

PLANNING PROPOSAL – PP026

Shoalhaven Local Environmental Plan 2014

Coastal Hazards Review

Prepared by:
Planning, Environment & Development Group
Shoalhaven City Council

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www.shoalhaven.nsw.gov.au

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541
telephone (02) 4429 3111
facsimile (02) 4422 1816
e-mail planning@shoalhaven.nsw.gov.au
internet www.shoalhaven.nsw.gov.au

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- Attachment C – State Environmental Planning Policies
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1 Introduction

This Planning Proposal (PP) seeks to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to remove the Coastal Risk Planning (CRP) Map. This will enable SLEP 2014 to rely on the most up to date coastal hazard data that Council holds and avoid delays in updating coastal risk mapping by having to undertake a PP process each time Council receives new or refined coastal hazard data. The PP will also allow Clause 7.4 of SLEP 2014 to be applied to those properties at risk from coastal hazards that are outside the limited number of areas where Council has undertaken coastal risk studies.

The PP applies to any land within Shoalhaven that is at risk from coastal hazards.

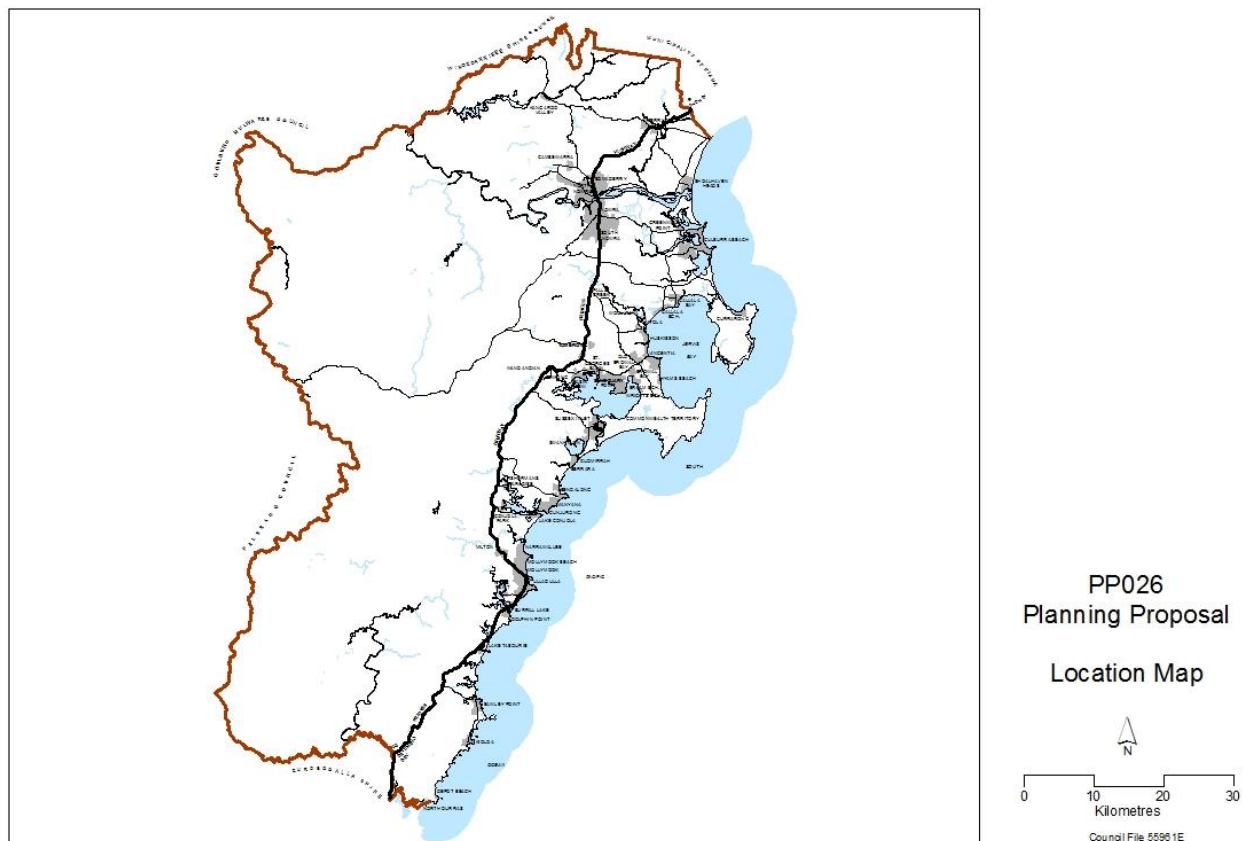


Figure 1: Location Map

It is requested that Council be given delegation for plan making functions for this PP. The evaluation criteria for delegation is located at **Attachment A**.

This PP has been prepared in line with '*A Guide to preparing Local Environmental Plans*' and '*A Guide to preparing planning proposals*'.

1.2 Background

Shoalhaven's coastal zone extends 165 km along the NSW south coast, from north of Shoalhaven Heads in the north to North Durras in the south. It includes 109 beaches, bays

and headlands, the Shoalhaven River estuary, 15 coastal lakes, and numerous small coastal creeks.

Shoalhaven coastal towns are situated to capture coastal views and provide access to the coast; being located at the mouths of coastal lakes, on coastal dunes, and adjacent headlands. This pattern of settlement means that there are a number of public and private properties and assets at risk from coastal hazards such as beach erosion, shoreline recession, coastal entrance instability, sand drift, coastal inundation, storm water erosion, and slope instability; all of which may be exacerbated by climate change.

Council has undertaken a number of studies of at risk areas, including nine beaches and several headlands. The data from these studies has recently been updated to incorporate Council's adopted sea level rise projections and will continue to be updated and refined as better information becomes available. Additional areas may be studied in the future as funding is made available.

The CRP Map in SLEP 2014 is based on the data from the studies available at the time of the preparation of SLEP 2014 but is now out of date. As a result of the ongoing program of updates, Council currently has a need to continuously update the SLEP 2014 maps to ensure that the most up to date data is relied upon for development assessment. Given that SLEP 2014 maps can only be amended via a planning proposal, lengthy delays in the updating of the map will be experienced. Further, as the current SLEP 2014 Clause 7.4 only applies to the areas identified on the CRP Map, the only areas captured are those where studies have been undertaken. Given the extensive nature of the Shoalhaven coast line and the limited number of studies that have been undertaken, Clause 7.4 should be broadened to apply to all areas that may be at risk of coastal hazards to ensure consistent assessment of potential risks at the development application stage.

On 14 August 2018, Council's Development Committee resolved (MIN18.609) to:

- 1. Endorse the Coastal Hazards Review Planning Proposal (PP026) (Attachment 1) and submit it to the NSW Department of Planning and Environment for a Gateway determination.*
- 2. Following receipt of the Gateway determination, concurrently exhibit PP026 and draft Chapter G6: Coastal Management Areas of Shoalhaven Development Control Plan 2014 (Attachment 2), for a period of 28 days as per legislative requirements.*
- 3. Support the preparation of the online coastal hazard mapping based on current coastal risk data.*
- 4. Receive a further report on PP026 and draft Chapter G6: Coastal Management Areas following the conclusion of the public exhibition period.*
- 5. Advise key stakeholders, including relevant Community Consultative Bodies, of this decision.*

Council's Development Committee report and minutes can be found at **Attachment B**.

2 Part 1 –Intended Outcome

The intended outcome of this PP is to remove the CRP Map from SLEP 2014 and amend Clause 7.4 Coastal risk planning to apply to all land at risk of coastal hazards. It is intended that the coastal risk mapping will be made publicly available as part of Council's online mapping system.

This amendment will also necessitate a change to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) to remove the following 11 maps sheets in Schedule 5 Land excluded from the Housing Code, which are based on the superseded coastal hazard data:

- SEPP_ECD_6950_LCD_001_20101022
- SEPP_ECD_6950_LCD_002_20101022
- SEPP_ECD_6950_LCD_003_20101022
- SEPP_ECD_6950_LCD_004_20101022
- SEPP_ECD_6950_LCD_005_20101022
- SEPP_ECD_6950_LCD_006_20101022
- SEPP_ECD_6950_LCD_007_20101022
- SEPP_ECD_6950_LCD_008_20101022
- SEPP_ECD_6950_LCD_009_20101022
- SEPP_ECD_6950_LCD_010_20101022
- SEPP_ECD_6950_LCD_011_20101022

Clause 7.4 of SLEP 2014, Shoalhaven Development Control Plan 2014 (SDCP 2014) and the Shoalhaven Coastal Zone Management Plan (CZMP) 2018 can be relied upon to exclude the use of the Codes SEPP for complying development in these areas as per Clause 1.19 of the Codes SEPP.

3 Part 2 – Explanation of Provisions

SLEP 2014 is proposed to be amended as follows to achieve the intended outcome.

3.1 Instrument change

It is intended to amend Clause 7.4 Coastal risk planning to remove the reference to the CRP Map and to reword the clause so that it applies to all land at risk of coastal hazards.

Suggested wording

The changes are shown in red.

7.4 Coastal risk planning

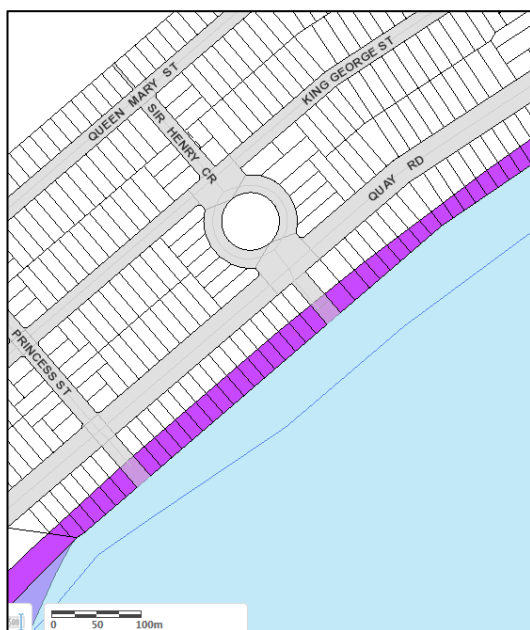
(1) The objectives of this clause are as follows:

(a) to avoid significant adverse impacts from coastal hazards,

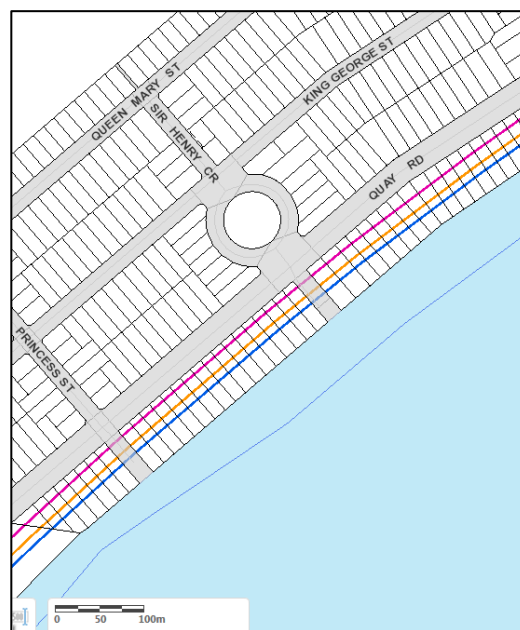
- (b) *to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,*
 - (c) *to enable the evacuation of land identified as coastal risk in an emergency,*
 - (d) *to avoid development that increases the severity of coastal hazards.*
- (2) *This clause applies to the land identified as ~~“Coastal Risk Planning Area” on the Coastal Risk Planning Map~~ being at risk of coastal hazards.*
- (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) *will avoid, minimise or mitigate exposure to coastal processes, and*
 - (b) *is not likely to cause detrimental increases in coastal risks to other development or properties, and*
 - (c) *is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and*
 - (d) *incorporates appropriate measures to manage risk to life from coastal risks, and*
 - (e) *is likely to avoid or minimise adverse effects from the impact of coastal processes and the exposure to coastal hazards, and*
 - (f) *provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards, and*
 - (g) *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](#).*

3.2 Map change

It is intended to remove the CRP Map from SLEP 2014. Council’s adopted coastal hazard mapping will be made available on Council’s website as part of the online mapping system. The online mapping system allows searching for individual properties and is at a scale to enable meaningful interrogation of the data at a property level. It will also be able to provide more detailed information by showing the multiple projections i.e. 2030, 2050, 2100 scenarios rather than being constrained by having to show a polygon as required for SLEP 2014 mapping (see example below). It will be updated as and when Council adopts new or updated coastal risk data.



CRP Map



Example of online mapping

4 Part 3 – Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

The PP is a result of Council's recently adopted Shoalhaven Coastal Hazard Review that forms part of the Shoalhaven CZMP 2018. The Coastal Hazard Review has updated the data which forms the basis of the CRP Map in SLEP 2014. As a result, the CRP Map is now outdated.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

As the CRP Map forms part of SLEP 2014, the only way of amending or removing it is via a PP. In order to provide the most up-to-date coastal hazard data, moving the coastal hazard mapping to sit outside SLEP 2014 is the only way to ensure that Council is not bound by the PP process in updating the mapping relied on by Clause 7.4 of SLEP 2014.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 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 applicable regional strategy is the Illawarra-Shoalhaven Regional Plan. The relevant Direction and Action is outlined below.

- Direction 5.2 Build the Illawarra-Shoalhaven’s resilience to natural hazards and climate change.
 - Action: 5.2.1: Apply contemporary risk management to coastal and other hazards.

The PP is consistent as it will prevent delays in incorporating the best available natural hazard and climate change information into development assessment by removing the need for PPs to be processed to amend SLEP 2014 mapping.

4.2.2 Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

Shoalhaven Integrated Strategic Plan

The PP is consistent with Council’s Community Strategy Plan, which forms part of the Shoalhaven Integrated Strategic Plan. The relevant themes and priorities are identified below:

- Theme 2 - Sustainable, liveable environments
 - Priority 2.2 Plan and manage appropriate and sustainable development
 - Priority 2.3 Protect and showcase the natural environment
- Theme 4 - Responsible governance
 - Priority 4.3 Inform and engage the community about decisions that affect their lives

Shoalhaven Coastal Zone Management Plan 2018

The PP is consistent with Council’s CZMP 2018 and the relevant strategies and actions are provided below:

CZMP 2018 Strategies and Actions	Comment
Strategy 1: Integrate management of the entire coastal zone • C1.3 Work with all sections of Council to improve integration of coastal zone risk management and protection.	The PP will enable strategic planning requirements to be integrated in a timely manner.
Strategy 3: Implement Planning System Controls • Action C3.1 Update notation to section 10.7(5) certificates for properties affected by coastal hazards consistent with NSW Government legislation.	This action applies to ‘whole of coast’ and the intention of the PP to remove the mapping from and update Clause 7.4 of SLEP 2014 is consistent with this approach.
• Action C3.2 Implement and maintain planning system controls, in Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014 G6 Coastal Management Areas, which requires specific information and	The PP acts to maintain the SLEP 2014 and broaden the coverage of Clause 7.4 to all land affected by coastal hazards (there are associated changes proposed to SDCP 2014).

assessment for proposed development in coastal hazard areas.	
<ul style="list-style-type: none"> Action c3.4 Make Necessary amendments to Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014, including: <ul style="list-style-type: none"> All risk areas to be included in the appropriate locations in Shoalhaven Local Environmental Plan 2014 and/or Shoalhaven Development Control Plan 2014 Mapping in Shoalhaven Development Control Plan and SLEP 2014 (Coastal Risk Planning) to be updated to reflect the revised Risk Assessment Maps (Advisan, 2016) 	The PP intends to remove the CRP Mapping from SLEP 2014 to broaden the reach of Clause 7.4 of SLEP 2014 to include all risk areas. Furthermore, removing the mapping will allow for more timely updates of new risk data in perpetuity.
Strategy 7: Implement adaptive management procedures	Removing the mapping from SLEP 2014 enables consistency with this strategy.

4.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The PP is consistent with the applicable State Environmental Planning Policies (SEPPs) – please see checklist at **Attachment C**. SEPP (Coastal Management) 2018 is particularly relevant and is discussed below.

SEPP (Coastal Management) 2018

The SEPP sets out matters for consideration for development in the coastal zone. The application of the SEPP is addressed in the table below.

Matters for consideration	Consistency
<p>Part 1: Aims</p> <p>Aim of the policy:</p> <p>The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:</p> <p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p>	<p>The PP is consistent with the aims of the SEPP as it will enable the provision of the most up-to-date coastal hazard data to assist in managing development in the 4 coastal management areas within the coastal zone.</p>

Matters for consideration	Consistency
(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.	
Part 2 Development controls in specific coastal management areas Division 1 Coastal wetlands and littoral rainforests Part 2 Division 2 Coastal vulnerability area Part 2 Division 3 Coastal environment area Part 2 Division 4 Coastal Use Area Part 2 Division 5 General	The PP will enable decisions to be made in relation to future development using the most up to date data on current and future coastal hazards.
Part 3 Miscellaneous	The PP will not interfere with the application of this part.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The PP is not inconsistent with the Ministerial Directions under s.9.1 – refer to checklist at **Attachment D**. Direction 2.1 Environmental Protection Zones and Direction 2.2 Coastal Protection are particularly relevant and are discussed below.

Direction 2.1 Environment Protection Zones

This PP seeks to remove CRP mapping from SLEP 2014 and amend Clause 7.4 to apply to all land at risk of coastal hazards. As such, the PP will facilitate better protection and conservation of environmentally sensitive areas. The environmental protection standards applying to an environmental protection zone will not be reduced, and in fact will capture a wider range of environmentally sensitive areas within the coastal zone. As such, the PP is not inconsistent with this direction.

Direction 2.2 Coastal Management

The direction applies as the PP affects land within the coastal zone, as defined under the Coastal Management Act 2016, comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use areas as identified.

The PP is not inconsistent with the Coastal Management Act 2016 objectives, the NSW Coastal Management Manual and associated Toolkit or the NSW Coastal Design Guidelines 2003 as the PP seeks to remove the CRP mapping and amend Clause 7.4 of SLEP 2014 to apply to a wider range of environmentally sensitive areas within the coastal zone.

The PP is also consistent with the Shoalhaven CZMP 2018.

As such, the PP is not considered to be inconsistent with this direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 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?

The PP is very unlikely to impact on any critical habitat or threatened species, populations or ecological communities, or their habitats as it proposes to remove the CRP Map from SLEP 2014 and reword associated Clause 7.4 so that Council is relying on the most up to date mapping available. In effect, this may create a layer of de facto protection of critical habitat and threatened species over a larger area of Council's coastline.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

It is not anticipated that the PP will result in any negative environmental effects as it proposes to remove the CRP Map from SLEP 2014 and reword associated Clause 7.4 so that Council is relying on the most up to date mapping available.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

The PP is likely to have positive social and economic effects as it will remove uncertainty resulting from the differences between the CRP Map and the adopted coastal hazard data.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

This PP does not create additional need for infrastructure as it is administrative in nature.

4.4.2 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities will be undertaken in accordance with Gateway Determination requirements and the EP&A Act. The Office of Environment and Heritage will be consulted with as a minimum.

5 Part 4 – Mapping

The CRP Maps will be revoked by the making of this PP. The most up to date coastal hazard information will be made available to the public via Council's online mapping system.

6 Part 5 - Community Consultation

Council proposes to exhibit the PP in accordance with the requirements of Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and any other requirements as determined by the Gateway determination. It is intended that an exhibition period of 28 days apply. Council will also be exhibiting associated changes to Shoalhaven Development Control Plan 2014 Chapter G6: Coastal Management Areas with the PP to ensure that the community can see the relevant suite of changes.

Public notification of the exhibition would include notification in the local newspapers, and a package of exhibition materials on Council's website. Hard copies of the PP would be made available at Council's Administrative Buildings in Nowra and Ulladulla.

7 Part 6 – Project Timeline

The anticipated timeline for the Planning Proposal is as follows.

Task	Anticipated Timeframe
Commencement date (date of Gateway determination)	September 2018
Completion of Gateway determination requirements	October 2018
Public exhibition	November/ December 2018
Consideration of submissions	December 2018/ January 2019
Post exhibition consideration of PP	February 2019
Finalisation and notification of Plan	March-May 2019

Attachment A - Evaluation criteria for delegation of Plan Making Functions

Checklist for the review of a request for delegation of plan making functions to Councils

Local Government Area:

Shoalhaven City Council

Name of draft LEP:

Shoalhaven Local Environmental Plan 2014
PP026 – Review of Coastal Hazards

Address of Land (if applicable):

The PP applies to all land at risk of coastal hazards with the Shoalhaven LGA.

Intent of draft LEP:

The Planning Proposal seeks to amend Shoalhaven Local Environmental Plan (LEP) 2014 to remove the Coastal Risk Planning (CRP) Map and broaden the coverage of Clause 7.4.

Additional Supporting Points/Information:

- The LEP will rely on the most up to date coastal hazard data that Council holds and will not subject to delays in updating coastal risk mapping by having to undertake a PP process each time Council receives new or refined coastal hazard data.
- The coastal hazard data will be made publicly available on Council's online mapping system.
- Clause 7.4 will be amended to reflect the removal of the maps.
- This amendment will allow the clause to be applied to those properties at risk from coastal hazards that are outside the limited number of areas where Council has undertaken coastal risk studies.

Evaluation criteria for the issuing of an Authorisation (Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not relevant	Agree	Not agree
Is the Planning Proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the Planning Proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		X		

Does the Planning Proposal contain details related to proposed consultation?	Y			
Is the Planning Proposal compatible with an endorsed regional or sub-regional strategy or local strategy endorsed by the Director-General?	Y			
Does the Planning Proposal adequately address any consistency with all relevant S9.1 Planning Directions?	Y			
Is the Planning Proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the Planning Proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		X		
Heritage LEPs				
Does the Planning Proposal seek to add or remove a local heritage item and is it supported by a strategy / study endorsed by the Heritage Officer?		X		
Does the Planning Proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		X		
Does the Planning Proposal potentially impact on item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		X		
Reclassifications				
Is there an associated spot rezoning with the reclassification?		X		
If yes to the above, is the rezoning consistent with an endorsed Plan Of Management (POM) or strategy?		X		
Is the Planning Proposal proposed to rectify an anomaly in a classification?		X		
Will the Planning Proposal be consistent with an adopted POM or other strategy related to the site?		X		
Will the draft LEP discharge any interests in public land under Section 30 of the Local Government Act, 1993?		X		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the Planning Proposal?		X		
Has the council identified that it will exhibit the Planning Proposal in accordance with the Department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?		X		

Has council acknowledged in its Planning Proposal that a Public Hearing will be required and agree to hold one as part of its documentation?		X		
Spot Rezoning				
Will the proposal result in a loss of development potential for the site (i.e. reduced FSR or building height) that is not supported by an endorsed strategy?		X		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		X		
Will the Planning Proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		X		
If yes, does the Planning Proposal contain sufficient documented justification to enable the matter to proceed?		X		
Does the Planning Proposal create an exception to a mapped development standard?		X		
Section 3.22 matters				
<p>Does the proposed instrument:</p> <p>a. Correct an obvious error in the principal instrument consisting of a mis description, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary works or a formatting error?;</p> <p>b. Address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?;</p> <p>c. Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).</p>		X		

Any other relevant documentation e.g. letters of support from State Government agencies.
 Nil.

Attachment B – Council’s Development Committee report and minutes - 14 August 2018

DE18.57 Coastal Hazards Review - Proposed Amedments - Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014

HPERM Ref: D18/242202

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Coastal Hazard Review Planning Proposal (PP026) (under separate cover)
2. Draft Chapter G6: Areas of Coastal Management (under separate cover)

Purpose / Summary

Obtain endorsement to:

- Submit the Coastal Hazards Review Planning Proposal (PP026) to the NSW Department of Planning and Environment (DP&E) for Gateway determination.
- Concurrently exhibit PP026 and draft Chapter G6: Coastal Management Areas of Shoalhaven Development Control Plan (DCP) 2014, following receipt of the Gateway determination.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the Coastal Hazards Review Planning Proposal (PP026) (**Attachment 1**) and submit it to the NSW Department of Planning and Environment for a Gateway determination.
2. Following receipt of the Gateway determination, concurrently exhibit PP026 and draft Chapter G6: Coastal Management Areas of Shoalhaven Development Control Plan 2014 (**Attachment 2**), for a period of 28 days as per legislative requirements.
3. Support the preparation of the online coastal hazard mapping based on current coastal risk data.
4. Receive a further report on PP026 and draft Chapter G6: Coastal Management Areas following the conclusion of the public exhibition period.
5. Advise key stakeholders, including relevant Community Consultative Bodies, of this decision.

Options

1. As recommended.

Implications: This is the preferred option as it will enable Council to respond to the outcomes of the Shoalhaven Coastal Hazard Review. The removal of the coastal risk planning maps from Shoalhaven Local Environmental Plan (LEP) 2014 will result in more efficient future amendments to the coastal hazard mapping which will be located on Council's website. The online mapping approach will ensure that up to date data is applied across the City and updated as required, which will increase consistency during development assessment. The amendment to Chapter G6: Coastal Management Areas of Shoalhaven DCP 2014 will also address several housekeeping matters which will increase the readability and function of the Chapter.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone the amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014.

3. Not adopt the recommendation.

Implications: This could stop or postpone the implementation of amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014. This option is not preferred as the outcomes of the Shoalhaven Coastal Hazard Review will not be actioned. The coastal risk planning maps will remain in Shoalhaven LEP 2014 resulting in future lengthy delays to update the maps and the risk of coastal hazards will not be mapped for all known land across the City. The housekeeping matters for consideration in Chapter G6: Coastal Management Areas of Shoalhaven DCP 2014 will remain outstanding which will impact upon the overall readability and function of the Chapter.

Background

The settlement pattern on Shoalhaven's coast has resulted in public and private properties and assets being at risk from coastal hazards such as beach erosion, shoreline recession, coastal entrance instability, sand drift, coastal inundation, storm water erosion, and slope instability; all of which may be exacerbated by climate change.

On 2 June 2015, Council's Development Committee resolved to:

- (c) *Prepare draft amendments to Chapter G6: Coastal Management Areas of DCP 2014 chapters as detailed in Attachment "A" (Stage 3).*

On 27 June 2017, Council's Development Committee also resolved (MIN17.552(4)) to:

- Review the Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014 to reflect the outcomes of the Shoalhaven Coastal Hazard Review and a further report be provided on the proposed amendments.*

As such, draft amendments to Shoalhaven LEP 2014 (PP026) and Chapter G6: Coastal Management Areas of Shoalhaven DCP 2014 have been prepared in response. A summary of the proposed amendments is provided below.

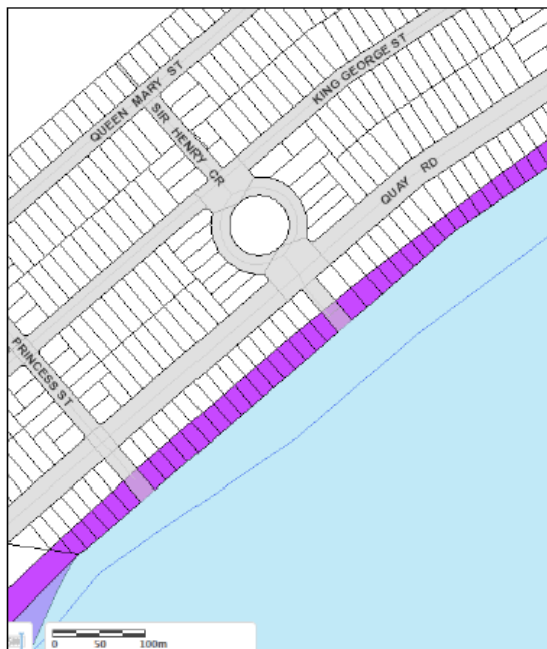
Planning Proposal (PP026)

The current Coastal Risk Planning (CRP) Map in Shoalhaven LEP 2014 is based on the data from the studies available at the time of the original preparation of Shoalhaven LEP 2014 – this data is now out of date. Because of the ongoing program of updates, Council currently has a need to continuously update the Shoalhaven LEP 2014 maps to ensure that the most up to date data is relied upon for development assessment. Given that Shoalhaven LEP 2014 maps can only be amended via a Planning Proposal, lengthy delays in the updating of the maps will potentially be experienced.

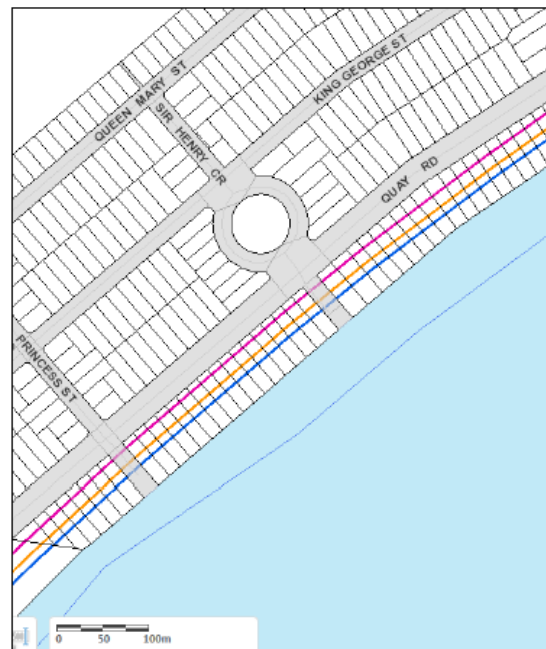
Further, Clause 7.4 Coastal risk planning of Shoalhaven LEP 2014 only applies to the areas identified on the CRP Map. Given the extensive nature of the coast line and the limited number of studies that have been undertaken, it is considered that Clause 7.4 should be broadened to apply to all areas that may be at risk of coastal hazards. This would ensure consistent assessment of potential risks at the development application stage.

As such, PP026 (**Attachment 1**) seeks to remove the Coastal Risk Planning Maps from Shoalhaven LEP 2014 and amend Clause 7.4 Coastal risk planning to apply to all land at risk of coastal hazards. Council is currently pursuing a similar approach regarding flood risk planning in the LEP.

It is intended that Council's adopted coastal hazard mapping will be made available on Council's website as part of the online mapping system. The online mapping system allows searching for individual properties and is at a scale to enable meaningful interrogation of the data at a property level. It will also be able to provide more detailed information by showing the multiple projections (i.e. 2030, 2050, 2100 scenarios) rather than being constrained by having to show a polygon (mapping requirement under the Standard LEP Instrument format) as required for Shoalhaven LEP 2014 mapping - see example comparison below of the existing and proposed mapping. The new online maps will be updated regularly as better information becomes available and when Council adopts new or updated coastal risk data.



CRP Map



Example of online mapping

Draft DCP Chapter G6: Coastal Management Areas

The proposed draft amendments to DCP Chapter G6: Coastal Management Areas addresses issues arising from:

- Resolutions of Council, particularly the adoption of the Coastal Hazard Review;
- Operational issues or matters that need clarification that have been identified since the DCP became effective on 22 October 2014.

All proposed draft amendments to the DCP are outlined in the table of changes at the beginning of the Chapter (**Attachment 2**) and the key components are briefly outlined below for convenience:

- Insert references to the Shoalhaven Coastal Hazard Interactive Mapping.
- Replace references to 2025 zone of reduced foundation capacity (ZRFC) with 2030 throughout.
- Clarification that sites landward of Precinct 2 (i.e. 2100 Zone of Reduced Foundation Capacity (ZRFC)) have limited restrictions, not no restrictions.

- Inclusion of commentary and provisions relating to wave runup, the fourth type of coastal hazard risk.
- Addition of Bendalong Boat Harbour Beach as a known area of beach erosion and/or oceanic inundation, and Narrawallee as a known area of cliff/slope instability.
- Insertion of reference to recently adopted studies (e.g. Royal Haskoning DHV Report – Shoalhaven Coastal Cliffs and Slopes Risk Management Program – 2018).
- Clarification that the side setback requirements also apply to lots landward side of an unformed road that adjoins a waterfront reserve.
- Inclusion of several provisions from Council Policy POL12/217 Coastal Areas – Planning and Development relating to the mitigation of loss of public amenity, and aesthetic and environmental impacts on the foreshore and other public areas. It is noted that POL12/217 will also need to be rescinded at the date the DCP amendment is made effective.
- Expansion of foreshore development controls in Section 5.2 to also apply to non-residential development.
- Inclusion of provisions relating to public infrastructure on public land.
- Inclusions of provisions to reflect the revised content of the Generic Community Lands Plan of Management – Natural Areas and Foreshore Reserves Policy (e.g. Stormwater from adjoining residences should be managed via inter-allotment drainage and discharged directly into a stormwater facility of Council).
- Redrafting of all images to enhance the readability of the Chapter and consistency across Shoalhaven DCP 2014.
- Plain English review.

Community Engagement

The PP and draft DCP amendment will be exhibited for comment in accordance with Council's Community Engagement Policy to 'inform' and 'consult', and the relevant legislative requirements. The documentation will be exhibited at the Nowra Administrative Building for a period of 28 days. Documentation will also be available on Council's website and at the Ulladulla Administrative Building.

The Gateway determination will also potentially specify any government agencies with whom Council must consult.

Community Consultative Bodies (CCB's) and other interest groups will also be advised of the future formal exhibition arrangements.

Policy Implications

The proposed LEP and DCP amendments respond to the outcomes of the Shoalhaven Coastal Hazard Review. The amendments to Shoalhaven LEP 2014 to remove the coastal risk mapping will avoid future lengthy delays to update the maps. The online mapping approach will ensure that up to date data is applied and updated as required. This also means that the area at risk of coastal hazards will be broadened across the City.

The amendments to Shoalhaven DCP 2014, also address several housekeeping matters which will improve the overall readability and function of Chapter G6: Coastal Management Areas.

Financial Implications

Based on the recommended approach, there are no immediate financial implications for Council as this matter is being resourced within the existing Strategic Planning budget.

Risk Implications

The proposed LEP and DCP amendments will ensure that all areas at risk of coastal hazard will be identified on the online mapping. This approach ensures that Council is providing the most accurate information available to current and future landowners.

TO: Team Coordinator - Strategy South (Tague, Jenna)

Subject: SLEP 2014 Planning Proposal - PP026 Coastal Hazards Review - Gateway Determination - PP / DCP Chapter G6 - Public Exhibition
Target Date: 13/09/2018
Notes:
HPERM Reference 55962E D18/242202

RESOLVED (Clr Alldrick / Clr White)

MIN18.609

That Council:

1. Endorse the Coastal Hazards Review Planning Proposal (PP026) (Attachment 1) and submit it to the NSW Department of Planning and Environment for a Gateway determination.
2. Following receipt of the Gateway determination, concurrently exhibit PP026 and draft Chapter G6: Coastal Management Areas of Shoalhaven Development Control Plan 2014 (Attachment 2), for a period of 28 days as per legislative requirements.
3. Support the preparation of the online coastal hazard mapping based on current coastal risk data.
4. Receive a further report on PP026 and draft Chapter G6: Coastal Management Areas following the conclusion of the public exhibition period.
5. Advise key stakeholders, including relevant Community Consultative Bodies, of this decision.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

Attachment C – State Environmental Planning Policies

SEPP	Date	Name	Applicable	Not inconsistent
1	17.10.80	Development standards	✗	N/A
19	24.10.86	Bushland in Urban areas	✗	N/A
21	24.04.92	Caravan parks	✓	✓
30	08.12.89	Intensive agriculture	✓	✓
33	13.03.92	Hazardous and Offensive development	✓	✓
36	16.07.93	Manufactured home estates	✓	✓
44	06.01.95	Koala habitat protection	✓	✓
47	17.11.95	Moore Park Showground	✗	N/A
50	10.11.97	Canal estate development	✗	N/A
52	31.07.98	Farm Dams and Other Works in Land and Water Management Plan Areas	✗	N/A
55	28.08.98	Remediation of land	✓	✓
62	25.08.00	Sustainable aquaculture	✓	✓
64	16.03.01	Advertising and signage	✓	✓
65	26.07.02	Design quality of residential flat development	✗	N/A
70	31.05.02	Affordable Housing (Revised Schemes)	✗	N/A
--	31.07.09	Affordable Rental Housing 2009	✓	✓
--	25.06.04	Building Sustainability Index: BASIX 2004	✓	✓
--	03.04.18	Coastal Management 2018	✓	✓
--	01.09.17	Educational Establishments and Child Care Facilities 2017	✓	✓
--	27.02.09	Exempt and Complying Development Codes 2008	✓	✓
--	31.03.04	Housing for Seniors or People with a Disability 2004	✓	✓
--	01.01.08	Infrastructure 2007	✓	✓
--	10.06.16	Integration and repeals 2016	✗	N/A
--	12.12.07	Kosciuszko National Park – Alpine Resorts 2007	✗	N/A
--	30.06.89	Kurnell Peninsula 1989	✗	N/A
--	16.02.07	Mining, Petroleum Production and Extractive Industries 2007	✓	✓
--	26.10.07	Miscellaneous Consent Provisions 2007	✓	✓
--	21.11.86	Penrith Lakes Scheme 1989	✗	N/A
--	09.05.08	Rural Lands 2008	✓	✓
--	01.10.11	State and Regional Development 2011	✓	✓
--	25.05.05	State Significant Precincts 2005	✓	✓
--	01.03.11	Sydney Drinking Water Catchment 2011	✓	✓
--	28.07.06	Sydney Region Growth Centres 2006	✗	N/A
--	31.05.13	Three Ports 2013	✗	N/A
--	15.12.10	Urban Renewal 2010	✗	N/A
--	25.08.17	Vegetation in Non-Rural Areas	✓	✓
--	21.08.09	Western Sydney Employment Area 2009	✗	N/A
--	06.03.09	Western Sydney Parklands 2009	✗	N/A

Attachment D – S9.1 Directions

Direction		Applicable	Relevant	Not inconsistent
1 Employment and Resources				
1.1	Business and Industrial Zones	✓	✗	N/A
1.2	Rural Zones	✓	✗	N/A
1.3	Mining, Petroleum Production and Extractive Industries	✗	✗	N/A
1.4	Oyster Aquaculture	✗	✗	N/A
1.5	Rural lands	✓	✗	N/A
2 Environment and Heritage				
2.1	Environmental Protection Zones	✓	✓	Refer to Section 4.2.4
2.2	Coastal Management	✓	✓	Refer to Section 4.2.4
2.3	Heritage Conservation	✓	✗	N/A
2.4	Recreation Vehicle Area	✓	✗	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	✗	✗	N/A
3 Housing, Infrastructure and Urban Development				
3.1	Residential Zones	✓	✗	N/A
3.2	Caravan Parks and Manufactured Home Estates	✓	✗	N/A
3.3	Home Occupations	✓	✗	N/A
3.4	Integrating Land Use and Transport	✓	✗	N/A
3.5	Development Near Licensed Aerodromes	✗	N/A	N/A
3.6	Shooting Ranges	✗	N/A	N/A
4 Hazard and Risk				
4.1	Acid Sulphate Soils	✓	✗	N/A
4.2	Mine Subsidence and Unstable Land	✗	N/A	N/A
4.3	Flood Prone Land	✓	✗	N/A
4.4	Planning for Bushfire Protection	✓	✗	N/A
5 Regional Planning				
5.2	Sydney Drinking Water Catchments	✗	N/A	N/A
5.3	Farmland of State & Regional Significance Far North Coast	✗	N/A	N/A
5.4	Commercial & Retail Development Far North Coast	✗	N/A	N/A
5.8	2 nd Sydney Airport: Badgerys Creek	✗	N/A	N/A
5.9	North West Rail Link Corridor Strategy	✗	N/A	N/A
5.10	Implementation of Regional Plans	✓	✓	✓
6 Local Plan Making				
6.1	Approval and Referral Requirements	✓	✓	✓

6.2	Reserving Land for Public Purposes	✓	✗	N/A
6.3	Site Specific Provisions	✗	N/A	N/A
7 Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	✗	N/A	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	✗	N/A	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	✗	N/A	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✗	N/A	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	N/A	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✗	N/A	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✗	N/A	N/A