

ITEM NO. 3

**FILE NO: 23/253338
EDRMS NO: PSC2023-02759**

PLANNING PROPOSAL FOR COASTAL RISK PLANNING CLAUSE

REPORT OF: BROCK LAMONT - STRATEGY & ENVIRONMENT SECTION
MANAGER
DIRECTORATE: COMMUNITY FUTURES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map.
 - 2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
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**ORDINARY COUNCIL MEETING - 14 NOVEMBER 2023
MOTION**

268	<p>Councillor Jason Wells Councillor Leah Anderson</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Adopt the planning proposal (ATTACHMENT 1) to amend the Port Stephens Local Environmental Plan 2013 to insert a coastal risk planning clause and accompanying coastal risk planning map.2) Forward the planning proposal to the NSW Department of Planning and Environment for a Gateway determination and request authority to make the plan.
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In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Ryan Palmer, Crs Leah Anderson, Giacomo Arnott, Matthew Bailey, Glen Dunkley, Peter Francis, Peter Kafer, Steve Tucker and Jason Wells.

Those against the Motion: Nil.

The motion was carried.

BACKGROUND

The purpose of this report is to seek Council's endorsement to adopt a planning proposal (**ATTACHMENT 1**) to amend the Port Stephens Local Environmental Plan 2013 (LEP) to insert a coastal risk planning clause and coastal risk planning map. The endorsement would allow for the forwarding of the planning proposal to the NSW Department of Planning and Environment (DPE) for a Gateway determination and request authority to make the plan.

The preparation of the planning proposal responds to a key aspect of the forthcoming Port Stephens Coastal Management Program (CMP). The intent of the proposal is to incorporate provisions to manage the risk to life and properties from coastal hazards in the LEP and Development Control Plan (DCP).

The planning proposal is based upon the technical investigations undertaken for the CMP, including hazard mapping identifying properties at risk of coastal inundation, tidal inundation, coastal erosion and dune transgression. The hazard mapping is publicly available and was subject to community consultation in April and May 2023.

The purpose of reporting the planning proposal prior to the CMP is to seek a Gateway determination from DPE. This would facilitate the intended concurrent public exhibition of the planning proposal with the CMP in 2024. It is noted that CMPs are not subject to the Gateway determination process.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2022-2026
Thriving and safe place to live	Program to develop and implement Council's key planning documents

FINANCIAL/RESOURCE IMPLICATIONS

There are no additional identified financial/resource implications identified for the preparation of the planning proposal.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

The preparation of the planning proposal has some legal, policy and risk implications for Council.

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
There is a risk that Council does not consider the impacts of coastal risk in the assessment of planning applications.	Medium	Accept the recommendation.	Yes
There is a risk that landowners and applicants do not support the insertion of the coastal risk planning clause and coastal risk planning map in the LEP.	Medium	Accept the recommendation.	Yes

Environmental Planning and Assessment Act 1979 (EP&A Act)

The planning proposal is being processed in accordance with Part 3 of the EP&A Act. Should Council resolve to endorse the planning proposal, it will be forwarded to DPE for a Gateway determination, including a request for Council to be made the plan making authority.

NSW Ministerial Direction 4.2 Coastal Management

Preparing the planning proposal is consistent with NSW Ministerial Direction 4.2 Coastal Management issued under section 9.1 of the EP&A Act. The Direction applies when a planning proposal authority prepares a planning proposal that applies to land that is within the coastal zone. The Direction requires planning proposals to include provisions that give effect to and are consistent with, any relevant Coastal Management Program that has been certified by the Minister.

Port Stephens Local Environmental Plan 2013

The planning proposal is to amend the LEP by inserting a coastal risk planning clause and accompanying coastal risk planning map.

The objectives of the intended LEP clause are:

- To avoid significant adverse impacts from coastal hazards

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- 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.

The clause would apply to development on land identified on a coastal risk planning map comprised of the following map layers:

- Coastal inundation
- Tidal inundation
- Coastal erosion
- Dune transgression.

The above risks are mapped to the year 2120, with the exception of dune transgression, which is mapped to the year 2070. The coastal risk planning map is included in the planning proposal (**ATTACHMENT 1**).

The coastal risk planning map layers have been made publicly available during preliminary public consultation on the CMP. These map layers are available on the Council website, along with other information on the CMP.

Amending the LEP to introduce a coastal risk planning clause and inclusion of a coastal risk planning map is consistent with the approach undertaken by other NSW coastal councils and the NSW planning framework for managing coastal risk.

Port Stephens Development Control Plan 2014 (DCP)

The preliminary management option in the CMP is to prepare a planning proposal including a recommendation to incorporate provisions to manage the risk to life and properties from coastal hazards for inclusion in the DCP. Should the planning proposal progress, Council staff would prepare a draft amendment to the DCP to incorporate a new DCP chapter addressing coastal risk.

Port Stephens Local Strategic Planning Statement (LSPS)

The planning proposal would give effect to the following planning priority in the LSPS:

- Planning Priority 8: Improve resilience to hazards and climate change
- 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.

Hunter Regional Plan 2041 (HRP)

The planning proposal is consistent with the HRP Objective 7 'Reach net zero and increase resilience and sustainable infrastructure'. The planning proposal achieves this by introducing a coastal risk planning clause to the LEP. This would increase the

resilience of future development and facilitate the creation of more sustainable infrastructure.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal would have positive social, economic and environmental risk implications for Council through the consideration of coastal risks in the assessment of development applications, consistent with the approach taken by other NSW coastal councils and with the NSW planning framework for managing coastal risk.

CONSULTATION

Consultation with key stakeholders has been undertaken by the Strategy and Environment Section. The objective of the consultation is to align with the intended outcomes of the CMP and LSPS.

Internal

Consultation has been undertaken with the CMP Working Group comprised of the Natural Systems, Strategic Planning, Development Planning, Building and Certification, and Flooding and Drainage teams.

External

Initial community consultation on the CMP including the hazard mapping has been undertaken. This consultation included a mail out to all affected landowners, community drop-in sessions and information on the Council website including coastal hazard mapping.

Referral of the planning proposal to public authorities may be required after the Gateway determination, as set out under section 9.1 of the EP&A Act. A Gateway condition may be imposed where a public authority has an interest in the proposal.

The planning proposal is intended to be publicly exhibited in concurrence with the CMP and in accordance with a Gateway determination.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

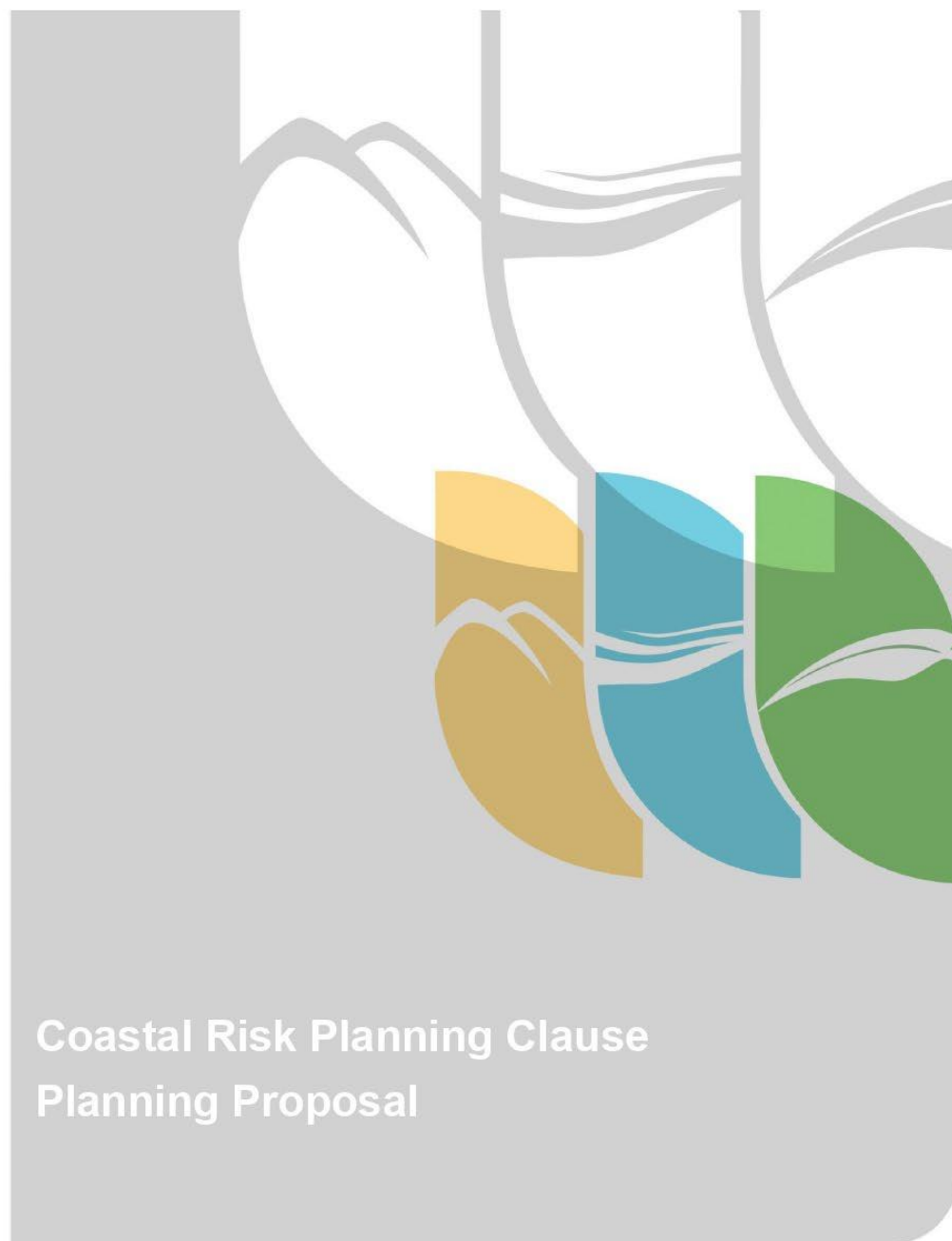
- 1) Planning Proposal - Coastal Risk Planning Clause.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Proposed amendment to Port Stephens Local
Environmental Plan 2013



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Version	Date	Details
1.0	14/11/2023	Planning Proposal Council 14/11/2023

ATTACHMENTS

ATTACHMENT 1 – Coastal Risk Planning Map**FILE NUMBERS**

Council: PSC 2023-02759

Department: To be provided at lodgement in the NSW Planning Portal

SUMMARY

Subject land: Refer to Coastal Risk Planning 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
- Dune transgression.

Area of land: Refer to **Attachment 1 – Coastal Risk Planning 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

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- Introduction of a Coastal Risk Planning 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** to this planning proposal.

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PLANNING CLAUSE.****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.

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, and
- has regard to the impacts of sea level rise.

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

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Table 1 Coastal Risk Planning 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>

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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 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.

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

HRP 2041 Strategy	Planning Proposal Response
<p>HRP 2041 Strategy 7.6 Local strategic planning will consider pathways to build resilience, reduce vulnerabilities, and support initiatives that can transform the region.</p>	<p>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.</p> <p>The planning proposal is consistent with Strategy 7.6 of the HRP 2041.</p>
<p>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:</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>Preparing the planning proposal to amend the LEP is an action within the Port Stephens Coastal Management Program.</p> <p>The Coastal Management Program has been prepared consistent with the NSW Coastal Management Framework.</p> <p>The planning proposal introduces planning controls to the LEP that align with the NSW Government's natural hazard risk management framework in coastal areas.</p> <p>The planning proposal is consistent with Strategy 7.7 of the HRP 2041.</p>
<p>HRP 2041 Strategy 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 	<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</p>

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<p>limitations, hazard event history and/or size and scale</p> <ul style="list-style-type: none"> any existing residential areas may be placed at increased risk increased development may cause evacuation issues for both existing or new occupants 	<p>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 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 as ingress of tidal water into stormwater systems and/or undertaking beach nourishment 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. 	<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.</p> <p>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>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>

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<ul style="list-style-type: none"> ○ 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. 	
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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 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 resilience measures that have triple bottom line benefits • 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. 	<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. • 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>

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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 Stephens 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.

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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.

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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, and establishing a framework for land use planning to guide decision-making in the coastal zone, and mapping 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 include and available on the NSW e-Planning Spatial Viewer are:</p> <ul style="list-style-type: none"> Coastal Wetland Area Map Littoral Rainforests Area Map Coast Use Area Map Coastal 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 considers coastal hazards.</p> <p>The planning proposal is consistent Chapter 2 Coastal Management of the SEPP (Resilience and Hazards) 2021.</p>

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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	
1.1 Implementation of Regional Plans 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>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 Hazard Planning 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

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	<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.</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>

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	<p><i>(d) any relevant Coastal Management Program that has been certified by the Minister, or any 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, 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><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>
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	<p>(a) Coastal wetlands and littoral rainforests area map;</p> <p>(b) Coastal vulnerability area map;</p> <p>(c) Coastal environment area map; and</p> <p>(d) Coastal use area map.</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 in the LEP. The coastal risk planning 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>
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PLANNING CLAUSE.****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.

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.

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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.

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 with relevant State and Commonwealth agencies can be undertaken following a Gateway determination. It is proposed to consult with the following agencies:

- NSW Department of Planning and Environment

PART 4 – Mapping

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

Attachment 1 – Coastal Risk Planning Map

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

- Coastal inundation
- Tidal inundation
- Coastal erosion
- Dune transgression.

PART 5 – Community consultation

Community consultation on the planning proposal will be 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

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- Raymond Terrace Library, Port Stephens Street, Raymond Terrace
- Tomaree Library, Town Centre Circuit, Salamander Bay

The planning proposal will be made available on the Council website.

It is intended to exhibit the planning proposal at the same time as the CMP in year 2024.

Initial consultation on the CMP has already been undertaken. This has included:

- Community drop in sessions
- Fact sheet mail-out to landowners
- Council CMP website including:
 - General CMP information
 - Technical reports
 - Maps including:
 - Coastal inundation
 - Tidal inundation
 - Coastal erosion
 - Dune transgression

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

Further consultation on the CMP is proposed to be undertaken in year 2024.

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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
<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>														

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Attachment 1 – Coastal Risk Planning Map

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

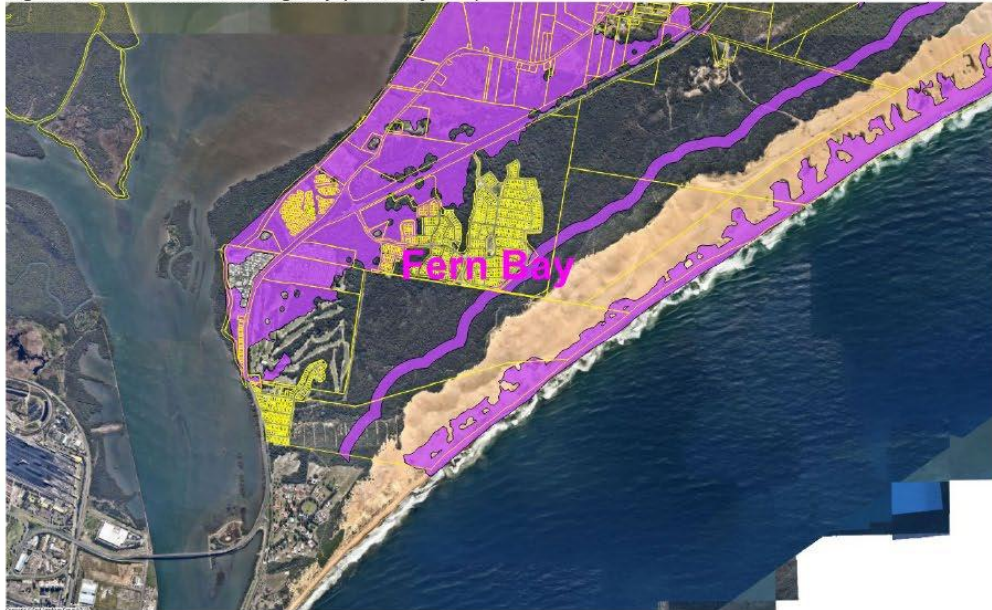
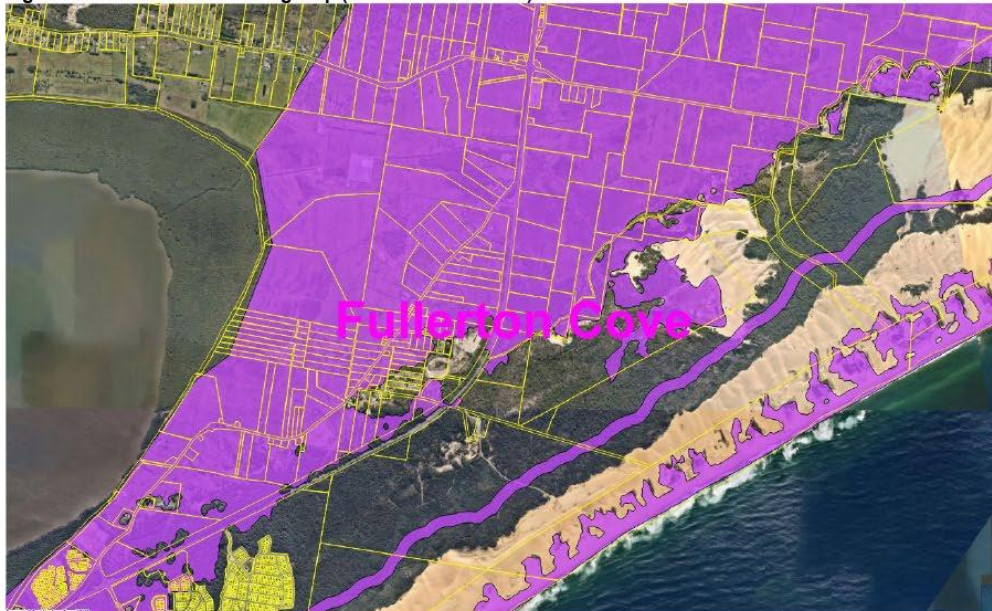


Figure 2. Coastal Risk Planning Map (Fullerton Cove area)



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Figure 3. Coastal Risk Planning Map (Williamtown area)

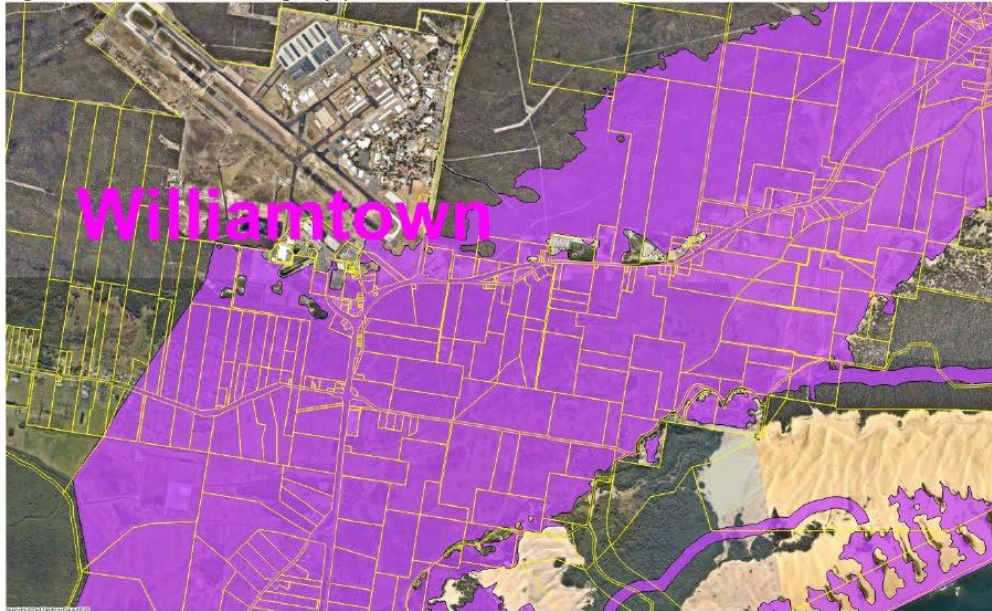
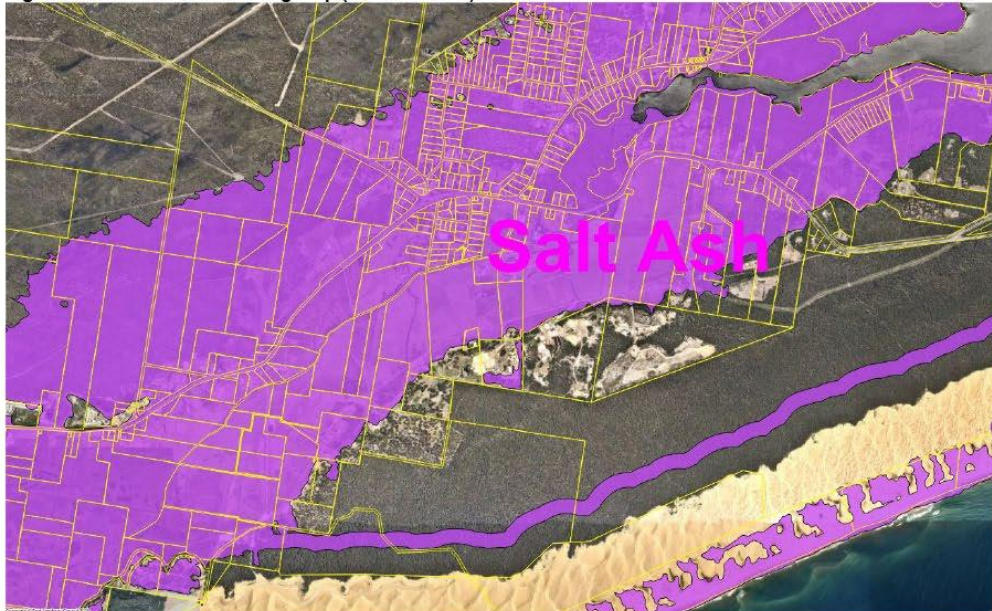


Figure 4. Coastal Risk Planning Map (Salt Ash area)



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

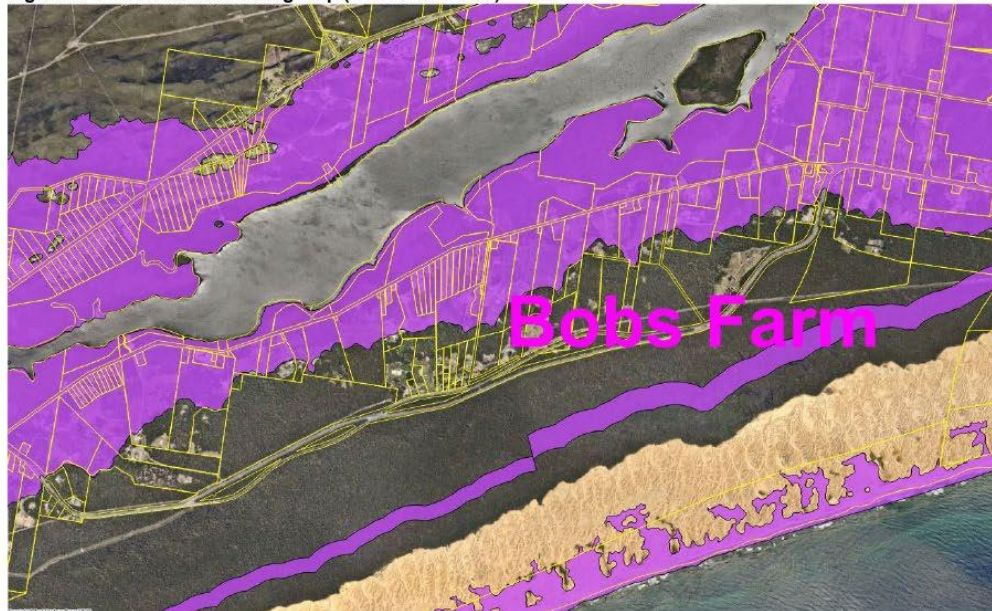


Figure 6. Coastal Risk Planning Map (Bobs Farm, Anna Bay, Taylors Beach areas)

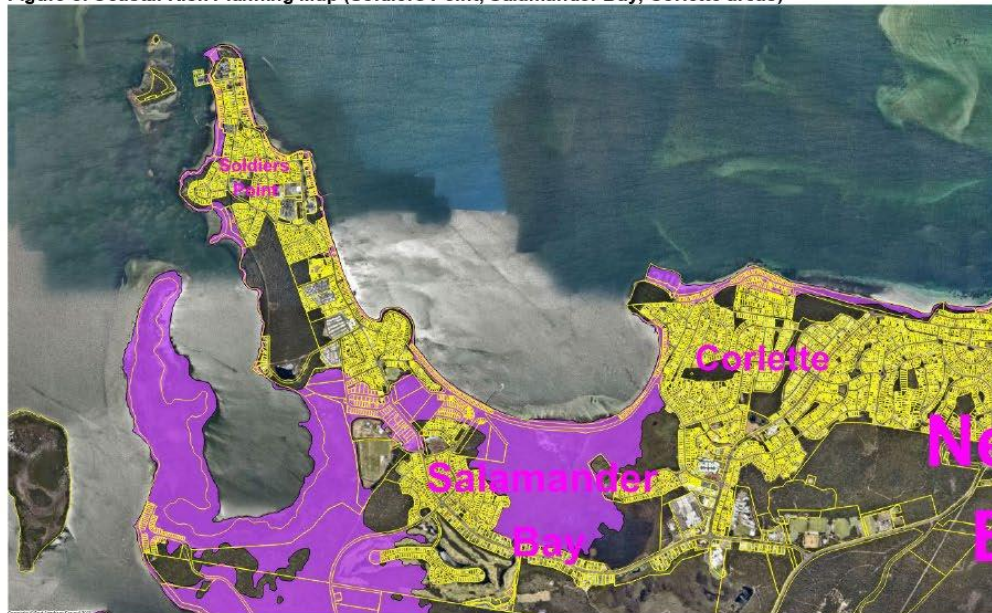


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Figure 7. Coastal Risk Planning Map (Anna Bay, One Mile areas)



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

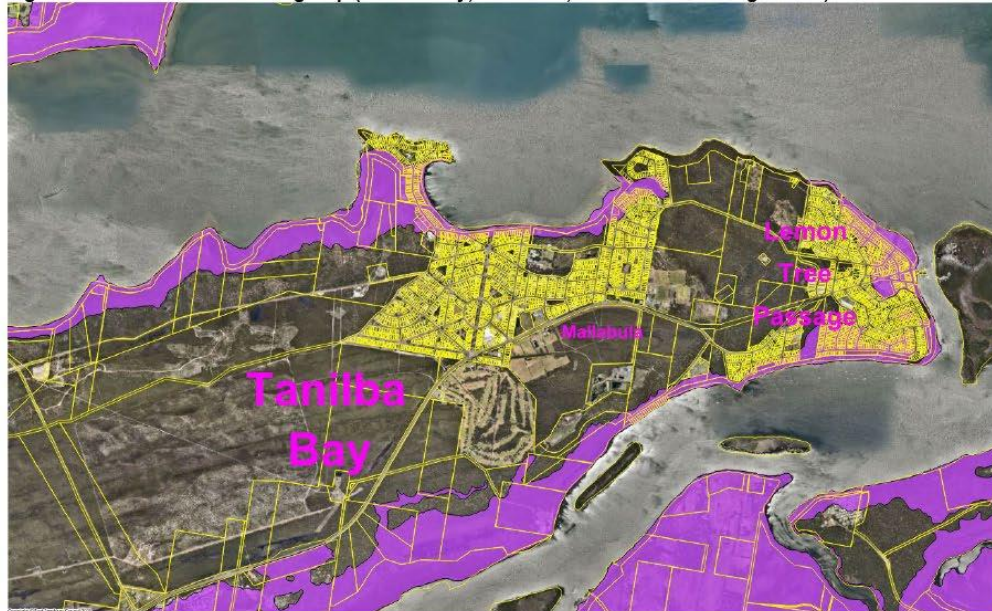


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Figure 9. Coastal Hazard Planning Map (Nelson Bay, Shoal Bay, Fingal Bay areas)



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

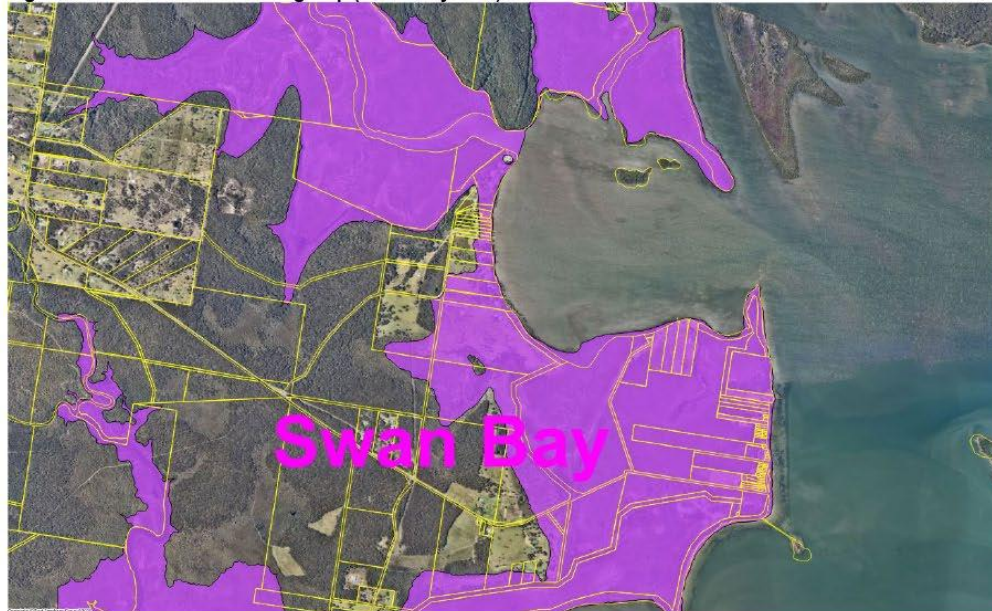


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Figure 11. Coastal Risk Planning Map (Oyster Cove and Swan Bay areas)



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



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Figure 13. Coastal Risk Planning Map (Karuah area)

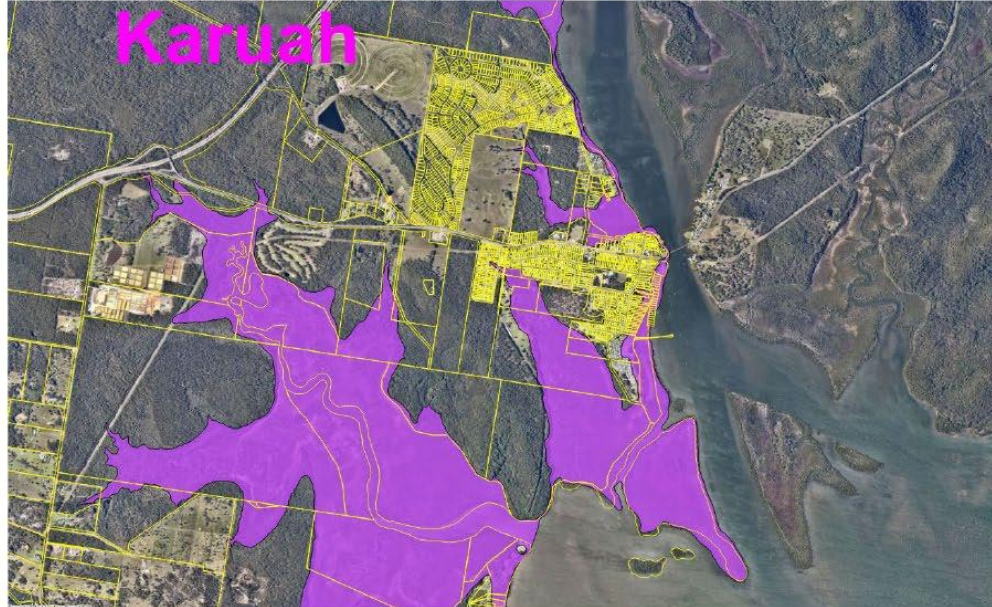


Figure 14. Coastal Risk Planning Map (Karuah area)

