- the establishment of a public inquiry into the ocean disposal of effluent and availability of alternate effluent re-use and disposal technologies;
- the prohibition of new sand mining ventures in coastal national parks and other identified environmentally sensitive areas;
- development (other than for essential public purposes such as surf life saving clubs) on beach fore dunes is to be prohibited;
- public access to beaches is not to be impeded by tourist resort developments
- the Government has instigated action to ensure that developments proposed for a number of environmentally sensitive sites on the NSW coast are carefully considered and conservation values protected. This led to the acquisition of important sites at Cullendulla and North Ocean Shores by the Department of Urban Affairs and Planning for transfer to the National Parks and Wildlife Service.

1.5 Key Themes

The 1990 Coastal Policy was largely responding to the issue which was perceived as most critical at the time, namely the pressure for large-scale tourist and residential developments. These were often proposed for inappropriate locations, eg remote from existing urbanised areas, or were of an inappropriate scale or built form.

While this issue is still a valid concern to be addressed by the coastal policy, new issues have emerged since 1990 which are required to be addressed by a new coastal policy. These include the need to consider population growth both in terms of physical location and absolute limits; the need to address coastal water quality issues, especially in relation to estuarine water quality; the related issue of the disturbance of acid sulfate soils; the critical need to ensure an adequate, comprehensive and representative system of reserves is established in the coastal zone; the need to ensure better integration of the range of government agencies and community organisations involved in coastal zone planning and management; and the need to integrate the principles of ESD into coastal zone management and decision-making.

The 1997 Coastal Policy is essentially focused on recognising the need to reconcile the rapid population growth currently being experienced in coastal areas with the need to conserve what remains of valuable ecosystems. The pressing need to achieve this is reflected in the following statistics:

- over 80% of the State's population lives in the local government areas along the coast;
- during the period 1981-1991, the population in the non-metropolitan coastal areas of NSW increased by 45% (compared with a State-wide increase of 25%)

- four of the fastest growing regions in Australia are located in coastal NSW at Gosford–Wyong, Hunter, Illawarra and Richmond–Tweed;
- trends indicate that future population growth is likely to continue to be concentrated in coastal areas.

The new policy points to the need for councils to prepare urban and rural residential land release strategies in order that the ecological carrying capacity of coastal areas can be considered prior to making decisions to allocate new land for urban or rural residential development.

The focus on conservation initiatives does not mean that future urban development in coastal areas should be sterilised. In particular, the policy promotes the need for local housing strategies in order that opportunities to more efficiently utilise land in existing urban centres are identified. These opportunities can ensure that equity considerations are fulfilled by allowing more people to live in the coastal zone while preserving important environmental attributes.

While the 1997 Coastal Policy has a major focus on the planning of new development, the policy is also concerned with the more effective management of existing development and resources in the coastal zone. This is to be achieved through a range of initiatives such as coastline and estuary management plans, the total catchment management network and community rehabilitation initiatives such as Landcare and Coastcare.

A central focus of the 1997 Coastal Policy is the need to establish an adequate, comprehensive and representative system of protected areas and reserves in the coastal zone. This includes the development of a system of marine parks by the recently established



Marine Parks Authority, as well as the more conventional terrestrial reserves. Funding will continue to be allocated to this purpose through schemes such as the Coastal Lands Protection Scheme and National Parks and Wildlife Service acquisition programs.

A major focus of all inquiries into management of the coastal zone is the need for greater integration of the three levels of government in order that common purposes are established and duplication and wastage of funding and resources does not occur. The 1997 Coastal Policy establishes clear mechanisms for the critical relationships between state and local government and state and commonwealth government. In association with the development of

the new coastal policy, the NSW Government has recently signed a Memorandum of Understanding (MOU) with the Commonwealth Government and local government which establishes joint priorities and access to a range of funding initiatives.

Throughout the 1997 Coastal Policy, the principles of ESD provide a guiding and an integrating role. ESD provides a framework for reconciling and, where necessary, making choices between competing demands for access to the resources of the coastal zone.

2. The Policy Statement

The 1997 Coastal Policy responds to the fundamental challenge which confronts management in the coastal zone. This is to provide for population growth and economic development without putting the natural, cultural and heritage values of the coastal environment at risk. This is a particularly complex task in view of the intense pressure for development often experienced in the coastal zone and the natural fragility of coastal environments. Appendix A provides background information on the significance of the NSW coast.

The 1997 Coastal Policy recognises that the community wants assurances that governments can accommodate the competing demands of environmental protection and conservation and population growth and economic development in a responsible, sustainable and systematic way.

This will require strategies that effectively direct the management of the coastal zone for current and future generations. These strategies must be integrated into every facet of coastal zone management if the policy is to be successful.

2.1 An Ecologically Sustainable Coast

The 1997 Coastal Policy has as its central focus the ecologically sustainable development (ESD) of the NSW coastline. This is in recognition of the fact that the coast is the focus of intense pressures from human activity and that there are a large range of competing interests for its resources. An approach based on ESD represents the best opportunity of reconciling these competing interests.

ESD refers to development that uses, conserves and enhances the community's resources so that the ecological processes on which life depends are maintained and the total quality of life now and in the future can be increased (CoA, 1992b). This is the

fundamental basis of the 1997 Coastal Policy as it recognises the interdependence of human welfare and the environment and the ability of such an approach to satisfy the human need for improved quality of life.

The 1997 Coastal Policy is based on the four principles of ESD contained in the Intergovernmental Agreement on the Environment (IGAE) signed in 1992. These principles are:

- Conservation of biological diversity and ecological integrity. This refers to the need to conserve the variety of all life forms, especially the variety of species, and to ensure that the productivity, stability and resilience of ecosystems is maintained.
- Inter-generational equity. This requires that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations. Social equity considerations, in terms of equal access opportunities to resources, is inherent in the concept of inter-generational equity.
- Improved valuation, pricing and incentive mechanisms. This requires environmental factors, such as the value of ecosystems, polluter pays principles etc, to be incorporated into the valuation of assets and services and considered in decision-making processes.
- The precautionary principle. Requires a risk averse approach to decision making. Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty is not to be used as a reason for postponing measures to prevent environmental degradation.

ESD is particularly relevant to the coastal zone in view of the nature of the coastal environment and the varied and intense demands placed on its resources (see The Coastal Policy and ESD box).

The coastal zone represents the interface between marine and terrestrial environments and as such contains an inherent vulnerability. This is reflected in processes such as shoreline recession and erosion of beaches and dunal systems. Water quality impacts are also brought into sharp focus in the coastal zone due to the pressures of rapid population growth and the direct contact between land and aquatic environments.

It is clear that an approach which promotes unchecked population growth in the coastal zone can not succeed. This is because the natural assets which make the coastal zone desirable as a place to live will be diminished and the ecosystems necessary for the survival of a variety of life forms will be destroyed.

Equally, it is not possible to consider a future for the coast where development opportunities are totally curtailed. Such an approach would not be consistent with the social equity principles inherent in the ESD concept of inter-generational equity, as it would reduce access to living opportunities in the coastal zone and

would inflate the value of existing developments by reducing supply. It would also negate opportunities to obtain environmental improvement through locating population growth in areas with spare capacity, eg some established cities, towns and villages, and the creation of “critical masses” for alternative technologies, eg re-use and land disposal of effluent.

The principles of ecologically sustainable development (ESD) should be used to guide decision making in all areas and activities affecting the NSW coast. These principles should be considered by local councils in decisions relating to development applications, LEPs and their own activities, by State agencies in relation to planning, policy formulation, works and funding, by the development industry when framing development proposals, and by the community in relation to everyday activities.

Together these principles should result in development which is in harmony with the environment and ecological processes of the coast.

The Coastal Policy and ESD

The Coastal Policy addresses the four principles of ESD in a variety of ways. These include:

Conservation of biological diversity and ecological integrity

The location of new developed and resource exploitation opportunities in the coastal zone becomes a major concern if areas which are critical for the conservation of biological diversity and ecological integrity are to be conserved.

The policy promotes the reservation from development of critical habitat. This is done by

focusing on provisions in the Threatened Species Conservation Act, 1995 (TSC Act) and the establishment of adequate, comprehensive and representative reserves systems for aquatic, inter-tidal and terrestrial areas. A system of marine parks is to be established by the newly formed Marine Parks Authority. The acquisition of lands with high conservation values is also promoted by the policy. The NSW Government is currently examining legislation to apply provisions similar to the TSC Act to fish, other aquatic organisms and marine vegetation.

The policy envisages an approach to new development and resource exploitation in the coastal zone which balances human and ecological

needs. In practical terms, this is to be promoted by the effective forward planning of the new residential and resource exploitation opportunities through mechanisms such as coastal urban planning strategies and rural residential land release strategies. While responsibility for detailed local planning rightly belongs with local councils, it is important that it occurs in a context which recognises the importance of preserving biological diversity and the need to obtain a regional perspective when assessing this issue.

Inter-generational equity

The policy promotes the concept of inter-generational equity in a number of ways. These include:

- the restrained use of non-renewable resources in the coastal zone;
- promotion of alternative methods and technologies for dealing with waste disposal in the coastal zone, eg through the re-use or land disposal of effluent;
- the preservation of essential natural and cultural resources of the coastal zone for the benefit and enjoyment of future generations;
- the promotion of fair and equitable access to the resources and assets of the coastal zone;
- recognition of the need to continue to provide ecologically sustainable settlement opportunities in the coastal zone in order that social equity considerations are met.

Improved valuation, pricing and incentive mechanisms

The 1997 policy has a focus on estuarine water quality in recognition of the emergence of this

issue as a major concern in the coastal zone.

The policy promotes the resolution of this issue through, firstly, a waste minimisation emphasis and, secondly, recognition of the need to ensure that the “polluter pays” principle is enshrined in coastal zone decision making.

A significant cause of environmental degradation in the coastal zone is the under-valuation or non-valuation of the environment and the long held belief that use of “commons”, such as water resources, is free and unconstrained.

The Coastal Policy promotes the need to fully value all the resources of the coastal zone when making decisions which affect coastal resources, and to move away from traditional, narrowly conceived cost benefit analysis techniques.

The precautionary principle

The Coastal Policy uses the precautionary principle as an integrating mechanism for considering and addressing a range of issues in the coastal zone.

The precautionary principle should be used at the project level, for example in assessing development applications in areas prone to shoreline recession, and at the strategic level, for example in the development of coastline management plans and local environmental plans. The precautionary principle is particularly relevant to the issue of climate change and sea level rise in coastal areas.

While the precautionary principle does not require a ‘no development’ approach, it does require a risk averse approach to decision-making, especially where locational considerations are critical or where environmental impacts are uncertain but potentially significant.



2.2 The Framework

The 1997 Coastal Policy provides a strategic policy framework for the coast in order to guide decision making. It sets a direction to be taken by local and State government in the planning and management of the coast and in works and activities impacting on the coast.

The policy brings together in a central place all planning and management initiatives which are occurring in relation to the coast. The policy includes both ongoing actions carried forward from the 1990 policy and a significant number of new initiatives.

The structure of the policy is schematically illustrated in Figure 2 and the salient details of the policy are outlined in Figure 3. The strategic actions for implementation of the policy are contained in Part B.

The policy is also underpinned by a number of

principles which are designed to guide decision making and to clarify the basic philosophy of the goals (Appendix B).



Figure 2 Schematic Representation of the Coastal Policy

The overriding vision of the 1997 Coastal Policy is the ecological sustainability of the NSW Coast. In order to give expression to this vision, nine goals have been adopted which represent a commitment to:

- Protecting, rehabilitating and improving the natural environment of the coastal zone.
- Recognising and accommodating the natural processes of the coastal zone.
- Protecting and enhancing the aesthetic qualities of the coastal zone.
- Protecting and conserving the cultural heritage of the coastal zone.
- Providing for ecologically sustainable development and use of resources.
- Providing for ecologically sustainable human settlement in the coastal zone.
- Providing for appropriate public access and use.
- Providing information to enable effective management of the coastal zone.
- Providing for integrated planning and management of the coastal zone.

While the goals of the policy relate to three key areas of conservation, human activities and implementation, it is important that the policy be viewed holistically. Its application depends on the whole policy, not on components in isolation. All nine goals are inter-related. No one is more or less important than another. It is fundamental when using the policy that a specific goal is placed in the context of the other eight goals.

2.3 Key Actions

The Coastal Policy contains a large number of strategic actions relating to coastal planning and management which are detailed in Part B. Some of the key actions promoted by the policy are:

- Water quality in coastal waters, estuaries and rivers will be maintained where it is currently adequate, or improved where it is currently inadequate. This will be addressed through a number of specific actions designed to control discharges from both point and non-point sources, including development and implementation of management and monitoring programs.
- New ocean outfalls will be embargoed until a full investigation of alternative wastewater strategies has been undertaken and considered by the Government.
- Protection and restoration of important fisheries habitats, such as seagrasses and mangroves, will continue to be undertaken.
- SEPP 14 Coastal Wetlands and SEPP 26 Littoral Rainforests will be rigorously enforced and extended where appropriate in recognition that what remains of these valuable ecosystems needs to be fully protected from inappropriate development.
- Coastal lands and aquatic environments with conservation values will be assessed and appropriate tenures, reservations, zonings and/or regulations will be put in place to protect them, conserve biodiversity and to protect and ensure the recovery of threatened species.
- An adequate, comprehensive and representative land, marine and inter-tidal conservation reserves system will continue to be developed.

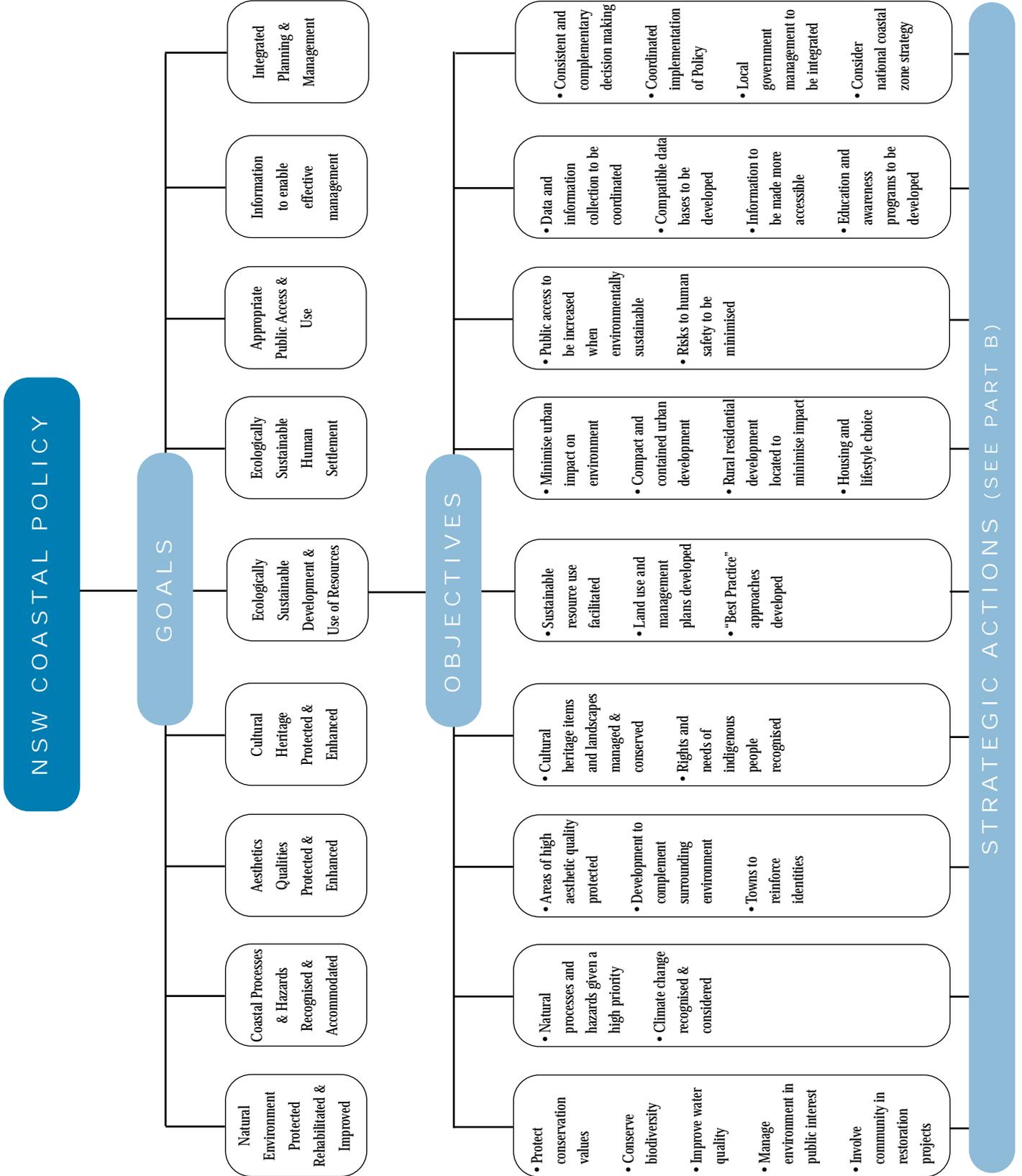


Figure 3 Major Elements of the Coastal Policy (Coastal Policy is based on the principles contained in Appendix B)



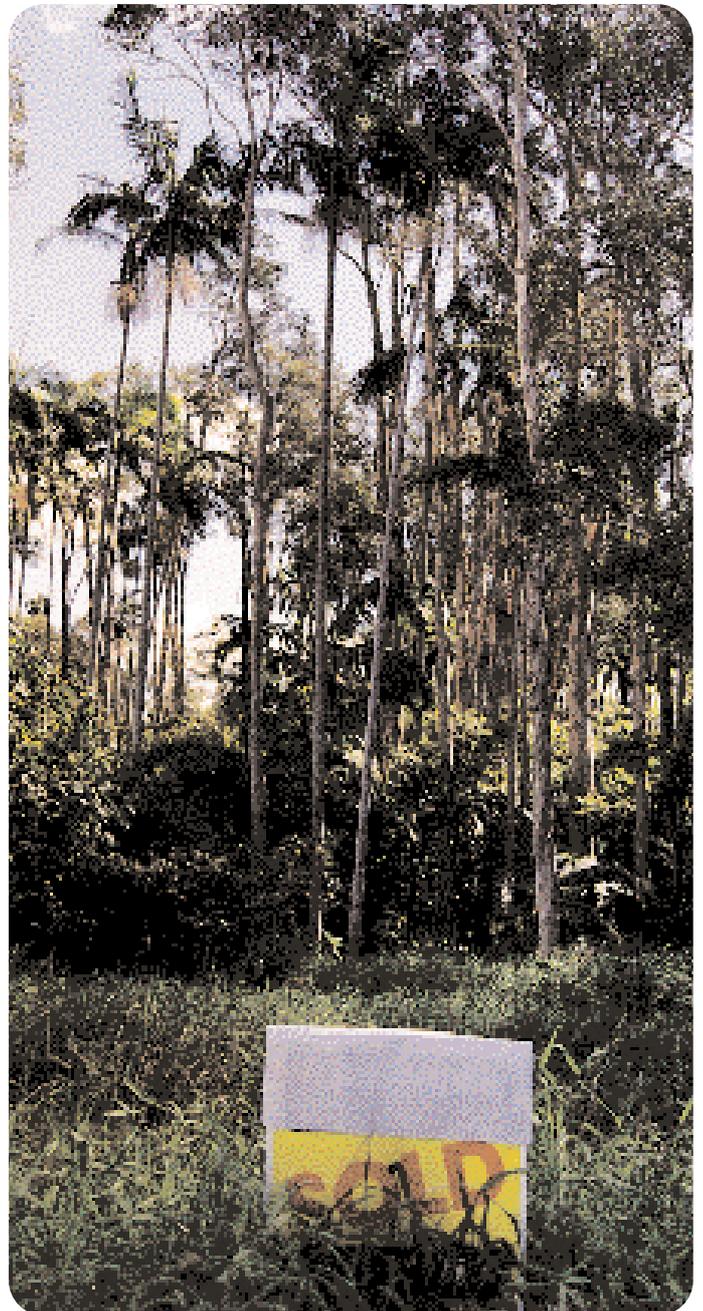
- Coastal lands with high conservation values will continue to be acquired and dedicated or reserved for a public purpose.
- All efforts will be made to avoid disturbance of potential acid sulfate soils and appropriate management strategies and monitoring protocols developed where such soils are disturbed.
- Beaches, frontal dunes and undeveloped headlands will be protected and only minor development will be permitted for essential public purposes, eg surf life saving facilities.
- Development proposals will have to conform with specified design and planning standards to control height, setback and scale to ensure public access and to ensure that beaches and foreshore open spaces are not overshadowed.
- Canal estate developments will be prohibited in recognition of the fact that they can pose serious water quality problems, threaten the integrity of coastal wetlands and fisheries habitats, exacerbate flooding problems and disturb potential acid sulfate soils.
- The aesthetic qualities of both the natural and built environments will be identified, protected and promoted through the continued acquisition of coastal lands under the Coastal Lands Protection Scheme and the implementation of design guidelines, planning instruments, management plans, programs and regulations.
- Cultural heritage will be protected and conserved through a variety of planning and management programs.
- The impacts of natural coastal processes and hazards will be addressed in coastline and estuary management plans administered by the Department of Land and Water Conservation and management programs implemented by local councils in

partnership with State agencies.

- Investigations and monitoring of climate change for coastal areas will continue and sea level rise scenarios will be incorporated into management plans and other mechanisms, where appropriate.
- The rights and needs of indigenous people will be considered in the review of coastal policies and programs.
- Potential opportunities for the sustainable use and development of coastal resources, across all industry sectors, will be identified, and facilitated where appropriate.
- A systematic program of assessing and mapping rural lands will be continued to identify and protect sustainable agricultural land uses.
- Catch levels and harvesting strategies for major commercial and recreational fisheries will be identified and set.
- Strategies for the maintenance and/or development of commercial and recreational ports to the year 2015 will be developed.
- The NSW Tourism Masterplan to facilitate the shape, direction, and development of the New South Wales tourism industry will be implemented.
- Future expansion of urban and residential areas will provide for choices in both housing and lifestyle and, where possible, avoid or minimise the impacts on environmentally sensitive coastal areas and items of natural and cultural heritage.
- Strategies for future rural residential development in coastal areas will be prepared in an effort to ensure the compatibility of development with the

environment and other land uses, including prime agricultural land.

- Ribbon development, unregulated cluster development, continuous urban areas and other inappropriate housing developments on the coast will be discouraged.





- To increase the opportunities for public access to coastal foreshore areas, the acquisition of significant sites will continue and facilities will be provided in appropriate locations.
- Special recreational vehicle areas will continue to be established in appropriate coastal locations.
- The integration of coastal data and information with coastal planning and management programs will be encouraged across State and local government agencies.
- Information on coastal processes, planning and management will be made more accessible to all levels of government, the private sector and the community, and policies for accessing information will be developed and made publicly available.
- Investigations will be undertaken on the development of compatible data bases for coastal resource information.

- Consistent and complementary decision making across the three spheres of government will be facilitated through implementation of measures such as the Inter-Governmental Agreement on the Environment, the National ESD Strategy, National Greenhouse Response Strategy and the National Biodiversity Strategy.
- Local councils will be required to make new local environmental plans consistent with the Coastal Policy and to adopt planning and development controls specified in the policy where appropriate.
- State Government agencies, when preparing policies, programs and procedures for coastal zone planning and management, will be required to ensure they are consistent with the Coastal Policy and have regard for national and international strategies, policies and agreements.
- Local communities and their councils will be encouraged to work with government agencies in caring for the coast through a range of programs.
- A coordinated implementation and review strategy for the Coastal Policy involving State and local government, the community and the Coastal Council will be developed.

2.4 Where does the Policy Apply?

The definition of the coastal zone adopted for the 1997 Coastal Policy has been significantly expanded from the 1990 policy. The policy has been extended to include coastal estuaries, lakes, lagoons, islands and rivers in recognition of the strong connection between coastal estuarine processes and the processes of the littoral coastal zone. This expansion of the policy enables pressing coastal issues such as water quality

and flooding to be addressed in a more holistic and integrated way.

The coastal zone is illustrated on the maps produced to accompany this policy which will be available for public inspection at all local councils. Mapping of the coastal zone is based on the following criteria.

- three nautical miles seaward of the mainland and offshore islands;
- one kilometre landward of the open coast high water mark;
- a distance of one kilometre around:
 - all bays, estuaries, coastal lakes, lagoons and islands;
 - tidal waters of coastal rivers to the limit of mangroves, as defined by NSW Fisheries' (1985) maps¹ or the tidal limit whichever is closer to the sea;
- with the line on the maps being taken to the nearest cadastral boundary and/or easily recognisable physical boundary, in consultation with local councils.

The policy applies to both urban and non urban areas along the New South Wales coast outside the Greater Metropolitan Region. In urban areas covered by the coastal zone, the policy applies to all new developments and publicly owned lands. Urban areas are defined as existing cities, towns and growth centres where physical and human services and infrastructure, such as commercial, residential and industrial facilities, are already in place. The policy, however, has no impact on the existing use rights of residential (or other) developments.

¹ See West et al: Fisheries Bulletin No.2. Department of Agriculture NSW.

The policy will not apply in the urban areas of the Sydney, Newcastle, Illawarra and Central Coast regions. This means that the coastal local government areas extending from Newcastle in the north to Shellharbour in the south are excluded from the policy.

Strong consideration was given to including these areas in the new Coastal Policy, however this was considered to potentially conflict with the large range of regional plans and policies which protect sensitive coastal areas in these regions. The Metropolitan Strategy (*Cities for the 21st Century*), together with a number of regional coastal planning and management strategies either existing or in preparation, provides the appropriate policy direction in these regions. Further information on this issue is contained in Section 1.3.

The offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark, will still apply in these regions. This is so the large number of strategic actions in the policy relating to oceanic water quality and protection of beaches are given effect.

Figures 4-7 (pages 26-29) show the extent of the coastal zone for the entire NSW coast.

2.5 Implementation

The 1997 Coastal Policy is policy for the full length of the New South Wales coastline and it therefore has to be flexible in nature. It does, however, allow for specific implementation at the local level, to suit local circumstances. To be effective, the policy needs to be implemented by both State and local government and the community. The community's involvement through programs such as TCM, Coastcare, Fishcare, the Marine and Coastal Community Network, estuary and coastal management committees, conservation groups and



resident action groups is vital to the success of the policy.

Implementation

Implementation of the Coastal Policy will occur as a result of implementation of the strategic actions identified in Part B of the policy. These strategic actions are the practical embodiment of the philosophy and principles on which the policy is based.

The 1997 Coastal Policy is Government policy and all New South Wales State Government agencies and local councils are obliged to take account of it in the preparation of their own specific policies and programs.

In response to a strong public view that the policy's goals should be integrated with the corporate planning goals of agencies (see Section 1.3), it is proposed that all State agencies involved in coastal zone management should include the implementation of the Coastal Policy

in their corporate plans. This will ensure that the Coastal Policy is built into the core business of agencies and will result in the progressive implementation of the policy.

Local councils have primary responsibility for planning and development in the coastal zone. It is recommended that local councils address their implementation of the Coastal Policy through the management plans which they are required to prepare under Section 402 of the Local Government Act, 1993. This will ensure the progressive implementation of the Coastal Policy at the local level. In preparing their plans, local councils should recognise the substantial work undertaken by community groups in coastal zone management.

It is proposed that these corporate plans and management plans, together with mechanisms for agencies and councils to report on implementation of the policy such as annual reports and state of the environment reports, will provide the basis for the Coastal Council's annual report on progress achieved in implementing the policy.

Local Government Planning

A Section 117 Direction under the EPA Act, 1979 has been issued to ensure local councils take account of the Coastal Policy in the preparation of local environmental plans (LEPs). The Direction requires draft LEPs to give effect to and be consistent with the policy and requires local environmental studies to accompany rezoning applications for land within the coastal zone. The Director-General can waive the need for an environmental study where the rezoning is considered to be of a minor nature or where adequate environmental information already exists as a result of previous studies.

The Coastal Council will have the ability to review existing LEPs in the coastal zone to ensure compatibility with the Coastal Policy.

Councils are also required to consider the Coastal Policy when determining development applications under Section 90 of the EPA Act, 1979.

The policy applies to both a littoral coastal zone, one in which oceanic or wave-dominated processes are dominant, and an estuarine coastal zone. While it is recognised that there is a fundamental connection between littoral coastal zone processes (usually considered as the area one kilometre landward of the open coast high water mark) and coastal estuarine processes, there are also fundamental differences in the extent to which the Coastal Policy should apply to these two broad zones. The estuarine coastal zone is, for example, much more concerned with water quality issues than issues relating to shoreline recession, especially where the tidal or mangrove limit of rivers may be remote from the ocean or littoral coastal zone. It is clear, for example, that the Coastal Policy should apply quite differently to a development upstream on the Clarence River when compared with a

development in the littoral coastal zone on the south coast of NSW.

For this reason, Explanatory Notes (Appendix C) accompany the policy to indicate which provisions of the policy are most relevant to the littoral coastal zone and the estuarine coastal zone and to indicate how the policy should be implemented with regard to LEPs, development control and local government reporting.

Enforcement

As discussed, the Coastal Council will monitor and review implementation of the Coastal Policy and report on this through its annual report.

While it is not envisaged that the Council will become a 'coastal policeman', it will have a role in ensuring that all parties responsible for implementation of the policy perform this role effectively. In particular, the Council will have a review role in ensuring that major rezonings and major new developments in the coastal zone are consistent with the ESD principles on which the policy is based.

A range of mechanisms exist to remedy non-compliance with the Coastal Policy, including the ability to "call in" development proposals under section 101 of the EP&A Act for determination by the Minister for Urban Affairs and Planning, and the use of stop work and conservation powers by the Minister for the Environment under the National Parks and Wildlife Act and Threatened Species Conservation Act. The EPA also has powers to issue and enforce licenses and, if necessary, prosecute under the Environmental Offences and Penalties Act. These powers will be used sparingly but appropriately to ensure implementation of the Coastal Policy.

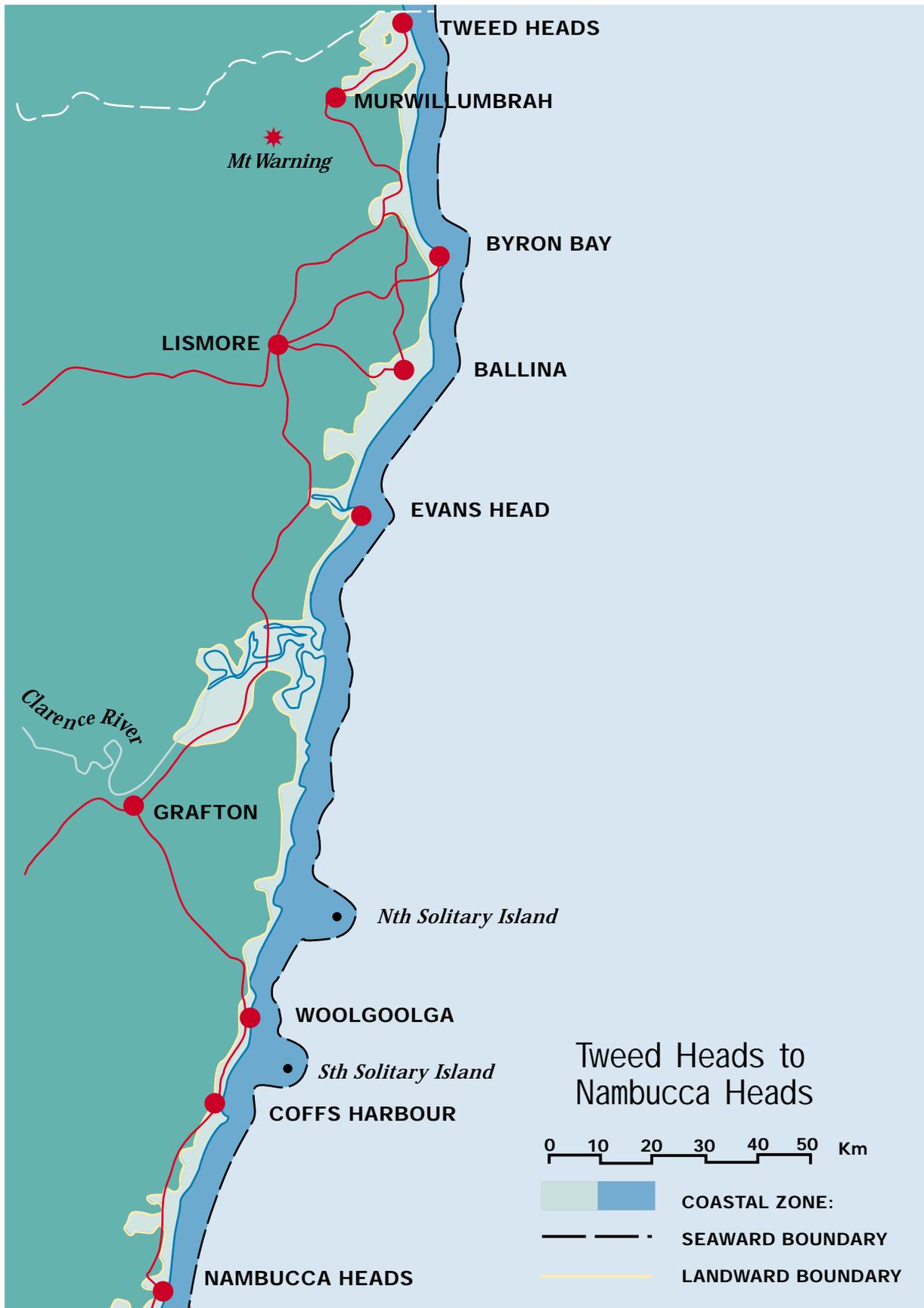


Figure 4 - Coastal Zone - Tweed Heads to Nambucca Heads

Note: This map is schematic. For accurate interpretation of the coastal zone, refer to the series of 1:25000 maps available at coastal local councils.

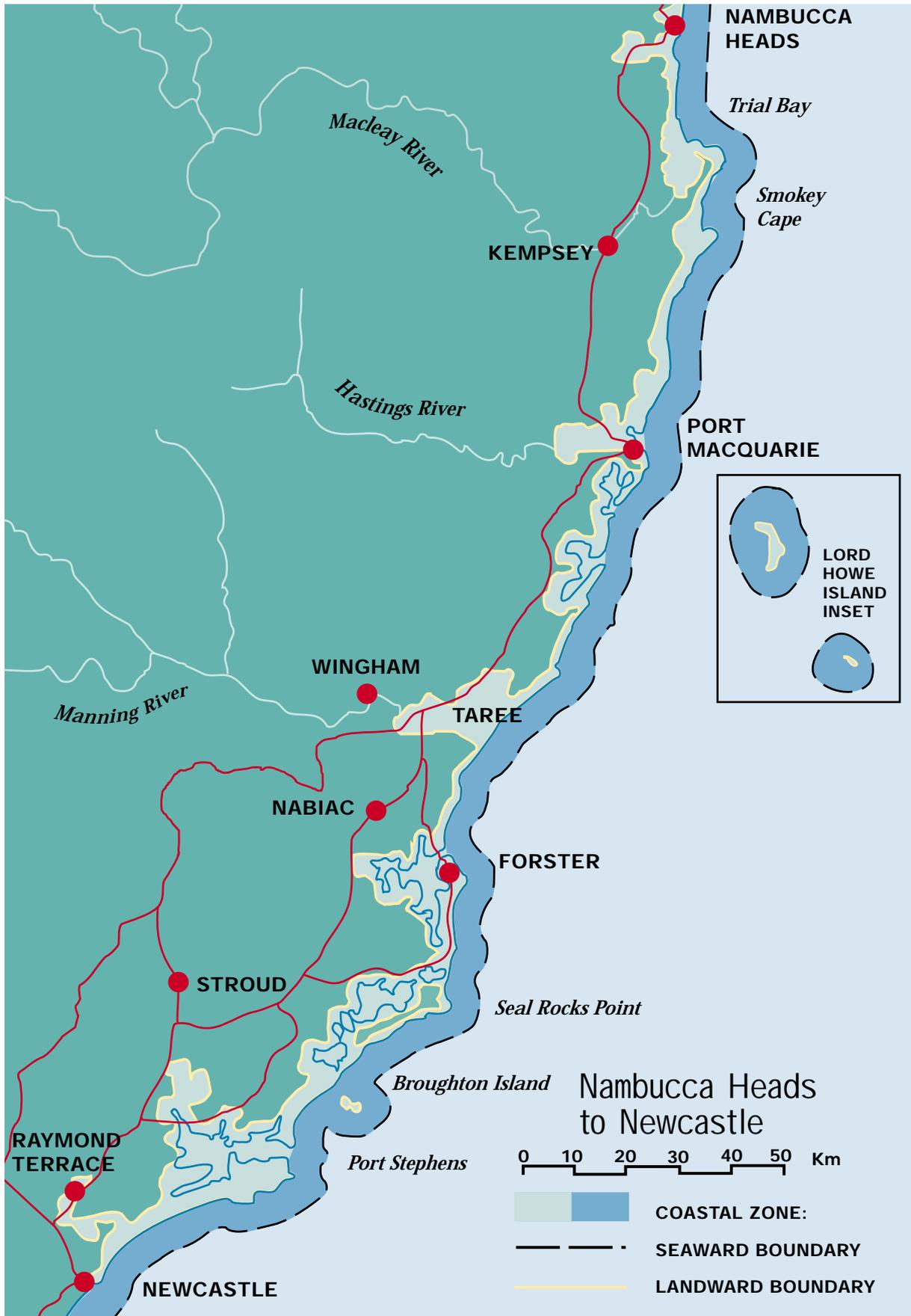


Figure 5 - Coastal Zone - Nambucca Heads to Newcastle

Note: This map is schematic. For accurate interpretation of the coastal zone, refer to the series of 1:25000 maps available at coastal local councils.



Figure 6 - Coastal Zone - Newcastle to Ulladulla

Note: This map is schematic. For accurate interpretation of the coastal zone, refer to the series of 1:25000 maps available at coastal local councils.



Figure 7 - Coastal Zone - Ulladulla to Cape Howe

Note: This map is schematic. For accurate interpretation of the coastal zone, refer to the series of 1:25000 maps available at coastal local councils.

3. Strategic Actions Overview

The 1997 Coastal Policy is the Government's policy for the co-ordinated planning and management of the NSW coastal zone.

As indicated in Section 2.2, the policy is divided into nine goals which establish the desired overall long term outcomes for the policy. The goals are underpinned by a set of principles (Appendix B) which clarify the basic philosophy of the goals.

Flowing on from the goals are objectives. These are operational targets which, when met, ensure that the goal is achieved.

Under each objective are strategic actions. These provide the context for both Local Government and State Government decision making and resource allocation. Because the policy applies to the full length of the New South Wales coastline many of the strategic actions are general in nature. They do, however, provide for State Government agencies and local councils to develop specific work programs to address local and

regional conditions in giving effect to the strategic actions and objectives outlined in the policy.

The strategic actions of the policy are detailed in Part B and are essentially the way in which the policy will be implemented.

The strategic actions relate to the key areas of the policy, namely the natural environment (including water quality), natural processes and climate change, aesthetic qualities, cultural heritage, ecologically sustainable development and use of resources, ecologically sustainable human settlement, public access and use, effective management and integrated planning and management.

As discussed in the following chapter, the implementation of the strategic actions of the policy will be subject to annual review by the Coastal Council to ensure implementation is effective and to ensure that the actions are addressing contemporary needs in coastal zone planning and management.

4. Monitoring and Review

The coast is an area which is constantly evolving and in which new challenges for management are continually presented.

Priorities for management in the coastal zone will change over time. This is reflected in the more holistic approach adopted in the 1997 Coastal Policy compared with the emphasis of the 1990 Coastal Policy on large-scale urban and tourist development.

It is necessary that Government and the community respond to changes in priorities for coastal management and that the Coastal Policy is relevant and reflects the community's aspirations for effective and integrated coastal management.

It is also necessary to periodically review planning and management mechanisms such as the Coastal Policy to ensure that goals and objectives are being attained.

It is proposed that monitoring and review of the Coastal Policy will occur through a number of mechanisms.

As discussed in Chapter 2, all Government agencies and all local councils involved in coastal zone management will give effect to their implementation of the Coastal Policy through their corporate plans or management plans.

Government agencies and councils will report on progress in implementing the Coastal Policy through their annual reports and state of the environment reports.

These State and local government plans and reporting mechanisms will form the basis for implementing the Coastal Policy and as such can serve as a benchmark for monitoring the extent to which the goals and objectives of the Coastal Policy are being achieved.

The strategic actions in the Coastal Policy will be the subject of a report by the Coastal Council to the Minister for Urban Affairs and Planning and Parliament every year in accordance with strategic action 9.2.2 which assesses the extent to which the strategic actions are being implemented. The plans and reports of agencies and councils will form the basis for the Coastal Council's report.

It is proposed that the Coastal Policy will be formally reviewed in five years time to ensure that it is effective and meeting contemporary needs.

While the nature of a policy such as the Coastal Policy means that formal reporting and monitoring mechanisms occur over a reasonably long time period, it should be recognised that it is possible to introduce new initiatives in coastal zone management at any time in order to anticipate or respond to critical issues.

The Coastal Policy is largely a framework for policy initiatives which are taken by a range of State and local government agencies and community groups and as such new initiatives will inevitably occur in coastal zone planning and management prior to the formal monitoring and review mechanisms established for the Coastal Policy.

