



Coastal Risk Planning Clause Planning Proposal

**Proposed amendment to Port Stephens Local
Environmental Plan 2013**

CONTENTS

SUMMARY	3
BACKGROUND	4
SITE.....	4
PART 1 – Objectives or intended outcomes.....	5
PART 2 – Explanation of provisions	5
PART 3 – Justification of strategic merit and site specific merit.....	7
Section A – Need for the planning proposal	7
Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?.....	7
Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	7
Section B – Relationship to strategic planning framework.....	8
Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?	8
Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	12
Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	13
Q6. Is the planning proposal consistent with applicable SEPPs?	14
Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	15
Section C – Environmental, social and economic impact	19
Q8. 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?	19
Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	19
Q10. Has the planning proposal adequately addressed any social and economic effects?	19
Section D – Infrastructure (Local, State and Commonwealth)	20
Q11. Is there adequate public infrastructure for the planning proposal?	20
Section E – State and Commonwealth Interests	20
Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	20
PART 4 – Mapping	20
PART 5 – Community consultation	21
PART 6 – Project timeline	22

VERSION CONTROL

Version	Date	Details
1.0	14/11/2023	Council Meeting
2.0	28/02/2024	Exhibition

ATTACHMENTS

- ATTACHMENT 1** Coastal Risk Planning Map and Dune Transgression Map
- ATTACHMENT 2** NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals

FILE NUMBERS

Council: PSC 2023-02759

Department: PP-2023-2568

SUMMARY

Subject land: Refer to Coastal Risk Planning Map and Dune Transgression Map

Proponent: Port Stephens Council

Proposed changes: Insert a Coastal Risk Planning Clause to the Port Stephens Local Environmental Plan 2013.

Insert a Coastal Risk Planning Map which is a combination of the following map layers:

- Coastal inundation
- Tidal inundation
- Coastal erosion.

Insert a Dune Transgression Map.

Area of land: Refer to **Attachment 1 – Coastal Risk Planning Map and Dune Transgression Map**

BACKGROUND

The planning proposal seeks to introduce provisions to the Port Stephens Local Environmental Plan 2013 (LEP) for coastal risk planning.

The following amendments to the LEP are proposed:

- Introduction of a Coastal Risk Planning Clause
- Introduction of a Coastal Risk Planning Map
- Introduction of a Dune Transgression Map.

The preparation of the planning proposal is a key implementation action from the separate related Port Stephens Coastal Management Program (CMP).

The CMP is prepared under the NSW coastal management framework. The purpose of the CMP is to provide a framework for the long-term strategic and integrated management of priority threats to the Port Stephens coastal zone in line with community needs, state objectives and relevant legislation.

The planning proposal to amend the LEP is consistent with the following CMP outcomes, which are:

- Risk management approach to identify coastal management issues. Identify built, social, natural and cultural assets under threat now and in 20, 50 and 100 years.
- Integration of coastal considerations into land-use, infrastructure and asset planning frameworks and decision-making.
- Transparent, informed and supported strategic planning decisions.
- Clear development controls and guidance.

The preparation of this planning proposal is consistent with the CMP and is based upon its technical investigations and mapping.

SITE

The planning proposal applies to land shown in **Attachment 1 – Coastal Risk Planning Map and Dune Transgression Map** to this planning proposal.

PART 1 – Objectives or intended outcomes

The planning proposal seeks to achieve the following outcomes:

- to avoid significant adverse impacts from coastal hazards
- to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards
- to enable the evacuation of land identified as coastal risk in an emergency
- to avoid development that increases the severity of coastal hazards.

PART 2 – Explanation of provisions

The objectives of the planning proposal will be achieved by amending the LEP to include a Coastal Risk Planning Clause and accompanying Coastal Risk Planning Map and Dune Transgression Map.

The coastal risk planning clause is intended to provide that development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development:

- is not likely to cause detrimental increases in coastal risks to other development or properties, and
- is not likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and
- incorporates appropriate measures to manage risk to life from coastal risks, and
- is likely to 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
- provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes and coastal hazards
- has regard to the impacts of sea level rise, and
- has regard to dune transgression.

The clause will apply to development on land identified on the Coastal Risk Planning Map (which is a composite map comprised of several map layers). These layers are listed and described in the following table.

The clause will also apply to development on land identified on the Dune Transgression Map. Dune transgression is identified separately from coastal inundation, tidal inundation and coastal erosion. The reason is dune transgression is a coastal process, being a form of major sand drift, as defined under the NSW Coastal Management Glossary 2018.

Table 1 Coastal Risk Planning Map Layer and Dune Transgression Map Layer Descriptions

Map Layer	Description
Coastal Inundation	<p>Coastal inundation is also known as storm tide inundation (STI) and this is presented in terms of a 'design storm' event. For the Port Stephens CMP the two design storm events considered were:</p> <ul style="list-style-type: none"> • 5% Annual Exceedance Probability (AEP) • 1% Annual Exceedance Probability (AEP) <p>The AEP describes the likelihood of that design storm occurring in any given year. Therefore, a 1% AEP storm tide event has a 1% chance of occurring in any given year and is otherwise known as the '1 in 100 year event'. There is at least a 50% chance that you will experience a 1% AEP coastal inundation event in your lifetime. A 5% AEP storm tide event has a higher likelihood of occurrence, translating to a 97% chance you will experience at least once such event in your lifetime.</p> <p>Each AEP level has been mapped for each planning period - 2020, 2040, 2070 and 2120.</p>
Tidal Inundation	<p>Tidal inundation is mapped against each planning period of 2020, 2040, 2070 and 2120.</p> <p>With tidal inundation Highest Astronomical Tide (HAT) as is used as the measure. The tidal inundation mapping (HAT mapping) shows the highest possible tidal water level that could occur and corresponds roughly to the extent of inundation that you might witness once or twice a year. Low-lying land would be inundated for a period of hours during HAT.</p>
Coastal erosion	<p>Coastal erosion is mapped against each planning period - 2020, 2040, 2070 and 2120.</p> <p>The current mapping covers the 'open coast' area, not the 'outer port' or 'inner port' of Port Stephens.</p>
Dune transgression	<p>Dune transgression is mapped against planning periods 2020, 2040 and 2070.</p> <p>The mapping only applies to the sand dunes in the Stockton Bight and due to the unpredictable nature of dune transgression is only mapped until 2070.</p>

PART 3 – Justification of strategic merit and site specific merit

Strategic merit

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is a result of the Port Stephens Local Strategic Planning Statement (LSPS).

The planning proposal will implement LSPS Planning Priority 8 'Improve resilience to hazards and climate change'. It will achieve this by requiring development to consider coastal risk planning through the LEP.

The planning proposal will implement LSPS Action 8.3 'Council will prepare and implement a Coastal Management Program to mitigate natural hazards and incorporate resilience measures that promote ecologically sustainable development'.

The preparation of this planning proposal is a key implementation action from the Port Stephens Coastal Management Program (CMP).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The introduction of a clause into the LEP is the best means to implement the objectives for coastal risk planning in land use planning decisions. The clause will require the consideration of coastal risk in the assessment of development applications on land mapped as being at risk of coastal processes.

The inclusion of an accompanying Coastal Risk Planning Map and Dune Transgression Map is the best means to identify land subject to the proposed LEP clause.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the Hunter Regional Plan and/or Greater Newcastle Metropolitan Plan (or any exhibited draft plans that have been prepared to replace these)?

Hunter Regional Plan 2041

The planning proposal is consistent with the Hunter Regional Plan 2041 (HRP) Objective 7 'Reach net zero and increase resilience and sustainable infrastructure'. The planning proposal achieves this by introducing a clause to the LEP requiring development on affected land to consider coastal risk planning. This will increase the resilience of future development and facilitate the creation of more sustainable infrastructure against coastal risk processes.

The following table lists the applicable HRP strategies and how the planning proposal achieves consistency with it:

HRP 2041 Strategy	Planning Proposal Response
HRP 2041 Strategy 7.6 Local strategic planning will consider pathways to build resilience, reduce vulnerabilities, and support initiatives that can transform the region.	The planning proposal will introduce planning controls to the LEP to ensure that development applications on land that subject to coastal processes consider and are assessed for coastal hazard related resilience and to reduce vulnerabilities. The planning proposal is consistent with Strategy 7.6 of the HRP 2041.
HRP 2041 Strategy 7.7 Local strategic planning will demonstrate alignment with the NSW Government's natural hazard management and risk mitigation policy framework including: <ul style="list-style-type: none">• Planning for Bushfire Protection 2019• NSW Coastal Management Framework• Floodplain Development Manual and the Flood Prone Land Policy• Planning for a more resilient NSW: A strategic guide to planning for natural hazards• any other natural hazards guidance that is released	Preparing the planning proposal to amend the LEP is an action within the Port Stephens Coastal Management Program. The Coastal Management Program has been prepared consistent with the NSW Coastal Management Framework. The planning proposal introduces planning controls to the LEP that align with the NSW Government's natural hazard risk management framework in coastal areas. The planning proposal is consistent with Strategy 7.7 of the HRP 2041.

<p>HRP 2041 Strategy 7.8</p> <p>Local strategic planning will ensure future residential areas are not planned in areas where:</p> <ul style="list-style-type: none"> • residents are exposed to a high risk from bushfire, flood and/or coastal hazards, considerate of how these may impacted by climate change • evacuation is likely to be difficult during a bushfire or flood due to its siting in the landscape, access limitations, hazard event history and/or size and scale • any existing residential areas may be placed at increased risk • increased development may cause evacuation issues for both existing or new occupants 	<p>The planning proposal will introduce planning controls to the LEP to ensure that development applications on land subject to coastal processes considers and is assessed for related resilience and reduces vulnerabilities. It does not identify future residential areas for rezoning.</p> <p>Any planning proposals seeking to rezone land for future residential purposes, will be assessed against the range of site and strategic planning considerations. These include Ministerial Direction 4.2 Coastal Planning 4, SEPP (Resilience and Hazards) 2021 Chapter 2 Coastal Management, and local and regional strategic plans as the Hunter Regional Plan 2041 and Port Stephens Local Strategic Planning Statement.</p> <p>The planning proposal is consistent with Strategy 7.8 of the HRP 2041.</p>
<p>HRP 2041 Strategy 7.9</p> <p>Local strategic planning will:</p> <ul style="list-style-type: none"> • map areas that are projected to be affected by sea level rise and other coastal hazards to limit the potential exposure of new development to these hazards • be consistent with any relevant coastal management program adopted and certified for that area • consider opportunities to adapt existing settlements at risk of exposure to sea level rise and coastal hazards in accordance with the NSW Coastal Management Framework, such as: <ul style="list-style-type: none"> ○ raising houses and roads ○ relocating or adapting infrastructure to manage coastal hazard risks, such 	<p>The planning proposal includes maps identify areas that are projected to be affected by coastal hazards including coastal inundation and tidal inundation.</p> <p>The planning proposal is consistent with the Coastal Management Program being undertaken for Port Stephens, under the NSW Coastal Management Program processes. The Port Stephens Coastal Management Program will require certification.</p> <p>The planning proposal will amend the LEP to ensure that future development applications and their assessment provides consideration of coastal hazards.</p> <p>This planning proposal to amend the LEP to include a coastal risk planning clause for development applications is one of the actions of the CMP.</p>

<p>as ingress of tidal water into stormwater systems and/or</p> <ul style="list-style-type: none"> ○ undertaking beach nourishment <ul style="list-style-type: none"> • consider opportunities to maintain natural coastal defences against sea level rise, such as: <ul style="list-style-type: none"> ○ maintaining or expanding coastal and riparian buffer zones. ○ replanting and protecting coastal dune systems. ○ fencing creeks and rivers to keep livestock out, limit erosion and protect water quality ○ controlling invasive species and/or ○ protecting and restoring mangroves and salt marsh areas to limit flooding, inundation and erosion. 	<p>The CMP includes a range of other actions to consider for implementation, outside of the LEP and development application process.</p> <p>The planning proposal is consistent with Strategy 7.9 of the HRP 2041.</p>
---	---

Greater Newcastle Metropolitan Plan 2036

Parts of the Port Stephens LGA are within the Greater Newcastle Metropolitan Plan area and on the proposed Coastal Risk Planning Map and Dune Transgression Map to be included with the LEP.

The planning proposal is consistent with the GNMP Outcome 'Enhance environment, amenity and resilience for quality of life' and related strategy 14 'Improve resilience to natural hazards'.

GNMP 2036 Actions	Planning Proposal Response
<p>14.1 Greater Newcastle councils will apply the following principles to land use planning and development assessment decisions:</p> <ul style="list-style-type: none"> • employ risk responsive land use controls so that new development does not occur in high risk areas • ensure coastal dependent development mitigates natural hazards and incorporates 	<p>The planning proposal is consistent with this objectives because it will:</p> <ul style="list-style-type: none"> • introduce a clause to the LEP to provide risk responsive controls for development in coastal risk areas. • Introduce a clause to the LEP to ensure coastal dependent development considers coast risk planning objectives.

<p>resilience measures that have triple bottom line benefits</p> <ul style="list-style-type: none"> • prevent intensive urban development in the Blue and Green Grid • ensure the planning for urban development adjoining or interfacing with the Blue and Green Grid addresses the impact of extreme events. 	<ul style="list-style-type: none"> • Introduce a clause to the LEP to ensure coastal development addresses the impact of extreme events. <p>The planning proposal is consistent with Action 14.1 of the GNMP 2036.</p>
--	--

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Port Stephens Local Strategic Planning Statement (2020)

The Port Stephens LSPS identifies the 20-year vision for land use in Port Stephens. It sets out social, economic and environmental planning priorities for the future and identifies when they will be delivered.

The planning proposal is consistent with the Port Stephens Local Strategic Planning Statement (LSPS). The planning proposal will implement Planning Priority 8 'Improve resilience to hazards and climate change of the LSPS'. The following description of this planning priority is provided in the LSPS:

Port Stephen experiences a wide range of natural hazards such as flooding, coastal inundation, erosion and bushfires. Natural hazard and risk management influence how we plan for future growth and new development in Port Stephens.

Strategies to build community and environmental resilience to natural hazards and climate change support positive economic, environmental and social outcomes. Reducing risk exposure and increasing resilience to natural hazards ensures that people, property, infrastructure, the economy and the environment can withstand future hazard events.

Where and how we build communities can impact resilience to hazards and climate change. Planning for land use can include taking into consideration evacuation planning principles to minimise risk to life or reduce the burdens on emergency services. Choice of materials, design and efficient use of water and energy can make the built environment more resilient and promote ecologically sustainable development.

(LSPS, page 31)

By proceeding with the planning proposal and requiring future development to consider coastal risk planning through the LEP, Council will be responding to this planning priority to improve resilience to natural hazards and climate change.

The planning proposal is consistent with LSPS Action 8.3 'Council will prepare and implement a Coastal Management Program to mitigate natural hazards and incorporate resilience measures that promote ecologically sustainable development'. The preparation of this planning proposal is a related implementation action from the CMP.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The preparation of the planning proposal is an action in the Port Stephens Coastal Management Program (CMP).

CMPs aim to do the following:

- Set the long-term strategy for the coordinated management of the coast, with a focus on achieving the objects and objectives of the *Coastal Management Act 2016* (CM Act).
- Identify coastal management issues and the actions required to address these issues in a strategic and integrated way.
- Detail how and when those actions are to be implemented, their costs and proposed cost-sharing arrangements and other viable funding mechanisms.

The CM Act (and other relevant legislation) establishes specific roles and responsibilities for relevant Ministers, the NSW Coastal Council, public authorities and local councils, as well as providing opportunities for communities to participate when preparing and implementing a CMP.

Assessment of the planning proposal with the NSW Coastal Design Guidelines 2023, Appendix 1 Assessment checklist for planning proposals is included at **Attachment 2 – NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals.**

Q6. Is the planning proposal consistent with applicable SEPPs?

An assessment of the relevant applicable SEPPs against the planning proposal is provided in the table below.

Table 1 – Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP (Resilience and Hazards) 2021	
Chapter 2 Coastal Management Promotes an integrated and co-ordinated approach to land use planning in the coastal zone consistent with the objects of the <i>Coastal Management Act 2016</i> .	<p>The planning proposal complements the existing provisions of Chapter 2 Coastal management of SEPP (Resilience and Hazards) 2021.</p> <p>The Aim of the chapter 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> <ol style="list-style-type: none">managing development in the coastal zone and protecting the environmental assets of the coast, andestablishing a framework for land use planning to guide decision-making in the coastal zone, andmapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016. <p>The provisions of the SEPP including associated SEPP mapping already apply to land within the Coastal Zone. SEPP maps that apply within the Port Stephens LGA included and available on the NSW e-Planning Spatial Viewer are:</p> <ul style="list-style-type: none">Coastal Wetland Area MapLittoral Rainforests Area MapCoast Use Area MapCoastal Environment Area Map <p>The planning proposal is consistent with the Aim of the SEPP (Resilience and Hazards) 2021. It introduces a clause and mapping to the LEP to ensure future development identified on the proposed Coastal Risk Planning Map and Dune Transgression Map considers coastal hazards.</p> <p>The planning proposal is consistent Chapter 2 Coastal Management of the SEPP (Resilience and Hazards) 2021.</p>

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Ministerial Directions against the planning proposal is provided in the table below.

Table 2 – Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
1. PLANNING SYSTEMS	
<p>1.1 Implementation of Regional Plans</p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p>This direction applies because Port Stephens is located within the Hunter region identified by the Hunter Regional Plan 2041 (HRP 2041).</p> <p>The planning proposal is consistent with this direction. It will introduce to the LEP a Coastal Risk Planning Clause and associated Coastal Risk Planning Map and Dune Transgression Map to ensure that coastal risk is appropriately planned for and assessed for future development. This will meet the applicable directions for coastal risk including the following strategies in the HRP 2041:</p> <p>7.6 Local strategic planning will consider pathways to build resilience, reduce vulnerabilities, and support initiatives that can transform the region.</p> <p>7.7 Local strategic planning will demonstrate alignment with the NSW Government's natural hazard management and risk mitigation policy framework including:</p> <ul style="list-style-type: none"> • Planning for Bushfire Protection 2019 • NSW Coastal Management Framework • Floodplain Development Manual and the Flood Prone Land Policy • Planning for a more resilient NSW: A strategic guide to planning for natural hazards • any other natural hazards guidance that is released <p>7.8 Local strategic planning will ensure future residential areas are not planned in areas where:</p> <ul style="list-style-type: none"> • residents are exposed to a high risk from bushfire, flood and/or coastal hazards, considerate of how these may impacted by climate change • evacuation is likely to be difficult during a bushfire or flood due to its siting in the landscape, access limitations, hazard event history and/or size and scale

	<ul style="list-style-type: none"> any existing residential areas may be placed at increased risk <p>7.9 Increased development may cause evacuation issues for both existing or new occupants.</p> <p>Responses demonstrating consistency with each of these strategies is provided in 'Section B – Relationship to strategic planning framework' of this planning proposal.</p> <p>The planning proposal is consistent with Direction 1.1 Implementation of Regional Plans.</p>
4. RESILIENCE AND HAZARDS	
<p>4.2 Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW. This direction applies to land within the coastal zone.</p>	<p>This direction applies because the planning proposal applies to land within the coastal zone, as defined under the Coastal Management Act 2016 (NSW) and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>The planning proposal will introduce a coastal risk planning clause to the LEP with the following objectives:</p> <ul style="list-style-type: none"> to avoid significant adverse impacts from coastal hazards to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards to enable the evacuation of land identified as coastal risk in an emergency to avoid development that increases the severity of coastal hazards. <p>The clause will apply to development within the Coastal Risk Planning Map and Dune Transgression Map.</p> <p>Preparing the planning proposal is an Action in the LSPS and in the CMP.</p> <p>The following provisions of the Ministerial Direction and assessment of consistency are provided.</p> <p><i>(1) A planning proposal must include provisions that give effect to and are consistent with:</i></p> <p><i>(a) the objects of the Coastal Management Act 2016 and the objectives of the relevant coastal management areas;</i></p> <p><i>(b) the NSW Coastal Management Manual and associated Toolkit;</i></p> <p><i>(c) NSW Coastal Design Guidelines 2003; and</i></p> <p><i>(d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal</i></p>

	<p><i>Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016, that applies to the land.</i></p> <p>The planning proposal is consistent with the above provisions. The planning proposal includes provisions that are consistent with the CMP (including CMP mapping). The CMP has been prepared to be consistent with the coastal planning framework for NSW.</p> <p>Assessment of the planning proposal with the NSW Coastal Design Guidelines 2023, Appendix 1 Assessment checklist for planning proposals is included at Attachment 2 – NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals.</p> <p><i>(2) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:</i></p> <p><i>(a) within a coastal vulnerability area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021; or</i></p> <p><i>(b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:</i></p> <p><i>i. by or on behalf of the relevant planning authority and the planning proposal authority, or</i></p> <p><i>ii. by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.</i></p> <p>The planning proposal does not rezone any land and will not enable increased development or more intensive land-use within a coastal vulnerability area or that has been identified as land affected by a current or future coastal hazard.</p> <p><i>(3) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021.</i></p> <p>The planning proposal does not rezone any land and will not enable increased development or more intensive land use on land within a coastal wetland and littoral rainforest.</p>
--	--

	<p><i>(4) A planning proposal for a local environmental plan may propose to amend the following maps, including increasing or decreasing the land within these maps, under chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021:</i></p> <p><i>(a) Coastal wetlands and littoral rainforests area map;</i></p> <p><i>(b) Coastal vulnerability area map;</i></p> <p><i>(c) Coastal environment area map; and</i></p> <p><i>(d) Coastal use area map.</i></p> <p><i>Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016.</i></p> <p><i>Note: Under section 10(2) of the Coastal Management Act 2016, any provision of an LEP that identifies a coastal management area (or part of such an area) must not be made without the recommendation of the Minister administering the Coastal Management Act 2016.</i></p> <p>The planning proposal seeks to include a Coastal Risk Planning Map and Dune Transgression Map in the LEP. The coastal risk planning and dune transgression mapping has been prepared as part of the CMP process and it will be subject to the CMP certification process.</p> <p>The planning proposal is consistent with Direction 4.2 Coastal Management.</p>
--	---

Site-specific merit

Section C – Environmental, social and economic impact

The planning proposal will introduce a Coastal Risk Planning Clause to the LEP and will apply to land identified on the Coastal Risk Planning Map and Dune Transgression Map.

The proposal will ensure that coastal risks are considered in future land use planning development application decisions.

Q8. 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?

There is no likelihood that the planning proposal will adversely affect critical habitat or threatened species, populations or ecological communities. No ecological studies are required.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the planning proposal.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is a key action for implementation in the LSPS and the CMP. It will contribute to a framework for the management of coastal risks, issues and risks in line with community needs, and state objectives and legislation. Management objectives for the CMP listed from Council's website are:

- Collaboration - Encourage collaboration and partnership with government, agencies and our community to manage and protect the coastal zone.
- Biodiversity and ecosystem integrity - Protect biological diversity and ecosystem integrity by maintaining and improving water quality and estuary health.
- Climate change - Mitigate and build resilience to current and future coastal hazards and risks.
- Land use planning - Facilitate ecologically sustainable development in the coastal zone and prioritise sustainable land use planning in decision-making to maintain and improve public access, amenity and use.
- Aboriginal Custodianship - Support and protect our Aboriginal community's spiritual, social, customary and economic use of the coastal zone.
- Coastal economies - Support sustainable economic opportunities within the coastal zone.

By introducing coastal risk planning provisions to the LEP to for future development, the planning proposal will assist in addressing the social and economic effects of development of land subject to coastal risks.

Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure for the planning proposal. It is only seeking to propose matters to consider when development is proposed on land that that is subject to Coastal Risk Planning Map and Dune Transgression Map.

Section E – State and Commonwealth Interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Consultation is being undertaken with NSW Department of Climate Change, Energy, the Environment and Water (DCCEE) – Biodiversity and Conservation Division in accordance with the Gateway determination.

PART 4 – Mapping

The proposed map layer amendments are included as attachments to the planning proposal as follows:

Attachment 1 – Coastal Risk and Dune Transgression Planning Maps

The Coastal Risk Planning Map is comprised of the following layers:

- Coastal inundation to year 2120
- Tidal inundation to year 2120
- Coastal erosion to year 2120.

A Dune Transgression Map to year 2070 is also proposed. The mapping only applies to the sand dunes in the Stockton Bight and due to the unpredictable nature of dune transgression is only mapped until 2070.

PART 5 – Community consultation

Community consultation on the planning proposal is being undertaken in accordance with the Gateway determination.

Planning proposal exhibition material will be on display at the following locations during normal business hours:

- Council's Administration Building, 116 Adelaide Street, Raymond Terrace
- Raymond Terrace Library, 18A Sturgeon Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

The planning proposal including the Coastal Risk Planning Map and Dune Transgression Map will be made available on the Council website.

The planning proposal is being exhibited with the CMP.

The Council CMP website (including CMP mapping information) is available at <https://www.portstephens.nsw.gov.au/environment/coastal-management-program>

PART 6 – Project timeline

The following timeline (indicative) is proposed:

	Nov 2023	Dec 2023	Jan 2024	Feb 2024	Mar 2024	April 2024	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025
<i>Council decision</i>																
<i>Gateway determination</i>																
<i>Pre-exhibition</i>																
<i>Public Exhibition</i>																
<i>Consider submissions</i>																
<i>Post-exhibition review</i>																
<i>Council Report</i>																
<i>Submission to DPE for finalisation</i>																
<i>Gazettal of LEP amendment</i>																

Figure 1. Coastal Risk Planning Map (Fern Bay area)

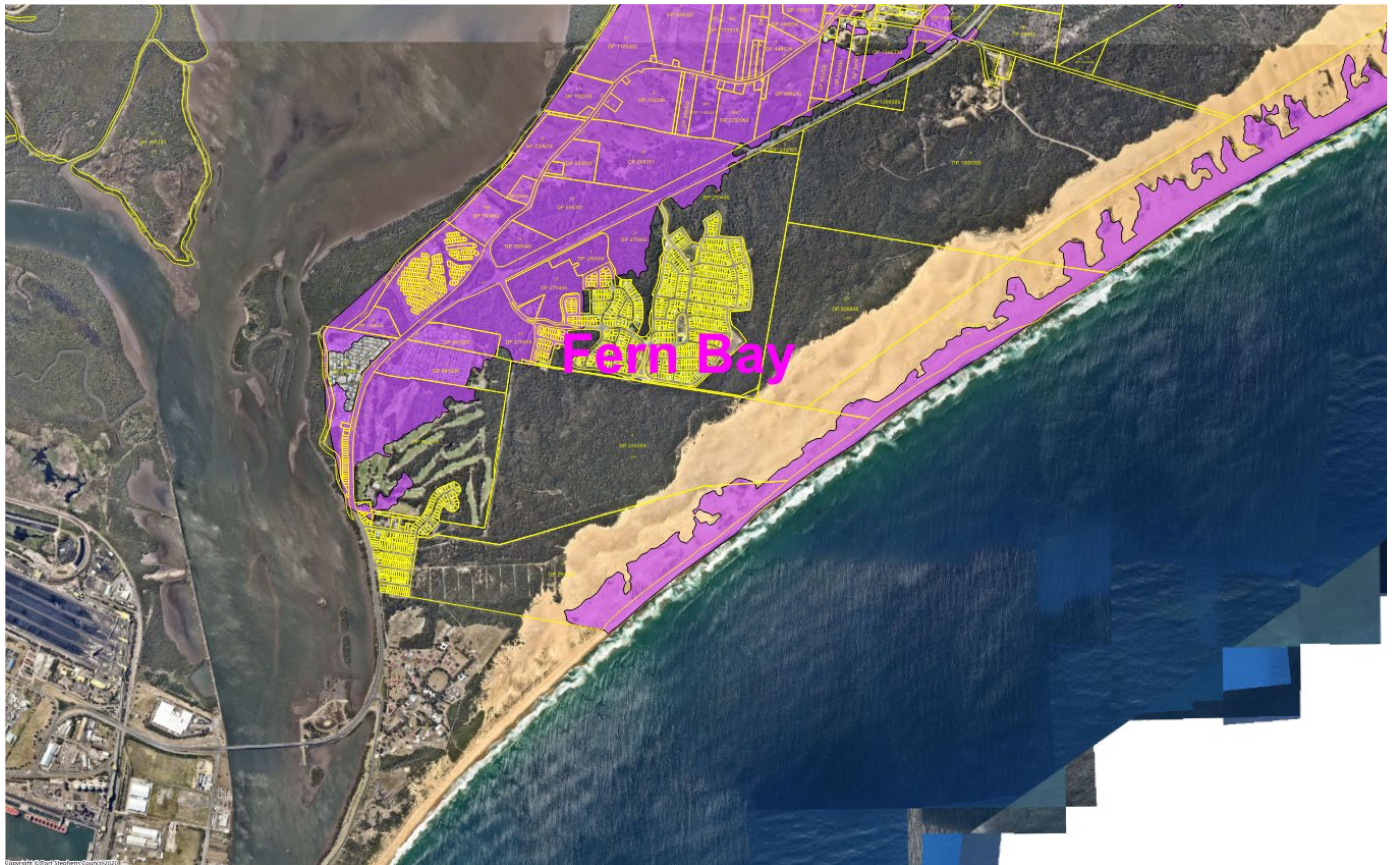


Figure 2. Coastal Risk Planning Map (Fullerton Cove area)

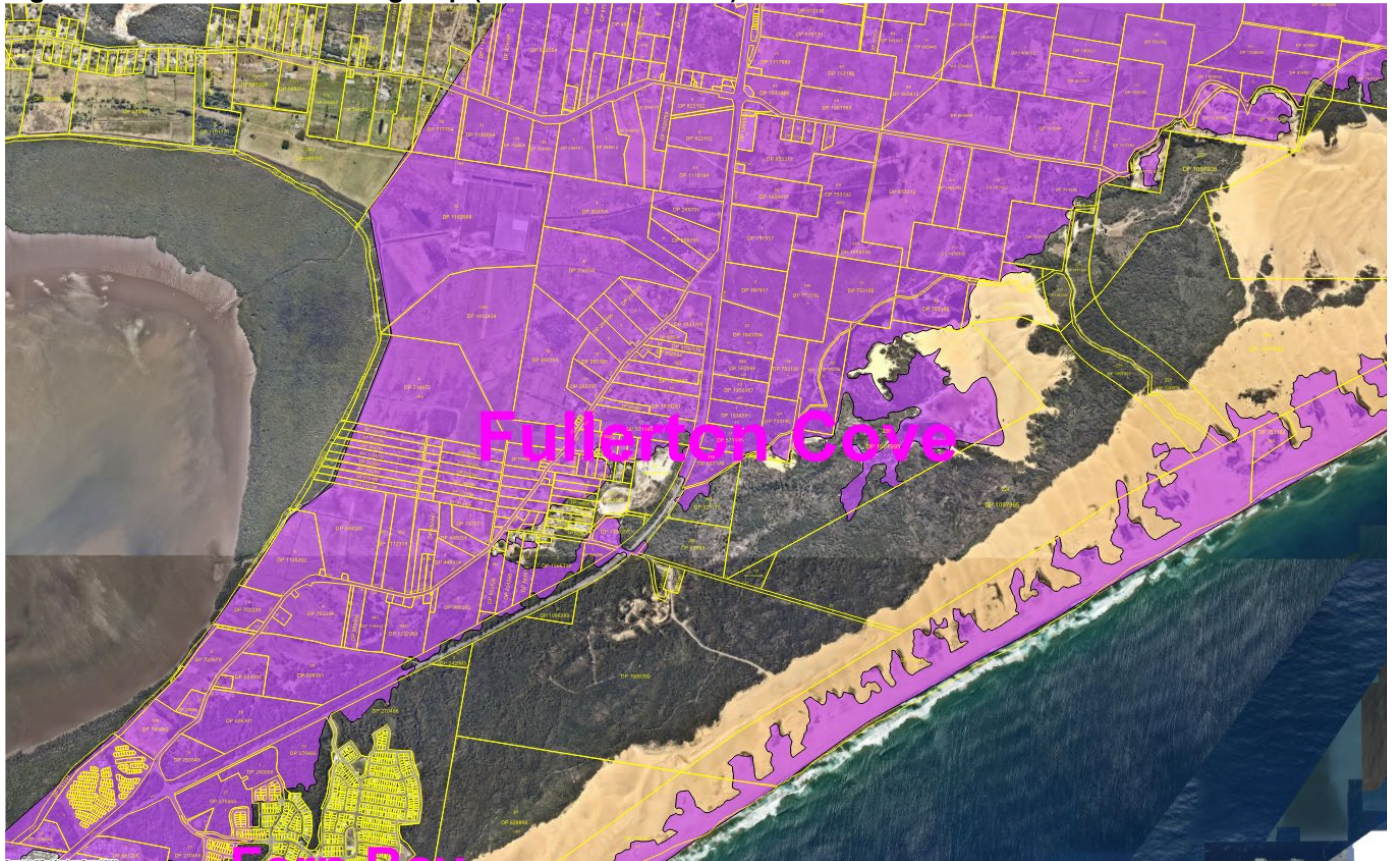


Figure 3. Coastal Risk Planning Map (Williamtown area) (shown purple)

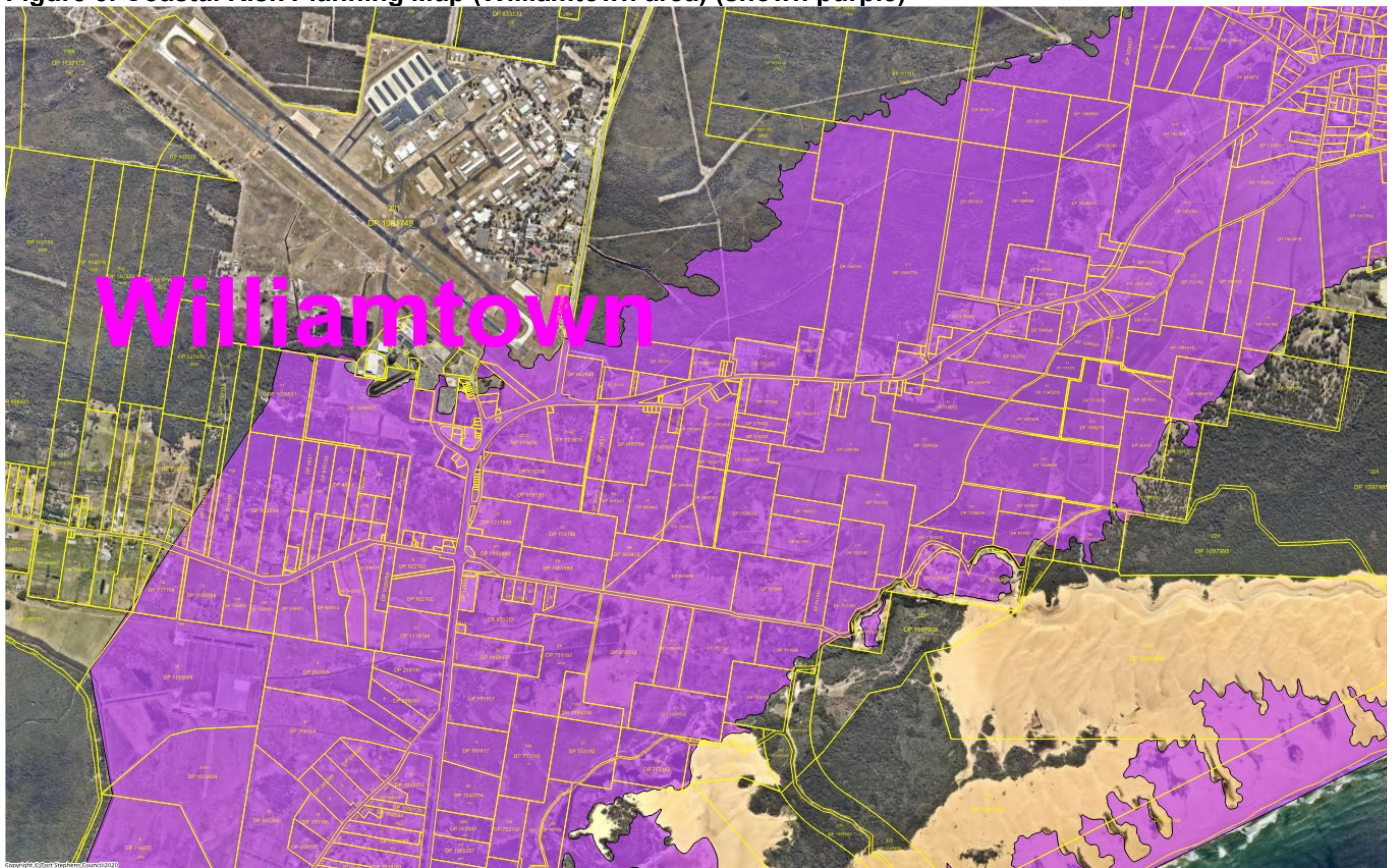


Figure 4. Coastal Risk Planning Map (Salt Ash area)



Figure 5. Coastal Risk Planning Map (Bobs Farm area)

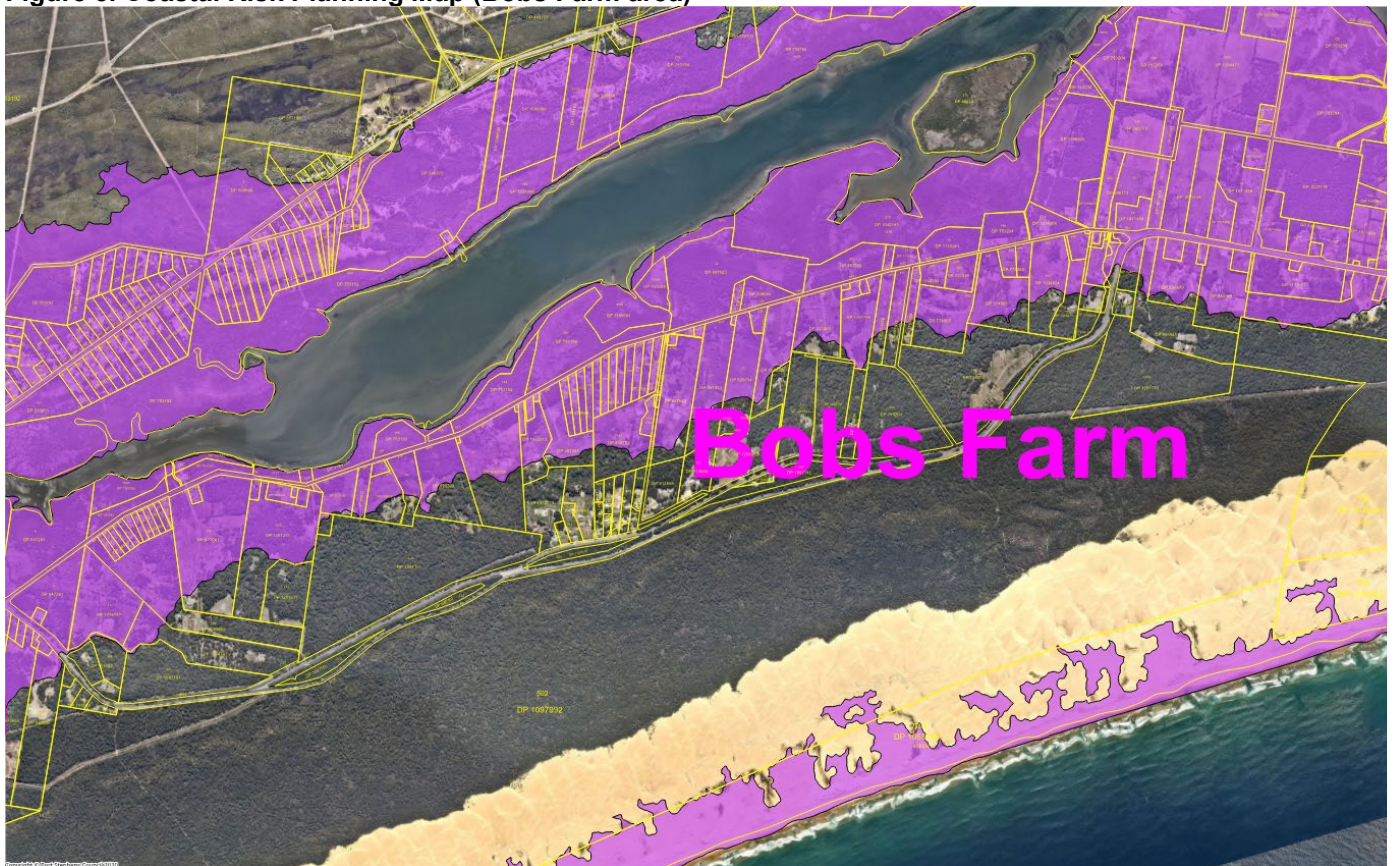


Figure 6. Coastal Risk Planning Map (Bobs Farm, Anna Bay, Taylors Beach areas)

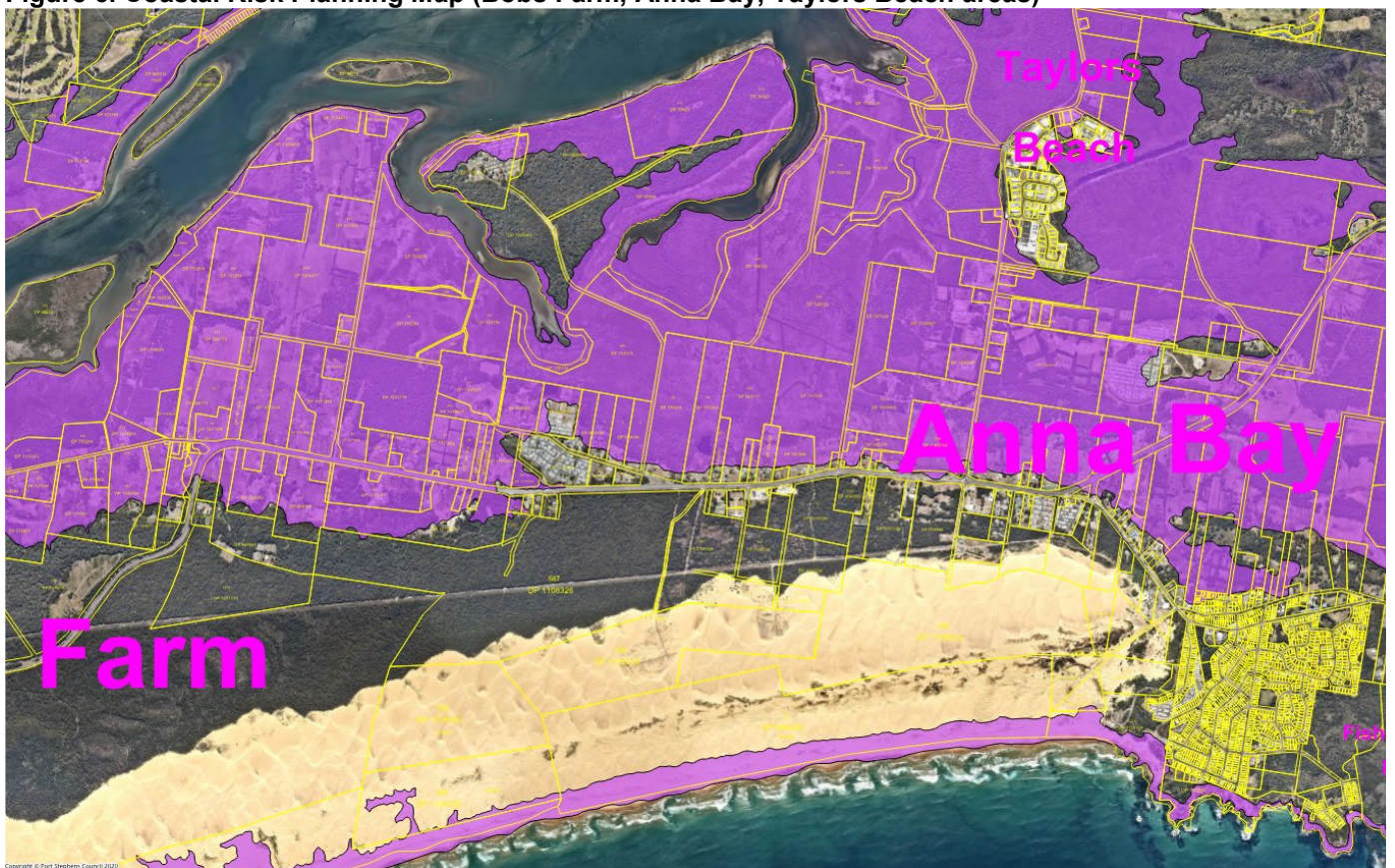


Figure 7. Coastal Risk Planning Map (Anna Bay, One Mile areas)

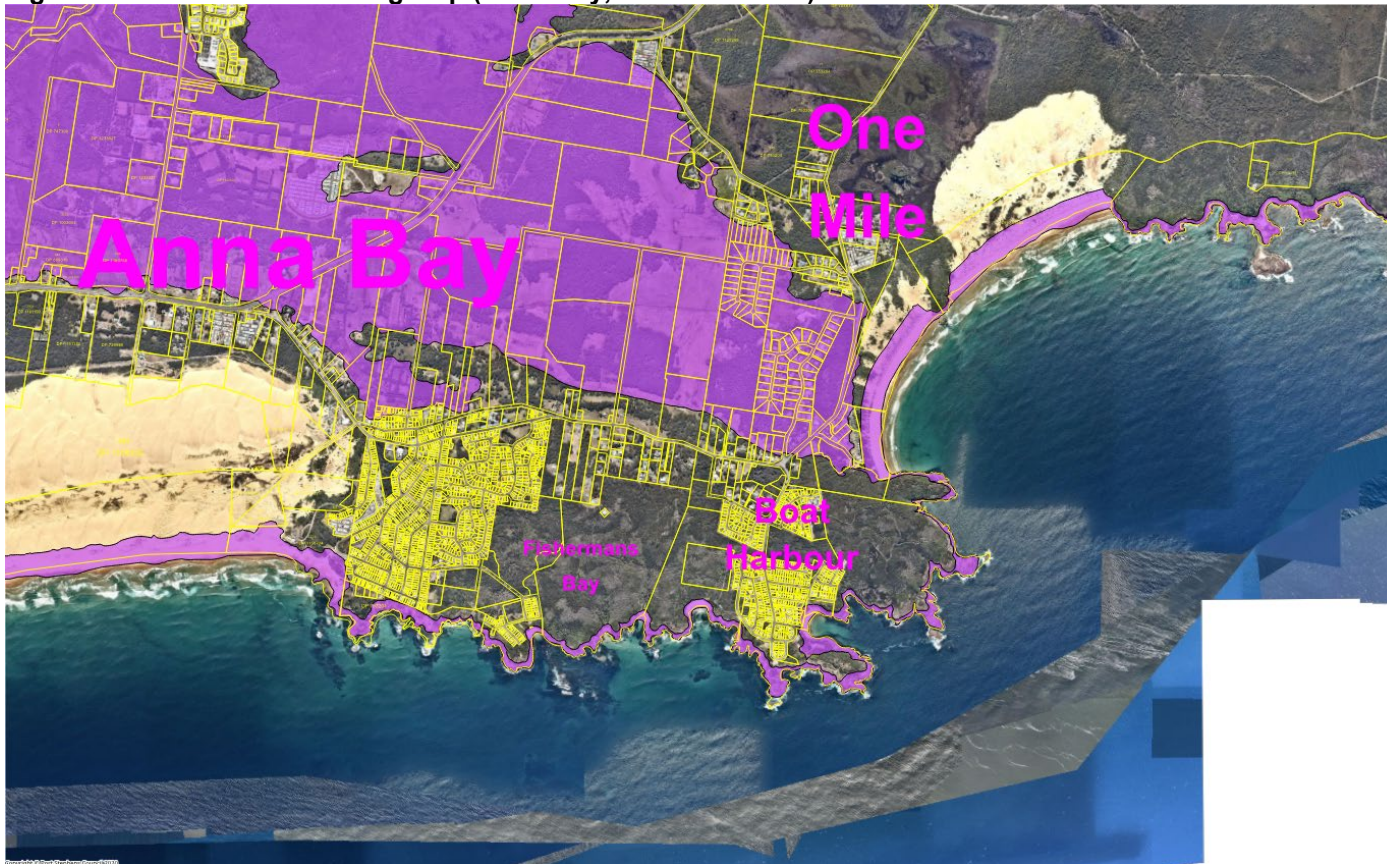


Figure 8. Coastal Risk Planning Map (Soldiers Point, Salamander Bay, Corlette areas)



Figure 9. Coastal Risk Planning Map (Nelson Bay, Shoal Bay, Fingal Bay areas)

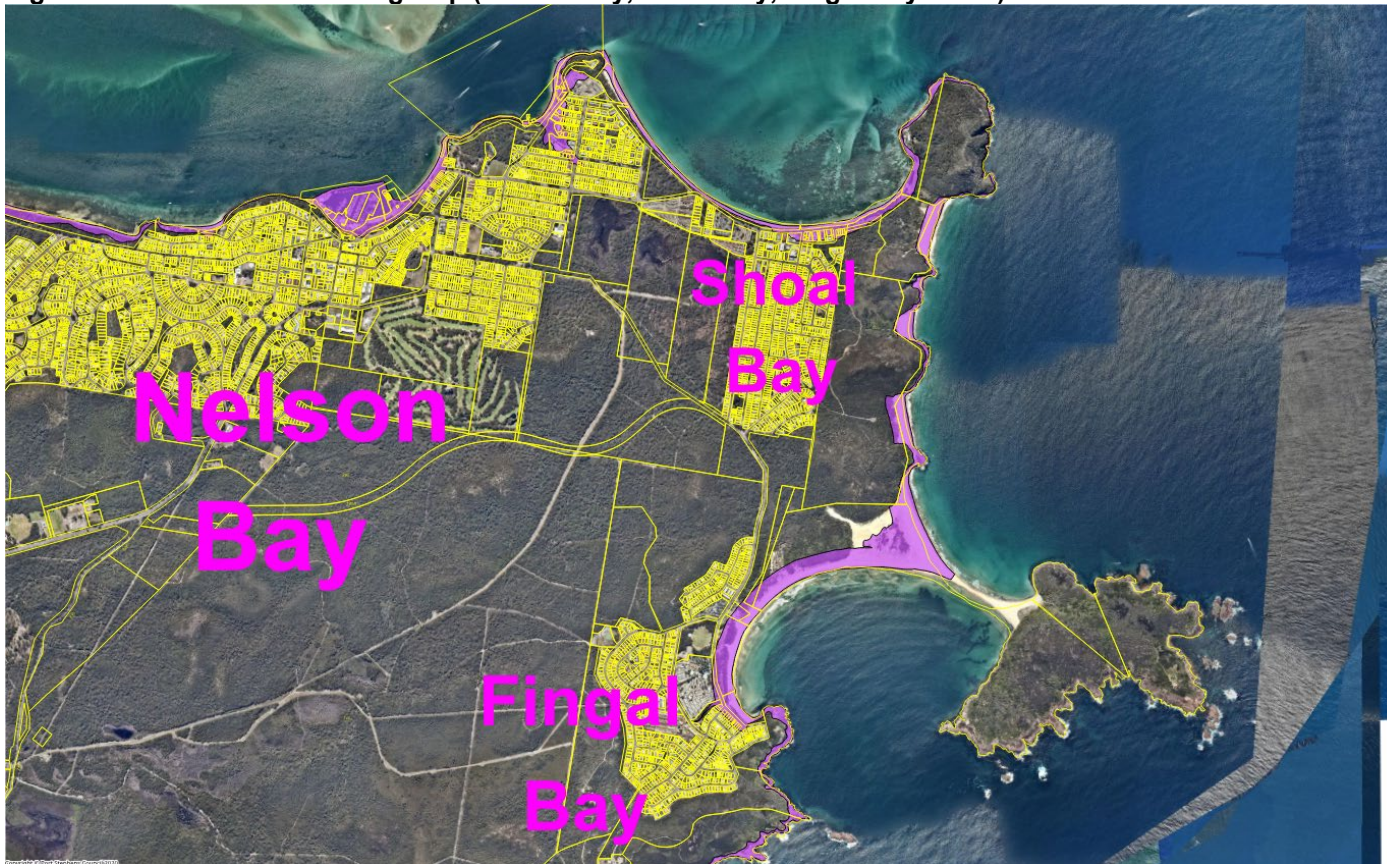


Figure 10. Coastal Risk Planning Map (Tanilba Bay, Mallabula, Lemon Tree Passage areas)

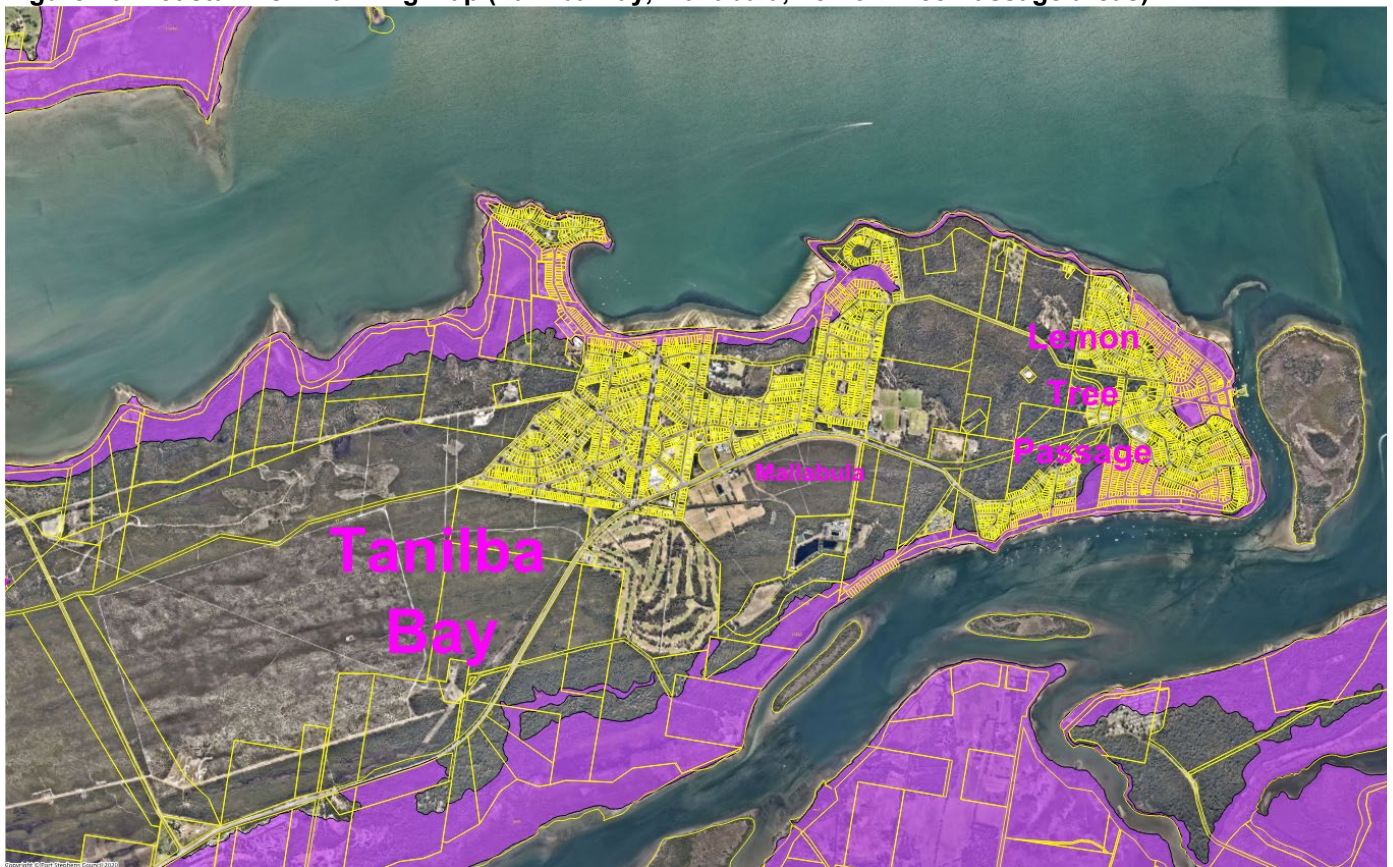


Figure 11. Coastal Risk Planning Map (Oyster Cove and Swan Bay areas)

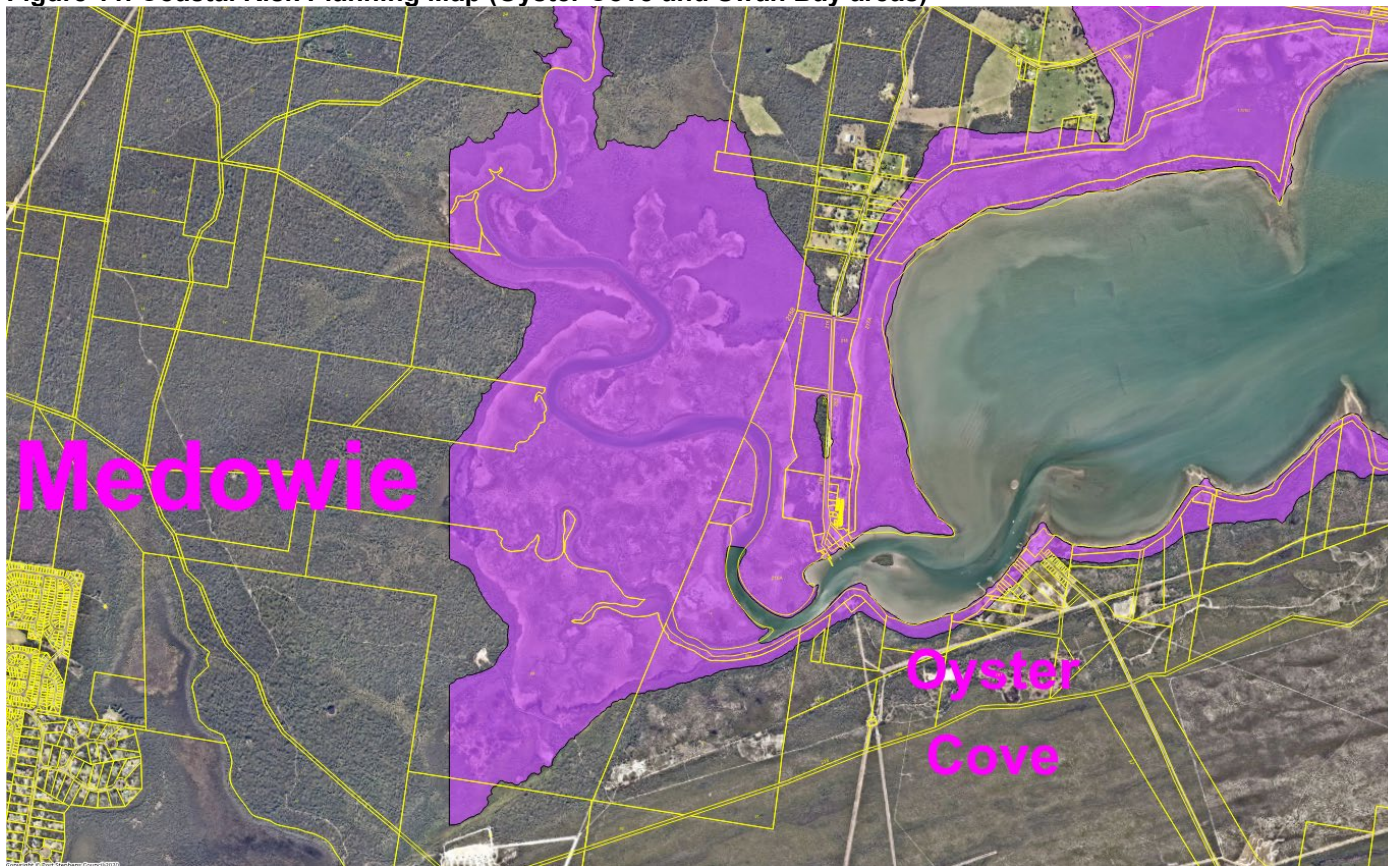


Figure 12. Coastal Risk Planning Map (Swan Bay area)

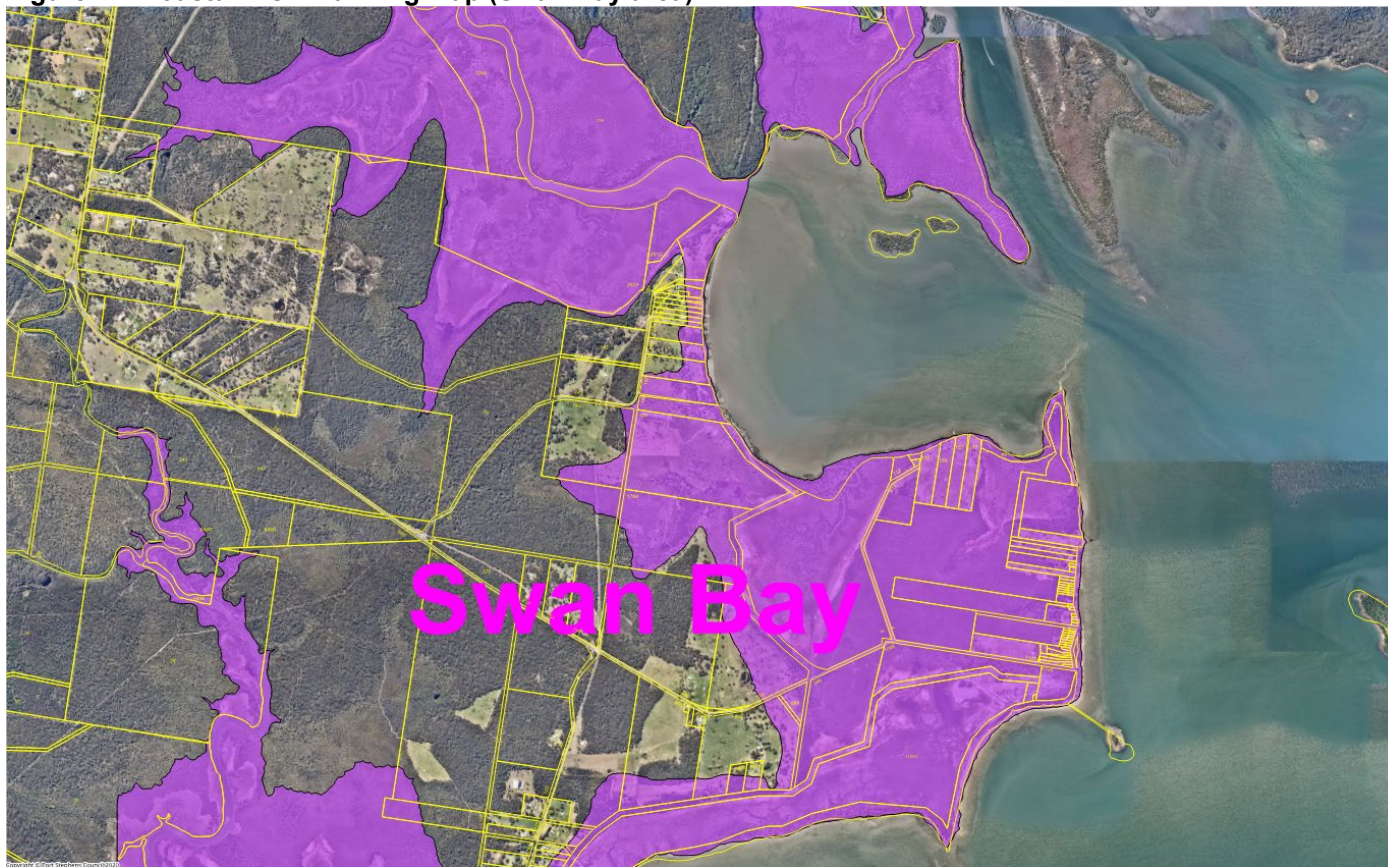


Figure 13. Coastal Risk Planning Map (Karuah area)

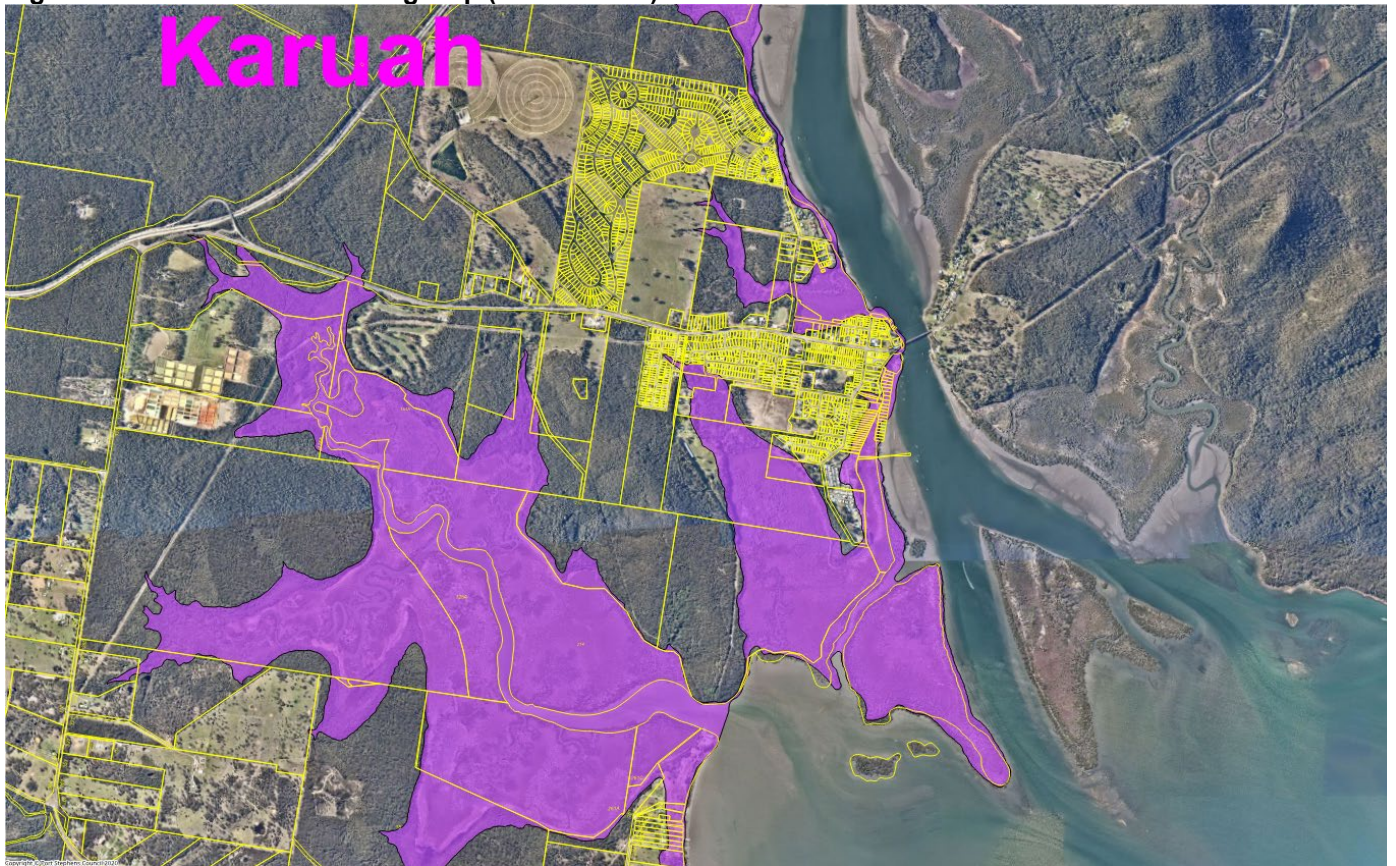


Figure 14. Coastal Risk Planning Map (Karuah area)

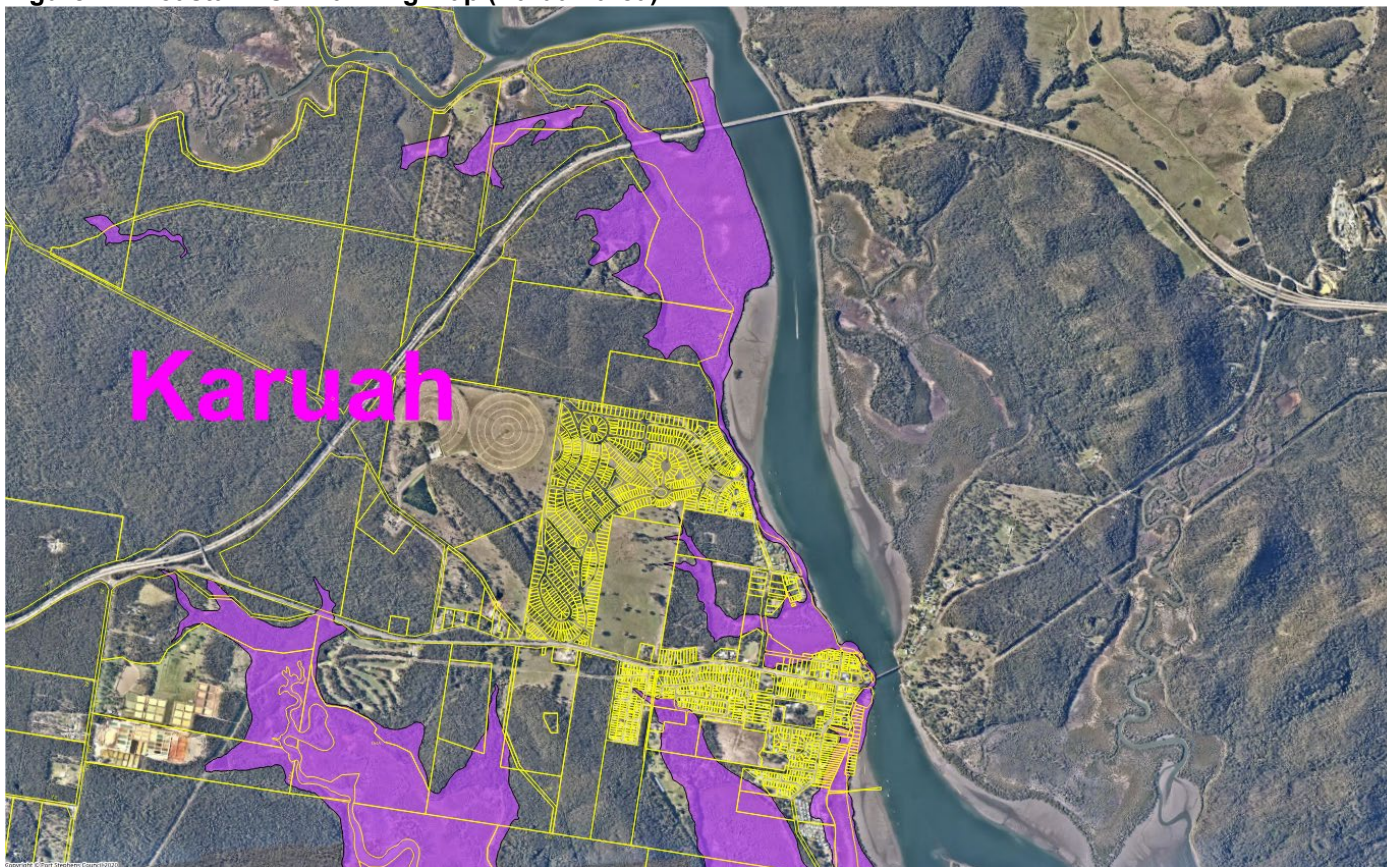


Figure 15 . Dune Transgression Map (Fern Bay and Fullerton Cove area)

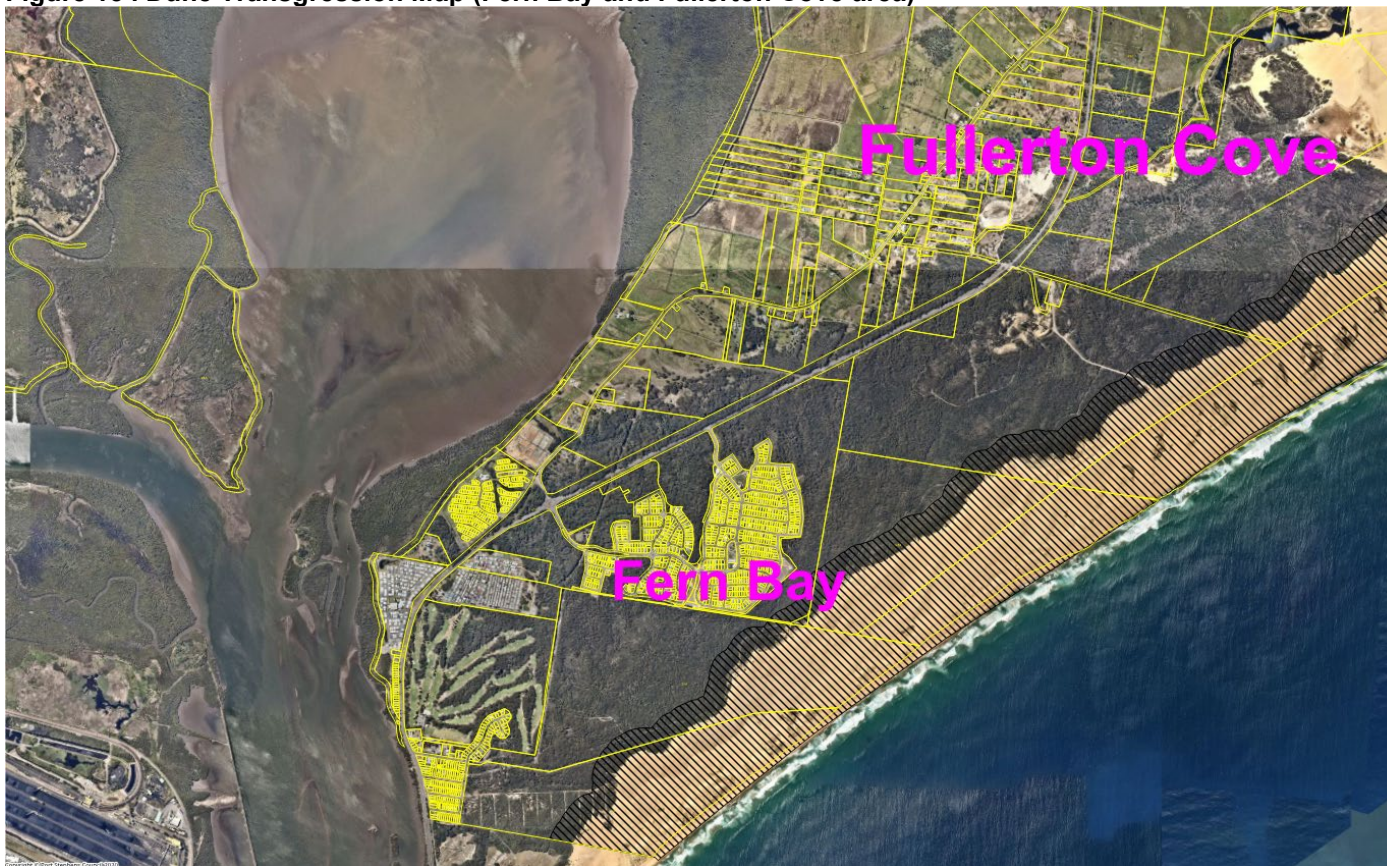


Figure 16. Dune Transgression Map (Fullerton Cove and Williamtown area)



Figure 17 . Dune Transgression Map (Salt Ash area)



Figure 18. Dune Transgression Map (Bobs Farm area)

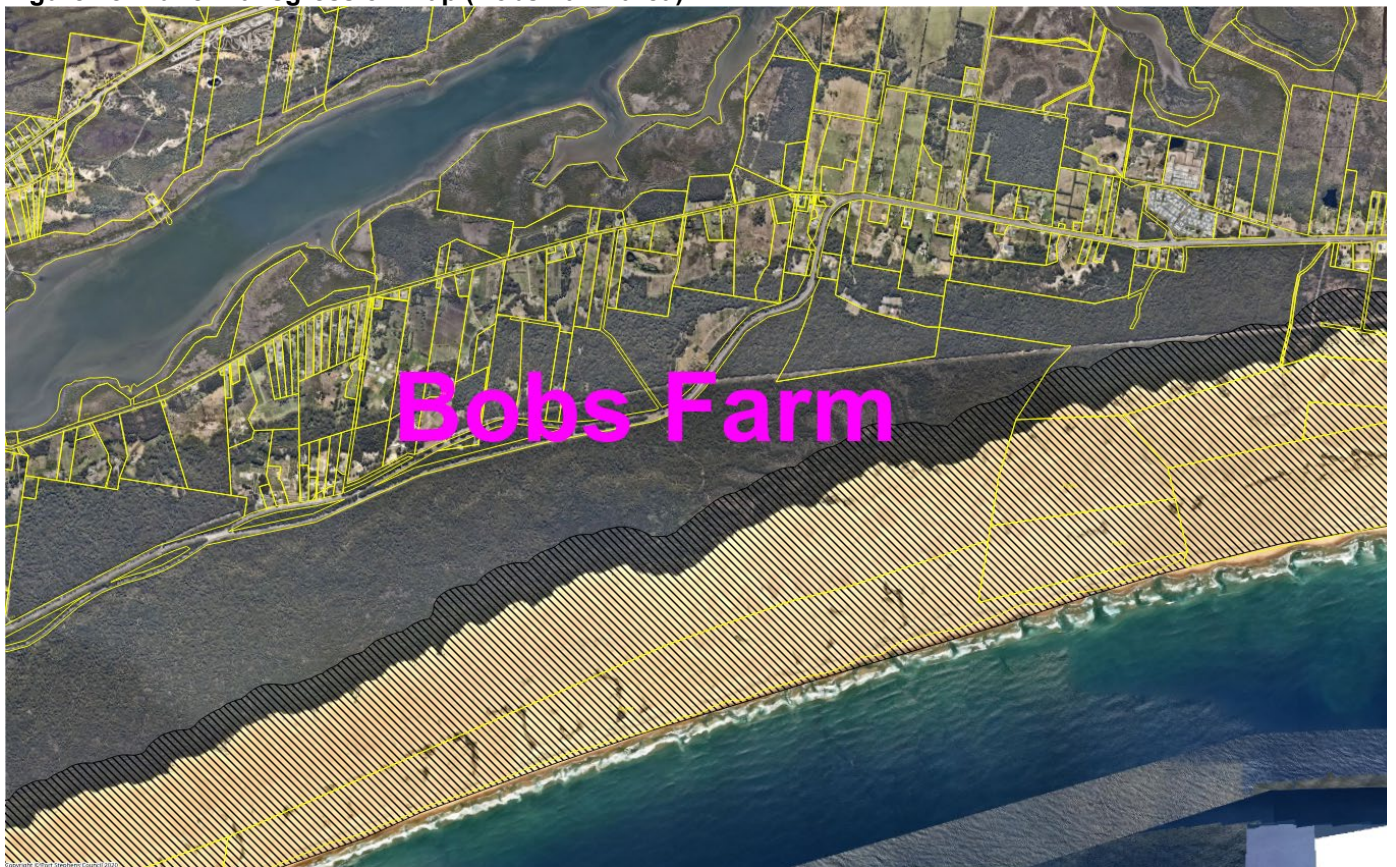


Figure 19 . Dune Transgression Map (Anna Bay area)



NSW Coastal Design Guidelines 2023



Appendix 1: Assessment checklist for planning proposals

Hierarchy of coastal management areas:

1. CWLRA = coastal wetlands and littoral rainforests area
2. CVA = coastal vulnerability area
3. CEA = coastal environment area
4. CUA = coastal use area

Note: Requirements relating to coastal hazards must be considered for all coastal hazard and risk areas, regardless of which relevant coastal management area(s) these fall within. 'Coastal hazard and risk areas' mean any mapped coastal vulnerability areas and/or areas affected by (or projected to be affected by) coastal hazards that have been identified in a state environmental planning policy, local environmental plan, development control plan, coastal management program, coastal hazard policy or study adopted by council.

Outcome A. Protect and enhance coastal environmental values			
Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome A.1 Protect coastal ecosystems			
A.1a Avoid development on undeveloped headlands and significant coastal landforms.	CVA, CEA		
A.1b Do not increase development or intensify land uses where there is existing development on headlands and significant coastal landforms.	CVA, CEA		
A.1c Identify, protect and enhance sensitive coastal ecosystems including coastal wetlands, littoral rainforests and other coastal threatened ecological communities that may be affected by development.	CWLRA, CEA		
A.1d Maintain and protect the presence of beaches, rock platforms, coastal dunes, riparian vegetation and the natural features of foreshores, including along estuaries and coastal lakes.	CWLRA, CVA, CEA		
A.1e Use environmental buffers and limit the number of access points and pathways to protect coastal ecosystems. In some cases, it may not be appropriate to allow public access to areas with highly sensitive ecosystems or animal populations.	CWLRA, CEA, CUA		

Outcome A. Protect and enhance coastal environmental values

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
A.1f Consider if the planning proposal is needed or if development zones could be better located to minimise effects on biodiversity.	CWLRA, CEA, CUA		
A.1g Avoid development that may disturb, expose or drain areas of Class 1 and Class 2 acid sulfate soils.	CWLRA, CEA, CUA		
A.1h Consider direct and indirect effects of development, including any necessary infrastructure, on water quality, water quantity and hydrological flows of waterways and groundwater.	CEA, CUA		

Outcome A.2 Protect coastal wetlands and littoral rainforests

A.2a Identify coastal wetlands and littoral rainforests, including areas that could be rehabilitated or restored in the future, and do not increase development or intensify land uses in these areas.	CWLRA		
A.2b Allow for the adaptive management of stormwater run-off so that the quality of water leaving the site is better than pre-development quality to lessen effects on coastal wetlands or other sensitive receiving environments.	CWLRA, CEA, CUA		
A.2c Provide environmental buffers and riparian corridors that enable the long-term management and protection of areas of biodiversity and ecosystem integrity.	CWLRA, CVA, CEA, CUA		
A.2d Identify and protect areas that allow for landward migration pathways for coastal wetlands to respond to climate change.	CWLRA, CEA		
A.2e Exclude land uses that affect the natural state of coastal wetlands and littoral rainforests or that will make it harder to rehabilitate these ecosystems in the future.	CWLRA		

Outcome A.3 Protect marine parks and aquatic reserves

A.3a Avoid development and land uses that affect the environmental, economic, social and cultural values of marine parks and aquatic reserves.	CEA, CUA		
A.3b Protect the ecological health of marine parks and aquatic reserves, including providing for riparian vegetation and buffers in their catchments.	CEA, CUA		

Outcome B. Ensure the built environment is appropriate for the coast and local context

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome B.1 Respond to and protect elements that make the place special			
B.1a Integrate development within the natural topography of the site and ensure land use, building scale and height respond sympathetically to coastal landforms.	CWLRA, CVA, CEA, CUA		
B.1b Ensure the intended form and footprint of development does not dominate coastal elements, including foreshores, public spaces and other areas of natural beauty.	CWLRA, CVA, CEA, CUA		
B.1c Incorporate adaptive, water-sensitive urban design into the development footprint to reduce run-off and manage water quality within receiving environments.	CWLRA, CEA, CUA		
B.1d Ensure that lot sizes, building heights and density are appropriate for the coastal settlement, and complement the existing or desired local character, supported by place-based strategies.	CEA, CUA		
B.1e Avoid development that would harm geological features and geoheritage.	CEA, CUA		
Outcome B.2 Ensure urban development complements coastal scenic values			
B.2a Limit ribbon development and urban sprawl wherever possible. In certain locations, place-based strategies may support increased development density and building heights as a better response to urban growth.	CEA, CUA		
B.2b Use greenbelts to create, maintain and mark out separation between settlements.	CEA, CUA		
B.2c Consider effects on scenic values and maintain publicly accessible views to significant landmarks.	CEA, CUA		
B.2d Ensure that building heights consider the effect on views from different vantage points.	CEA, CUA		
B.2e Retain or create views from public spaces. Prioritise this over creating views from private property.	CEA, CUA		
B.2f Provide for active transport links along foreshores, including along estuaries and coastal lakes, and between settlements to increase public access and amenity.	CWLRA, CVA, CEA, CUA		

Outcome C. Protect and enhance the social and cultural values of the coastal zone

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome C.1 Protect and promote heritage values			
C.1a Ensure development does not harm heritage values or sites.	CWLRA, CVA, CEA, CUA		
C.1b Work collaboratively with local Aboriginal people before and throughout the planning proposal process.	CWLRA, CVA, CEA, CUA		
C.1c With permission and guidance from local Traditional Custodians, identify and emphasise significant features of coastal land and sea Country.	CWLRA, CVA, CEA, CUA		
C.1d With permission and guidance from local Traditional Custodians, identify and protect sacred and significant areas through the appropriate siting of development.	CWLRA, CVA, CEA, CUA		
C.1e Ensure land use, building type, scale and height respond to heritage items and areas.	CEA, CUA		
Outcome C.2 Provide public access to significant coastal assets			
C.2a Protect and, where practical, improve, public amenity, access to and use of beaches, foreshores, rock platforms, geoheritage sites and headlands, unless you must restrict access for public safety or for environmental or cultural protection. In doing so, consider both current and projected future coastal hazards.	CVA, CEA		
C.2b Identify opportunities to maintain and improve existing public access to beaches, foreshores, coastal waters and coastal lakes that support active and passive recreation activities, where this does not interfere with existing coastal industries.	CWLRA, CVA, CEA, CUA		
C.2c Consolidate access points and consider alternative access to protect sacred and significant Aboriginal cultural areas.	CWLRA, CVA, CEA, CUA		
C.2d Maintain and improve foreshore access and connections to existing or proposed networks of public open spaces. This includes waterways, riparian areas, bushland and parks for active and passive recreation.	CWLRA, CVA, CEA, CUA		
C.2e Consider opportunities to protect and improve habitat connectivity through settlements, such as those described in the <i>Greener Places Design Guide</i> .	CWLRA, CEA, CUA		

Outcome C. Protect and enhance the social and cultural values of the coastal zone

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
C.2f Avoid development on coastal dunes and foreshore reserves unless it is for essential public purposes, such as surf life-saving club buildings. Any building or structure located on dunes must be of lightweight construction and relocatable.	CVA, CEA		
C.2g Define the boundaries of development sites with a public edge – for example, a pedestrian pathway or public laneway.	CEA, CUA		
C.2h Prevent the privatisation of coastal open space by ensuring development next to foreshores is set back, maintains public access and accessibility, and provides links and connections to other public accessways.	CEA, CUA		
Outcome C.3 Protect public amenity			
C.3a Avoid development that will overshadow the beach, foreshore or public domain. Apply the standard that there must be no overshadowing before 4 pm (midwinter) and 7 pm (Eastern Daylight Saving Time).	CEA, CUA		
C.3b Protect the amenity of public spaces from buildings, structures or land uses that may be visually and/or acoustically intrusive or create wind funnels.	CEA, CUA		

Outcome D. Support sustainable coastal economies

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome D.1 Support sustainable industries and recreational activities that depend on the coast			
D.1a Ensure that development will not harm sustainable coastal industries needing waterfront access, or recreational use of the coastal environment.	CEA, CUA		
D.1b Protect and improve essential facilities such as access ramps and jetties for sustainable coastal industries needing waterfront access.	CEA, CUA		
D.1c Ensure access ramps, jetties, pontoons, groynes and other structures do not impede navigation on the water or harm coastal landforms or impair processes such as surf breaks.	CWLRA, CVA, CEA, CUA		
D.1d Ensure that the proposal considers how development in a waterway may affect the land.	CEA, CUA		
Outcome D.2 Promote green infrastructure			
D.2a Do not allow development that is likely to significantly reduce connectivity of existing green infrastructure.	CEA, CUA		
D.2b Provide for diverse green infrastructure that can support the changing needs of current and future communities, and provide tourism and recreational opportunities.	CEA, CUA		

Outcome E. Respond to coastal hazards

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome E.1 Respond to coastal processes			
E.1a Planning proposals that affect land within a coastal hazard and risk area must not alter coastal processes in a way that harms the natural environment or other land.	CWLRA, CVA, CEA, CUA		
E.1b Exclude development in areas affected by a current or projected future coastal hazard that is likely to increase the risk of coastal hazards on that land or other land.	CWLRA, CVA, CEA, CUA		
E.1c Locate or consolidate development in areas with little or no exposure to current and projected future coastal hazards, to ensure public safety and prevent risks to life.	CWLRA, CVA, CEA, CUA		
E.1d Do not increase development potential or intensify land uses in a coastal hazard or risk area.	CWLRA, CVA, CEA, CUA		
Outcome E.2 Account for natural hazard risks			
E.2a Identify areas on and near the proposal that are affected by current or projected future coastal hazards. Ensure that the proposal is compatible with any identified threat or risk.	CWLRA, CVA, CEA, CUA		
E.2b Account for potential interaction between coastal hazards and other current and future natural hazards. This includes flooding, bushfires, landslip, heatwaves, severe storms, east coast lows and cyclones. Refer to the <i>Strategic Guide to Planning for Natural Hazards</i> .	CWLRA, CVA, CEA, CUA		
E.2c Manage natural hazard risk within the development site. Avoid using public space or adjoining land to lessen risk.	CWLRA, CVA, CEA, CUA		
Outcome E.3 Account for climate change			
E.3a Demonstrate that the proposal applies a 100-year planning horizon for the full range of climate change projections for coastal hazards. This approach recognises that sea level is projected to continue to rise for centuries because of climate change.	CWLRA, CVA, CEA, CUA		
E.3b Consider how climate change could affect the risk profile of existing natural hazards and create new vulnerabilities and exposure for the proposal in the future.	CWLRA, CVA, CEA, CUA		

Outcome E. Respond to coastal hazards

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome E.4 Provide sustainable defences to coastal hazards			
E.4a Reduce exposure to coastal hazards by protecting, restoring or improving natural defences. This includes coastal dunes, vegetation, coastal floodplains and coastal wetlands, where suitable.	CWLRA, CVA, CEA, CUA		
E.4b If natural defences are not possible, reduce exposure to coastal hazards without significantly degrading: <ul style="list-style-type: none"> • biological diversity and ecosystem integrity • ecological, biophysical, geological and geomorphological coastal processes • beach and foreshore amenity, or the social and cultural value of these areas • public safety and access to, or use of, beaches or headlands. 	CWLRA, CVA, CEA, CUA		
Outcome E.5 Protect essential infrastructure			
E.5a Locate and design essential infrastructure to reduce vulnerability to current and projected future coastal hazards. Consider the effects of climate change over at least a 100-year planning horizon.	CWLRA, CVA, CEA, CUA		
E.5b Where exposure to coastal hazards cannot be avoided, prepare adaptation plans for essential service infrastructure. These plans should be consistent with any applicable coastal management program.	CWLRA, CVA, CEA, CUA		
E.5c Consult local Aboriginal land management experts and emergency management agencies on how to strategically locate access routes and other essential infrastructure.	CWLRA, CVA, CEA, CUA		
Outcome E.6 Change land uses to manage legacy issues and avoid creating new ones			
E.6a Ensure the proposal will not require coastal management interventions to remain viable over its expected lifespan.	CWLRA, CVA, CEA, CUA		
E.6b Consider the potential legacy effects of the proposal and if the proposed land uses or development will create a social, environmental, economic or cultural burden for future generations.	CWLRA, CVA, CEA, CUA		
E.6c Consider if the proposed change of land use could remove redundant legacy infrastructure or reduce existing legacy effects.	CWLRA, CVA, CEA, CUA		