



**You are here:** [Home](#) > [Water](#) > [Coastal and floodplain management](#) > [Coastal zone management](#) > Coastal erosion reforms



## Reforms to coastal erosion management in NSW

### Introduction

Coastal communities and local councils are facing difficult issues associated with coastal erosion along the NSW coastline. The NSW Government has designed a new coastal erosion reform package that focuses on appropriate actions and provides a broader toolkit for both councils and communities when they are adapting to these challenging circumstances.

This issue is not new - there are records of coastal properties being affected by coastal erosion date back to the 1940's. However the projections for [sea level rise](#) and increased storm activity, and the desire of ever more people to live and build close to the coast, has the potential to increase this risk considerably.

NSW has an established framework for managing coastal erosion risks, through the NSW Coastal Policy and the Coastal Protection Act. This sees local councils, with financial and technical support from the State, undertaking coastal hazard studies and developing coastal management plans which then inform land-use planning, development controls and coastal activities.



Erosion at Collaroy

These plans and the related planning schemes should contain a range of suitable management strategies to inform the community about how coastal erosion will be dealt with in their communities and how individual landowners of property risk can and should respond. Progress on this coastal planning has been slow and needs to be accelerated. To date few coastal management plans have been completed for coastal areas with houses at immediate risk and a number of other plans in various stages of development need to be completed.

Storms in May 2009 once again highlighted the need for coastal hazards to be understood and to have planned emergency responses in place for all the 'hot spot' areas along the NSW coast as a matter of urgency. Without these plans in place, there remains uncertainty about how communities and landowners should respond in emergencies and into the longer term.

The NSW Government is now bringing forward a coastal erosion reform package to better equip the State and local councils with the tools needed to deal with the challenges of coastal erosion. The reforms include amendments to legislation, new guidelines, and additional support for councils to re-energise their planning processes.

### Key elements of the reforms:

#### Sea level rise policy

The NSW Government released its [Sea Level Rise Policy Statement](#) in November 2009. This policy will be supported by guidelines that explain how the sea level rise benchmarks are to be applied in coastal and flood hazard assessments and land-use planning. Comments were sought from councils and other stakeholders on these draft guidelines, which are due to be finalised in mid-2010.

#### Emergency management

To better prepare for future storms, a package of emergency management preparations will be implemented:

- Councils with severe erosion risks will be required to prepare coastal erosion emergency management plans by end of 2010. These will set out how landowners, agencies and councils will respond in the event of storm driven erosion. The Government will provide funding to help councils prepare their plans.
- Legislative amendments to permit temporary landowner funded emergency coastal protection works, provided they meet strict conditions.

#### Legislative amendments

To upgrade the longer term toolkit for dealing with expected increases in coastal erosion hazards, the Government will introduce amendments to the Coastal Protection Act, the Local Government Act and various regulations. The Minister for Climate Change and the Environment, the Hon Frank Sartor, announced on 26 March that he had released an exposure draft of the [Coastal Protection and Other Legislation Amendment Bill 2010](#) (ExposureDraftCoastalBill.pdf 409KB) to

implement these legislative amendments. The provisions in this draft Bill provide for emergency temporary coastal protection works, as well as managing the impacts of landowner-funded long term coastal protection works (eg. seawall). Other provisions include improved order powers, increased penalties and improved exemptions from liability.

#### - Temporary emergency coastal protection works

Under this draft Bill, beachfront landowners will be able to conditionally place sand or sandbags on beaches to reduce the impact of coastal erosion on their houses. The temporary emergency works will need to be in accordance with gazetted Minister's Requirements and can be placed for up to 12 months, to enable landowners to develop a longer term approach to managing the erosion risks. [Draft Minister's Requirements](#) (10231CPworksMinReq.pdf, 137KB) and a [Guide for landowners](#) (10230CPworksLandowners.pdf, 718KB) have been released for consultation. Submissions on these draft documents are invited from any interested person or organisation by 7 May – information on lodging submissions is provided in the documents.

#### - Long term coastal protection works

The draft Bill proposes amendments to the Local Government Act to allow councils to levy an annual coastal protection service charge outside rate pegging. Councils would be required to levy this charge on benefiting landowners for long-term coastal protection works (eg seawalls), where the works were constructed by the benefiting landowners. Where landowners jointly fund these works with a council, the council would have the option of levying the charge. The charge would fund maintenance of the works and activities such as beach nourishment to manage off-site impacts.

The legislative amendments proposed in this Bill are complemented by proposed amendments to the State Environmental Planning Policy (SEPP) (Infrastructure). The proposed amendments to this SEPP will allow landowners to apply for approval to erect long-term coastal protection works. Approval of these works may be granted where the potential offsite impact of the works can be managed and the landowner will fund any ongoing works, including beach nourishment. The coastal protection service charge will enable landowners to pay for these ongoing maintenance requirements. The Department of Planning is currently [seeking feedback](#) on the proposed amendments to this SEPP.

Related amendments are also proposed to the Major Projects SEPP so that development consent under the Environmental Planning and Assessment Act would be required for these works from the relevant Joint Regional Planning Panel.

The requirements to manage off-site impacts are important to ensure coastal protection works avoid any significant impact on the State's beaches. Landowners would be responsible for paying into the future for any beach nourishment needed to minimise any impacts on beaches from their works. The Government recognises beaches are highly valued by the community.

#### - Other provisions

The draft Bill includes improved order powers and increased penalties relating to unauthorised material dumped on beaches which may cause erosion or present a public safety risk. It also includes improved statutory exemptions for Government and councils for liability for coastal erosion impacts on property and sea level rise impacts.

### Coastal zone management plans

To expedite the planning, the Minister will issue directions to those councils that have not yet completed overall coastal zone management plans (where the council area includes one or more of the State's identified 'hot spots'). These will require completion of these plans within 12 months or as otherwise agreed.

### New coastal zone management planning guidelines

The 1990 Coastline Management Manual and the 1992 Estuary Management Manual will be replaced with new Coastal Zone Management Planning Guidelines for local councils. Draft guidelines will be released for consultation mid-2010.

### Implementation

While the immediate risks of coastal erosion have serious implications in some local communities, the large scale of the long term challenges caused by sea level rise is significant for the whole State. Potentially large numbers of buildings, infrastructure, iconic public recreation spaces and the natural environment face future risks. The issues are complex and there will be much to be learned in the years ahead. The Government and its agencies will work closely together with local councils and communities to implement the reform package. For further information and future updates please view this site or contact the Director Urban and Coastal Water Reform, NSW Department of Environment, Climate Change and Water via [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au).

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