

**SC21/48 PLANNING PROPOSAL - COASTAL VULNERABILITY AREA MAPPING & POLICY - COFFS HARBOUR LOCAL GOVERNMENT AREA**

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<b>MyCoffs:</b>	<b>C.2 A natural environment sustained for the future</b>
<b>Attachments:</b>	<b>ATT1 SC21/48 Planning Proposal - Coastal Vulnerability Area Mapping Coffs Harbour LGA Coastline - V1 Pre-exhibition</b>
	<b>ATT2 SC21/48 Coffs Harbour Development Control Plan 2015 Amendment No. 21 (Coastal Vulnerability Area)</b>
	<b>ATT3 SC21/48 Draft Coastal Vulnerability Area Policy</b>

**EXECUTIVE SUMMARY**

Since 2011, Council has been systematically updating its planning framework around coastal hazard management for the Coffs Harbour Local Government Area (LGA).

At its Ordinary Meeting of 9 May 2019, Council resolved to endorse an updated Coastal Zone Management Plan and updated Coastal Erosion Hazard Mapping, and to consider a further report in relation to inserting the updated mapping within State Environmental Planning Policy (Coastal Management) 2018 ('Coastal Management SEPP').

The purpose of this report is to respond to that resolution and to seek Council's endorsement to initiate a planning process (via a planning proposal) to include 'coastal vulnerability area' mapping for the Coffs Harbour LGA within the Coastal Management SEPP and to publicly exhibit associated amendments to Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), in conjunction with a Coastal Vulnerability Area Policy.

**RECOMMENDATION:****That Council:**

1. **Endorse and forward a Planning Proposal (Attachment 1) to the NSW Department of Planning, Industry and Environment seeking a Gateway Determination to include Coastal Vulnerability Area mapping for the Coffs Harbour Local Government Area within State Environmental Planning Policy (Coastal Management) 2018 and to subsequently remove Clause 7.7 Limited Development on Foreshore Area from Coffs Harbour Local Environmental Plan 2013.**
2. **Request that the Secretary of the NSW Department of Planning, Industry and Environment issue a written authorisation to Council to exercise delegation of the plan making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* in respect of the Planning Proposal.**
3. **Publicly exhibit the Planning Proposal and undertake government agency consultation subject to the terms of the Gateway Determination issued by the NSW Department of Planning, Industry and Environment.**
4. **Publicly exhibit the draft Coffs Harbour Development Control Plan 2015 – Amendment No. 21 (Coastal Vulnerability Area) (Attachment 2) concurrently with the Planning Proposal.**
5. **Publicly exhibit the draft Coastal Vulnerability Area Policy (Attachment 3) for a period of 28 days and provide public notice of its intention to adopt the policy in accordance with Section 160 (2) of the Local Government Act 1993.**
6. **Consider a further report, outlining the outcomes of the public exhibition process of the Planning Proposal, draft Development Control Plan and draft Council Policy.**

## REPORT

### Description of Item:

Council commenced a planning process to manage coastal hazard within the Coffs Harbour LGA in 2011 with the adoption of a Coastal Processes and Hazards Definitions Study, closely followed by the adoption of a Coastal Zone Management Study in 2012 and a Coastal Zone Management Plan in 2013.

On 27 November 2014, Council resolved to exhibit a revised policy and updated local planning controls on coastal hazard management within the Coffs Harbour LGA. On 10 December 2015, Council resolved to defer the progression of the updated policy and planning controls, pending a report on the NSW coastal management reforms that were underway at that time. On 25 February 2016, Council resolved to lodge a submission to the reforms, in which it requested that the NSW Government include Council's coastal erosion hazard mapping within a proposed State-wide policy for coastal management. On 8 December 2016, Council resolved to seek certification of the Coffs Harbour Coastal Zone Management Plan 2013 and a number of estuary specific coastal zone management plans for the LGA. The Coffs Harbour Coastal Zone Management Plan 2013 was certified and gazetted in 2018 by the NSW Government.

Following completion of the NSW coastal management reforms in 2018, a planning process for coastal management within the Coffs Harbour LGA was reported to Council at its Ordinary Meeting of 9 May 2019, along with an updated Coastal Zone Management Plan and updated Coastal Erosion Hazard Mapping (to refine mapping accuracy in Arrawarra, Woolgoolga, Sandy Beach and Emerald Beach). At that meeting, it was resolved:

*That Council:*

- 1. Adopt the updated Coffs Harbour Coastal Zone Management Plan and Coastal Erosion Hazard Mapping (Attachment 1).*
- 2. Make the updated Coastal Erosion Hazard Mapping available on the Council's external online mapping tool.*
- 3. Note a further report will be brought back to Council regarding amending the currently unmapped Coastal Vulnerability Area in the State Environmental Planning Policy Coastal Management 2018.*

In accordance with Item 3 of that resolution, the purpose of this report is to seek Council's endorsement to initiate a planning proposal (Attachment 1) to include 'coastal vulnerability area' mapping for the Coffs Harbour LGA within State Environmental Planning Policy (Coastal Management) 2018. The planning proposal also includes an amendment to Coffs Harbour LEP 2013 to remove Clause 7.7 Limited Development on Foreshore Area and the associated map, as it will no longer be required once the proposed LEP amendment is made.

This report also seeks Council's endorsement to publicly exhibit draft Coffs Harbour DCP 2015 - Amendment No. 21 (Coastal Vulnerability Area) (Attachment 2) and draft Coastal Vulnerability Area Policy (Attachment 3). The DCP and Policy will assist Council and the community to interpret the coastal vulnerability area for the LGA.

### Issues:

#### • Previous Planning Approach

Council at its Ordinary Meeting of 27 November 2014 resolved to exhibit a revised policy and updated local planning controls on coastal hazard management within the Coffs Harbour LGA to accord with an action within the Coffs Harbour Coastal Zone Management Plan 2013. The approach at that time was to introduce a new coastal hazard clause and associated mapping into Coffs Harbour LEP 2013.

The draft planning controls were prescriptive in nature. Council received 111 submissions on the draft planning controls, in which a number of issues were raised, particularly in relation to the restrictive nature of the controls. In its consideration of the submissions, Council at its Ordinary Meeting of 10 December 2015, resolved to defer the progression of the new planning framework, pending a report on the NSW coastal management reforms that were underway at that time. Certification of the Coffs Harbour Coastal Zone Management Plan 2013 in 2018 was also seen as a key aspect to solidifying planning controls relating to coastal hazard management within the Coffs Harbour LGA.

The NSW coastal management reforms resulted in the introduction of the Coastal Management SEPP, which removed the need for a new clause to be included within Coffs Harbour LEP 2013. This report seeks Council's endorsement to initiate a new planning proposal, draft DCP controls and a revised Council policy, which reflect the coastal management planning framework introduced by the NSW Government in 2018. This new draft planning framework is based on merit assessment, unlike the previous planning process exhibited by Council, and relies on the criteria in the Coastal Management SEPP relating to information required to support development proposals.

The Coastal Management SEPP contains provisions relating to a 'coastal vulnerability area' and provides the opportunity for Councils within NSW to include their own coastal hazard mapping to enact the clause. The coastal vulnerability area aims to manage risk to human life and public/private property that may be impacted by coastal hazard now and into the future. It is defined in the Coastal Management Act 2016 as land which is subject to coastal hazard, including (but not limited to) beach erosion and shoreline recession. Whilst development is permitted within the coastal vulnerability area under this policy, development proposals are required to satisfy criteria and are assessed on merit by the relevant consent authority (usually Council).

Council requested the NSW Government, in its submission to its draft policy, that its coastal erosion hazard mapping be included within the policy prior to it being made. The Coastal Management SEPP was however, made without the inclusion of any mapping for the State. Council has been advised by the NSW Department of Planning, Industry and Environment to undertake a planning proposal process to include its coastal erosion and hazard mapping within the state policy, which is the purpose of this report.

- **Coastal Vulnerability Area Mapping**

The Coffs Harbour Coastal Zone Management Plan 2013 notes that planning decisions about residential development have a time frame of up to one hundred years and commercial and industrial development about fifty years, thus it is imperative 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 'unlikely' 2100 hazard line has been used to inform the coastal erosion hazard mapping that is to be identified as the 'coastal vulnerability area' within the Coastal Management SEPP. Coastal hazard within the Coffs Harbour LGA will be defined by probabilities in the Immediate, 2050 and 2100 year planning periods to enable Council to manage coastal hazard within a risk based framework, while also acknowledging a 0.4 m rise in sea level by 2050 and a 0.9 m sea level rise by 2100.

**Options:**

Council has a number of options available in relation to this matter. They include:

1. Resolve to adopt the recommendations of this report.
2. Resolve to undertake an alternative approach.
3. Resolve not to adopt the recommendations of this report.

Option 1 is recommended as the suitable course of action.

**Sustainability Assessment:**

- **Environment**

Environmental sustainability issues are addressed in the planning proposal (Attachment 1).

- **Social**

Social sustainability issues are addressed in the planning proposal (Attachment 1).

- **Civic Leadership**

The planning proposal accords with the following relevant objectives and associated strategies of the MyCoffs Community Strategic Plan by creating liveable neighbourhoods (C1.1) and undertaking sustainable development (C2.1).

- **Economic – Broader Economic Implications**

Council will require an increased level of information for development within the coastal vulnerability area in relation to the development's resilience in design, layout and function over the life of the development. While some of these factors may increase the overall cost of development, such costs reflect the nature of the hazard and are based on sustainable land use decision making.

- **Economic - Delivery Program/Operational Plan Implications**

Council is the lead agency for the majority of the actions contained within the Coffs Harbour Coastal Zone Management Plan 2013, including the development of a new planning framework for the management of coastal hazard within the Coffs Harbour LGA. The new planning framework is unlikely to impact on Council's Delivery Program or Operational Plan; as adequate resources are available within the organisation for the assessment of development applications relating to coastal hazard risk.

**Risk Analysis:**

Ensuring that new development is more resilient to coastal processes will reduce the risk and burden to future generations of inappropriate development that may generate an expectation for major public expenditure for land affected by coastal hazard. Resilient development that is responsive to known and predicted risk provides a better outcome for landowners in terms of risk to life and property.

Extensive community engagement was undertaken in the development of Council's Coastal Zone Management Plan and Coastal Processes and Hazards Definition Study. The new planning framework will also be placed on public exhibition, thus minimising further risk to Council.

**Consultation:**

Should Council resolve to initiate the planning proposal and a gateway determination is issued by the NSW Department of Planning, Industry and Environment, the planning proposal is required to be exhibited in accordance with the gateway determination and the relevant provisions of the Environmental Planning and Assessment Act 1979. Consultation with government agencies and other stakeholders may also be required if specified within the gateway determination. Consultation will be undertaken in accordance with Council's Community Participation and Engagement Plan, as follows:

Project Stage	Inform	Consult	Involve	Collaborate
Initiate Planning Proposal	x	x		
Public Exhibition	x	x		
Post Exhibition Report to Council	x			
Post Endorsement Notification	x			

**Place Score:**

In early 2019, Council undertook extensive community consultation using the Place Score place-making tool to understand community priorities and values. The Coffs Harbour LGA received a Place Score of 65, which is below the NSW average of 72. The top most ranked strength for the Coffs Harbour LGA in this study is “Elements of the Natural Environment”. Despite this strength, the community identified “Protection of the Natural Environment” in its top five priorities for improvement.

As part of the consultation process, the community also provided ideas for change, including “Celebrate and/or protect the topography and landscape” and “More and/or better sustainable actions and behaviours”. The new planning framework for the management of coastal hazard within the Coffs Harbour LGA will contribute to protecting elements of the natural environment.

**Related Policy, Precedents and / or Statutory Requirements:**

This planning proposal has been prepared in accordance with the Environmental Planning and Assessment Act 1979 and Regulation 2000. A number of other relevant policies and statutory documents have been considered in the preparation of the planning proposal.

**Implementation Date / Priority:**

Should Council resolve to initiate the planning proposal, it will be forwarded to the NSW Department of Planning, Industry and Environment, requesting gateway determination. The timeframe for the completion of the planning proposal is governed by the Environmental Planning and Assessment Act 1979 and thus is determined by the NSW Department of Planning, Industry and Environment. The DCP amendment and Council Policy will not take effect until the SEPP and LEP amendment process is finalised.

**Conclusion:**

The purpose of this report is to seek Council’s endorsement to initiate a planning proposal to include ‘coastal vulnerability area’ mapping for the Coffs Harbour LGA within the Coastal Management SEPP and to publicly exhibit associated amendments to Council’s LEP and DCP, in conjunction with a Coastal Vulnerability Area Policy. The new planning framework for the management of coastal hazard within the Coffs Harbour LGA is supported by sufficient evidence and will provide a simplified and fair merits based assessment of development on land impacted by coastal hazard.