

Review of the State Coastal Management Plan

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ABSTRACT

A statutory review of *The State Coastal Management Plan – Queensland's Coastal Policy* (the SCMP) has recently been completed. Results of the review have indicated the need for significant changes to coastal planning and management policies and associated legislative provisions. This is to ensure they effectively address coastal planning and management challenges and align with contemporary land use governance arrangements.

In accordance with Statutory review requirements, the Minister for the Department of Environment and Resource Management (DERM) has considered the results of the review and subsequently asked DERM to prepare a new Queensland Coastal Plan. Results of the review have been used to set the following strategic directions to guide drafting of the new Queensland Coastal Plan:

- Greater policy certainty
- Greater certainty in relation to coastal hazards
- Integration with existing management regimes
- Removal of duplication and overlap
- Alignment with planning and development decision making processes under the *Integrated Planning Act 1997*

Reflecting on the results of the review and ongoing changes to the development and planning regime in Queensland, the new draft Queensland Coastal Plan (new Plan) is likely to be significantly different to the existing SCMP.

This paper outlines the review process and summarises significant policy issues identified during the review of the SCMP.

Background

The Queensland Government has utilised specific legislation and statutory controls for the management of the coast since the 1950s. Previous legislation such as the *Harbours Act 1955*, *Canals Act 1958*, and the *Beach Protection Act 1968* (through which the Beach Protection Authority (BPA) was created) were all innovative pieces of legislation for their time. However, in the early 1990s the Queensland Government realised the need for a more collaborative and integrated coastal management framework. This realisation resulted in the creation of the *Coastal Protection and Management Act 1995* (the Coastal Act), which remains the key legislation governing coastal protection and management in Queensland. Under the direction of the Coastal Act, the State Coastal Management Plan - Queensland's Coastal Policy (SCMP) commenced in February 2002 and has now been in operation for more than seven years.

To remain effective, the Coastal Act requires coastal plans to be reviewed within 7 years of their commencement. Compliance with this provision requires the Minister (with a portfolio that includes administration of the Coastal Act) to complete a review of the SCMP and in consideration of this, announce if a new plan should be prepared. The Coastal Act also specifies that the Minister's decision be based on advice provided by the Coastal Protection Advisory Committee (CPAC).

Review methodology

The review of the SCMP was publicly announced by the former Minister for Sustainability, Climate Change and Innovation, the Hon. Mr Andrew McNamara, on 26 January 2008. The public feedback period closed on 31 March 2008. Via a notice published in key Queensland Newspapers

and individual requests sent to previously identified stakeholders, the community were invited to make submissions. Online and printed submission forms asked for comments about the performance of the current coastal planning and management regime and the broader state of integrated coastal zone management in Queensland along with any issues they would like to see addressed in future coastal policies.

In addition to calling for submissions, an Interdepartmental Review Committee (IDC) was formed to serve as a forum for discussion of issues by relevant State agencies regarding the review of the SCMP. The Department of Environment and Resource Management (DERM) (formerly the Environmental Protection Agency) also directly consulted peak groups including port authorities; coastal local governments; NRM bodies; and industry and conservation representatives. During these sessions stakeholders were asked to provide their views on the performance of the SCMP and the issues pertinent for future coastal management.

DERM staff undertook a desktop assessment of the coastal protection and management framework of Queensland. This assessment included an analysis of coastal planning and management arrangements in Australia and selected international jurisdictions, and gathering information from a wide cross-section of EPA 'officers to identify key issues arising from their experience in dealing with the State Coastal Plan and the coastal legislative framework. EPA staff with particular expertise and experience undertook desktop assessments of the effectiveness of each of the current policies of the SCMP and how these policies performed within the governance system within which the Plan operates.

Following IDC discussions and face to face meetings with key stakeholders, DERM commissioned independent external experts. A planning and environment law firm was engaged to undertake an independent review of the effectiveness of the State Coastal Plan, the legislative framework that supports it and its relationship with other relevant legislation that addresses land use, development and natural resource management in the coastal zone. An environmental planning and engineering firm was also engaged to provide advice in relation to the design, construction and operation of artificial waterway developments in the coastal zone.

Finally, DERM presented raw data from these investigations and public submissions to CPAC for them to consider in preparing their independent advice to the Minister regarding the SCMP.

Analysis of submissions and other feedback

The detail and quality of submissions was exceptional. Of the 150 submissions, fifty-one detailed written submissions were made by peak industry bodies and interest groups, with a vast majority being conservation focussed. In combination with the issues noted during the face-to-face meetings, over 1200 separate comments were made on approximately 35 broad coastal planning, protection, use and management issues.

Unsurprisingly, the general consensus of industry, Government and private representatives was consistent with the findings of internal and expert analyses. Broadly, the results indicated that:

- The SCMP is ambiguous and difficult to use.
- The SCMP has not always been effective in achieving good coastal management outcomes.
- There is significant duplication and overlap in policy topics covered by other legislation and policy including vegetation management, indigenous heritage, built heritage, marine parks, use of water resources, water quality and terrestrial and aquatic biodiversity conservation.
- The SCMP and associated legislation are no longer aligned with current planning, policy and legislative environments.
- Integrated coastal zone management cannot be achieved solely by a Coastal Plan; it requires alignment with the vast array of other related policies, laws, and management initiatives.
- Proactive planning for the sustainable use of sensitive coastal land requires improved planning policies to address urban development (including urban settlement patterns) in the coastal zone, urban design on the coast, coastal dependant development, public access to the coast, natural resource management on the coast and coastal landscape protection.

A summary of the most significant issues raised during the review process is provided below.

- **Useability and Effectiveness**

The SCMP was described as ambiguous in some of its policy intent and difficult to interpret and apply. There was much concern about the ability of the SCMP to ensure coastal development is appropriately located in the coastal zone and avoids sensitive coastal environments or coastal hazard areas. Successful implementation has been limited due to a number of factors including the Coastal framework not aligning with the guiding framework set by the *Integrated Planning Act 1997* (IPA); poor communication between policy makers, development assessment officers, planners and managers which resulted in confusion about roles and responsibilities; and lack of sufficient resources to facilitate implementation.

- **Overlapping policy mechanisms**

Duplication, inconsistencies, and overlaps in jurisdictional roles and associated policies were significant issues. Since the SCMP has been in operation, several recent and specific government initiatives have been introduced or are at an advanced stage of development, making many of the plan's policies redundant. Conversely, current planning policies do not include sufficient direction to ensure urban land use decisions appropriately reflect potential and identified coastal hazards such as long term sea level rise, erosion and storm tide inundation.

- **Alignment with land use planning instruments**

The IPA establishes the State framework for achieving integrated and environmentally sustainable outcomes in relation to land use planning and development in Queensland, including in the coastal zone. Despite the SCMP being a statutory instrument with the effect of a State Planning Policy under the IPA, only a very small number of local government planning schemes have been endorsed as adequately incorporating the coastal policies. It is apparent that setting policy through the SCMP and relying on another legislative framework to achieve the desired outcomes has been largely ineffective.

- **Use and protection of coastal values and natural assets**

Those responsible for on-ground management and rehabilitation works (local government and community groups) unanimously commented on the need for greater understanding of what is required for them to do their work, along with additional support and funding to complement effective management and rehabilitation activities.

- **Conservation of the coast**

A popular theme in the 'conservation of the coast' topic area was to expand state areas of significance and to introduce a broader range of low-impact recreational activities. Recreation and tourism concerns garnered some passionate responses, especially related to driving of vehicles on beaches and the impacts not only on environmental integrity, but on the risk posed to pedestrians and non-vehicular recreational beach users. Suggestions ranged from a limitation of vehicle access, quotas for areas, strict enforcement of speed limits to the banning of all but emergency vehicle on beaches.

- **Coastal hazards**

The treatment of erosion prone areas raised concerns with indications of a lack of confidence in erosion mitigation measures. Planning policies need to be developed to ensure adaptive approaches are built into urban design. Insurance industries need to be involved in the policy development processes to ensure outcomes are consistent with projected future risks, so that insured losses can be justified against statutory measures. In order to effectively plan for managing potential impacts of climate change and other coastal hazards, more effective hazard mapping is required. Furthermore, local governments require better guidance and support from the EPA to assess hazards and develop policies to proactively mitigate their potential impacts. Such guidance should include the provision of local mapping and assistance to develop and deliver public awareness programs.

Results of the review

Both DERM and CPAC advised the Minister that the current SCMP and its associated planning and legislative and planning regime were in need of significant improvements. After considering

this advice the Minister has directed the DERM to prepare a new Queensland Coastal Plan and prepare necessary amendments to supporting legislation.

THE NEXT STEPS

Consultation on a draft Plan is expected to be undertaken later in 2009. During this period the DERM will invite stakeholders to attend targeted information workshops in all major regional centres in Queensland. The general public will be invited to make submissions on the draft via public notices and a dedicated review webpage on the DERM website.

Once the consultation period has closed, the submissions will be analysed and used to inform the preparation of a final version of the new Queensland Coastal Plan. DERM anticipates that a final Queensland Coastal Plan will come into effect in 2010.

TAKE HOME MESSAGES

- A review of the current State Coastal Management Plan indicated that significant changes to the plan and its supporting legislation were needed to ensure ongoing effective management of the Queensland Coast.
- The new draft Queensland Coastal Plan is expected to be released along with a Report on the Review of the State Coastal Management Plan
- The public will be asked to comment on the draft later this year.
- The DERM will analyse the submissions received during public consultation and anticipate releasing a final Queensland Coastal Plan by mid 2010.

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ACKNOWLEDGEMENTS

The DERM acknowledges the considerable time, energy and commitment of contributors to the review of the State Coastal Management Plan including DERM staff, interest groups, peak bodies, state and local government agencies and individuals.