

## **APPENDIX 5**

### **Existing Local State and National Policies and Programs**

## **Appendix 2**

# **Wyong Shire Council Policies and Plans State and National Policies, Programs and Guidelines**

This appendix provides additional contextual information for the management of the Wyong coastline, based on a number of planning instruments, policies and management plans that are currently in place and are relevant to Wyong, prepared or implemented by local, regional, State and National scale institutions.

## **1.0 Wyong Local Environmental Plan**

The Wyong LEP has been in place for more than a decade and is currently being updated to be consistent with the State template.

The zones in the current LEP are shown in Figure 1, and include, for the coast:

- 2 Residential
- 6 Open Space
- 7 Environment Protection
- 8 National Park

**Insert LEP map**

## **2.0 DCP 77 – Coastal Hazards (1999)**

DCP 77 was introduced in 1999, as an interim measure pending the completion of the Wyong Coastline Management Plan. The intent of the DCP is to reduce the impact of coastal hazards on owners and occupiers of coastal land in the Shire and to inform Council's decisions about development in areas that may be affected by coastal hazards. DCP 77 refers specifically to development in Toowoona Bay, Blue Bay, the Entrance, North Entrance, Hargraves Beach, Norah Head and Noraville. Each of these areas is affected by either a coastal erosion hazard, a wave runup or coastal inundation hazard or a geotechnical hazard (coastal cliffs and bluffs).

The DCP is based on coastal hazard studies prepared by AWACS 1996. These hazard studies are superseded by the coastal hazard studies that have been completed as part of the Wyong Coastal Zone Management Plan (SMEC 2009 and SCE 2009).

In DCP 77, identified hazard zones are shown on a cadastral base for each of the affected areas. The DCP prohibits development in very high hazard areas, requires specific foundation types (usually piled) for some areas and requires certain engineering studies to be completed and submitted with development applications for other areas.

The Coastal Zone Management Plan includes information suitable for revising and updating the coastal hazards DCP.

## **3.0 Tuggerah Lakes Estuary Management Plan**

The ocean entrance to the Tuggerah Lakes System is located at the southern end of the long Tuggerah Beach coastal embayment. The entrance is currently hard against the southern bedrock boundary of the embayment. The lake entrance separates The Entrance Beach from North Entrance Beach.

The Tuggerah Lakes Estuary Management Plan was completed in 2006 and is currently being implemented with a \$20 million grant from the Commonwealth government.

The Tuggerah Lakes Estuary Processes Study and Estuary Management Study which preceded the preparation of the Plan highlighted the ecological values and functioning of the Tuggerah Lakes that depend on the slow tidal water exchange through the entrance. When the entrance closes totally for lengthy periods, there are water quality and depth issues in the lakes. However, a permanently open (trained) entrance would have severe and difficult to predict impacts on the lake system.

After significant rainfall events, flood flows scour the entrance and freshwater (often poor quality) from the catchment flows out to sea through the entrance.

Under the Estuary Management Plan, WSC will continue its investment in maintaining an effective entrance to the Tuggerah Lakes system, by dredging. Additional funds (totalling \$450,000) will be invested as a high priority to provide a detailed assessment of the impact of dredging at the lake entrance on the physical, chemical and biological processes in the estuary. The entrance dredging strategy will be reviewed and modified as necessary following completion of this study.

The Estuary Management Plan also confirms that a second entrance (for instance at Lakes Beach, Budgewoi) is not recommended to improve the health of the lakes.

To be consistent with these strategies, nothing in the Coastal Zone Management Plan should lead to more permanent opening of The Entrance, encourage persistent closure of The Entrance, or increase the risk of an entrance opening at Budgewoi.

## 4.0 The Entrance Peninsula Planning Strategy (2009)

Council has prepared a detailed planning strategy for The Entrance peninsula. This planning strategy sets out detailed settlement, services and development plans for The Entrance and adjacent beaches and lake frontage. It presents a detailed local area vision and objectives.

The draft of The Entrance Peninsula Planning strategy was exhibited for community comment in March and April 2009. The Entrance peninsula includes The Entrance, Long Jetty, Toowoona Bay and The Entrance North. The draft strategy presents a vision for this area which has a strong coastal identity:

*To establish The Entrance Peninsula, with its remarkable natural and built attributes, as one of Australia's most renowned liveable and tourist coastal destinations, for all ages and groups. It will be a highly desirable place to live and work and an inviting place for return visits.*

Planning for the preparation of a new Strategy commenced in 2003 with a review of the existing 2000 Strategy. Consultation about the preparation of the revised and updated Strategy has been ongoing since 2005.

The full scope of The Entrance Planning Strategy (which includes, for instance, transport and community services) is wider than the concerns of the WSCMP, but much of the content of the Strategy is relevant. The draft Strategy places a strong emphasis on the coastal character of the district and on enhancing development that takes of advantage of that coastal character. The draft strategy divides the Peninsula into 16 precincts. Of these, parts of precincts 1 (The Entrance North Gateway), 2 (The Entrance North Village Centre), 4 ((The Entrance Channel Recreation and Residential), 9 (low to medium density residential), 12 (Oceanside residential) and 16 (Crown land/Golf Course) overlap with the area covered by the WSCMP.

The draft Strategy identifies some important attributes of The Entrance Peninsula and suggests changes to planning and management of the area to build on these strengths.

**Table 1: Key attributes of The Entrance Peninsula and proposed changes to planning and management of the area (TEPPS 2009)**

Attributes/Character	Proposed Planning Responses
<b>Natural environment</b>	
Channel with natural 'mini beach' areas, safe swimming, paddling, fishing and other water based activities	
Ocean beaches providing for swimming, surfing, fishing, kite surfing, etc.	
Islands providing scenic value, boating refuges, fishing, wildlife refuges (note these are inside the Tuggerah Lakes)	

Attributes/Character	Proposed Planning Responses
Expansive water views across the Lake and ocean, and including outstanding views of sunsets and sunrises.	Changes to building setbacks and maximum height provisions to minimise shadowing of public open space and maintain view corridors
Diversity of habitat and linkages – estuarine, terrestrial and marine.	Protect threatened species. Improve linkages between urban environment and natural attributes (open space and parkland)
Exposure to sea level rise, severe storm erosion and inundation and other aspects of climate change	Address coastal hazards and climate change issues in development controls
<b>Built and social environment</b>	
Nearby shopping and restaurants, coffee shops, tourist accommodation	Increase the flexibility of development controls, to encourage innovation using master planning approaches. However, strict performance criteria would be applied (including views and coastal hazards)
Heritage items (such as The Entrance Surf Club)	Improve tourist elements and branding – including heritage and environmental attributes
Unique sense of place and ambience	Improve tourist elements and branding – including heritage and environmental attributes Increase opportunities for indoor and outdoor activities for people of all ages and abilities (including markets, festivals, ecotourism).
Inviting waterfront streetscapes	Coastal design criteria to reinforce quality coastal design and require designs that reflect the coastal character of the area. This will replace the current maritime design theme which is stated to be causing confusion. Appropriate themed signage to reflect the coastal character of the area. Improve the public domain – streetscapes, landscaping, paving, outdoor furniture, signage, lighting, public art.
Many waterfront open space areas – including ocean side Memorial Park, The Entrance North Foreshore Reserve and others.	Changes to building setbacks and maximum height provisions to minimise shadowing of public open space areas and maintain view corridors. Improve bicycle and pedestrian facilities, extend network of tracks, provide bike parking and improve links between cycle/pedestrian facilities and public transport. Improve the public domain – streetscapes, landscaping, paving, outdoor furniture, signage, lighting, public art.

Parts of Precincts 1, 2, 4, 9, 12 and 16 of the Planning Strategy overlap with the coastline plan project area. Recommended management of these areas includes the following design concepts and actions:

#### Precinct 1: North Entrance Gateway

This is a residential coastal village area, with extensive ocean frontage as well as being the gateway to The Entrance. Objectives include improving awareness of and connections between open space and recreation facilities on the lake shore and ocean shore, improved public domain landscaping, improve amenity and shared view corridors. Identified actions

include defining the existing beach access with themed signage which also highlights the hazardous nature of the beach. Climate change risks are noted.

#### Precinct 2: The Entrance North Neighbourhood Centre

The strategy recognises the sensitive dune system in this precinct and the presence of flooding and coastal hazards. Management proposals include encouraging public access to waterfront reserves along the entrance channel and at Karagi reserve and Dunleith Point, including redevelopment of facilities suitable for a high profile recreational area. New Plans of Management will be prepared for all waterfront reserves, full public access along the waterfront will be negotiated and new themed signage will improve awareness of access opportunities. Car parking facilities will be upgraded.

#### Precinct 4: The Entrance Channel Recreation and Residential

This is the southern foreshore of the entrance channel, along Marine Parade. The character planned for this area will focus on its foreshore attributes and suitability for recreation by all age groups, including activities such as swimming, picnics, wind surfing, kite flying, views, environmental and heritage appreciation. Upgrade of the Plan of Management for the reserve areas is required, together with plans for improved recreation facilities for a high profile location. The Entrance Surf Life Saving Club is listed as having local heritage significance.

#### Precinct 12: Oceanside residential

This area includes the beach front residential land at Blue Bay and Toowoona Bay. The objectives for the area include:

To maintain and improve Blue Bay and Toowoona Bay foreshore and beaches and public access and awareness of public access to those areas for the enjoyment of residents and visitors. This will involve upgrade of beach access points including new themed directional signage and improvement of landscaping and public amenities.

.....Effective protection, conservation and management of the 'natural' environment, effective management of hazards including those associated with sea level rise, ocean processes, flooding.

#### Precinct 16: Tuggerah Lakes Golf Club and Crown lands

This area is described as having a 'seaside recreation and lifestyle character and role'. The Golf Club occupies the ocean frontage south of Toowoona Bay. The strategy objectives for this area include preservation of the natural vegetation and dune landscape that separates the golf course from the ocean. Future development is to be sited so as not to be adversely affected by coastal hazards.

## **5.0 Existing management of foreshore reserves – natural and for recreation**

Council lists 156 parks developed for public recreation in Wyong Shire. Many parks contain recreation facilities such as picnic tables, seats, playground equipment, toilets, and community information about ecological or heritage values. A few parks are designated off lead dog exercise areas. Some parks and reserves provide valuable connecting coastal habitat as well as community recreation facilities. Coastal parks and facilities are listed below

- Munmorah State Conservation Area (DECCW), with facilities at:
  - Moonee Beach
  - Coral Fern Beach (road loop to informal look out),
  - Frazer Blowhole (road access to carpark),
  - Frazer Park Beach (picnic area, camping area, parking and toilets)
  - Red Ochre Beach (picnic area, road access and toilets)
  - Podgewoy Reserve, Budgewoi Beach (walking tracks)
  - Other dune and beach access tracks along Budgewoi Beach and Lakes Beach
  - Lakes Beach Surf Life Saving Club (parking, toilets and beach access)
- Jenny Dixon Reserve at Noraville (parking, picnic area, playground equipment, beach access and toilets)
- Lions Park at Noraville (playground equipment)
- Cliff Street Reserve at Norah Head (picnic table)
- Mazlin Reserve at Cabbage Tree Harbour (Norah Head Search and Rescue area, boat launching ramp to ocean, picnic tables and playground equipment)
- Rossett Lookout and Bush Street Reserve (parking, toilets, playground equipment, picnic tables, lookout)
- Norah Head Lighthouse Reserve (Department of Lands)
- Pebbly Beach Reserve at Soldiers Point (parking area, picnic tables, surf life saving club, beach access, toilets)
- Wyrabalong National Park North (DECCW) (daytime beach access roads and parking area)
- Beach access to Tuggerah Beach from Wilfred Barrett Drive
- Tuggerah Beach Recreation area (off lead dog exercise area)
- Matron Simpson Reserve, North Entrance (beach access, walking path, surf life saving club)
- North Entrance Foreshore Reserve (sensory garden), (disabled toilets)
- Karragi Point Reserve, North Entrance (sand spit) (beach access, parking, walking track, toilets, picnic tables, playground, links to caravan park)
- Memorial Park, The Entrance (on southern side of entrance channel) icon park with major tourist attractions and facilities, used for events and festivals.
- Shore Park (surf life saving club, lookout, ocean baths, walking tracks)
- Blue Bay foreshore reserve (beach access, toilets)
- Toowoona Beach Reserve and Swadling Reserve (boat launching ramp to ocean, surf life saving club, toilets, parking, lookout, picnic tables, playground equipment)

- Shelly Beach surf Club (parking, toilets, beach access)
- Naomi Honey Reserve (picnic tables)
- Bruce Burgis Park (playground equipment, picnic tables, community hall)
- Wyrrabalong National Park (South) (DECCW), Bateau Bay (walking track to Crackneck Point, playground equipment, picnic tables, lookout, parking, toilets, access to Bateau Bay Beach)

## 5.1 Plans of Management for natural reserves along the coast

Council has a generic Plan of Management (PoM) for 'Natural Areas' (bushland), including a number of reserves along the coastline at Noraville and Shelly Beach

Section 15 of PoM 10 (2005 revision) presents specific guidelines for natural reserves in coastal locations. These are summarised in **Table 2**.

**Table 2: Guidelines for natural reserves in coastal areas (PoM 10)**

Issue	Management guideline
Dune management	Sand dunes are subject to erosion due to intense recreational use as well as natural causes. Measures shall be taken to protect dunes and to reconstruct, revegetate and maintain dunes which have been subject to active erosion
Beach erosion	Beach erosion will be monitored following storms. Supplementary material will not be added to beaches and natural processes or erosion and aggradation will be allowed to continue
Coastal channels and lagoons	Engineering works shall not be undertaken to protect channels or lagoons or to remove sediment, except where a prior environmental impact assessment has occurred and measures have been taken to prevent the cause of the instability or sedimentation
Vegetation degradation and sand drift	Measures shall be undertaken to prevent the degradation and loss of natural vegetation. Sand drift is a natural feature of coastal areas and shall be recognised in management
Coastal inundation	Areas of regular coastal inundation will be documented as far as possible. In affected areas, no activities will be undertaken which could be adversely affected by inundation.
Slope and cliff instability	The council may limit public access and any activities in areas of potential instability
Stormwater erosion	There shall be no discharge of stormwater across beaches unless suitable measures have been taken to prevent beach erosion
Cliffs and hazardous locations	Cliffs and other locations regularly used by visitors for recreational use shall be signposted to identify significant potential hazards and measures may be taken to limit access where the Council considers this to be in the public interest.

## 6.0 Coastal off lead dog exercise areas

Council has identified multiple prescribed dog exercise areas, where dogs may be exercised off lead. These include the following beaches and coastal parks:

- Lakes Beach from 500m north of the Surf Club to Ocean Street

- North Shelly Beach from the northern beach access walkway off Shelly Beach Road (adjacent to the Golf Course) to the beach access stairs opposite Swadling Reserve
- North Entrance Beach from Wyuna Avenue to Stewart Street
- Bateau Bay Reserve, bounded by Avignon Avenue, Sabrina Avenue and Fishermans Bend

Unleashed dogs must not cause a nuisance to people on these beaches and owners remain responsible for the safety of other users (from dog attacks) and for cleaning up dog waste.

## State and Commonwealth Policies, Programs and Guidelines

### 7.0 NSW State Plan Targets and Priorities

Priority E4 of the NSW State Plan (2006) relates to '*Better Outcomes for native vegetation, biodiversity, land, rivers and coastal waterways*'. This priority has been maintained in the revised State Plan (2009).

The State Government committed in the State Plan to working with Catchment Management Authorities and local government to achieve the Priority E4 Targets in the State Plan.

There are thirteen targets under priority E4, for improvements to biodiversity, water, land and community issues by 2015. **Table 3** shows how the WSCMP will contribute to the achievement of these targets.

**Table 3: Contributing to achieving the State-wide targets**

Statewide Target, Priority E4	How does the Coastal Zone Management plan assist with meeting this target?
1. By 2015, there is an increase in native vegetation extent and improvement in native vegetation condition	The Plan will contribute to improved native vegetation condition in foreshore reserves (beaches, dunes and headlands) that are managed by Wyong Shire Council
2. By 2015 there is an increase in the number of sustainable populations of a range of native fauna species	The Plan will contribute to achieving sustainable populations of species using shore platforms and beaches. This is consistent with the program being implemented by the HCRCMA.
3. By 2015, there is an increase in the recovery of threatened species, populations and ecological communities	The Plan will contribute to the recovery of coastal EECs and threatened species where they occur in foreshore reserves managed by WSC.
4. By 2015, there is a reduction in the impact of invasive species	The Plan will contribute to the removal of invasive plant species from coastal dune vegetation communities
5. By 2015 there is an improvement in the condition of riverine systems	The Plan will not contribute to this target
6. By 2015, there is an increase in the ability of groundwater systems to support groundwater dependent ecosystems and designated beneficial uses	The Plan will not contribute to this target
7. By 2015 there is no decline in the condition of marine waters and ecosystems	The Plan will help to reduce pollutant loads to marine waters from stormwater discharges across beaches and headlands. Changes to the management of sewage effluent and ocean discharges are outside the scope of this Plan
8. By 2015, there is an improvement in the condition of important wetlands and the extent of those wetlands is maintained	Integration of the management of the entrance to the Tuggerah Lakes, through the Estuary Management Plan and the WSCMP will contribute to the recovery and maintenance of healthy estuary ecology in the Tuggerah Lakes, including estuarine wetlands.
9. By 2015, there is an improvement in the condition of estuaries and coastal lake ecosystems	As above
10. By 2015, there is an improvement in soil condition	The Plan will have little influence on progress towards this target

Statewide Target, Priority E4	How does the Coastal Zone Management plan assist with meeting this target?
11. By 2015, there is an increase in the area of land that is managed within its capability	The Plan will guide WSC and the community in the management of land that is affected by coastal hazards, such as coastline erosion and retreat, oceanic inundation and geotechnical hazards.
12. Natural Resource decisions contribute to improving or maintaining economic sustainability and social well being	The Plan will reduce economic and social risks by identifying new planning controls for land that is affected by coastal hazards. The Plan will support recreational and tourist uses of the coastline, improving the social well being of Central Coast communities.
13. There is an increase in the capacity of natural resource managers to contribute to regionally relevant natural resource management	The Plan will assist WSC to increase the capacity of its staff and community to make natural resource management decisions that contribute to regional level natural resource management targets.

Separate to the Priority E4 Targets, the State Government has also invested in the prosperity of the Central Coast through tourism projects in the coastal zone. For instance the HMAS Adelaide has been sunk off Terrigal (Gosford City Council area) as an artificial reef diving site, and it is expected to add up to \$10 million annually to the local economy.

Urban Environment and Lifestyle is also a key priority for the NSW Government in the 2009 State Plan. This priority includes provision of new dwellings on the Central Coast, but also includes a 20% increase in the number of people using State Parks, a 10% increase in participation in sporting activities and other physical activity and a 10% increase in the number of people volunteering, by 2016.

All of these targets are relevant to the Wyong coastline. They envisage more intensive use of the coastline by the community, for recreation, exercise and enjoyment. The targets also foreshadow or encourage further community involvement in environmental volunteer projects such as Landcare and Coastcare.

## 7.1 Regional delivery of natural resource management - the HCRCMA Catchment Action Plan

Wyong Shire Council is within the area managed by the Hunter Central Rivers Catchment Management Authority (HCRCMA).

The Catchment Action Plan (CAP) for the HCRCMA region was approved by the NSW Government in 2007. It provides strategic direction for protection, rehabilitation and enhancement of natural resource values across a very diverse catchment region, with specific sections focusing on estuary/marine issues and climate change (**Table 4**). Other principles and priorities of the CAP, such as terrestrial biodiversity and community capacity building are also relevant to WSC's management of the coastline.

**Table 4: HCRCMA strategies for the coastline**

Strategy	Management Target	Actions relevant to this Plan
Protect marine habitat	By 2016, protect an additional 21,000 ha of priority marine habitat (this refers to rocky reefs, rock platforms and islands) as well as marine waters. 65% of the marine area of the HCRCMA region is within Marne Park.	<ul style="list-style-type: none"> <li>• Capacity building and education</li> <li>• Incentives to encourage the creation of marine reserves and extend National Park protection to mean low water.</li> <li>• Monitoring and evaluation activities.</li> <li>• Research and data compilation</li> </ul>
Enhance marine shorelines	By 2016, enhance 250km of marine shorelines. This target refers to both estuarine and open ocean shorelines, with a target of enhancing 250km of shoreline (of a total of 1350km in the region).	<ul style="list-style-type: none"> <li>• The CAP notes the significant management responsibilities of other organisations, such as local government, Land and Property Management Authority and DECCW, particularly in relation to coastal structures (such as sea walls and break walls) (see DECCW 2009 Guideline on sea wall design and construction).</li> <li>• Community capacity building</li> <li>• Litter management</li> <li>• Protect priority rock platform habitats</li> <li>• Adaptation to climate change</li> </ul>

The CAP also has a strategy 'enhance foreshore vegetation', but this is used to refer specifically to coastal lake shorelines.

In relation to its focus on the protection and enhancement of rocky shorelines, the HCRCMA has prepared a Central Coast rocky shore biodiversity assessment (Gladstone, Loisier and Herbert 2007) and Discussion Paper: Management planning for coastal Rocky Shores (B-COS consulting Services 2008).

The study resulted in recommendations for specific additional protection measures at Swansea Heads (Lake Macquarie), Blue Lagoon and Norah Head (Wyang LGA). The addition of Tudibaring Head, including Toowoan Point and Blue Lagoon would address priorities also recommended in a previous study (Otway 1999).

The study also recommended community awareness and education programs and human use studies at the three areas recommended for protection. For instance, in Wyong Shire, a community awareness program on the impacts of human and dog disturbance to important roosting and feeding sites at Norah Head and Soldiers Reef was recommended.

The 2008 Discussion Paper (B-COS) considers a wide range of policy and statutory controls in place along the coast and the capacity of local government to contribute to effective marine biodiversity conservation. However, it does not specifically refer to Wyong Shire Council's coastline.

## 8.0 Coastal Protection Act 1979

The *Coastal Protection Act 1979* has seven objectives. The first three objectives of the Act are set out below. These objectives are fundamental to all aspects of coastline management in NSW and flow directly to the Coastline Management Manual and the NSW Coastal Policy.

- To protect, enhance, maintain and restore the environment of the coastal region, its associated ecosystems, ecological processes and biological diversity, and its water quality;
- To encourage, promote and secure the orderly and balanced utilisation and conservation of the coastal region and its natural and man-made resources, having regard to the principles of ecologically sustainable development (as defined in the *Protection of the Environment Operations Act 1997*).
- To recognise and foster the significant social and economic benefits to the State that result from a sustainable coastal environment (such as benefits to the environment, to urban communities, fisheries and recreation, to cultural and heritage and to the spiritual attachment to the land of Aboriginal people).

The remaining objectives of the *Coastal Protect Act 1979* focus on how these first three objectives will be achieved – through partnerships between government and communities, through improved community access to the coastline, through government acquisition of some lands and through full integration of the activities of public authorities having responsibilities for management of the coastline.

## 8.1 Disaster Management

The Wyong Coastal Zone Management Plan is required under Section 55C the *NSW Coastal Protection Act 1979* to address disaster planning arrangements for threats to the coastline. The Plan must make provisions for:

- (a) protecting and preserving beach environments and beach amenity. The Act defines ‘beach’ as the area of unconsolidated material between the lowest limit of tidal water and the highest level reached by wave action;
- (b) Emergency actions of the kind that may be carried out under the *State Emergency and Rescue Act (1989)* or otherwise, during periods of beach erosion, including the carrying out of related works, such as works for the protection of property affected or likely to be affected by beach erosion, where the erosion occurs through storm activity or an extreme or irregular event; and
- (c) Ensuring continuing and undiminished public access to beaches, headlands and waterways, particularly where access is threatened or affected by accretion.

Coastline hazard definition studies, prepared as the first stage of the Coastline Management Study, provide important information about the types of hazards and the extent of risk due to coastal processes.

Risk reduction measures integrated into the Coastal Zone Management Plan include land use planning (such as zoning, development controls including set-backs, construction requirements, time limited occupancy and development consents for high risk properties), structural protection of specific locations and community education.

DECCW (Hanslow and Howard 2006) note six key issues to be taken into account in emergency response planning:

- The first priority is to protect lives (warnings, evacuations, community education);

- The second priority is to minimise damages to property by moving valuable items, equipment, stock etc.
- Emergency engineering works on the coast have potential long term impacts, so should be planned well in advance, with these implementation risks taken into account. Emergency engineering works, usually only conducted to protect high value property and infrastructure, are Council's responsibility;
- Council is also responsible for post storm mitigation of the impacts of emergency works on beach amenity, access or environmental condition;
- Council is required to be consistent in applying policy. For instance if Council and the local community agree that retreat is the best policy option for a beach subject to severe erosion, then appropriate zoning and land purchase arrangements should be made; Council should not invest in engineering protection.

## 8.2 Gazettal

### Previous situation

Section 55G of the Coastal Protection Act requires that Councils submit the draft Coastline (Coastal Zone) Management Plan to the Minister for approval. The draft Plan is to be submitted after it has been exhibited and Council has taken submissions into consideration, but before the Plan is adopted by Council. The Minister may approve or refuse the Coastal Zone Management Plan.

If the Minister approves the Plan, the Council must make the Plan and publish it in the Gazette. The Plan takes effect from the date it is published in the Gazette, unless a later date is specified.

When a Coastal Zone Management Plan has been gazetted, the *Coastal Protection Act 1979* requires that a person must not carry out work for the purpose, or that has the effect, of preventing or remediating beach erosion, or for protecting property affected or likely to be affected by beach erosion, except in accordance with the gazetted coastal zone management plan.

In NSW very few councils have completed the full process of preparing a coastline management plan and having it gazetted by the Minister.

### Proposed Amendments to the Coastal Protection Act 2010

DECCW has released draft amendments to the Coastal Protection Act 1979. Amongst other things, these amendments propose to change the previous gazettal process to a certification process.

## 9.0 NSW Coastal Policy

The NSW Coastal Policy 1997 takes the principles of Ecologically Sustainable Development and a risk management approach as its foundation. It requires decision makers in the coastal zone to be risk averse and particularly to apply the Precautionary Principle when considering immediate and long term coastal hazards.

The NSW Coastal Policy recognises increasing concern about the uncertainty of future climatic conditions and the impact of coastal processes on natural, social cultural and

economic values of the coastline, and also recognises the significant loss or degradation of coastal assets (particularly biodiversity and socio-cultural assets) that has already occurred following poorly planned coastal development.

The Coastal Policy is now approaching 15 years old and requires review and updating so that it includes best available information, refers to the current statutory framework and can provide overarching strategic guidance to future management of the NSW coast.

## 10.0 NSW Coastline Hazard Policy 1990 and the Coastline Management Manual

The NSW Coastline Hazard Policy 1990 was the centrepiece of the NSW Coastline Management Manual (released in 1992). The Coastline Hazard Policy has now been superseded by the NSW Sea Level Rise Policy Statement (November 2009) and associated technical documents. Changes to the status and content of the Coastline Management Manual are expected in 2010. A draft Guideline to replace the Manual was released for comment in August 2010.

The objectives of the Coastline Hazard Policy were to achieve balanced long term development of the NSW coastline:

- Protect development;
- Secure persons and property; and
- Provide, maintain and replace infrastructure (NSW Government 1990:5).

## 11.0 NSW Coastal Dune Management Manual 2001

The manual provides scientific and technical information about processes in coastal dune systems and discusses causes of dune instability. Importantly, the manual sets out best practice for developing a dune management plan and provides sound practical detail about dune reconstruction and protection, weed management and revegetation. For instance, it provides information about the design of fencing, beach access ways, viewing platforms, boardwalks and signage, including options for materials, costs and maintenance requirements. It provides advice on appropriate vegetation species to reconstruct complex vegetation associations on coastal dune systems.

In relation to vegetation species, it is worth noting that the manual distinguishes between species for:

- The 'incipient foredune'. These are colonising herb and grass species, less than 0.5 metres in height. The incipient foredune is an active part of the beach sediment compartment, and provides the first buffer of sand to be eroded during storm events.
- Foredune. Vine and grass species such as *Lomandra*, *Crinum*, *Hibbertia scandens* and low shrubs such as *Correa alba*, *Leptospermum laevigatum*, *Leucopogon parviflorus* and *Acacia longifolia* (where these are locally indigenous plants) are suggested. These are salt tolerant species. Functionally, the foredune vegetation acts as a barrier, protecting vegetation further inland from storm winds and from wave erosion. Hind dune species are less resistant to salt spray and wind blown sand. They include *Banksia integrifolia* and *Eucalyptus botryoides*.

## 12.0 Environmental Planning and Assessment Act 1979

Prior to any development taking place in New South Wales, a formal assessment needs to be made of the proposed work to ensure it complies with relevant planning controls and, according to its nature and scale, confirm that it is environmentally and socially sustainable. State, regional and local planning legislation indicates the level of assessment required, and outlines who is responsible for assessing the development, be it the local council, an accredited private professional or the Minister for Planning (DoP). The development assessment system outlined in Parts 3A, 4 and 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows for members of the public to participate in the decision making process that will determine the land use future of the community.

The NSW Government is considering amendments to the *EP&A Act* and to other legislation such as the *Local Government Act 1994*, to facilitate more effective management of coastal risks in the context of climate change and sea level rise.

### 12.1 State Environmental Planning Policies

Several State Environmental Planning Policies (SEPPs) are also relevant to the Wyong coastline; these are introduced below.

#### SEPP 14

SEPP 14 provides planning protection for coastal wetlands. The boundaries of some 900 coastal wetlands were originally mapped in 1989.

Under SEPP 14, proposals to clear, drain, construct levees or fill part of a SEPP 14 wetland are designated development (i.e. require the preparation of an EIS). The consent of Council and concurrence of the Director General of Planning are required for all of these activities.

#### SEPP 71

SEPP 71 was gazetted in 2002, as part of the NSW Coastal Protection Package. It is designed to provide a strong and consistent planning framework for coastal areas. The policy reinforces elements of the NSW Coastal Policy (1997) and requires Councils to consider certain matters when preparing LEPs or determining development applications in the coastal zone. The Minister for Planning is the consent authority for development such as all forms of mining and extractive industry, landfill, marinas and recreational establishments and major tourist facilities. The Minister is also the Consent Authority for subdivisions of more than 25 residential lots. Other development applications in sensitive coastal locations must be referred to the Department of Planning for comment. Sensitive coastal locations include coastal lakes, land within 100 metres of high water mark of the sea, a bay or estuary, land within 100 metres of the water's edge of a coastal lake, Ramsar wetland, SEPP14 wetland, marine park or national park.

In 2005, the provisions of SEPP 71 were included in Part 3A of the *Environmental Planning and Assessment Act*.

#### SEPP 26 Littoral Rainforest

SEPP 26 protects patches of littoral rainforest.

## Exempt and Complying development SEPP

### Infrastructure SEPP

## 13.0 Central Coast Regional Strategy (2008)

By 2031, the population of the Central coast is forecast to grow to 400,000, an increase of 100,000 across the region.

The Central Coast Regional Strategy presents a 25 year vision for the Central Coast:

*A prosperous, sustainable, liveable, and well coordinated future.*

This means:

- A competitive, adaptable and sustainable economy with increased local employment opportunities and a place where people increasingly want to live, work, visit and invest
- A healthy and sustainable environment continues to be enjoyed by future generations
- The design of new developments and the redevelopment of existing areas encourages community interaction and cohesion
- There exists a strong regional identity and pride in the Central Coast

Several actions within the strategy are relevant to the WSCZMP. DoP and DECCW will prepare a Central Coast Conservation Plan to prioritise biodiversity management. In addition the following land use planning actions are relevant and demonstrate a close feedback loop from the WSCMP through the LEP to the Regional Strategy:

- (4.18) In planning for development and redevelopment of urban areas, councils are to consider the need for civic open space and access to a variety of open space and recreation opportunities (e.g. coastal foreshore and riparian land), in a manner that is consistent with the maintenance of ecological values.
- (6.3) LEPs are to appropriately zone land with a high state or regional environmental, agricultural, vegetation, habitat, waterway, wetland or coastline values.
- (6.4) LEPs are to appropriately zone land of high landscape value (including scenic or cultural landscapes)
- (6.12) Protect the health of the Central Coast's waterways including the coastline, estuaries and lakes by integrating objectives from Catchment Action Plans, stormwater plans and estuary management plans into local planning (note this does not refer to Coastal Zone Management Plans)
- (6.16) Councils are to ensure LEPs have regard to SEPP 71 – Coastal Protection
- (7.1) councils are to prepare (or update) floodplain, estuary and coastal zone management plans in order to reduce risks from natural hazards. These plans must be considered in planning decisions made within the areas to which they apply.
- (7.2) Local Environmental Plans will zone areas subject to high hazard to reflect the capabilities of the land.

- (7.3) In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.
- (7.5) LEPs will make provision for adequate setbacks in areas at risk from coastal erosion and/or ocean based inundation in accordance with Coastal Zone Management Plans
- (10.12) councils in conjunction with State Government to work together to align walking and cycling networks with public transport routes to improve accessibility to public transport. This includes completion of the NSW Central Coast Cycleway Network.

## 14.0 Coastal Design Guidelines

The NSW Coastal Design Guidelines (2002) were released as part of the Coastal Protection Package. The guidelines focus on place management (coastal sites and their context) rather than the nature of individual structures.

Examples of principles that have been taken into account in preparing the WSCMP are:

- Land with high ecological and visual integrity surrounding the village/urban area is protected;
- Aboriginal and European heritage places and relics are protected;
- Development is set well back from areas affected by coastal processes, flooding, erosion and sea level rise;
- Waste and water services match seasonal tourism influxes;
- Invasive plants are removed from ecological areas;
- New development responds sensitively to the form and character of the village/urban area and existing building proportions and materials;
- Foreshore access in proximity to primary streets and public places within the village is reinforced;
- Connection between the village park, other open space, the main street and the foreshore edge is strengthened;
- Pathways to the foreshore are aligned with existing streets;
- Along the foreshore reserve and other public open spaces the boundary between public and private land is defined with public streets or pedestrian pathways;
- Walking tracks and vehicular access points (where appropriate) through the dunes are defined;
- New buildings avoid overshadowing of public open spaces, the foreshore and beaches in centres between 3 pm midwinter and 6.30 pm summer Daylight Saving Time;
- The open space network provides safe and convenient pedestrian and cycle access through and around the settlement to the coast and to other places of cultural, commercial, scenic and natural value;

- The open space network provides adequate setbacks to protect natural areas, contributes to improved water quality (e.g. by incorporating stormwater detention and treatment facilities), protects cultural features and contributes to habitat connectivity;
- Setbacks of development on foreshore land protect properties from erosion and long term shoreline recession (sea level rise), protect sensitive ecology from development, provide public access along foreshores and to natural areas, protect visual amenity, improve water quality;
- Setbacks for new development address coastal hazards such as storm surges, cliff retreat or collapse, sand drift hazard, entrance instability, etc. development along foreshores should consider a 100 year planning timeframe for coastal recession issues;
- Development on frontal dunes is avoided; and
- The design of buildings and other structures on properties adjoining the foreshore complements the function and character of the foreshore.

## 15.0 Crown lands guidelines

The Crown Land Act 1989 requires assessment of Crown land prior to its allocation for public or private use.

**From the Land and Property Management Authority website:**

### **Crown Reserves: Parts of the Wyong coastline are Crown Reserve**

The Crown Reserve System is the oldest and most diverse system of land management in NSW. It promotes the cooperative care, control, and management of Crown reserves by the community with assistance from LPMA, other government agencies and reserve users.

Crown land has been reserved for public purposes in NSW since colonial times. Crown reserves are land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, recreation and sport, open space, community halls and special events.

Reserves are created to protect and manage important community resources and are administered under the *Crown Lands Act* 1989.

Many popular recreation areas are Crown reserves. Hyde Park and Bondi Beach in Sydney are two famous examples of our Crown reserve system at work.

There are about 33,000 Crown reserves with a total area of 2.5 million hectares across NSW - about three percent of the land area of the State.

### **Crown Lands Assessment processes - from the L&PMA website**

The *Crown Lands Act* (CLA) introduced the requirement for land assessment prior to the allocation of Crown land, whether for public or private use. At that time, there were large areas of Crown land that had not been allocated. Much of this land was either in a remote location or in a natural state. The policies of the current government have meant that much of these large areas of Crown land have now been incorporated into the national park or the state forest estates.

Significant areas of the State, however, remain in public ownership as Crown land and are subject to the land assessment process. Land assessment is pivotal to decisions concerning the use and management of Crown land, and is one of the key mechanisms for identifying land management issues. It was intended to be:

- the basis of a broad scale allocation of land use consistent with the principles of Crown land management; and
- a safeguard against the inappropriate alienation of Crown land.

The CLA requires that:

- the Minister institutes a program of land assessment; and
- land assessment is carried out before reservation, dedication, exchange, vesting, lease, licence or sale of Crown land (except in very limited circumstances or where land assessment is waived).

Part 3 of the CLA establishes the land assessment process and criteria for identifying suitable uses, including the principles of Crown land management and any current policies relating to the land approved by the Minister (Section 33(1)(c)). The Crown Lands Regulation 2006 sets out detailed land evaluation criteria and notification processes.

The process for land assessment includes:

- inventory of the physical characteristics of the land;
- assessment of the capability of the land, including criteria to be used;
- identification of suitable uses and, where practical, the preferred use or uses for the land; and
- public exhibition period of at least 28 days.

Although the CLA requires that a land assessment be undertaken before a number of actions are taken over Crown land (e.g. sale, lease or licence), there is no statutory link between the land assessment process and:

- environmental studies and plans under Part 3 of the Environmental Planning and Assessment Act (EPA Act);
- owners consent to lodgement of a development application under Part 4 of the EPA Act; or
- environmental assessment of an activity, not subject to lodgement of a development application, under Part 5 of the EPA Act.

Following the public exhibition period, the LPM Authority will consider any submissions received before recommending preferred uses of the land.

## 16.0 Commonwealth Coastal Policy

The Commonwealth Coastal Policy 1995 was developed to give effect to the principles of ecologically sustainable development in Australia's coastal zone. The policy sets out multiple objectives and guiding principles, under four broad headings. Objectives and principles listed under each heading integrate aspects of each of the four principles of ESD.

- Sustainable resource use, including integrated assessment, resource allocation and user pays principles;
- Resource conservation;
- Public participation; and
- Knowledge and understanding.

For instance, the three objectives listed for 'Sustainable Resource Use' are:

- To ensure that coastal zone resources are available for fair and equitable public and commercial use, so that their use optimises long term benefits derived by the community (includes aspects of improved valuation and intergenerational equity);
- To ensure that consequences arising from the dynamic nature of coastal environments and recognised. This includes taking into account natural fluctuations in sea level and climate, climate change, impacts associated with storm events, changes in shoreline position and species mobility within coastal ecosystems (includes aspects of precautionary principle, conservation of biodiversity and intergenerational equity); and
- To maintain adequate and appropriate public access to the coast, so that it is possible to enjoy a range of recreational opportunities that are consistent with these objectives. Where appropriate, public access should be managed to protect coastal resources and public safety (incorporates aspects of intergenerational equity, biodiversity conservation and improved valuation).

## **16.1 Other Commonwealth Roles in Management of Natural Hazards**

Geoscience Australia prepares research and management reports to assist the Commonwealth government to set policy and provide resources for the management of natural hazards, including coastal erosion.

Emergency Management Australia administers natural disaster relief arrangements to assist State and Territory governments cover costs associated with disaster relief and recovery. The Bureau of Meteorology provides oceanographic climate, storm, hydrology and other data to predict and provide warnings about severe weather conditions such as tropical cyclones and east coast lows.

## **17.0 Caring for our Country**

The Caring for our Country program sets out the National priorities for natural resource management and is the current National natural resources funding mechanism.

CMAs obtain base funding for implementing their CAPs from Caring for our Country, and use these funds to leverage investment by others.

The National priorities set out in Caring for our Country have proved difficult to translate to the regional scale and difficult to align with State and regional level priorities.