

PLANNING PROPOSAL

COFFS HARBOUR CITY COUNCIL

Planning Proposal to Identify a Coastal Hazard Planning Area V1 Gateway Determination

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INTRODUCTION

Purpose

Coffs Harbour City Council adopted a Coastal Zone Management Plan (CZMP) in 2013 which contained a range of high priority actions. These included preparation of planning controls that reflect the coastal hazards and risks for different planning horizons and sea level rise scenarios as defined in its Coastal Processes and Hazards Definition Study.

One of the planning controls that council can use to implement its CZMP is a new clause and associated map in Coffs Harbour LEP 2013 that define the coastal hazard planning area and specify a suite of matters that should be considered in assessing any development within that coastal hazard planning area. This clause and associated maps will supersede the existing foreshore building protection clause that currently only applies to the South Park Beach, Park Beach and Sapphire Beach localities.

Property details

The planning proposal affects a wide range of private and public property along the Coffs Harbour LGA coastline. The map sheets at Figures 1 to 11 in Appendix A identify the area of land that is located seaward of the 2100 coastal hazard line. This area extends to the Mean High Water Springs (MHWS). This is the land to which the planning proposal applies.

Site context and setting and current zoning

The Coffs Harbour coastline is 79 km long extending from Pebbly Beach (Station Creek) in the north to Bundagen in the south. It includes 38 beach embayments. The land affected by the planning proposal includes beaches and the openings of waterways; public open space land held by National Parks and Wildlife Service, Council or the Crown; public land used for infrastructure such as roads, railway lines, water, sewerage, stormwater infrastructure as well as easements for power and communications infrastructure. It affects land used for coastal holiday parks and tourism accommodation both in Crown and private ownership. It also affects privately owned land used for residential, tourism, commercial (including clubs and pubs) and private recreation uses. Land use zone maps from Coffs Harbour LEP 2013 for the coastal hazard area are at Figures 1 to 11 in Appendix B.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objectives of this planning proposal are to insert a suite of local provisions into Coffs Harbour LEP 2013 that apply to an area identified on a map as being affected by coastal hazards. The local provisions will ensure that Coffs Harbour City Council considers a range of coastal hazard issues when it is assessing new development.

The planning proposal will also remove a foreshore building line provision and associated map that is now out of date.

PART 2 - EXPLANATION OF PROVISIONS

The intended outcomes of the planning proposal will be achieved by:

- Amending Coffs Harbour LEP 2013 by inserting a new map described as the “Coastal Hazard Planning Map” that will identify land that is located to the seaward side of the 2100 coastal hazard line. As identified by the adopted Coastal Processes and Hazards Definition Study, this land is known to be affected by coastal processes now or is projected to be affected by coastal processes by the year 2100. The map spans a number of sheets and is included in Appendix A.
- Amending Coffs Harbour LEP 2013 instrument by adding a new clause on Coastal Hazard Planning that includes objectives, applies to the area identified on the Coastal Hazard Planning Map, and provides heads of consideration for council when dealing with development applications on the land to which the clause applies. The proposed clause is included in Appendix C.
- The draft clause will supplement and apply in addition to existing clause 5.5.
- Amending the Coffs Harbour LEP 2013 instrument by deleting clause 7.7 “Limited development on foreshore area” and deleting the Foreshore Building Line Map from the LEP. The clause to be deleted is included in Appendix D.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. CHCC has for a number of years been following the State Government prescribed process for investigating and managing its coastline. It produced and adopted a Coastal Processes and Hazards Definition Study (2011) (CPHDS), a Coffs Harbour Coastal Zone Management Study (2012) (CZMS) as well as a Coastal Zone Management Plan (2013) (CZMP). Within these documents coastal hazards have been defined by probabilities in the Immediate, 2050 and 2100 year planning periods, to enable Coffs Harbour City Council to manage coastal hazards within a risk based framework. A clear recommendation of the CZMP is that planning controls at all levels are an important tool in the long term management of a coastline affected by coastal hazards.

The Coastal Processes and Hazards Definition Study (2011) (CPHDS) assessed each of the Immediate, 2050 and 2100 year planning periods in terms of the likelihood of the Coffs Harbour coast being affected by coastal hazards. However, the CPHDS found that the historical beach response and other data was not comprehensive or detailed enough to be able to differentiate between all five likelihood categories (Almost Certain, Likely, Possible, Unlikely and Rare).

Rationalisation of these categories was required, with focus given to ‘Almost Certain’, ‘Unlikely’ and ‘Rare’ likelihood probabilities for the Immediate, 2050 and 2100 planning horizons.

The CPHDS defines these terms as:

Almost Certain - There is a high possibility the event will occur as there is a history of periodic occurrence

Unlikely- There is a low possibility that the event will occur, however, there is a history of infrequent and isolated occurrence

Rare - It is highly unlikely that the event will occur, except in extreme circumstances, which have not been recorded historically

The 'Almost Certain' hazard likelihood probability line for the Immediate planning horizon accounts for the average beach erosion over the last 3-5 decades. At the 2050 and 2100 planning horizons it accounts for future long term recession without sea level rise, that is, due to the harbour impact only, plus average beach erosion.

The 'Unlikely' hazard likelihood probability line for the Immediate planning horizon accounts for the maximum beach erosion over the last 3-5 decades. At the 2050 and 2100 planning horizons it is the addition of future long term recession due to predicted sea level rise of 0.4 m and 0.9 m by 2050 and 2100, the harbour impact over this timeframe, plus the maximum beach erosion hazard extent.

The 'Rare' hazard likelihood probability line for the Immediate planning horizon accounts for the extreme beach erosion over the last 3-5 decades. At the 2050 and 2100 planning horizons it is more complicated, being the maximum extent of recession due to either:

- Future long term recession due to a higher than predicted sea rise (including the harbour impact) plus the immediate maximum beach erosion extent; or
- Future long term recession due to projected sea rise (including the harbour impact) and a sustained easterly shift in average wave direction, plus the immediate maximum beach erosion extent; or
- Future long term recession due to projected sea rise (including the harbour impact) plus extreme beach erosion extent.

It also includes a 0.7 m rise in sea level by 2050 and a 1.4 m sea level rise by 2100.

The CZMS noted that planning decisions about residential development have a time frame of up to 100 years and commercial and industrial development about 50 years so it is important that planning controls look beyond the Immediate planning horizon and are based on a reasonable expectation that sea levels will rise over the long term.

The option that looks to the long term and coincides with Council's climate change policy and the adoption of a predicted sea level rise of 0.4 m and 0.9 m by 2050 and 2100 in the CZMP is the 'Unlikely' hazard lines for the 2050 and 2100 planning periods. Accordingly the 'Unlikely' hazard lines have been used for the 2050 and 2100 year planning periods in the associated draft DCP and the 'Unlikely' 2100 hazard line has been used to identify the coastal hazard planning area in this planning proposal. The 'Unlikely' hazard line has also been used for the Immediate planning period because it is important to be conservative in the face of an immediate threat and it is consistent with the 2050 and 2100 planning periods.

On 19 July 2013 the State government repealed the Coastline Management Manual and replaced it with Coastal Zone Management Plan Guidelines for the purposes of S.733 of the Local Government Act, 1993 and the Coastal Protection Act, 1979. This planning proposal has been prepared in a manner consistent with the ten coastal management principles in the CZMP Guidelines as follows:

<p>Principle 1 Consider the objects of the Coastal Protection Act 1979 and the goals, objectives and principles of the NSW Coastal Policy 1997 and the NSW Sea Level Rise Policy Statement 2009</p>	<p>The planning proposal is an important step in implementing the objectives of the Coastal Protection Act, 1979. It is consistent with the NSW Coastal Policy 1997 and the NSW Sea Level Rise Policy Statement 2009.</p>
<p>Principle 2 Optimise links between plans relating to the management of the coastal zone</p>	<p>The Planning proposal is a recommendation of the adopted CZMP and is also associated with a Development Control Plan and Council Policy on the issue of Coastal Hazards.</p>
<p>Principle 3 Involve the community in decision-making and make coastal information publicly available</p>	<p>The community has been involved in all documents to date and the planning proposal (and associated DCP) will be publicly</p>

	exhibited and submissions considered.
Principle 4 Base decisions on the best available information and reasonable practice; acknowledge the interrelationship between catchment, estuarine and coastal processes; adopt a continuous improvement management approach	Council has prepared detailed documentation on coastal processes that form a sound basis for coastal planning decisions. Council documents acknowledge the interrelationship of coast, catchment and estuary.
Principle 5 The priority for public expenditure is public benefit; public expenditure should cost-effectively achieve the best practical long-term outcomes	The planning proposal will not direct public expenditure, however the underlying objective is to ensure coastal development is more resilient to coastal hazards which should in turn minimise the need for public expenditure.
Principle 6 Adopt a risk management approach to managing risks to public safety and assets; adopt a risk management hierarchy involving avoiding risks where feasible and mitigation where risks cannot be reasonably avoided; adopt interim actions to manage high risks while long-term options are implemented	The planning proposal (and associated DCP) is based on a risk management approach.
Principle 7 Adopt an adaptive risk management approach if risks are expected to increase over time, or to accommodate uncertainty in risk predictions	The planning proposal is an important step for Council in implementing planning controls that address coastal hazards. It will need to be reviewed periodically as new information becomes available.
Principle 8 Maintain the condition of high value coastal ecosystems; rehabilitate priority degraded coastal ecosystems	This planning proposal will require Council to consider the potential for coastal processes to impact on the environment when it assesses development applications in a coastal hazard area. Existing clause 5.5 of LEP 2013 also addresses this issue in the coastal zone.
Principle 9 Maintain and improve safe public access to beaches and headlands consistent with the goals of the NSW Coastal Policy	Existing clause 5.5 of LEP 2013 addresses this issue in the coastal zone.
Principle 10 Support recreational activities consistent with the goals of the NSW Coastal Policy	Recreation activities that require development consent will be considered pursuant to this planning proposal and existing clause 5.5 of LEP 2013.

Although the State government no longer prescribes sea level rise benchmarks its “NSW Coastal Planning Guideline: Adapting to Sea Level Rise” remains relevant as a guide as to how coastal risks and coastal hazards should be addressed by Local Government. The following six principles from that guideline provide a basis for evaluating this planning proposal:

Assess and evaluate coastal risks taking into account sea level rise.	The planning proposal inserts objectives and development controls that ensure Council will evaluate coastal risks and hazards in areas known to be affected. The coastal hazard lines used in this planning proposal (and the new chapter in its associated DCP) account for a 0.4m sea level rise by 2050 and a 0.9m sea
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	level rise by 2100 as previously adopted by Council as part of its CZMP.
Advise the public of coastal risks to ensure that informed land use planning and development decision-making can occur.	All stages leading up to this point have involved public consultation and the draft planning proposal will also be exhibited for comment.
Avoid intensifying land use in coastal risk areas through appropriate strategic and land-use planning.	Applying a risk based approach, Council will use this LEP clause and the associated new chapter in its DCP to properly assess development in coastal hazard areas and avoid inappropriate intensification of land use in coastal hazard areas.
Consider options to reduce land use intensity in coastal risk areas where feasible.	Applying a risk based approach, Council will use this LEP clause and the associated new chapter in its DCP to properly assess development in coastal hazard areas and where possible (over time) reduce land use intensity in coastal hazard areas.
Minimise the exposure to coastal risks from proposed development in coastal areas.	Applying a risk based approach, Council will use this LEP clause and the new associated chapter in its DCP to properly assess development in coastal hazard areas and (in doing so) minimise exposure to coastal hazards.
Implement appropriate management responses and adaptation strategies, with consideration for the environmental, social and economic impacts of each option.	Council's CZMP recommends a broad range of management actions including (but not limited to) planning controls. Other actions include education, asset management, dune management, and monitoring.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. A planning proposal is considered an integral part of council's approach to implementing coastal hazard planning controls and managing risk. In combination with a Development Control Plan, imposition of conditions of development consent and clear information on Section 149 certificates, it will ensure that future development applications are made in the context of good quality information and are assessed against relevant planning criteria. This should ensure better planning and development outcomes for both applicants and council.

3. Is there a net community benefit?

The Net Community Benefit Criteria is identified in the NSW Government's publication *The Right Place for Business and Services*. This policy document has a focus on ensuring growth within existing centres and minimising dispersed trip generating development. It applies most appropriately to planning proposals that promote increased residential areas or densities or increased employment areas or the like. This planning proposal will not change the existing zones

in Coffs Harbour LEP 2013 or affect directly the range of land uses permitted under LEP 2013. The criteria in the Net Community Benefit test can't be properly applied to this planning proposal.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Mid North Coast Regional Strategy (MNCRS) applies to the Coffs Harbour LGA. The MNCRS lists regional challenges on page 6 that include to “better understand and manage natural hazards including flooding and coastal erosion....”. This planning proposal is consistent with that challenge. The extensive work that council has undertaken to get to this point is a solid base for understanding and managing coastal erosion and risks as well as the wider range of coastal hazards.

On page 11 the “Strategy at a Glance” lists the aims which include to “limit development in places constrained by coastal processes.....”. Introducing coastal hazard planning clauses based on extensive studies of coastal hazards and risk will enable council to limit or condition future development where it considers it is appropriate to do so to mitigate and/or manage those risks. This is consistent with the aim of the MNCRS.

In relation to Natural Hazards (pages 34 and 35) the MNCRS recommends “extra caution in planning and building decisions in areas subject to ocean influence to account for the effects of climate change on sea level rise, storm surge, shoreline recession, storm frequency and intensity....” This links with the outcome that “appropriate planning provisions will be incorporated in local environmental plans consistent with council’s risk management plan to minimise the risk from flooding and coastal erosion.” The relevant action is that “local environmental plans will zone areas subject to high hazard to reflect the limitations of the land”. The planning proposal is consistent with both these outcomes and actions in that it will introduce a coastal hazard area map and associated provisions that allow council to make decisions on future development that reflect the level of coastal hazard that affects that land.

5. Is the planning proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

In 2009 Council adopted a 20 year *Community Strategic Plan (2030)*. The plan is based on five key themes being: Learning and Prospering, Places for Living, Moving Around, Looking After our Community, and Looking After our Environment.

The planning proposal is generally consistent with the following relevant Objectives:

LC1.1 We take pride in Coffs Harbour as a strong and adaptable community.	LC1.1.2 Develop community resilience to change including disaster preparedness and response mechanisms.
LE2.1 Our forests, beaches, headlands, ocean, rivers, forested mountain backdrop, plants and animals are conserved for future generations.	LE2.1.5 Implement climate change planning, adaptation and mitigation strategies.

Raising awareness of coastal hazards and risk by amending LEP 2013 (supported by a coastal hazards DCP and standard conditions of consent) will ensure that information is provided to landowners and applicants to ensure that future coastal development is more resilient to coastal

hazards, risk exposure is minimised consistent with applicable guidelines and a strategic approach as well as ensuring purchasers know the level of hazard that applies to property that they may wish to purchase.

6. Is the planning proposal consistent with applicable state environmental planning policies (SEPP)?

The State Environmental Planning Policies relevant to the planning proposal are identified in Table 1 and discussed in the following section.

Table 1: Consistency with SEPP's

State Environmental Planning Policy	Consistency
SEPP No 1 – Development Standards	N/A (repealed for CH)
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	N/A (substantially repealed for CH)
SEPP No 6 – Number of Storeys in a Building	N/A
SEPP No 10 – Retention of Low Cost Rental Accommodation	N/A
SEPP No 14 – Coastal Wetlands	N/A
SEPP No 15 – Rural Landsharing Communities	N/A
SEPP No 19 – Bushland in Urban Areas	N/A
SEPP No 21 – Caravan Parks	N/A
SEPP No 22 – Shops and Commercial Premises	N/A
SEPP No 26 – Littoral Rainforests	N/A
SEPP No 29 – Western Sydney Recreation Area	N/A
SEPP No 30 – Intensive Agriculture	N/A
SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent. See additional comment below
SEPP No 33 – Hazardous and Offensive Development	N/A
SEPP No 36 – Manufactured Home Estates	Consistent. See additional comment below
SEPP No 39 – Spit Island Bird Habitat	N/A
SEPP No 41 – Casino Entertainment Complex	N/A
SEPP No 44 – Koala Habitat Protection	N/A
SEPP No 47 – Moore Park Showground	N/A
SEPP No 50 – Canal Estate Development	N/A
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	N/A
SEPP No 53 – Metropolitan Residential Development	N/A
SEPP No 55 – Remediation of Land	N/A

State Environmental Planning Policy	Consistency
SEPP No 59 – Central Western Sydney Regional Open Space and Residential	N/A
SEPP No 60 – Exempt and Complying Development	N/A (repealed for CH)
SEPP No 62 – Sustainable Aquaculture	N/A
SEPP No 64 – Advertising and Signage	N/A
SEPP No 65 – Design Quality of Residential Flat Development	N/A
SEPP No 70 – Affordable Housing (Revised Schemes)	N/A
SEPP No 71 – Coastal Protection	Consistent. See additional comments below
SEPP (Affordable Rental Housing) 2009	N/A
SEPP (Building Sustainability Index: BASIX) 2004	N/A
SEPP (Exempt and Complying Development Codes) 2008	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	N/A
SEPP (Infrastructure) 2007	Consistent. See additional comment below
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	N/A
SEPP (Major Development) 2005	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. See additional comments below
SEPP (Rural Lands) 2008	N/A
SEPP (Sydney Region Growth Centres) 2006	N/A
SEPP (Temporary Structures) 2007	N/A
SEPP (Western Sydney Employment Area) 2009	N/A
SEPP (Western Sydney Parklands) 2009	N/A
SEPP (North Coast REP), 1988	N/A (repealed for CH)

SEPP No 32 – Urban Consolidation (Redevelopment of Urban Land)

This SEPP aims to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development. Land that is excluded from this SEPP includes land identified in an LEP as being affected by a natural hazard.

Land within the coastal hazard area identified in the maps to this planning proposal will be identified as being affected by coastal hazards and this SEPP will no longer apply. This is a reasonable outcome and reflects Council's understanding of coastal hazards based on extensive studies undertaken consistent with State Government guidelines and policy.

The planning proposal is consistent with the SEPP.

SEPP No 36 – Manufactured Home Estates

This SEPP aims to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements. It does not apply to land affected by hazards such as coastal hazards. Council can make this judgement based on available information and does not need the planning proposal to determine that SEPP 36 does not apply to coastal hazard land. However, identifying the land in the LEP will make this abundantly clear.

The planning proposal is consistent with the SEPP.

SEPP No 71 – Coastal Protection

The land affected by this planning proposal that is to be identified on a map as coastal hazard land is entirely within the coastal zone identified in SEPP 71. Key aims of SEPP 71 are:

- to manage the coastal zone in accordance with the principles of ecologically sustainable development; and
- to encourage a strategic approach to coastal management.

The planning proposal is consistent with these aims.

In preparing the planning proposal Council must consider a range of matters identified in clause 8 of the SEPP. A brief response to those is as follows:

- The planning proposal will not affect public access to the coastal foreshore or generate the need to provide new access;
- It will not result in impacts upon the scenic qualities of the coast or any animals or fish that occur along the coast;
- The planning proposal is entirely based on the predicted effects of coastal processes and coastal hazards on the Coffs Harbour coastline.

The planning proposal is consistent with the relevant parts of the SEPP.

SEPP (Infrastructure) 2007

SEPP (Infrastructure) is a wide ranging document that covers a myriad of issues and processes. A key clause relevant to this planning proposal is Cl129A as follows:

“129A Development with consent

- (1) Development for the purposes of a sea wall or beach nourishment may be carried out by any person with consent on the open coast or entrance to a coastal lake.*
- (2) If a coastal zone management plan does not apply to the land on which any such development is to be carried out, the Coastal Panel has the function of determining a development application for development to which this clause applies.*
- (3) Before determining a development application for development to which this clause applies, the consent authority must take the following matters into consideration:*
 - (a) the provisions of any coastal zone management plan applying to the land,*
 - (b) the matters set out in clause 8 of State Environmental Planning Policy No 71—Coastal Protection,*
 - (c) any guidelines for assessing and managing the impacts of coastal protection works that are issued by the Director-General for the purposes of this clause and published in the Gazette.*

Note. Section 55M of the Coastal Protection Act 1979 sets out preconditions to the granting of development consent relating to coastal protection works.”

This planning proposal will not alter the permissibility of sea walls or beach nourishment as provided for in C1129A of the SEPP, but it will create an additional suite of matters that must be considered by the consent authority in determining any such application. Given that Council has an adopted Coastal Zone Management Plan the consent authority for such applications will be Council. Should there be any inconsistency between its LEP and the SEPP, it is the SEPP that will prevail.

The planning proposal is consistent with the relevant parts of the SEPP.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

Nothing in this planning proposal will alter the permissibility of mining or extractive industries on the subject land. No underlying land use zones are proposed to be changed by this planning proposal.

The planning proposal is consistent with the SEPP.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency with the s117 Directions is assessed in the following Table 2.

Table 2 Consistency with s117(2) Directions

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1. Employment and Resources			
1.1 Business and Industrial Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	Some small areas of land zoned for Business use (B4 Mixed Use) and Industrial use (IN4 Working Waterfront) under LEP 2013 are located in the coastal hazard area. The planning proposal will not alter the zone boundaries or the permissibility of any land uses. It will not alter the floor space controls or height limits. It will require Council to consider coastal hazard issues in any application.	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
1.2 Rural Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</p> <p>Under this direction a planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</p>	<p>This planning proposal will not rezone any land from rural to another zone under LEP 2013. It will not increase the permissible density of development within rural zoned land.</p> <p>It predominantly affects land in zones W2, E1, E2, RE1, RE2.</p> <p>It also affects relatively small areas zoned R1, R2, B4, and IN4.</p>	Consistent
1.3 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <p>(a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>	Nothing in this planning proposal will prohibit or restrict exploration or mining.	Consistent
1.4 Oyster Aquaculture	<p>Applies when a relevant planning authority prepares any planning proposal that proposes a change in land use which could result in:</p> <p>(a) adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate"; or</p> <p>(b) incompatible use of land between oyster aquaculture in a Priority Oyster</p>	This planning proposal does not impact on a Priority Oyster Aquaculture Area.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>Aquaculture Area or a “current oyster aquaculture lease in the national parks estate” and other land uses.</p>		
<p>1.5 Rural Lands</p>	<p>Applies when:</p> <p>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</p> <p>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p> <p>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i>.</p>	<p>This planning proposal does apply to land zoned Environment protection. However it is consistent with the planning principles in SEPP (Rural Lands) and no subdivision controls are proposed to be altered in LEP 2013.</p> <p>No extra dwelling entitlements will result from the planning proposal.</p>	<p>Consistent</p>
<p>2 Environment and Heritage</p>			
<p>2.1 Environment Protection Zones</p>	<p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection</p>	<p>This planning proposal does not alter or remove any environmental protection zones. The environment protection issues relevant to the coastal hazard planning area are already dealt with in the provisions of Cl 5.5 of LEP 2013 (Development Within the Coastal Zone) as well as by the provisions of</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</p>	SEPP 71.	
<p>2.2 Coastal Protection</p>	<p>Direction applies when a relevant planning authority prepares a planning proposal that applies to land in the coastal zone.</p> <p>(4) A planning proposal must include provisions that give effect to and are consistent with:</p> <p>(a) the NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and</p> <p>(b) the Coastal Design Guidelines 2003, and</p> <p>(c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).</p>	<p>This planning proposal is entirely located within the coastal zone. The planning proposal will give effect to the NSW Coastal Policy. It will not affect public access to the coastal foreshore or generate the need to provide new access; it will not result in impacts upon the scenic qualities of the coast or any animals or fish that occur along the coast; the planning proposal is entirely based on the predicted effects of coastal processes and coastal hazards on the Coffs Harbour coastline.</p> <p>The information on which the planning proposal mapping is based has been produced in accordance with the NSW Coastline Management Manual and is consistent with State government policy.</p> <p>The planning proposal will not alter the relevance or effect of the Coastal Design Guidelines.</p> <p>The planning proposal was prepared with regard to the NSW Coastal Planning Guidelines (and the principles in those Guidelines). It is noted that these guidelines replace</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		<p>the the NSW Coastline Management Manual 1990.</p> <p>Coffs Harbour City Council adopted a 0.91metre sea level rise (based on 1990 levels) as part of its Climate Change Policy on 26/9/2013. Council has also adopted the CZMP which utilizes a predicted sea level rise of 0.4 m and 0.9 m by 2050 and 2100 respectively. This planning proposal is consistent with that adopted sea level rise.</p>	
<p>2.3 Heritage Conservation</p>	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal</p>	<p>Nothing in this planning proposal will stop or inhibit the conservation of heritage items, places or relics or Aboriginal objects or places.</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	culture and people.		
<p>2.4 Recreation Vehicle Areas</p>	<p>A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>):</p> <p>(a) where the land is within an environmental protection zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone referred to in paragraphs (4)(a) or (4)(b) unless the relevant planning authority has taken into consideration:</p> <p>(i) the provisions of the guidelines entitled <i>Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985</i>, and</p> <p>(ii) the provisions of the guidelines entitled <i>Recreation Vehicles Act, 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985</i>.</p>	<p>The proposal does not enable land to be developed for the purpose of a recreation vehicle area.</p>	<p>N/A</p>
<p>3. Housing, Infrastructure and Urban Development</p>			
<p>3.1 Residential Zones</p>	<p>(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <p>(a) an existing or proposed</p>	<p>The planning proposal does affect some small areas of residential zoned land.</p> <p>However it will not facilitate new residential development or directly</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>residential zone (including the alteration of any existing residential zone boundary),</p> <p>(b) any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>affect any existing zone boundaries, permitted uses or density controls.</p> <p>It will provide that Council must consider coastal hazards when assessing residential development in a coastal hazard area but this is not inconsistent with the Direction.</p>	
<p>3.2 Caravan Parks and Manufactured Home Estates</p>	<p>Applies when a relevant planning authority prepares a planning proposal.</p> <p>In identifying suitable zones, locations and provisions for caravan parks in a planning</p>	<p>This proposal does not seek to permit or prohibit development for the purposes of a caravan park or manufactured homes estate.</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the <i>Community Land Development Act 1989</i> be permissible with consent.</p>	<p>SEPP 36 does not apply to land affected by hazards such as coastal hazards. Council can make this judgement based on available information and does not need this planning proposal to determine that SEPP 36 does not apply to coastal hazard land. However, identifying the land in its LEP will make this abundantly clear.</p>	

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
3.3 Home Occupations	Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.	This proposal does not affect home occupation provisions under LEP 2013.	N/A
3.4 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	The planning proposal does not alter any land use zones in LEP 2013. It will not affect transport infrastructure.	Consistent
3.5 Development Near Licensed Aerodrome	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.	This proposal does affect land in proximity to Coffs Harbour airport which is located adjacent to the coastline between Coffs Harbour and Sawtell. However, the proposed coastal hazard area will not directly impact on airport land and will not facilitate inappropriate development in proximity to the airport.	Consistent
3.6 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.	The planning proposal does not alter any land use zones in LEP 2013. It will not affect any shooting ranges in Coffs Harbour LGA.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
4. Hazard and Risk			
4.1 Acid Sulfate Soils	<p>Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p>	<p>Land subject to this planning proposal is identified on the Coffs Harbour LEP 2013 Acid Sulfate Soils map as containing acid sulfate soils. There is also a suite of standard provisions that apply to this land.</p> <p>The planning proposal does not alter any land use zones in LEP 2013. The acid sulfate soil provisions of the LEP will apply unchanged.</p>	Consistent
4.2 Mine Subsidence and Unstable Land	<p>Applies when a relevant planning authority prepares a planning proposal that permits development on land that:</p> <ul style="list-style-type: none"> (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: <ul style="list-style-type: none"> (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority. 	<p>This proposal does not impact on any mine subsidence area.</p>	N/A
4.3 Flood Prone Land	<p>Applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the</p>	<p>Some of the land affected by this planning proposal is flood affected.</p> <p>However, the planning proposal:</p> <ul style="list-style-type: none"> • will not permit development on flood prone land • will not change the zone of any land 	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>principles of the <i>Floodplain Development Manual 2005</i> (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>).</p> <p>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ol style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the development of that land, (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. <p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant</p> 	<ul style="list-style-type: none"> • will not generate additional spending on flood mitigation measures, infrastructure or services; and • no additional development is proposed without consent. 	

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p> <p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the <i>Guideline on Development Controls on Low Flood Risk Areas</i>) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>		
<p>4.4 Planning for Bushfire Protection</p>	<p>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) have regard to <i>Planning for Bushfire Protection 2006</i>, (b) introduce controls that 	<p>The proposal will affect areas of land identified as being bushfire prone. However, it will not impact on the existing planning controls that address the issue of bushfire hazard on this land.</p>	<p>Consistent</p>

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p> <p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under</p>		

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with,</p> <ul style="list-style-type: none"> (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area. 		
5. Regional Planning			
5.1 Implementation of Regional Strategies	<p>Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>The planning proposal is consistent with the Mid North Coast Regional Strategy (MNCRS) (page 11). The "Strategy at a Glance" lists the aims which include to "limit development in places constrained by coastal processes.....". Introducing coastal hazard planning clauses based on extensive studies on coastal hazards and risk will enable council to limit or condition future development where it considers it is appropriate to do so. This is consistent with the aim of the MNCRS.</p> <p>In relation to Natural Hazards (pages 34 and 35) the MNCRS recommends "extra caution in planning and building decisions in</p>	Consistent

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
		<p>areas subject to ocean influence to account for the effects of climate change on sea level rise, storm surge, shoreline recession, storm frequency and intensity...."</p> <p>The relevant action is that "local environmental plans will zone areas subject to high hazard to reflect the limitations of the land". The planning proposal is consistent with both these outcomes and actions in that it will introduce a coastal hazard area map (an overlay) and associated provisions that allow council to make decisions on future development that reflect the level of coastal hazard that affects that land. The standard instrument format does not permit "zoning" of coastal lands and has abandoned the old format of 7(F1) and 7(F2) zones.</p> <p>The approach taken with this planning proposal is also consistent with the recommendations of the recently released "Northern Councils E Zone Review Interim Report".</p>	
5.2 Sydney Drinking Water Catchments	Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.	The proposal is not within this catchment.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<p>Applies when a relevant planning authority prepares a planning proposal for land in the vicinity of the existing and/or proposed alignment of the Pacific Highway.</p> <p>(5) A planning proposal that applies to land located on "out-of-town" segments of the Pacific</p>	This proposal will not affect commercial and retail land along the Pacific Highway North Coast.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>Highway must provide that:</p> <p>(a) new commercial or retail development must not be established near the Pacific Highway if this proximity would be inconsistent with the objectives of this Direction.</p> <p>(b) development with frontage to the Pacific Highway must consider impact the development has on the safety and efficiency of the highway.</p> <p>(c) For the purposes of this paragraph, "out-of-town" means areas which, prior to the draft local environmental plan, do not have an urban zone (eg: "village", "residential", "tourist", "commercial", "industrial", etc) or are in areas where the Pacific Highway speed limit is 80km/hour or greater.</p> <p>(6) Notwithstanding the requirements of paragraphs (4) and (5), the establishment of highway service centres may be permitted at the localities listed in Table 1, provided that the Roads and Traffic Authority is satisfied that the highway service centre(s) can be safely and efficiently integrated into the Highway interchange(s) at those localities.</p>		
6. Local Plan Making			
6.1 Approval and Referral Requirements	<p>A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority</p>	<p>The planning proposal will not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.</p>	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	<p>unless the relevant planning authority has obtained the approval of:</p> <ul style="list-style-type: none"> (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), <p>prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <ul style="list-style-type: none"> (c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act. 		
6.2 Reserving Land for Public Purposes	(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by	The planning proposal does not create, alter or reduce land reserved for a public purpose.	N/A

S117 Direction	Application	Relevance to this planning proposal	Consistency with direction
	the Director-General).		
6.3 Site Specific Provisions	<p>Applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. <p>(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.</p>	<p>The planning proposal does not allow a particular development or contain drawings that show details of a particular development.</p>	<p>N/A</p>

Section C - Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal will not alter any zones or development controls in a manner such that there could be adverse impacts on threatened species, populations, or ecological communities. This planning proposal will introduce provisions that require assessment of coastal hazards and coastal processes in relation to development that is currently already permitted under LEP 2013. It will not create additional development opportunities or prohibit development.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The coastal hazard map and coastal hazard planning clause will not create opportunities for development that are not already permitted by the existing zones under LEP 2013. It cannot therefore be considered to have any environmental effects.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is a recommendation of the adopted Coastal Zone Management Plan (CZMP). The CZMP was publicly exhibited and a series of community consultation events were held to inform the community of the work that had been undertaken. Council considered the CZMP and adopted it in February 2013. Council has made this information available on its web site and in public exhibition locations. It is well known that Council has been undertaking this work. It is also currently preparing a draft Development Control Plan to advise landowners, future applicants and the wider community how different development proposals will be assessed depending on where they are located in relation to coastal hazard area.

There will be socio-economic effects as a result of this planning proposal. Where a development is proposed in a coastal hazard area, Council will expect an increased level of information about the potential for it to:

- cause detrimental increases in coastal risks to other development or properties;
- alter coastal processes and the impacts of coastal hazards to the detriment of the environment; and
- be affected by sea level rise

Council will expect that any development in a coastal hazard area will acknowledge the hazard, incorporate a level of resilience in its design, layout and function such that it will:

- avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the immediate hazard line; and
- provide for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards

Council will assess development in proportion to its level of coastal hazard, the likely life of the development and its use.

Some of these factors can increase the cost of development by increasing the information the applicant needs to compile and by impacting on the location, design and construction of the development. These costs reflect the nature of the hazard and are reasonable to enable Council to consider development applications in a responsible and sustainable manner.

In ensuring that new development is more resilient to coastal processes, Council is reducing the burden to future generations of inappropriate development that will generate the pressure for major

public expenditure if it is affected by coastal hazards at a future date. Resilient development that is responsive to known and predicted risk will also be a better outcome for landowners in terms of risk to life and property.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

This planning proposal will not in itself generate the need for public infrastructure as it does not alter the underlying land use zones or the suite or permitted land uses. In the long term it may influence decision making on some public infrastructure that will save public money and increase the life span and usefulness of that infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This planning proposal has yet to achieve gateway determination and public consultation and government agency referrals have not yet been undertaken. However, Office of Environment and Heritage officers have been involved in the project management group and are aware that Council is undertaking an LEP amendment and development control plan. The officers are generally supportive of Council in this process and will make a formal submission when a draft planning proposal has been through gateway determination and is referred to them.

Early consultation with NSW Department of Planning and Environment indicates that it is also generally supportive of the planning proposal as a way of implementing the Coastal Zone Management Plan adopted by Council. However, it does prefer that Council base its LEP provision for coastal hazards on clauses that have been used by other NSW LGA's in recent times. The draft clause at Appendix C is similar to that gazetted in April 2014 for Tweed Shire Council.

At this stage there does not appear to be any issues of interest to Commonwealth authorities as the planning proposal does not change the underlying zone or permissibility of any development or directly affect land owned or managed by the Commonwealth.

PART 4 – COMMUNITY CONSULTATION

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. However, Council considers this planning proposal should be exhibited for 28 days. It will directly affect private property and Council will write to landowners inviting them to attend community based events during the public exhibition. The wider community will also be informed of the events through Council notices and media.

The planning proposal is not a principal LEP and does not reclassify public land.

PART 5 – INDICATIVE TIMETABLE

The table 3 outlines the indicative timeframe for this planning proposal:

Table 3 Indicative timetable

Task	Estimated timeframe
Decision by CHCC to proceed	November 2014
Gateway Determination	January 2015
Finalisation of additional information as requested by Council and Gateway Determination	January 2015
Review and update of the planning proposal	January 2015
Public exhibition of PP for not less than 28 days	February - March 2015
Agency consultation	February 2015
Review submissions	March 2015
Report to Council	April 2015
Preparation of a final Planning Proposal for submission to the Planning & Infrastructure requesting the LEP amendment to be made	April - May 2015
Submission to Planning Minister	May 2015
Responses to Ministerial comments	May 2015

SUMMARY AND CONCLUSIONS

Coffs Harbour City Council has initiated a planning proposal to modify LEP 2013 to insert a map (as an overlay) that identifies a coastal hazard area. It will also include an associated coastal hazard clause. This action is a key recommendation of its adopted Coastal Zone Management Plan. It will also amend the Coffs Harbour LEP 2013 instrument by deleting clause 7.7 "Limited development on foreshore area" and deleting the Foreshore Building Line Map from the LEP.

The planning proposal is consistent with the Mid North Coast Regional Strategy and consistent with all relevant SEPP's and Section 117 Directions. It is also consistent with Council's Community Strategic Plan 2030.

The mapping of a coastal hazard planning area and inclusion of a coastal hazard planning clause is an approach that has been used in other NSW LGA's including Clarence Valley Council, Tweed Shire Council, and Great Lakes Council.

When finalised, the planning proposal will increase community and landowner awareness of coastal processes and coastal hazards. It will assist in improving the resilience of new development in coastal hazard areas. It will ensure that Council has adequate information on which to base its development decisions.

APPENDICES

- A – Coastal Hazard Planning Map (Figures 1-11)**
- B – Existing Land Use Zones under LEP 2013 (Figures 1-11)**
- C - Coastal Hazard Planning Clause**
- D– Clause 7.7 “Limited development on foreshore area” to be deleted**

Appendix A



Coffs Harbour Local Environmental Plan 2013

Coastal Hazard Planning Map Sheet CRP_004A

Coastal Hazard Planning

Coastal Hazard

Caedra

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Addendum Data 22/02/2014
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Projection: GDA 1984
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number: 1805_Coastal_CRP_004A_004A_0014022

UPPER
CORINDI

CORINDI
BEACH

ARRAWARRA

ARRAWARRA
HEADLAND

MILLAWAY

SAFETY
BEACH

WOOLGOLLOO

SOUTH PACIFIC
OCEAN
(14°41'11" S 150°11' 54" E)



**Coffs Harbour
Local Environmental
Plan 2013**

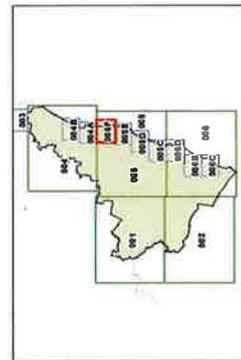
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Sheet CRP_005F**

Coastal Hazard Planning

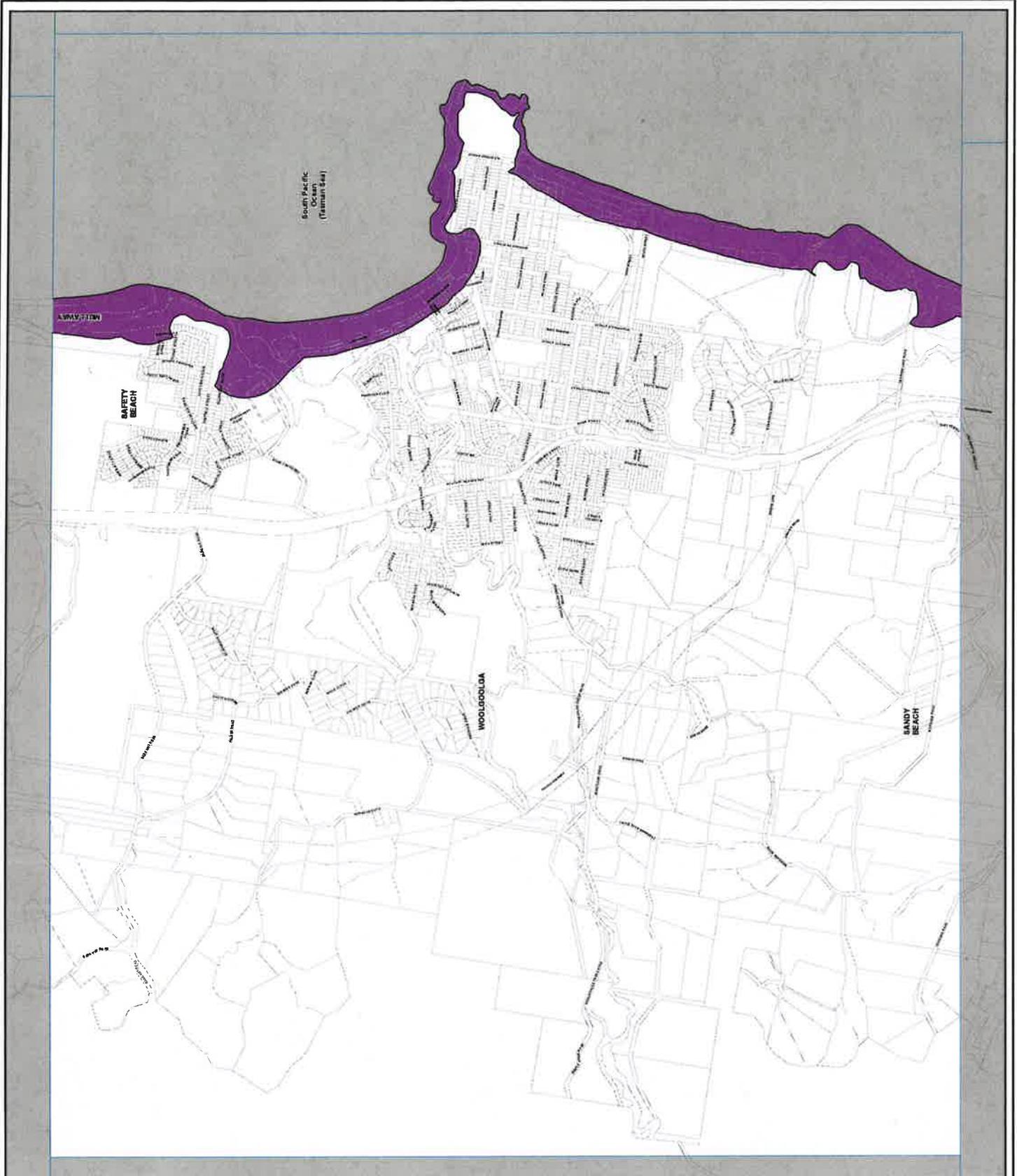
Coastal Hazard

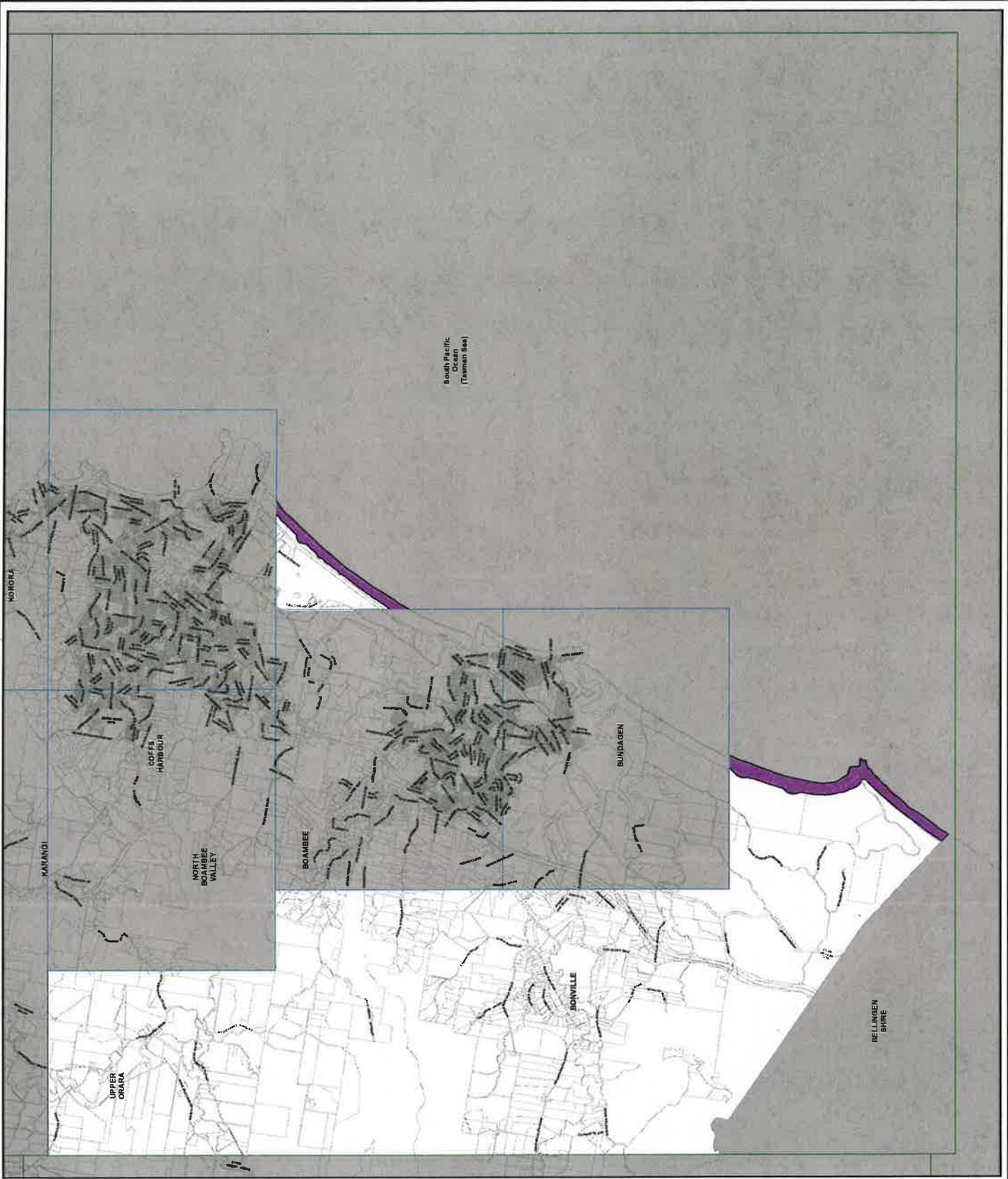
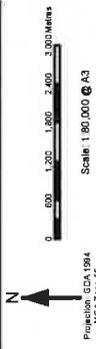
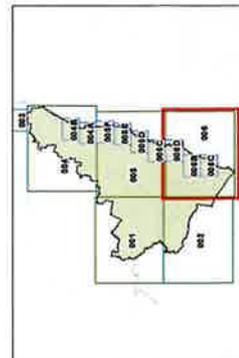
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Map identification number: 190L_CoM_CRP_005F_001_20140522







**Coffs Harbour
Local Environmental
Plan 2013**

**Coastal Hazard Planning Map
Sheet CRP_005E**

Coastal Hazard Planning
Coastal Hazard

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Projection: GDA1984
MGA Zone 56
Scale: 1:20,000 @ A3
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Coffs Harbour Local Environmental Plan 2013

Coastal Hazard Planning Map Sheet CRP_005C

Coastal Hazard Planning
Coastal Hazard

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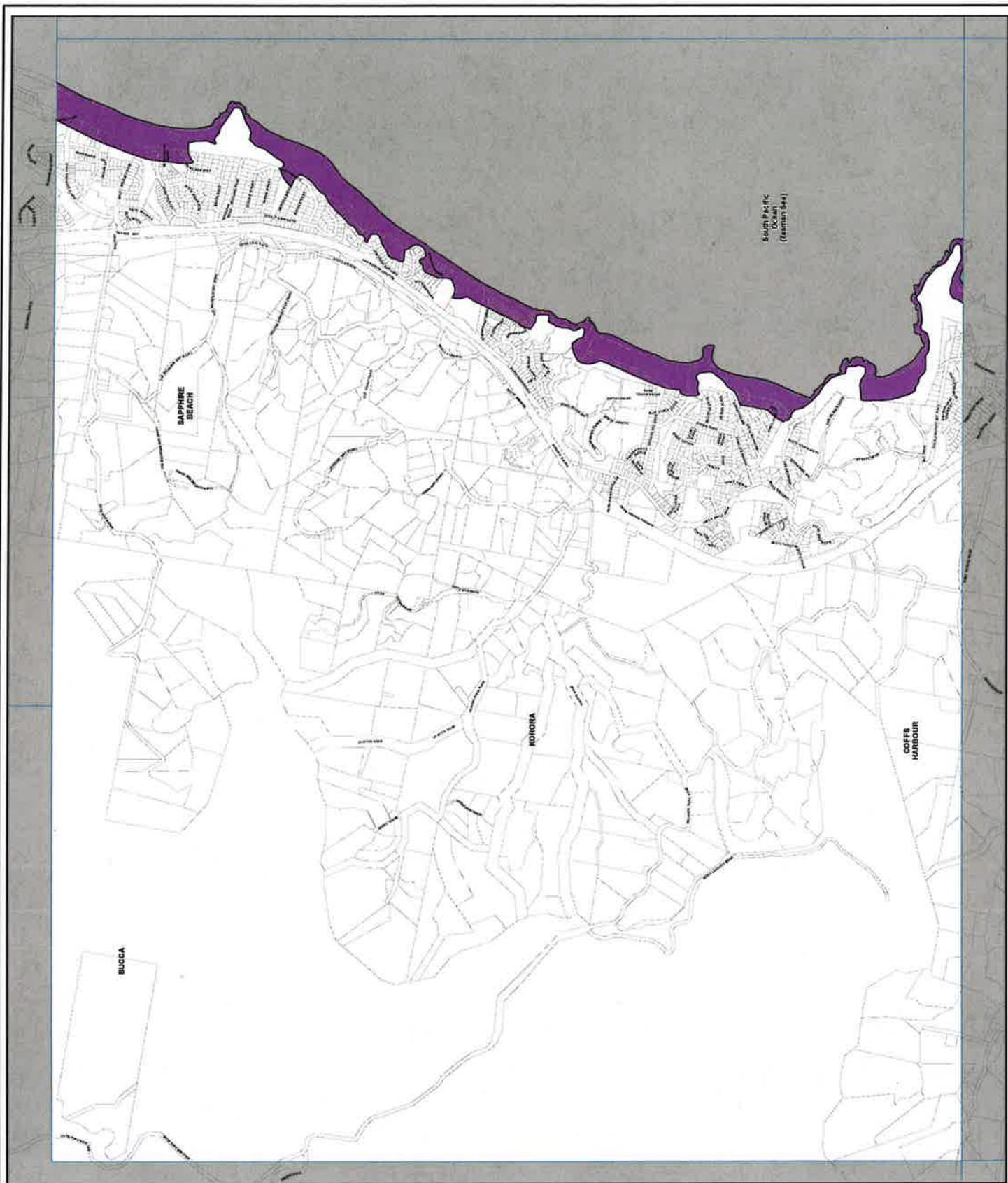
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MGA Zone 56

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Coffs Harbour Local Environmental Plan 2013

Coastal Hazard Planning Map Sheet CRP_008B

Coastal Hazard Planning

Coastal Hazard

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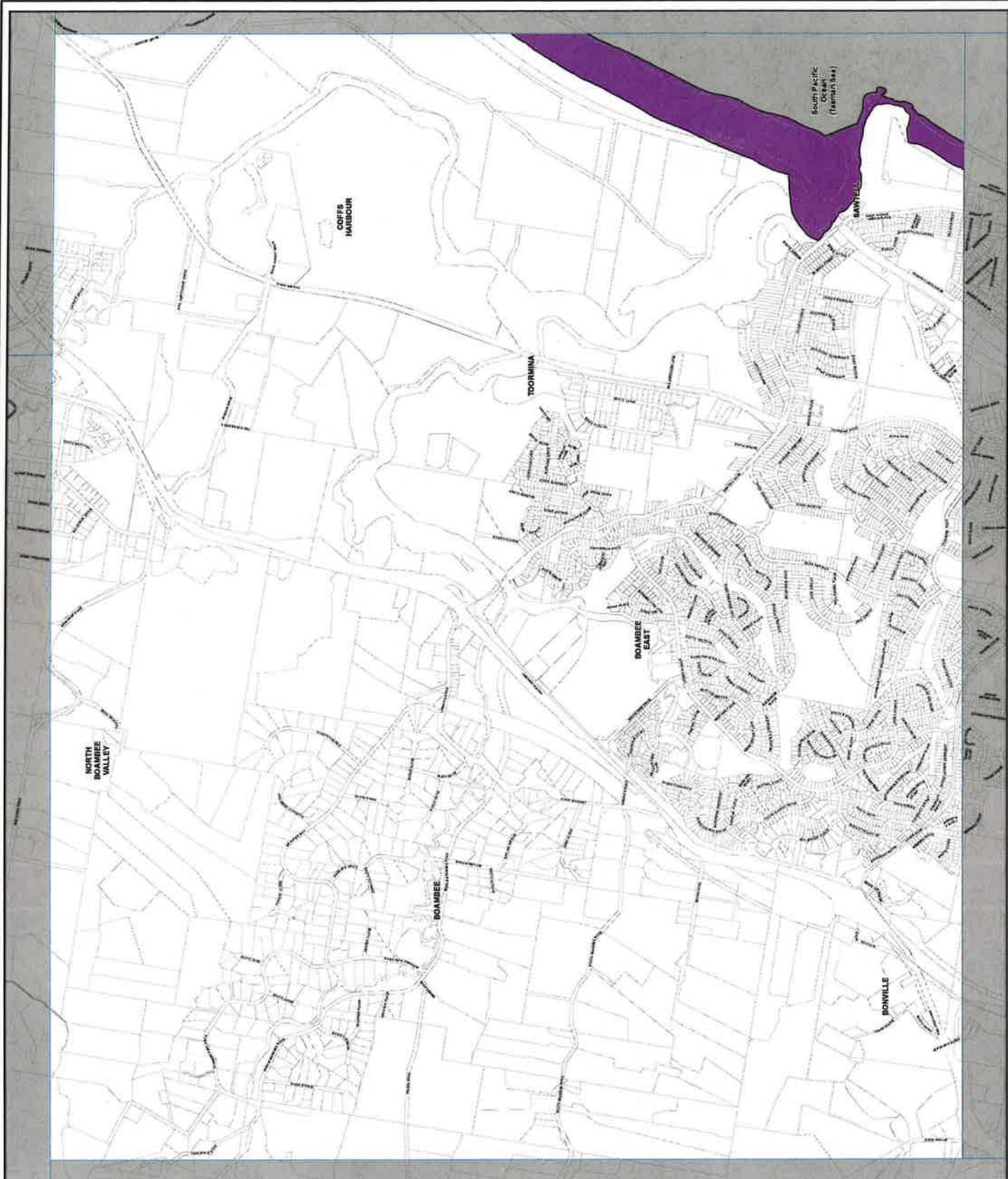
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Local Environmental
Plan 2013**

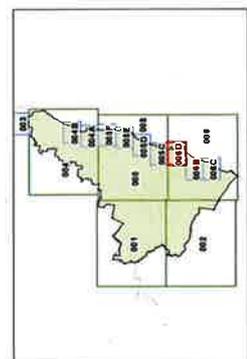
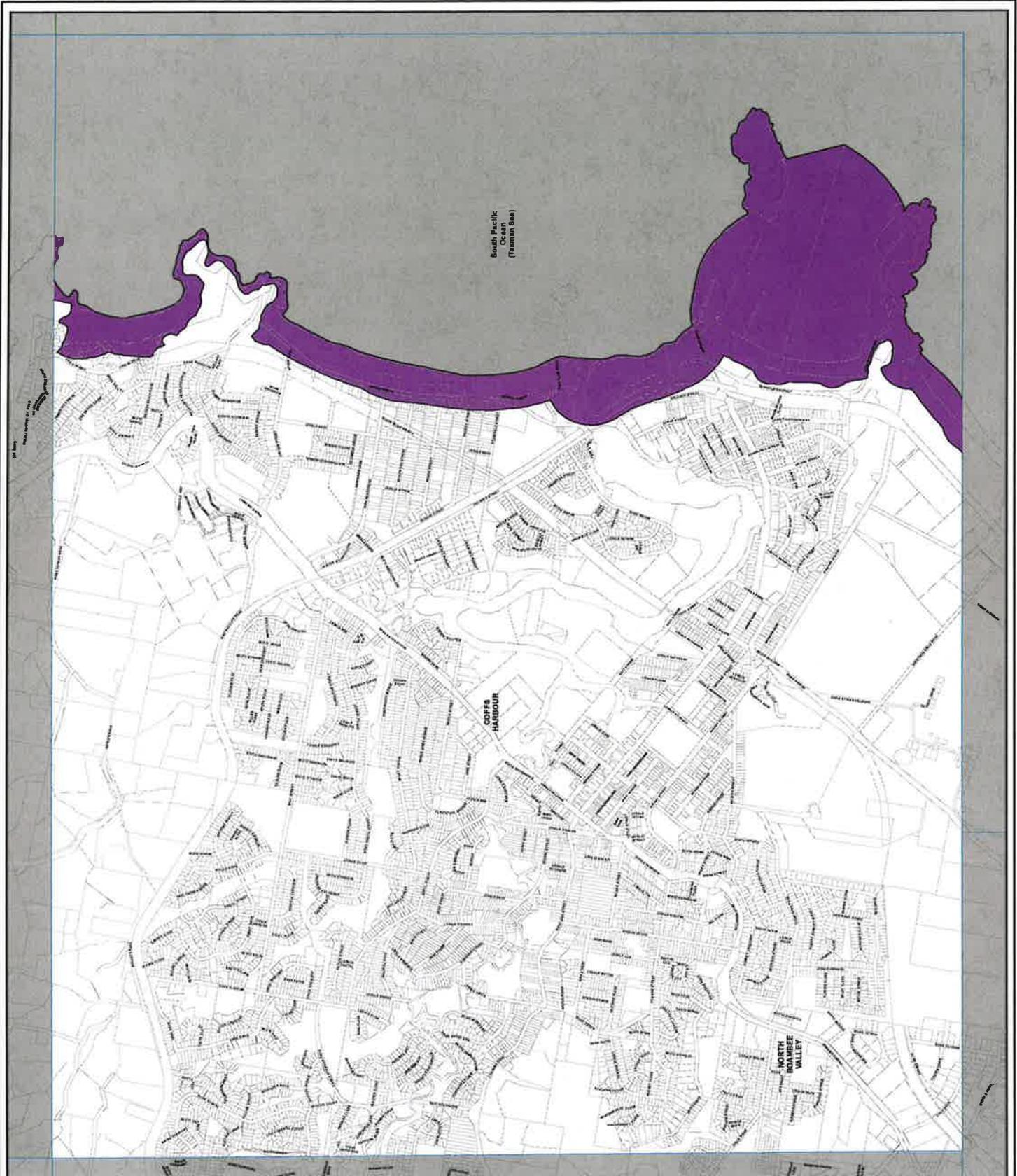
**Coastal Hazard Planning Map
Sheet CRP_006D**

Coastal Hazard Planning

Coastal Hazard



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MGA Zone 56

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**Coffs Harbour
Local Environmental
Plan 2013**

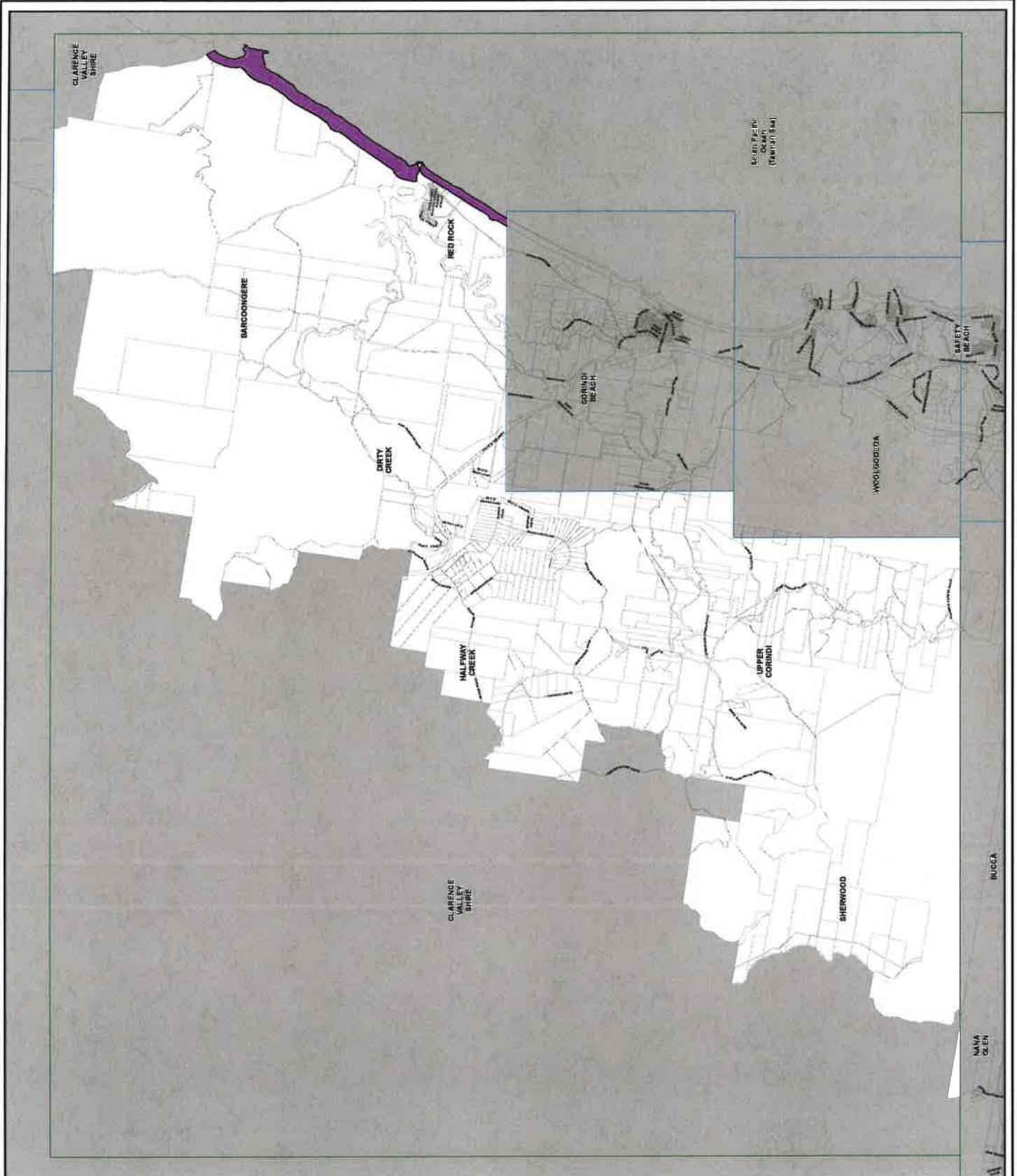
**Coastal Hazard Planning Map
Sheet CRP_004**

Coastal Hazard Planning
Coastal Hazard

Cadastral
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Map identification number: 1990_Coastal_CRP_004_004_20140222



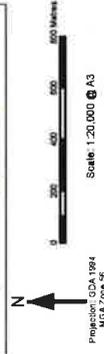
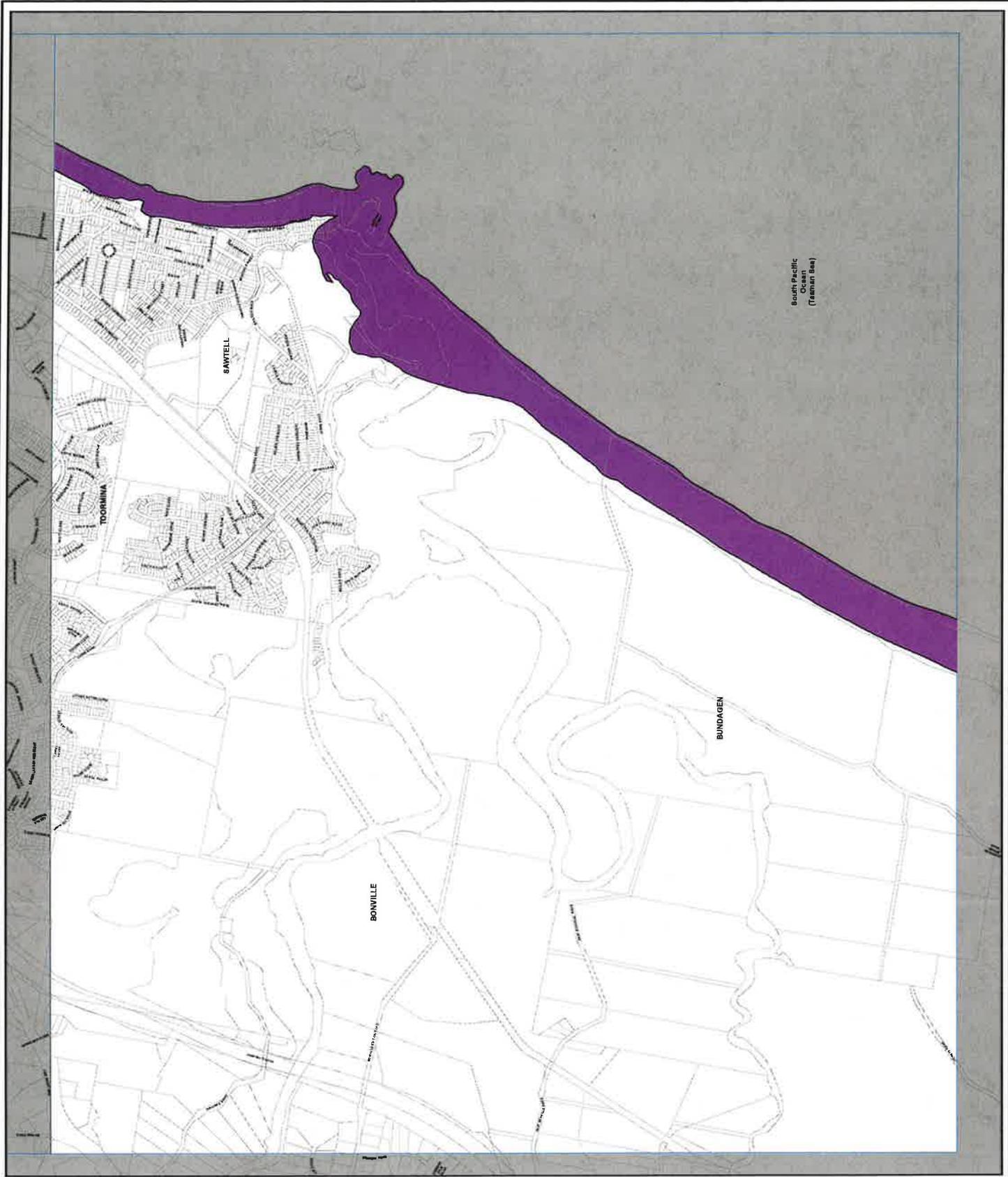


Coffs Harbour Local Environmental Plan 2013

Coastal Hazard Planning Map Sheet CRP_006C

- Coastal Hazard Planning
- Coastal Hazard

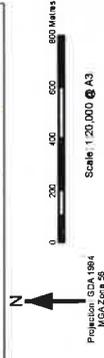
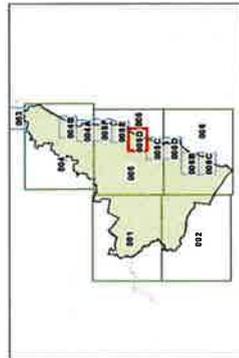
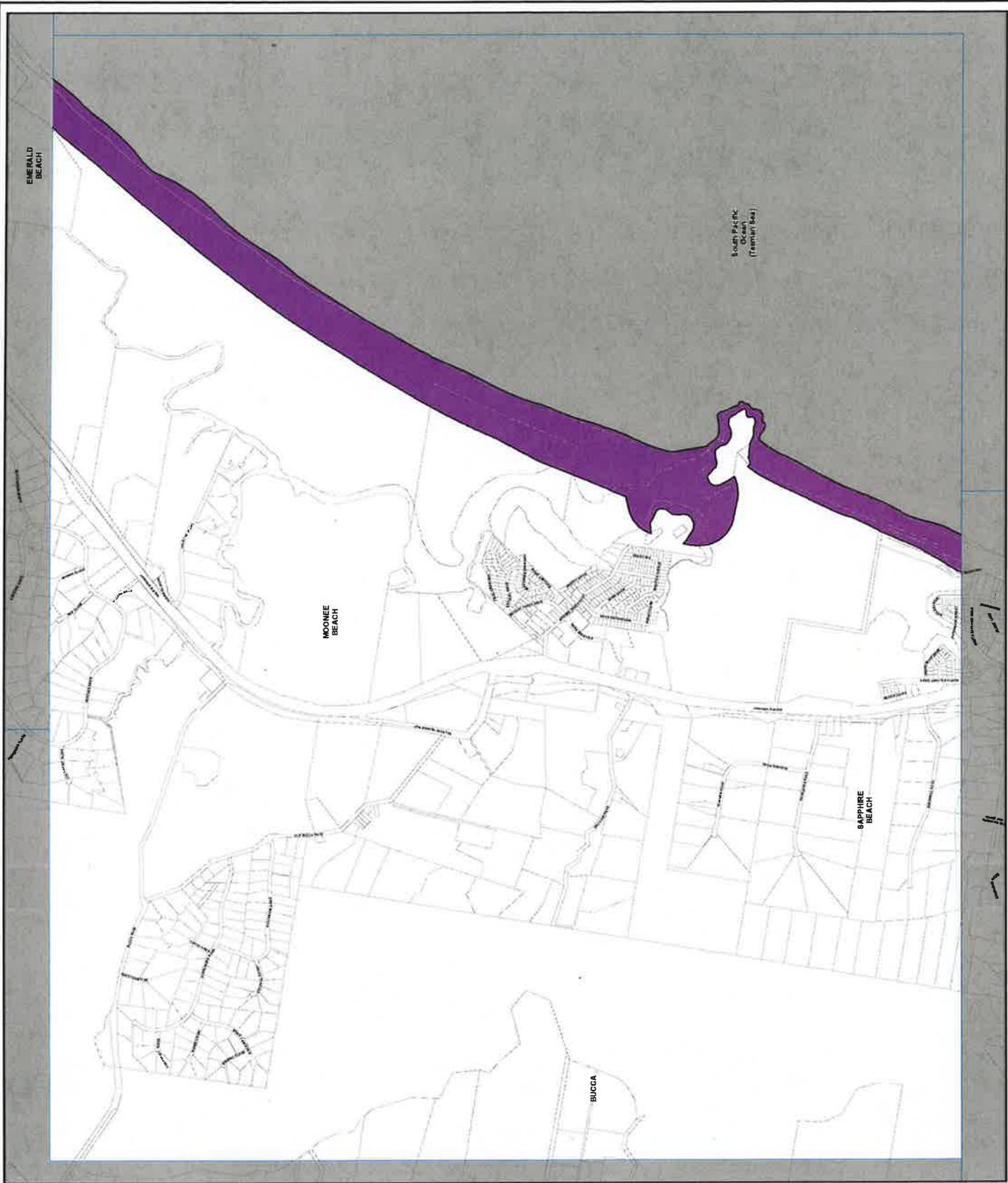
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Coastal Hazard Planning
Coastal Hazard

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**Coffs Harbour
Local Environmental
Plan 2013**

**Coastal Hazard Planning Map
Sheet CRP_004B**

Coastal Hazard Planning

Coastal Hazard

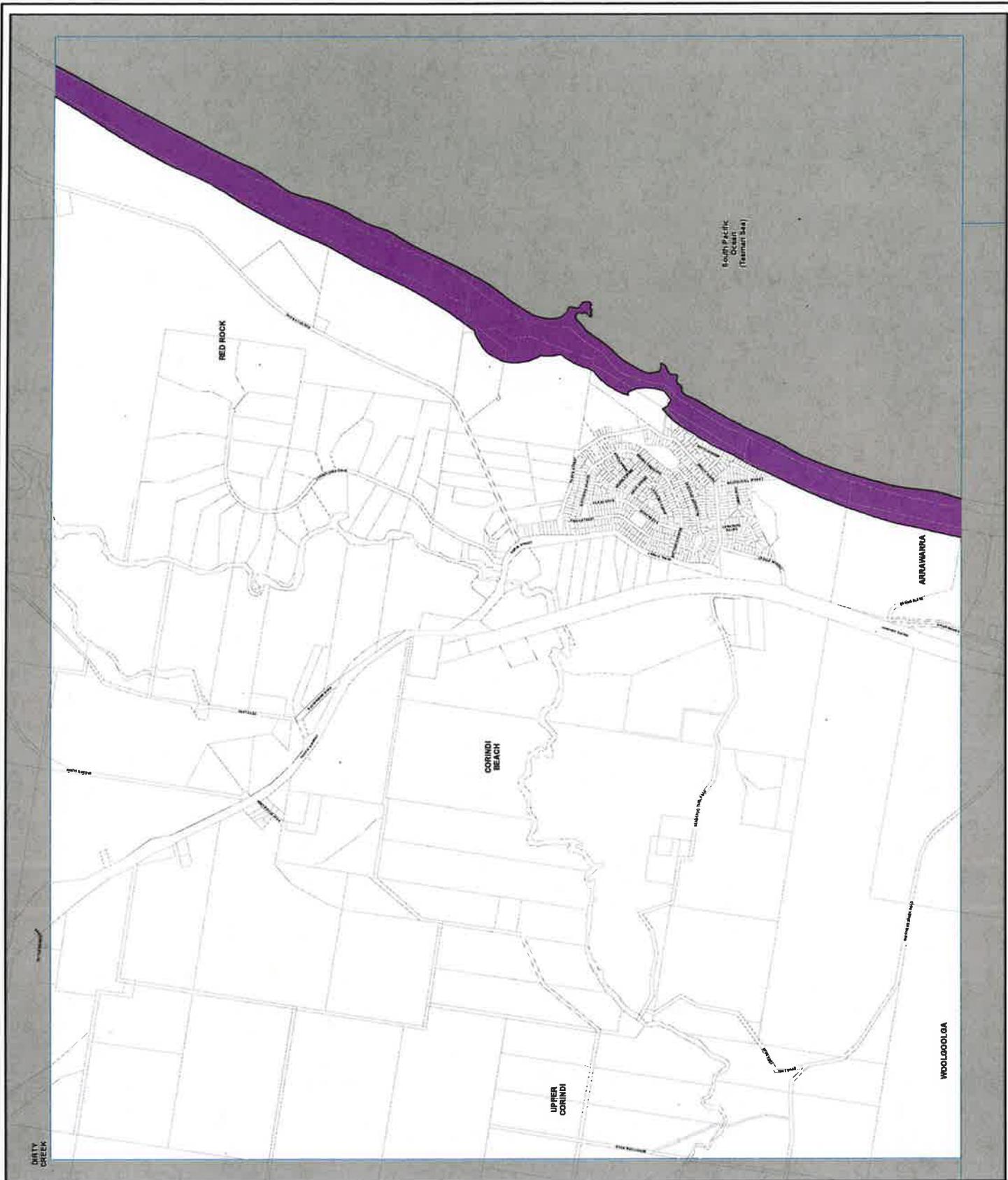
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Projection: GDA 1994
 MGA Zone 56

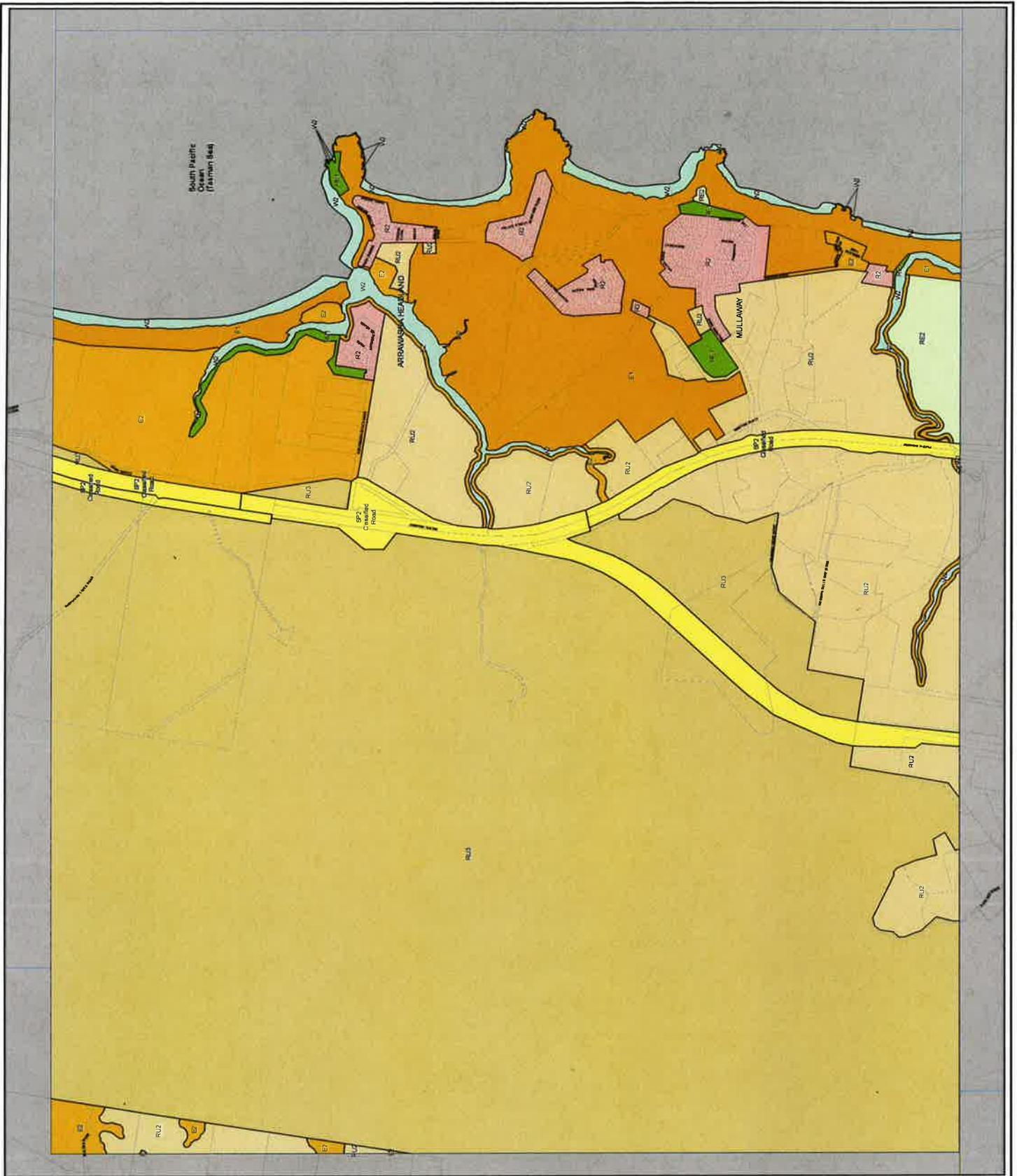
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Appendix B

- | | | |
|-------------|-------------|------------------------------------|
| Zone | B1 | Neighbourhood Centre |
| | E2 | Local Centre |
| | E3 | Commercial Core |
| | E4 | Mixed Use |
| | B5 | Business Development |
| | B6 | Enterprise Corridor |
| | E1 | National Parks and Nature Reserves |
| | E2 | Environmental Conservation |
| | IN1 | General Industrial |
| | IN3 | Heavy Industrial |
| | IN4 | Working Waterfront |
| | R1 | General Residential |
| | R2 | Low Density Residential |
| | R3 | Medium Density Residential |
| | R4 | High Density Residential |
| | R5 | Large Lot Residential |
| | PRE1 | Public Recreation |
| | RE2 | Private Recreation |
| | RU2 | Rural Landscape |
| | FU3 | Forestry |
| | SP1 | Special Activities |
| | SF2 | Infrastructure |
| | SP3 | Tourist |
| | W1 | Natural Waterways |
| | W3 | Working Waterways |
| | W2 | Recreational Waterways |
| | DM | Deferred Matter |

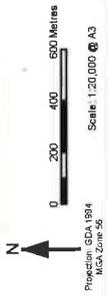
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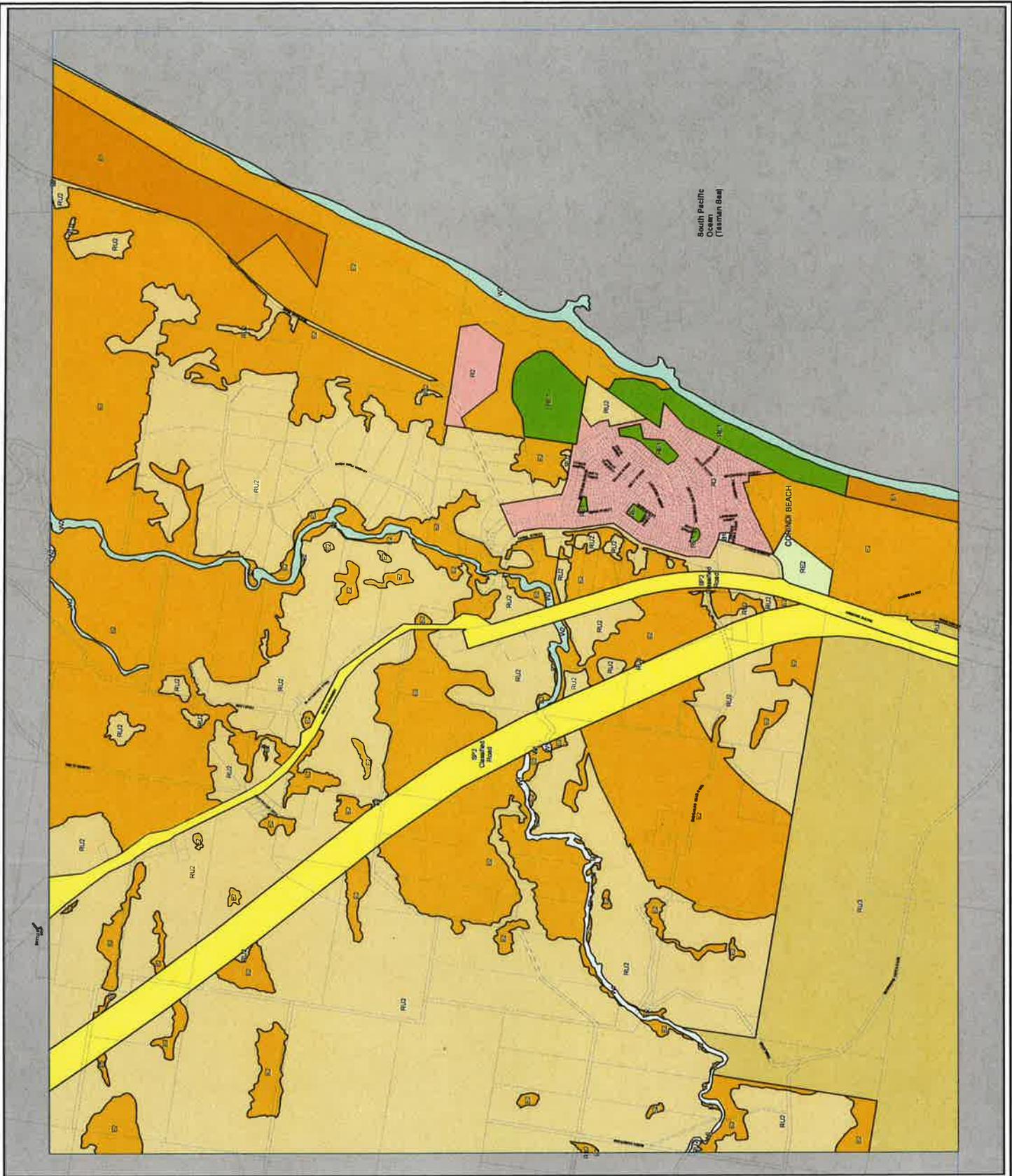
**Land Zoning Map -
Sheet LZN_004B**

- | | |
|--------------------------------------|---|
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| B2 Local Centre | B3 Commercial Core |
| B4 Mixed Use | B5 Business Development |
| B6 Enterprise Corridor | EN1 National Parks and Nature Reserves |
| E1 Environmental Conservation | IN1 General Industrial |
| IN3 Heavy Industrial | WM1 Working Waterfront |
| R1 General Residential | R2 Low Density Residential |
| R3 Medium Density Residential | R4 High Density Residential |
| R5 Large Lot Residential | PR1 Public Recreation |
| PR2 Private Recreation | RL1 Rural Landscape |
| RU1 Forestry | SA1 Special Activities |
| SP1 Infrastructure | SP2 Tourist |
| W1 Natural Waterways | W2 Working Waterways |
| W3 Recreational Waterways | DM Deferred Matter |

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Project ID: 1934
 LZN_004B





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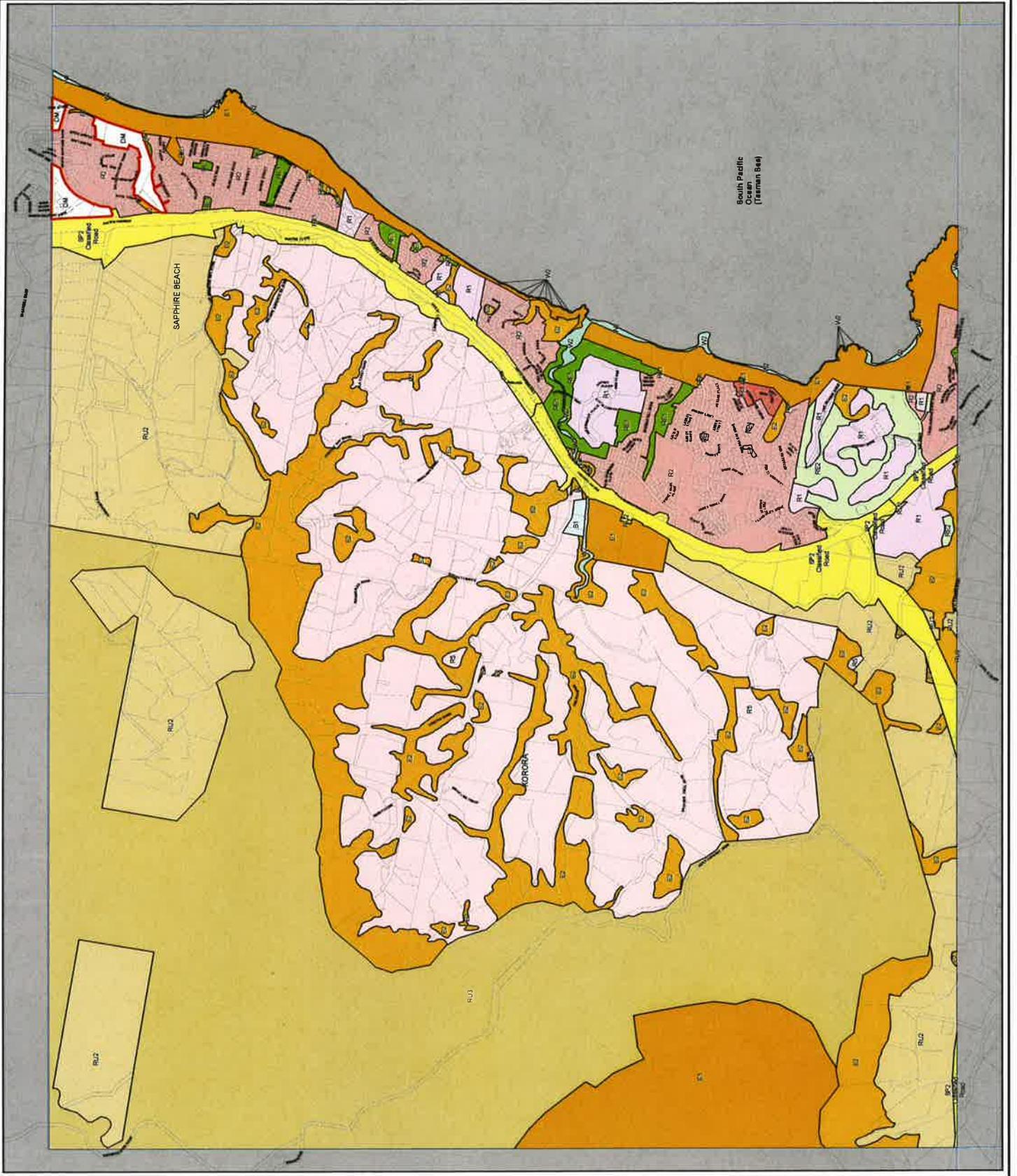
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- | | |
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| B2 Local Centre | B3 Commercial Core |
| B4 Mixed Use | B5 Business Development |
| B6 Enterprise Corridor | E1 National Parks and Nature Reserves |
| E2 Environmental Conservation | IN1 General Industrial |
| IN3 Heavy Industrial | IN4 Working Waterfront |
| R1 General Residential | R2 Low Density Residential |
| R3 Medium Density Residential | R4 High Density Residential |
| R5 Large Lot Residential | RE1 Public Recreation |
| RE2 Private Recreation | RU1 Rural Landscape |
| RU2 Rural Landscape | RU3 Foresty |
| SP1 Special Activities | SP2 Infrastructure |
| SP3 Tourist | W1 Natural Waterways |
| W3 Working Waterways | W2 Recreational Waterways |
| DM Deferred Matter | |

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Map identification number: 1930_C004_LZN_005C_006_20130201





Coffs Harbour Local Environmental Plan 2013

Land Zoning Map - Sheet LZN_005D

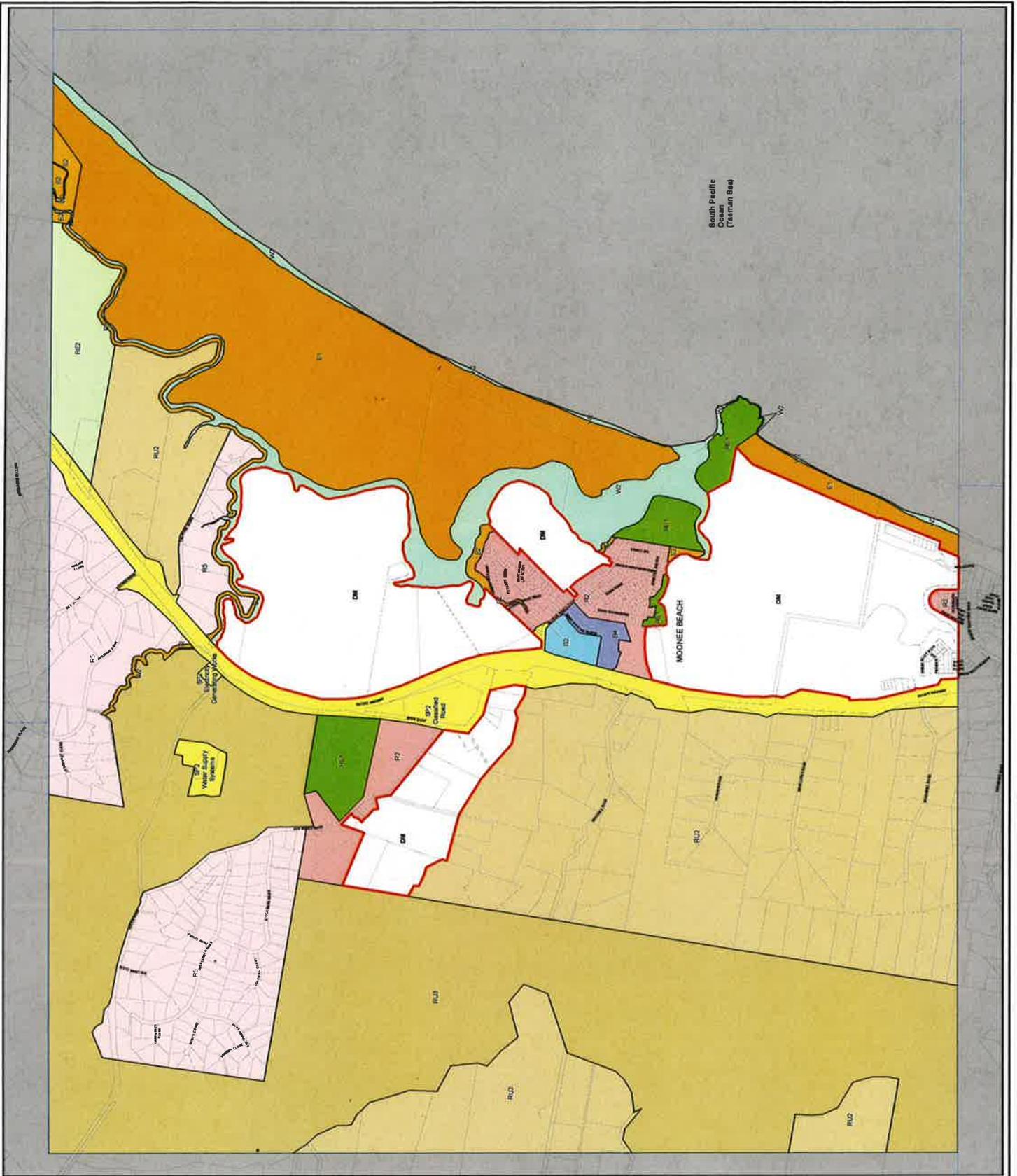
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|-------------|---|
| Zone | LB1 Neighbourhood Centre |
| | LB2 Local Centre |
| | LB3 Commercial Core |
| | LB4 Mixed Use |
| | LB5 Business Development |
| | LB6 Enterprise Corridor |
| | EN1 National Parks and Nature Reserves |
| | EN2 Environmental Conservation |
| | IN1 General Industrial |
| | IN3 Heavy Industrial |
| | IN4 Working Waterfront |
| | IN5 General Residential |
| | R1 Low Density Residential |
| | R2 Medium Density Residential |
| | R3 High Density Residential |
| | R4 Large Lot Residential |
| | R5 Public Recreation |
| | PR1 Private Recreation |
| | RUZ Rural Landscape |
| | RUZ Foresty |
| | SP1 Special Activities |
| | SP2 Infrastructure |
| | SP3 Tourist |
| | WT1 Natural Waterways |
| | WZ1 Working Waterways |
| | WZ2 Recreational Waterways |
| | DM Deferred Matter |

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Projection: GDA 1994
 MGA Zone 98

Map identification number: 1600_CCM_LZN_005D_003_20130236





Coffs Harbour Local Environmental Plan 2013

Land Zoning Map - Sheet LZN_005E

- | | |
|-------------|--|
| Zone | B1 Neighbourhood Centre |
| | B2 Local Centre |
| | B3 Commercial Core |
| | B4 Mixed Use |
| | B5 Business Development |
| | B6 Enterprise Corridor |
| | E1 National Parks and Nature Reserves |
| | E2 Environmental Conservation |
| | IN1 General Industrial |
| | IN3 Heavy Industrial |
| | IN4 Working Waterfront |
| | R1 General Residential |
| | R2 Low Density Residential |
| | R3 Medium Density Residential |
| | R4 High Density Residential |
| | R5 Large Lot Residential |
| | RE1 Public Recreation |
| | RE2 Private Recreation |
| | RU1 Rural Landscape |
| | RU2 Forestry |
| | RU3 Special Activities |
| | SP1 Infrastructure |
| | SP2 Tourist |
| | SP3 Tourist |
| | W1 Natural Waterways |
| | W3 Working Waterways |
| | W2 Recreational Waterways |
| | DM Deferred Matter |

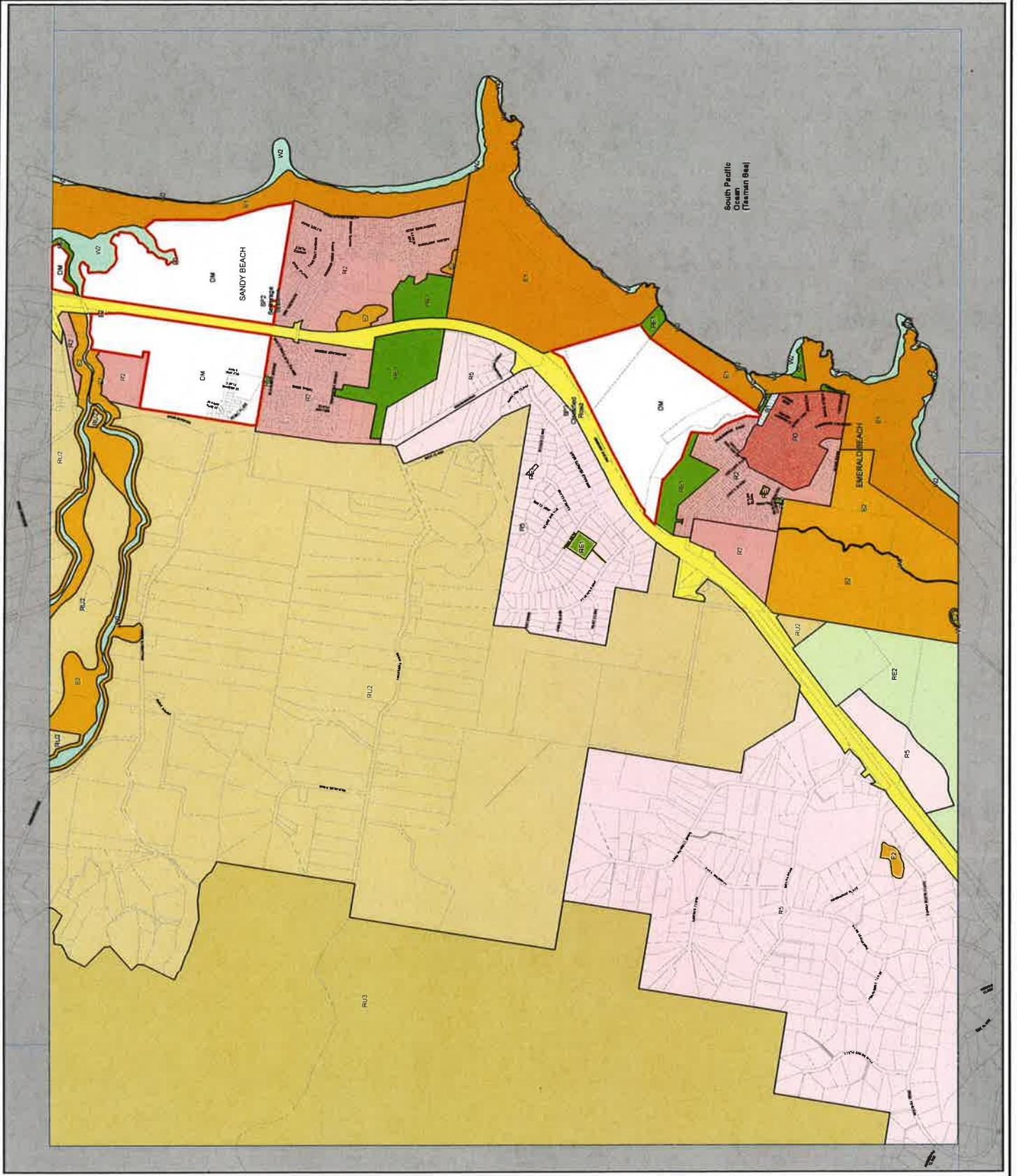
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Projection: GDA 1994
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number: 1005_COM_LZN_005E_035_201302E



South Pacific
Ocean
(Harman Bay)

- | | |
|--------------------------------------|--|
| Zone | B1 Neighbourhood Centre |
| B2 Local Centre | B3 Commercial Core |
| B4 Mixed Use | B5 Business Development |
| B6 Enterprise Corridor | E1 National Parks and Nature Reserves |
| E2 Environmental Conservation | IN1 General Industrial |
| IN2 Heavy Industrial | IN3 Working Waterfront |
| R1 General Residential | R2 Low Density Residential |
| R3 Medium Density Residential | R4 High Density Residential |
| R5 Large Lot Residential | PR1 Public Recreation |
| PR2 Private Recreation | RL1 Rural Landscape |
| RL2 Forestry | SA1 Special Activities |
| SP1 Infrastructure | SP2 Tourist |
| SP3 Natural Waterways | W1 Working Waterways |
| W2 Recreational Waterways | DM Deferred Matter |

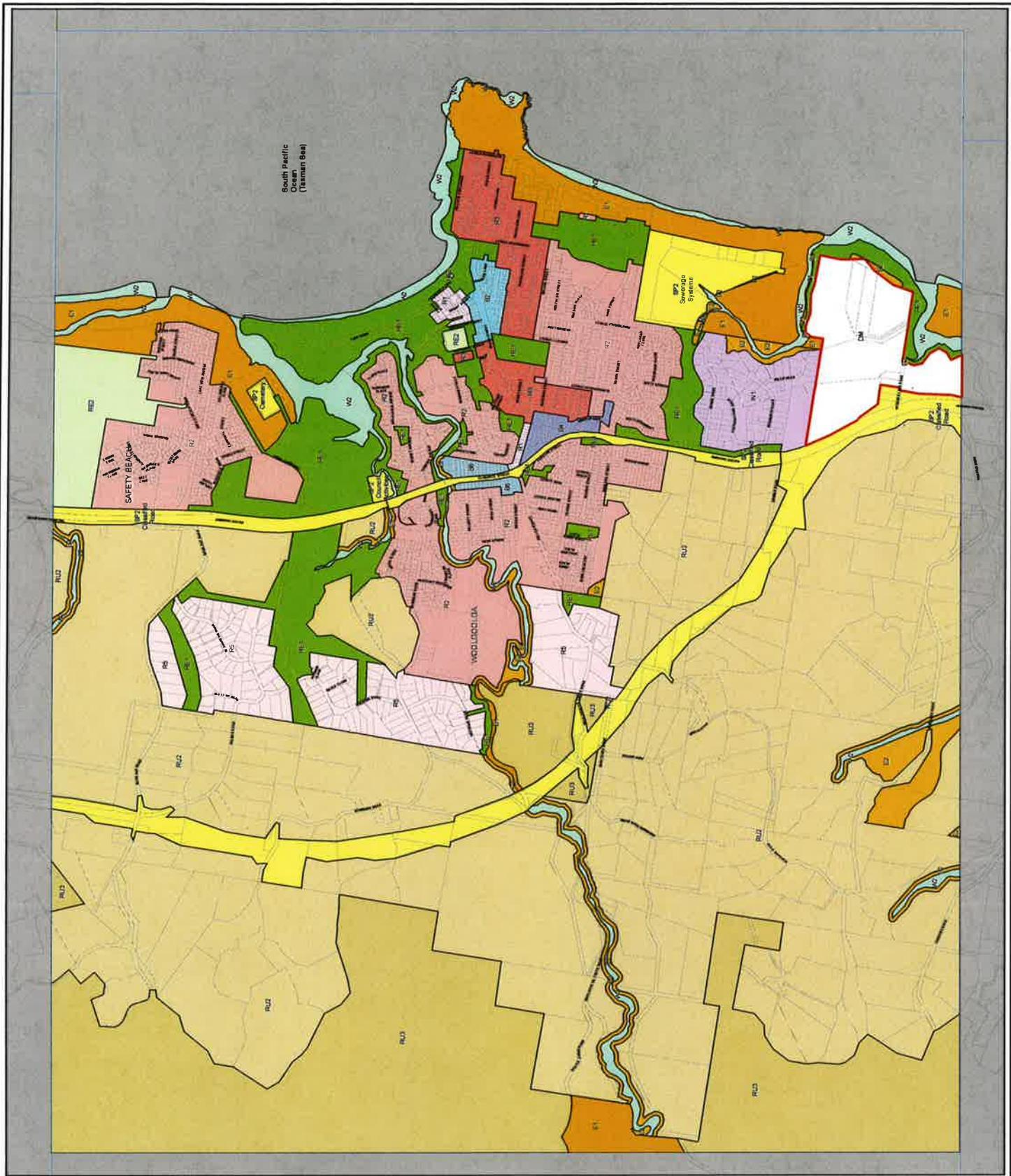
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Projections: GDA 1984
MGA 2016 54

Scale: 1:20,000 © A3

Map identification number: 1030_CoM_LZN_005F_030_2013B501



South Pacific
Ocean
(Tasman Sea)

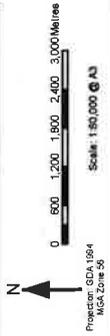


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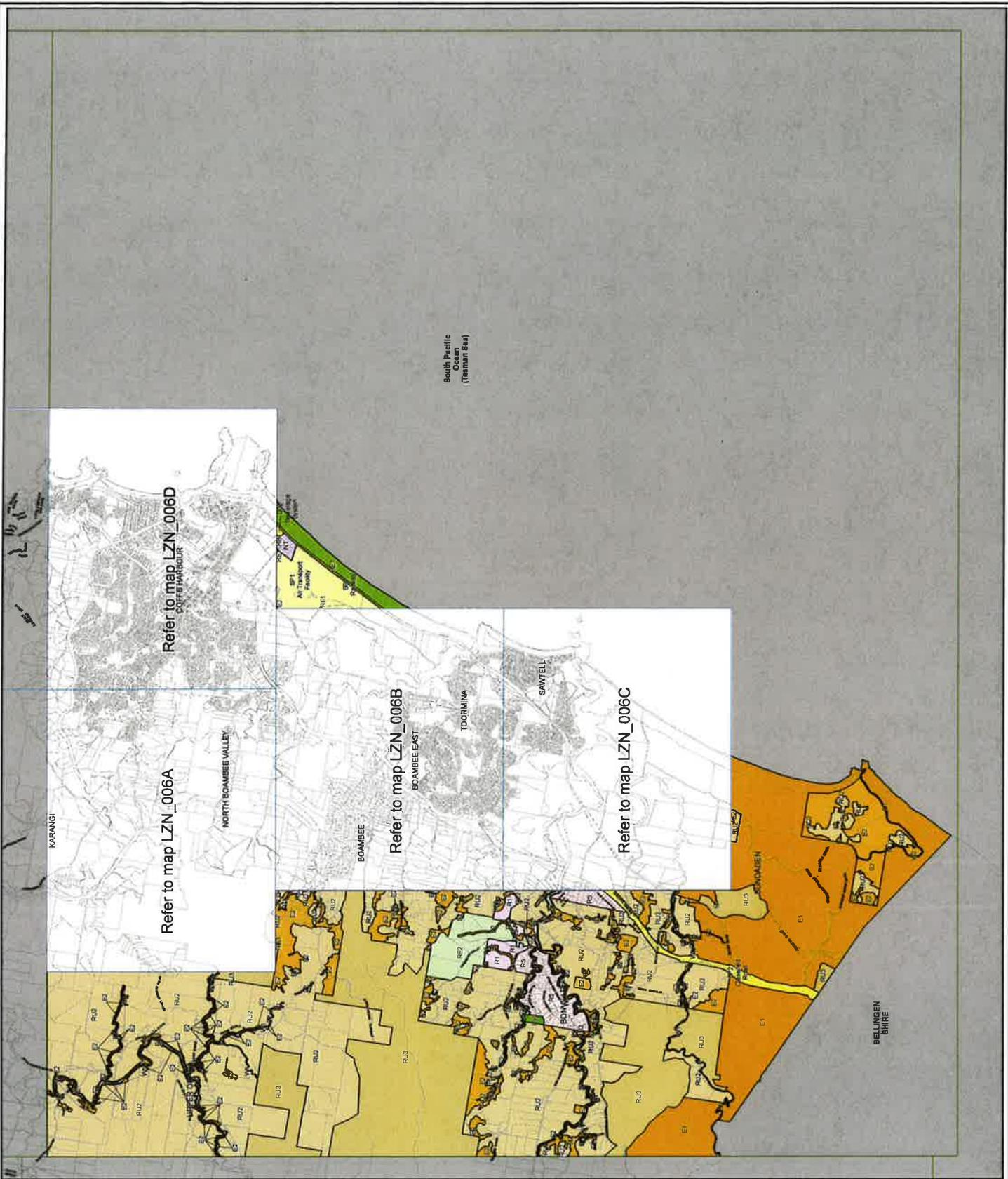
Land Zoning Map - Sheet LZN_006

- | Zone | Description |
|------|------------------------------------|
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| B2 | Local Centre |
| B3 | Commercial Core |
| B4 | Mixed Use |
| B5 | Business Development |
| B6 | Enterprise Corridor |
| E1 | National Parks and Nature Reserves |
| E2 | Environmental Conservation |
| IN1 | General Industrial |
| IN3 | Heavy Industrial |
| IN4 | Working Waterfront |
| R1 | General Residential |
| R2 | Low Density Residential |
| R3 | Medium Density Residential |
| R4 | High Density Residential |
| RS | Large Lot Residential |
| RE1 | Public Recreation |
| RE2 | Private Recreation |
| RU1 | Rural Landscape |
| RU3 | Forestry |
| SP1 | Special Activities |
| SP2 | Infrastructure |
| SP3 | Tourist |
| W1 | Natural Waterways |
| W2 | Recreational Waterways |
| W3 | Working Waterways |
| DM | Deferred Matter |

Cadastra
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Map identification number: 1800_C004_LZN_006_20130001



Refer to map LZN_006D
COFFS HARBOUR

Refer to map LZN_006B
BOAMBEE EAST
TOORMINA
SAWTELL

Refer to map LZN_006C

Refer to map LZN_006A



Coffs Harbour Local Environmental Plan 2013

Land Zoning Map - Sheet LZN_006B

- | | |
|-------------|--|
| Zone | E1 Neighbourhood Centre |
| | E2 Local Centre |
| | E3 Commercial Core |
| | E4 Mixed Use |
| | E5 Business Development |
| | E6 Enterprise Corridor |
| | E7 National Parks and Nature Reserves |
| | E8 Environmental Conservation |
| | IN1 General Industrial |
| | IN2 Heavy Industrial |
| | IN3 Working Waterfront |
| | R1 General Residential |
| | R2 Low Density Residential |
| | R3 Medium Density Residential |
| | R4 High Density Residential |
| | R5 Large Lot Residential |
| | RE1 Public Recreation |
| | RE2 Private Recreation |
| | RU2 Rural Landscape |
| | RU3 Forestry |
| | SF1 Special Activities |
| | SF2 Infrastructure |
| | SF3 Tourist |
| | W1 Natural Waterways |
| | W2 Working Waterways |
| | W3 Recreational Waterways |
| | DM Deferent Matter |

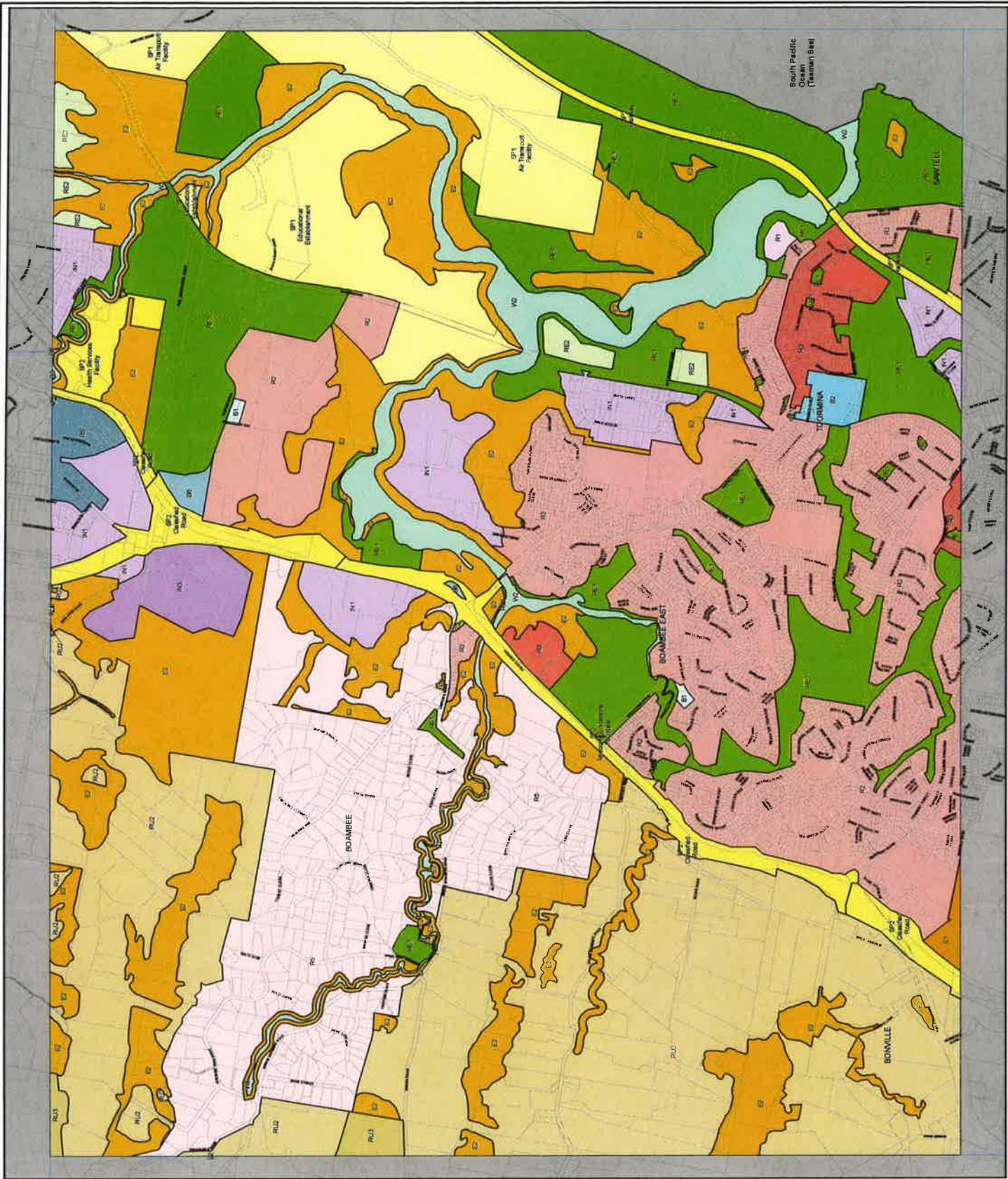
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Appendix Data ©03/2013
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Proposed LEP 1994
LGA Zone S4

Scale 1:20,000 @ A3

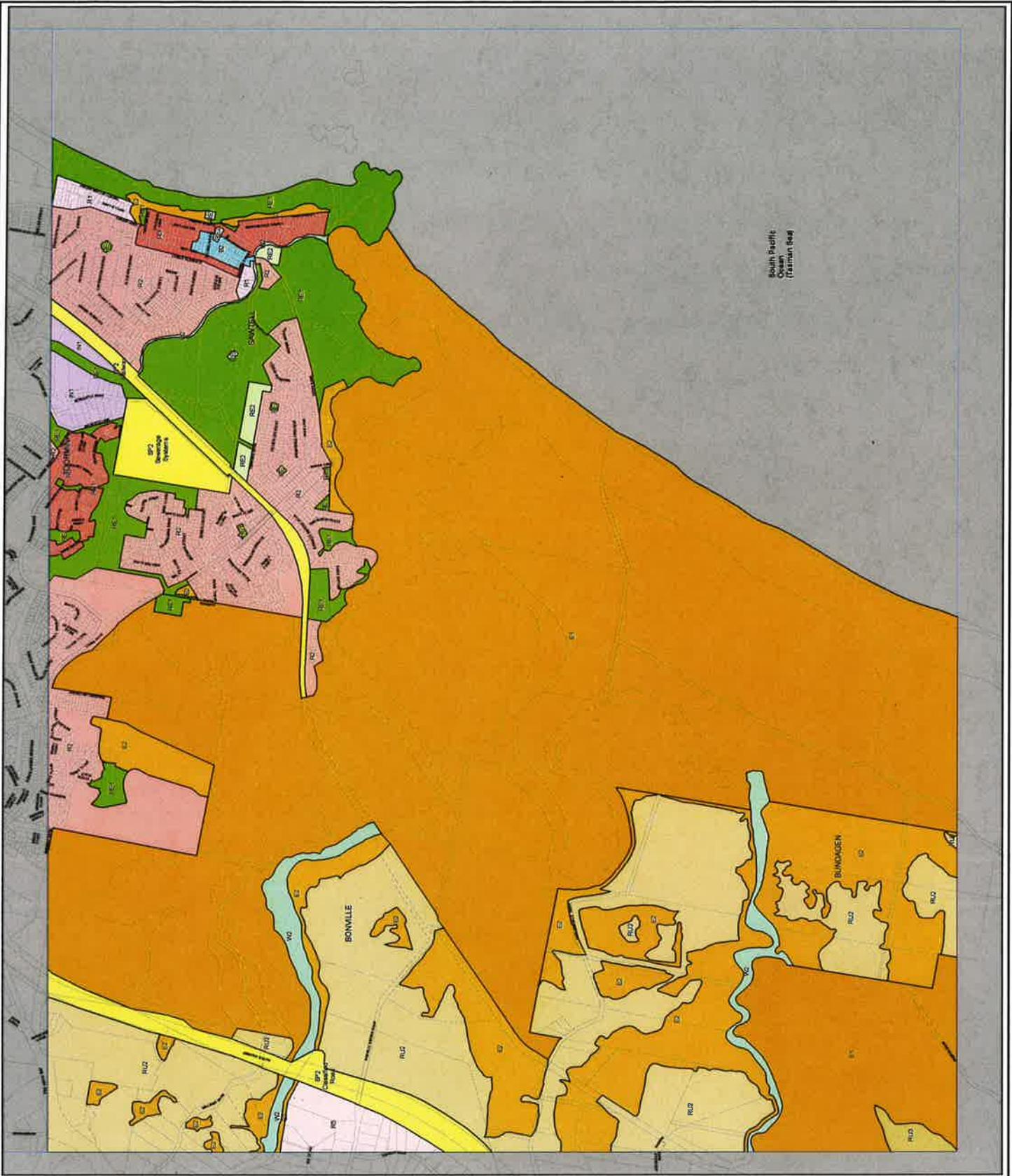
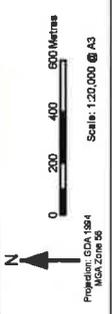
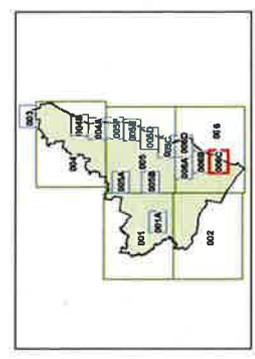
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**Land Zoning Map -
Sheet LZN_006C**

- | | |
|--------------------------------------|--|
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| E2 Local Centre | E3 Commercial Core |
| E4 Mixed Use | E5 Business Development |
| E6 Enterprise Corridor | E7 National Parks and Nature Reserves |
| E8 Environmental Conservation | IN1 General Industrial |
| IN2 Heavy Industrial | IN3 Working Waterfront |
| R1 General Residential | R2 Low Density Residential |
| R3 Medium Density Residential | R4 High Density Residential |
| R5 Large Lot Residential | RE1 Public Recreation |
| RE2 Private Recreation | RL1 Rural Landscape |
| RL2 Forestry | SA1 Special Activities |
| SA2 Infrastructure | SA3 Tourist |
| WT1 Natural Waterways | WT2 Working Waterways |
| WZ1 Recreational Waterways | DM Deferred Matter |

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 Base Data 1990 © Land and Property Information
 Addendum Data 6/03/2013
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South Pacific
 Ocean
 (Tasman Sea)

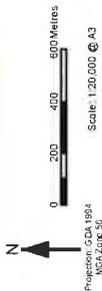


Coffs Harbour Local Environmental Plan 2013

Land Zoning Map - Sheet LZN_006D

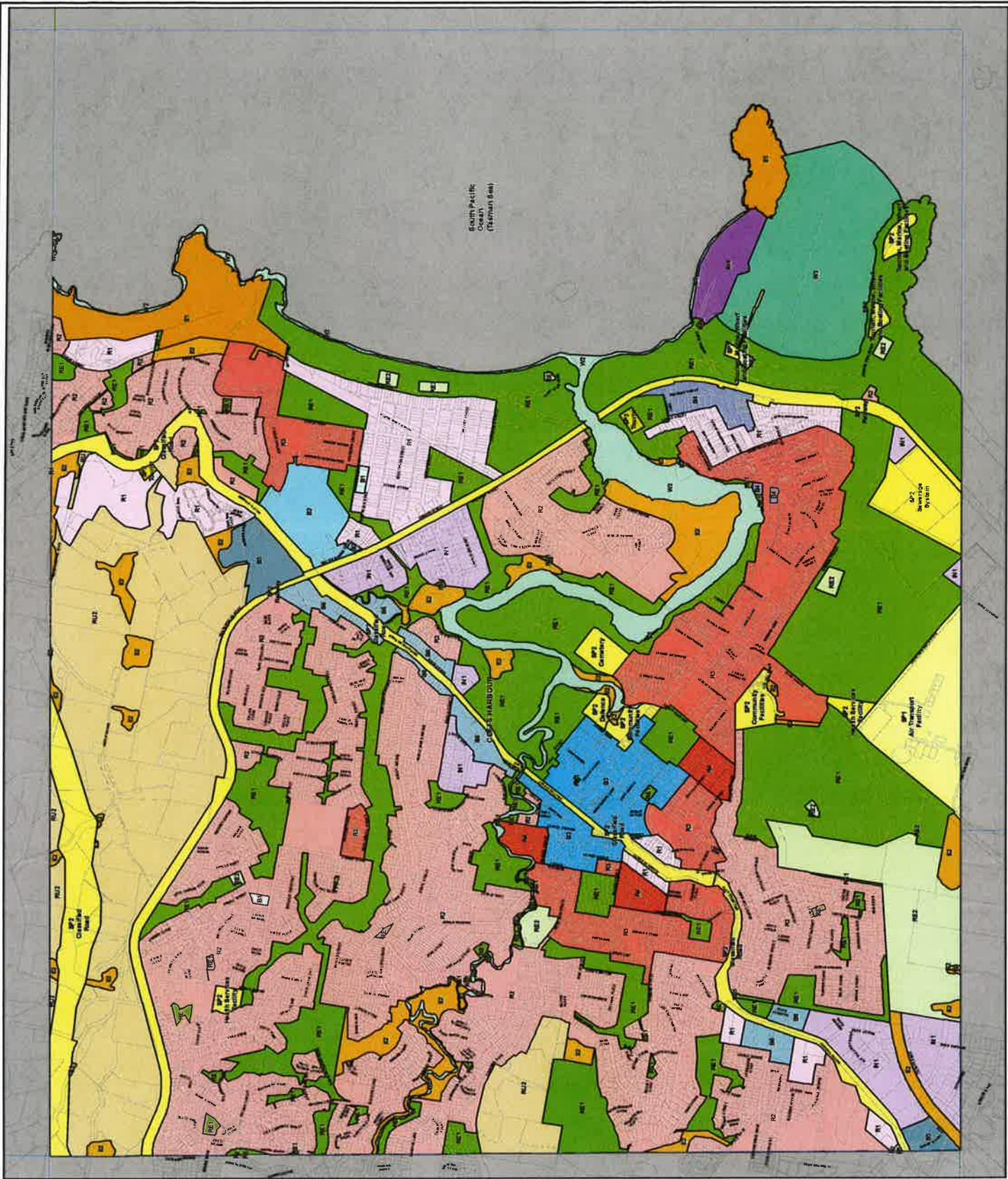
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|--------------------------------------|--|
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| B2 Local Centre | B3 Commercial Core |
| B4 Mixed Use | B5 Business Development |
| B6 Business Corridor | E1 National Parks and Nature Reserves |
| E2 Environmental Conservation | I1 General Industrial |
| I2 Heavy Industrial | IN1 Working Waterfront |
| R1 General Residential | R2 Low Density Residential |
| R3 Medium Density Residential | R4 High Density Residential |
| R5 Large Lot Residential | RE1 Public Recreation |
| RE2 Private Recreation | RL1 Rural Landscape |
| RU1 Forestry | SA1 Special Activities |
| SP1 Infrastructure | SP2 Tourist |
| W1 Natural Waterways | W2 Working Waterways |
| W3 Recreational Waterways | DM1 Deferred Matter |

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Addendum Data 3/02/2014
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Project File Path
LZN\Zones 3

Map identifier number: 8600_Coastal_LZN_006D_000_38140203



South Pacific
Ocean
(Ramanui Gaia)



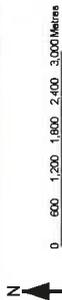
Coffs Harbour Local Environmental Plan 2013

Land Zoning Map - Sheet LZN_004

Zone

- B1** Neighbourhood Centre
- B2** Local Centre
- B3** Commercial Core
- B4** Mixed Use
- B5** Business Development
- B6** Enterprise Corridor
- E1** National Parks and Nature Reserves
- E2** Environmental Conservation
- IN1** General Industrial
- IN3** Heavy Industrial
- W1** Working Waterfront
- R1** General Residential
- R2** Low Density Residential
- LR3** Medium Density Residential
- LR5** High Density Residential
- LR6** Large Lot Residential
- RE2** Public Recreation
- RE3** Private Recreation
- RL2** Rural Landscape
- RL3** Forestry
- SE1** Special Activities
- SP2** Infrastructure
- SP3** Tourist
- W1** Natural Waterways
- W2** Recreational Waterways
- W3** Working Waterways
- DM** Deferred Matter

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Addendum Data 6/03/2013
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Project: 604/184
MGA Zone 56

Scale: 1:60,000 @ A3

Map identification number: 1800_C004_LZN_004_000_20130515



Appendix C

7.17 Coastal hazard planning

(1) The objectives of this clause are as follows:

- (a) to avoid significant adverse impacts from coastal hazards,
- (b) to ensure uses of land identified as coastal hazard are compatible with the risks presented by coastal hazards,
- (c) to enable the evacuation of land identified as coastal hazard in an emergency,
- (d) to avoid development that increases the severity of coastal hazards.

(2) This clause applies to the land identified as “Coastal Hazard Planning Area” on the Coastal Hazard Planning Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is not likely to cause detrimental increases in coastal hazards to other development or properties, and
- (b) is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
- (c) incorporates appropriate measures to manage risk to life from coastal hazards, and
- (d) is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, and
- (e) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and
- (f) has regard to the impacts of sea level rise.

(4) A word or expression used in this clause has the same meaning as it has in the *NSW Coastal Planning Guideline: Adapting to Sea Level Rise* (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.

(5) In this clause:

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

Appendix D

7.7 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted to development on land in the foreshore area except for the following purposes:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development is not likely to cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development is not likely to cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway is not likely to be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding is not likely to have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change has been considered.
- (4) In this clause: