

Community Uses in Coastal Zone Management Plans: Moving Beyond Minimum Requirements

Greg Fisk¹, Damion Cavanagh², Michelle Fletcher³, Shannon McGuire⁴

¹BMT WBM Pty Ltd, Brisbane, QLD

²BMT WBM Pty Ltd, Northern Rivers, NSW

³BMT WBM Pty Ltd, Newcastle, NSW

⁴Buckley Vann Town Planning Consultants, Brisbane, QLD

Abstract

The Office of Environment and Heritage *Guidelines for Preparing Coastal Zone Management Plans* (2013) outline the minimum requirements for CZMPs including in section 5, 'Community Uses of the Coastal Zone'. Community uses such as public access and recreational activities are closely linked with coastal ecosystem health and are a key driver for the management of foreshore reserves and State controlled land in the public trust. However, in practice, management of community uses can be de-prioritised by the CZMP process due to the emphasis on coastal hazard risk management (and the associated effects hazards may have on freehold landholders) and on the perception that community uses are already being adequately managed by the array of existing legislation, controls and plans that apply to public land.

A recent project led by BMT WBM for the Cassowary Coast Regional Council in Far North Queensland has sought to take a more integrated approach to the management of foreshore open space and associated community uses, focusing purely on public land planning, uses and management. The key driver for the project was the lack of a clear vision and management intent for foreshore reserves and associated uses despite multiple studies and planning instruments operating within and neighbouring the foreshore. The Foreshore Management Plan (FMP) developed for Council serves as a critical linkage between traditional land use planning and marine park zoning requirements; ensuring consistency across the coast-ocean continuum. Strongly signalling its management intent through a highly visual presentation and concept drawings, the FMP seeks to demonstrate what 'good looks like' in terms of public open space in a coastal planning context. This paper and presentation outlines the key aspects of the FMP with an emphasis on the potential application of the approach to CZMPs in NSW – and to help facilitate a move beyond minimum requirements.

1.0 Introduction and Context

1.1 CZMPs and Community Uses

In NSW, the Guidelines for Preparing Coastal Zone Management Plans (NSW Guidelines) provide a framework for management of the coastal zone. The resulting Coastal Zone Management Plans (CZMP's) include a program of actions for implementation over a 5-10 year period. In addition to Council investment, funding for the implementation of actions included in a CZMP is also provided by the State (and others) through various mechanisms. This includes dollar for dollar funding through the NSW Coastal Management Program.

CZMPs primarily address matters under the care and control of Council. The scope of CZMPs includes:

- managing risks to public safety and built assets
- pressures on coastal ecosystems, and
- community uses of the coastal zone.

In the author's collective experience with preparing and reviewing CZMPs, significant effort is expended in determining how private property at risk from coastal hazards should be managed; often at the expense of setting desired outcomes and integrating management of the ecological and social aspects of the foreshore and neighbouring lands and waters. In the context of these 'community uses', CZMP's are primarily focussed on Council owned or managed land.

When considering these community uses, CZMP's are required (at a minimum) under the NSW Guidelines to:

- Propose actions to protect and preserve beach environmental and beach amenity and ensure continuing and undiminished public access to beaches, headlands, and waterways in the plan area
- Describe access arrangements to beaches, headlands and waterways and their adequacy and any associated environmental impacts
- Describe any potential impacts from coastal processes on these access arrangements; and
- Describe the cultural and heritage significance of the plan's area.

There are a number of other mechanisms in place to inform decision making and management of community uses across the NSW Coastal Zone. These existing controls are required to be integrated (not duplicated) within a CZMP and may include

- Areas protected under the *National Parks and Wildlife Act 1974*, marine parks under the *Marine Estate Management Act 2014*, and intertidal protected areas and aquatic reserves under the *Fisheries Management Act 1994*. There are statutory requirements relating to plans of management for most of these areas;
- Plans of management for Crown land under the *Crown Lands Act 1989*, unless the land is managed by council;
- Catchment Action Plans (actions in CZMPs may inform and assist in meeting targets in these Plans);
- Regional Strategies (actions in CZMPs may inform and assist in implementing actions in these Strategies);
- Safe Boating Plans and other plans under the Better Boating Program of NSW Maritime; and
- Council Open Space or Foreshore Management Plans.

Of these delivery mechanisms, it is often Plans of Management (PoM) for Crown Land reserves in coastal, estuarine and marine areas that have the greatest potential overlap with CZMPs for community uses – with both CZMPs and PoMs seeking to identify the

values and purpose of the reserve, set an aim or desired outcomes for achieving this aim, set out management strategies and an action plan to deliver those strategies (NSW DPI, 2007).

While it is the clear intent that the management regimes under the CZMP, PoMs and other Crown land management plans should be consistent (e.g. as a minimum requirement), there continues to be missed opportunities to meaningfully integrate these planning and management instruments – particular when seeking to manage community uses and maximise the benefits derived from the coastal and marine estate.

1.2 Barriers to Integration

The reasons for why this integration is difficult to achieve are now very well documented by the federal coastal zone inquiries, by numerous State Government reviews of coastal management and, of course, by practitioners who are trying to manage the coast on the ground on a daily basis.

Like any other coastal zone in Australia or overseas, the NSW coastal zone is an entanglement of jurisdictional boundaries and responsibilities. This is most acute within or neighbouring the foreshore where use and occupation demands are greatest.

Landowners and managers for a single beach compartment will frequently include a combination of two, three, or more of the following:

- Council / s
- Department of Primary Industry - Lands
- National Parks and Wildlife Service
- Forestry Corporation of NSW
- Aboriginal Groups
- Private ownership
- Marine Parks Authority

As evidenced by the number of agencies and delivery mechanisms that a CZMP is seeking to influence, existing legislative, policy and governance arrangements across multiple jurisdictions of the coast and foreshore often results in fragmented decision making and potentially sub-optimal coastal management outcomes.

Where planning studies have been undertaken they tend to be sectoral - with many studies, investigations, plans and complex governance arrangements - but no overarching framework or strategy providing a coherent vision or clearly describing the outcomes sought and intent for the future management of the area. To make matters worse, some of these plans may contain competing or conflicting policy objectives (such as a recent example where the Council had a policy that permitted horse riding on the beach but a prospective horse rider could not get access through the dunes of a national park to reach the foreshore).

Likewise, day-to-day Council operations and management decisions like permits, leases and maintenance activities (such as mowing and vegetation thinning) rarely rely on a broader strategy or planning document to provide direction and guidance, leading to uncoordinated decision making, increasing conflicts between and amongst foreshore users and increasing time and effort required to make decisions.

These points elucidate the problems and barriers to more integrated coastal planning, however the practical solutions remain more elusive.

1.3 Recent Management Responses

The NSW Crown Lands Management Review commenced in 2012 to examine current Crown Land Management arrangement across the State and make recommendations on more effective future ownership, governance and management.

In part, the review was initiated as a result of existing complex legislative and management arrangements for Crown Land in NSW which have been observed to hamper decision making. In a coastal context, resolution of the roles and responsibilities of the different management agencies for Crown land is a critical issue under the review as well as ensuring a shared intent and strategy for management.

Likewise, the Marine Estate Management Authority (MEMA) has embarked on a major review of the benefits that are derived from the marine estate and the threats to these benefits to inform future management. Following the pilot study for the Hawkesbury Shelf Marine Bioregion (including the estuaries of that planning area), the approach will be extended Statewide in 2016.

Over time the NSW Crown Lands Management Review, MEMA reviews and proposed coastal legislative reforms will likely lead to changes and improvements to public land and water management.

However, in the meantime, there may be some practical, on-ground solutions that can be progressed from the 'bottom up' to move beyond minimum requirements for managing community uses on the coast.

An example of one of these solutions driven at a local level in Far North Queensland is presented below as a case study.

2.0 The Foreshore Management Plan (FMP) for Mission Beach

Experiencing similar coastal planning challenges described above for the NSW coast, the Cassowary Coast Regional Council (CCRC) in Far North Queensland recognised that existing legislative, policy and governance arrangements across multiple jurisdictions of the foreshore at Mission Beach were resulting in fragmented decision making and potentially sub-optimal coastal management outcomes.

CCRC identified the need for a Foreshore Management Plan (FMP) which could provide a clearer vision and better direction on the future management and use of public land on the coast and foreshore (the area between high and low water mark), as a means to achieve appropriate protection of values and coordinated decision making over the next 20 years.

In 2014, CCRC engaged BMT WBM (working with project partners Buckley Vann Town Planning Consultants and UPLAN landscape architects), to develop a FMP for the Greater Mission Beach foreshore. The consultant team worked closely with Council officers over a period of six months to develop the architecture, content and concepts of the FMP, as well as engaging with the Mission Beach Visual Amenity Reference Group (VARG); a local stakeholder body made up of community representatives across the spectrum of environmental, social, cultural and economic interests. A draft version of the FMP was released for consultation in October 2014 and 49 submissions were received. A final version has recently been submitted to Council for endorsement.

2.1 Scope of the FMP

The key aims of the FMP are to describe the vision for the use and management of public land and waters on the foreshore, identify the current and future management

intent for foreshore areas to enable preservation of high value areas, and promote appropriate recreation, tourism and commercial uses and activity in appropriate locations.

Key aspects and elements of the FMP are summarised in Table 1. The planning area covered by the FMP is shown in Figure 1 and a schematic of the FMP study area is shown in Figure 2.

The authors drew upon a range of accepted, best practice and successful planning principles and approaches in developing the scope and architecture of the FMP including:

- setting out 'zones' (referred to as Foreshore Management Units in the FMP) and spatial overlays (referred to as Special Management Areas) with supporting statements of intent and desired management outcomes and policies. This approach is similar to the use of zones and precincts in a planning scheme and other foreshore management planning instruments developed elsewhere (most notably the Hervey Bay Foreshore Management Plan, Hervey Bay City Council, 2007);
- a multiple use approach to management of foreshore activities, similar to marine park zoning, that identifies important values and potentially conflicting uses and ensures an approach to management that seeks to avoid or otherwise minimise harmful impacts on sensitive values and interaction between conflicting uses and activities (such as horses and dogs, horses and turtle nesting sites or motorised sports in predominantly natural areas);
- the need for a Recreational Opportunity Spectrum (ROS) approach to foreshore recreational activities that allow for a diversity of recreational opportunities to occur across the planning area from adventurous and challenging (such as skydiving and land yachting), to serene and contemplative (bushwalking and kayaking); and
- ensuring a 'line of sight' across the coastal zone by ensuring spatial consistency and policy alignment with landward statutory planning controls (planning scheme and associated zones and protected area plans) and seaward marine-based planning controls (GBRMP marine park zoning).

The FMP was developed by determining the uses and values of land and water within the FMP study area, identifying its resources (eg: natural values and man-made features) and constraints (eg: protected areas, flood hazard and coastal erosion hazard).

These key values, resources, infrastructure assets, hazards, threats and opportunities associated with the foreshore, were mapped and described under the FMP based on existing strategy, policy and planning documents, consultation with Council officers and site inspections by the study team. This information formed the baseline for current and proposed management approaches outlined in the FMP.

As described in Table 1, the key planning elements of the FMP included the allocation of Foreshore Management Units (FMUs) across the entire study area which broadly represent existing values and intended future use, and vary from sensitive protected areas through to high use zones. Additionally, Special Management Areas (SMAs) overlaid the FMUs and largely reflected local level constraints present in particular areas, be they protected cultural sites, high value ecological area, coastal or flood hazard area, etc.

The FMP also makes use of customised sketches, drawings and artist's impressions of the foreshore area to visually describe preferred planning and management outcomes,

with a fundamental aim of being able to demonstrate to Council and the community, 'what good looks like' in terms of foreshore management.

Key aspects and elements of the FMP are summarised in Table 1. The planning area covered by the FMP is shown in Figure 1 and a schematic of the FMP area is shown in Figure 2.

Table 1: Key Elements of the FMP

Plan Element	Description
Planning Boundaries (length)	Refer Figure 1 - From Garners Beach in the north through to Tam O'Shanter Point in the south incorporating the townships of Bingil Bay, North Mission Beach, Wongaling Beach and South Mission Beach
Planning Boundaries (width)	Refer Figure 2 - Includes only public land and waters off the coast (areas within and neighbouring the foreshore) to a nominal distance of 200 m but using cadastral boundaries wherever possible.
Vision and Principles	The plan has an overall Vision statement describing how the foreshore will be managed and the type of future for, and image of the foreshore. To assist with implementation, the vision is supported by principles and specific directions for foreshore management and planning.
Foreshore Management Units	Refer Figure 3 - The coastline is divided into four 'zones' called Foreshore Management Units (FMUs) which describe a different type of foreshore setting based on the current or future intended use and naturalness of the area. The FMUs include: <ul style="list-style-type: none"> • natural beach and foreshore areas, • areas of undeveloped parkland, • areas of developed parkland and • tourist park areas. <p>For each FMU, guidance and detail is provided in the FMP on: (i) Intent; (ii) Suitable Uses/Activities (current and future); and (iii) Potential Council Management and Maintenance Activities</p>
Special Management Areas	Special Management Areas (SMAs) are nested within FMUs and provide more specific direction about the management of the following issues and uses: <ul style="list-style-type: none"> • 'heritage protection' areas where the intent is to protect and maintain the natural or cultural resources of the area; • 'rehabilitation' areas where the active rehabilitation, restoration or natural regeneration of foreshore vegetation is supported or encouraged; • 'nature based recreation' areas where low impact recreational activities that conserve the natural values of the foreshore are encouraged; • 'high recreational or commercial use' areas which reflect areas where more active and intense human uses and activities occur, are permitted and/or are encouraged; and • 'special facilities' areas where major infrastructure exists, is proposed or is otherwise identified in the plan as being recommended for investigation.
Management Guidance	The FMP identifies the key foreshore management issues and includes a range of planning principles and policies for particular uses, activities and issues that underpin the Vision and spatial elements of the FMP (FMUs and SMAs). The principles and policies focus on the following issues: <ul style="list-style-type: none"> • Vegetation management and habitat enhancement; • Natural hazards; • Beach access and connectivity; • Maritime infrastructure and ocean access; • Structures and facilities in the foreshore; • Appropriate recreation activities; • Tourist parks; • Leases for clubs and organisations; and • Commercial leases.
Sketches and drawings of areas for future masterplanning	Refer Figures 4 and 5 - Sketches and drawings have been used to visually describe preferred planning and foreshore management outcomes, particularly for 'hot spot' areas requiring further detailed master planning, and to demonstrate to Council and the community, 'what good looks like' in terms of foreshore management. Some examples of these sketches are shown in Figures 4 and 5 (Source UPLAN).

Figure 1: FMP Planning Area (Longitudinal)

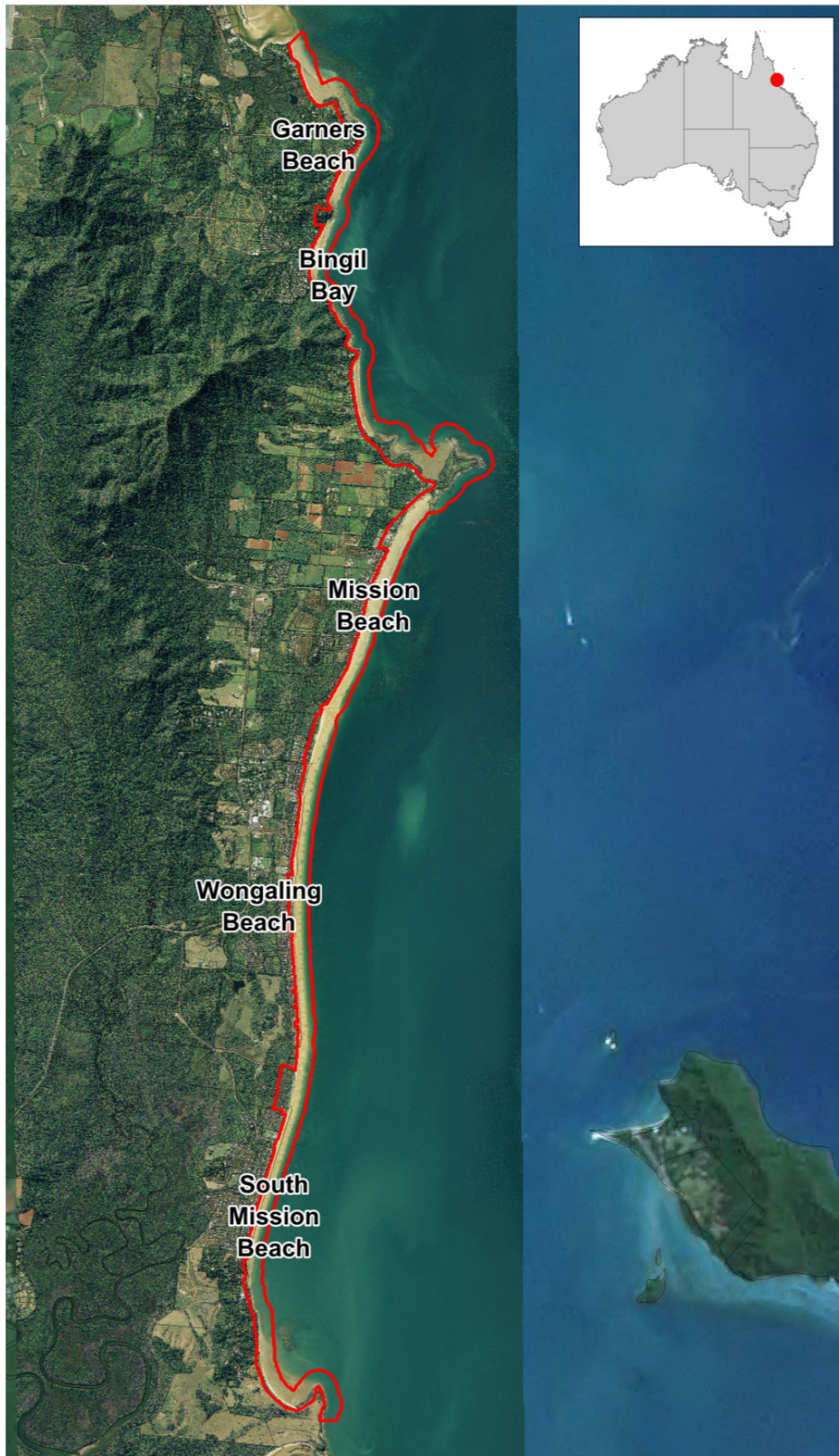


Figure 2: FMP Planning Area (Width) – Schematic

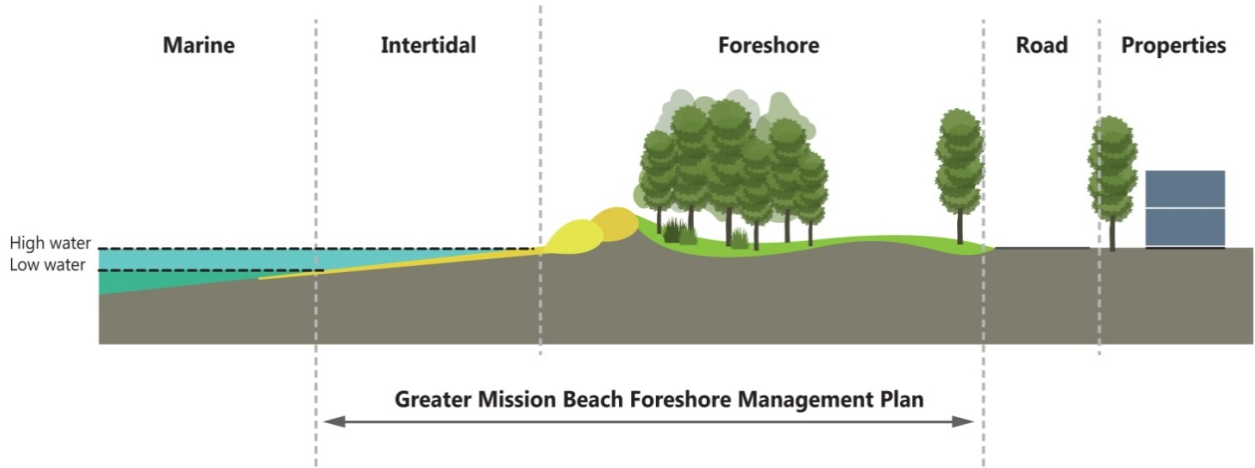


Figure 3: The foreshore is divided into Foreshore Management Units (FMU)

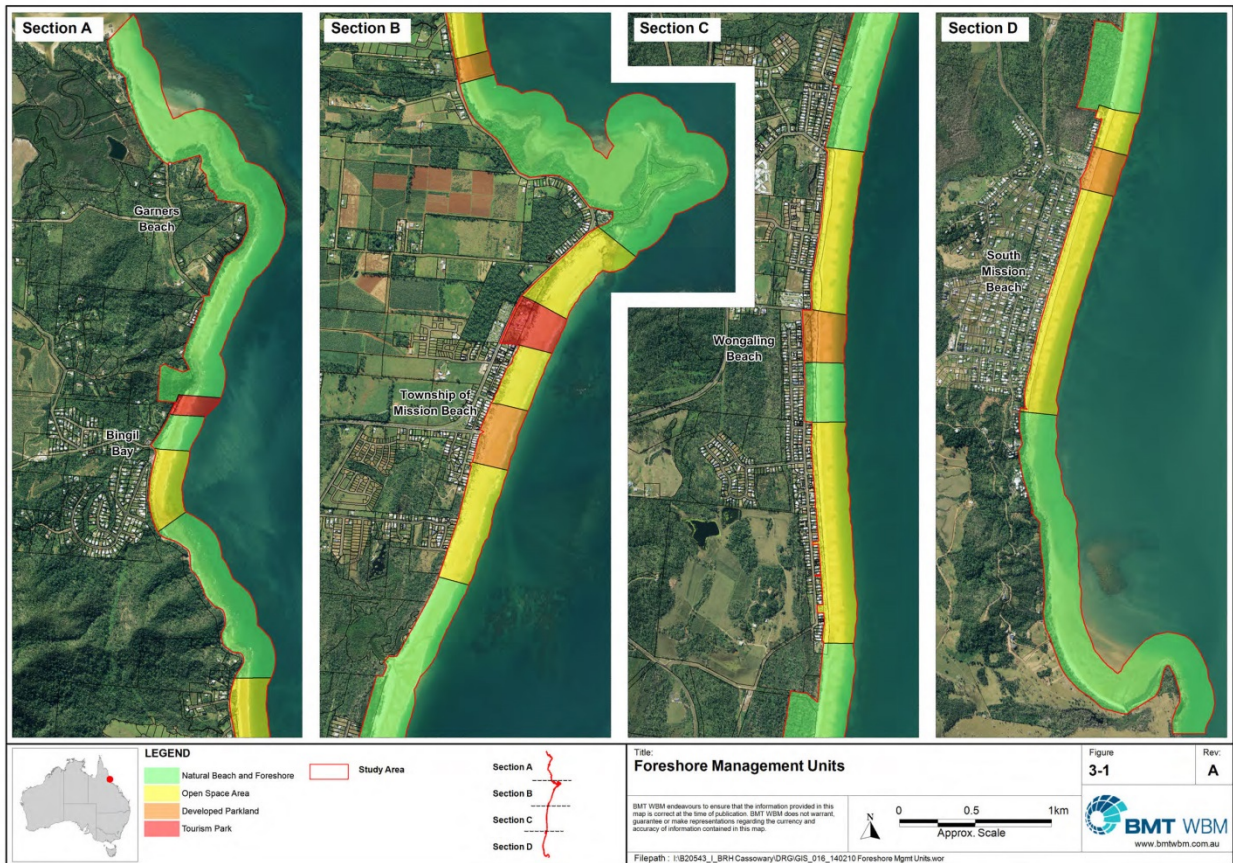


Figure 4: Sketches and Indicative Drawings supporting the FMP



Figure 5: Sketches and Indicative Drawings supporting the FMP

LEGEND

1. Esplanade entry statement and signage
2. Series of consolidated car parks.
3. 2.0 metre wide pedestrian walkway linking all spaces within the Village coastal precinct.
4. Bushland walkways, picnic facilities & interpretative trail.
5. Central creek effect and associated plantings (important storm water function).
6. Predominately open & flat grassed areas with scattered local species shade trees.
7. Revegetated and protected graded or gently sloping coastal edges.
8. Defined and enhanced entry area to existing Caravan park.
9. Central roundabout with South Mission Beach 'place making' signage icon.
10. Proposed shade shelter.
11. Future play or other community space within gentle grassed terraces.
12. Pedestrian friendly cross over through traffic calmed roadway.
13. Upgraded existing shelter and toilet facilities.
14. Existing playground is relocated to adjacent site with parkland.
15. Central Village Pedestrian coastal plaza of pavement, seating and shade. Maintain beach ramp access.
16. Central grassed parkland.
17. Feature Shade trees throughout.
18. Bollard & other protective devices will be established along open space boundaries to manage access & encourage re vegetation of this vital coastal corridor.
19. Open views will be encouraged along all main roads and pathway.
20. A few signed pedestrian only access ways to the beach will be provided at key points.
21. Casual seating and picnic tables will be scattered around the grassed coastal Park.
22. Long term future option of meandering road system into Village and diversion of main traffic along Seafarer Street.



2.2 Implementation and Challenges

Overall, the FMP has been designed to be concise and easy to use with its extensive use of mapping and imagery that will allow users to readily identify the future intent for particular areas of the foreshore and understand how particular aspects of the coast and foreshore need to be protected and managed into the future.

In this context, a key strategy of the FMP has been to seek to segregate certain uses and activities, i.e. to place certain uses in locations to minimise impacts and conflicts (e.g. dog areas, horse areas, etc.) and allow other uses and natural areas to flourish. This is a fundamental planning principle for open space management – noting the aim to discourage approaches that seek absolute protection of foreshore values versus unregulated *ad hoc* approaches to management, where any activity can be undertaken in any location.

Instead of restricting or constraining future use and development, the plan's sketches and drawings show how foreshore areas could be sustainably used, and in some cases re-developed, in accordance with best practice coastal planning principles and in keeping with the area's predominantly natural heritage character. As shown by the FMP, this can be a powerful planning tool for informing future master planning of these areas as the sketches help foreshadow future landscape and amenity outcomes that could be created to support and enhance tourism and recreational values of the foreshore and contribute to the vitality and prosperity of the place. The sketches and drawings have also been a successful community engagement tool, clearly presenting ideas and concepts on the possible future 'to be' state for the foreshore.

Unsurprisingly though, the transparency of the approach has attracted considerable community interest and polarised pro-development and pro-conservation interest groups in the planning area. Ultimately though, this has to be the role of a coastal plan like the FMP – to set out a clear future vision of the 'go' and 'no go' areas of the coastline in a way that seeks to address and balance the broad needs and requirements of the community, while also responding to the unique coastal management issues, constraints and significant values of the region, including appropriate tourism opportunities.

3.0 Application of the FMP concept in NSW

While specific to the Greater Mission Beach Area, the FMP provides a potential blueprint for application to other foreshore areas where competing issues and pressures on natural assets and values need specific management direction, and where the protection and management of these natural assets is crucial to supporting and growing sustainable tourism.

3.1 General Observations

Based on the experience at Greater Mission Beach, the approach will be most effective where the following conditions are present:

- there is an identified need for pro-active strategic planning and management of foreshores to respond to key issues or facilitate a particular outcome eg: preservation of existing values, promote or encourage a particular activity or use in certain locations, address existing or emerging use or interaction conflicts, or simply to engage the community in a process that moves all parties closer to an agreed vision for the future use and improved management of these valuable areas;
- there is a need to simplify or distil through the complexities of multiple jurisdictional boundaries, different planning, policy and legislative requirements and governance arrangements, to make decision making

more efficient and to achieve coordinated and better foreshore management outcomes 'on the ground'.

- there is a need to prioritise issues and actions to make the most of limited funding and to manage community expectations for proposed 'on the ground' management and maintenance actions and what this means for infrastructure investment, operational planning and financial sustainability.
- there is a suitable information base from which to spatially map values, resources, opportunities and constraints;
- there is strong technical involvement of Council officers across relevant 'whole of Council' portfolio interests to work with the consulting team (rather than having the consultant team working in isolation of the local issues, background and features of a place);
- there is involvement with a community working group (like the VARG) which can provide triple bottom line advice and inputs into the preparation process at its early stages and, a willingness to put forward highly graphical images, drawings and sketches to clearly show future use, activity and development concepts;
- it is essential there is the political will to take a leadership role and 'championing' of foreshore management, including recognising the inter-dependency between the natural environment and supporting sustainable tourism, recreation and commercial uses in appropriate locations and, understanding how current use and future trends may impact on the values of the foreshore. Taking a pro-active approach to develop an overarching vision and management framework to better protect, enhance and manage these areas for multiple uses and being clear on the 'go' and 'no go' areas, will achieve better foreshore management outcomes on the ground.

3.2 Tailoring the Approach to NSW

In tailoring this approach to a NSW context, the following sections provide advice about how the FMP experience in Mission Beach could inform:

- CZMPs
- Plans of Management (PoMs)
- The Crown Land Management Review

3.2.1 *Applicability to CZMPs*

A Foreshore Management Plan similar to that undertaken for the Mission Beach area of FNQ would be an ideal way to address the community uses component of a CZMP in NSW and to bridge the management of these uses and activities with the protection of coastal ecosystems (another primary purpose of the CZMP).

In this context, the FMP can effectively deal with the following requirements of a CZMP:

- **Access** – identify all existing access points to the foreshore; their current condition and maintenance regime, the need for additional or modified access, the need for the consolidation of access points to reduce pressure on coastal resources and managing access use conflicts such as beach driving, commercial and recreational horse riding, adventure sports and designated off leash areas for dogs.
- **Amenity** - identify and zone beach areas similar to the Foreshore Management Units in the FMP in order to identify those beaches and foreshores that are predominantly natural versus open space area and developed parklands.
- **Recreational Use in the Coastal Zone** – identify the range of current recreational uses on the foreshore, where they occur, the extent to which there may be conflict now or in the future, facilitating or providing incentives for particular uses in certain locations and restricting access to reduce conflicts.
- **Cultural and heritage environment** – identify areas or places that have items, places or objects of natural and cultural heritage as these need to be

considered in all decision making. As done in the FMP for Missions Beach, this could occur as an overlay that is then integrated across all planning and decision making instruments.

Where it is not practical to undertake an FMP as part of a CZMP study, it can also be identified as a future action with a CZMP action plan.

This may have the additional benefit of the mapping and consultation undertaken already as part of the CZMP providing the baseline information on the value, uses and activities that can then be addressed in the future FMP.

3.2.2 Applicability to Plans of Management (PoMs)

The experience with the FMP at Mission Beach would also have direct applicability to preparation and/or review of a Plan of Management (PoM) for a Crown Land Reserve.

Using the Guidance in the Trust Handbook as a Guide, there is a strong alignment between the approaches taken in the Mission Beach FMP with the Guidance provided in the Trust handbook around way a plan of management should be prepared.

In particular the FMP provided the following key aspects of a PoM (as outlined in the Trust Handbook in Section 5.2 'Why Prepare a PoM?'):

- set out strategic direction for use and activity
- outlined operational and day-to-day use and management
- specified how broader legal and policy requirements are to be applied to the particular reserve
- created a concept design for future developments
- collated information in a single document for ease of reference

3.2.3 Applicability to advancing the Crown Land Review

A significant part of the NSW Crown Lands Management Review is the potential reallocation of ownership of parts of the Crown Land Estate. With Crown Land of State Interest to be retained, balance lands may be transferred to local government or other suitable agencies for future management.

Planning and management in coastal and foreshore regions may become easier as a result of the Crown Land Review which has flagged legislative changes to assist local governments in managing existing and devolved Crown Land Estate. The Review seeks to allow local governments to manage reserves under the Local Government Act, rather than under the provisions of the Crown Lands Act, thereby eliminating potential inconsistencies for Councils to plan for and manage these assets.

In all, the Crown Land Management Review may see Local Government Authorities in NSW with a greater allocation of Crown Lands to manage, with many of the coastal Councils potentially have greater areas of coastline and foreshore to plan for and manage. This can be seen as a great opportunity (providing it can be financially supported), but it does place an onus on Local Government to plan for the future of these areas in combination with the existing areas they are already planning for. The methods applied in the Greater Mission Beach FMP example are readily applicable to any size or section of coast and foreshore as in essence they all have the same key considerations to deal with, albeit in different proportions depending on the locality.

References

Cassowary Coast Regional Council (2015), Draft Foreshore Management Plan – Greater Mission Beach Area

Cassowary Coast Regional Council (2014), Draft Tourism Strategy, Cassowary Coast Region

Department of Environment and Resource Management (DERM) (2002), Wet Tropical Coast Regional Coastal Management Plan.

Hervey Bay City Council (2007), Hervey Bay Foreshore Management Plan

NSW Office of Environment and Heritage (2013) Guideline for Preparing Coastal Zone Management Plans. Sydney: NSW.

NSW Department of Primary Industries – Lands (2007) Trust Handbook. Newcastle: NSW.

Visual Amenity Reference Group (VARG) (2013), Mission Beach Coastal Vision