



# Coastal Risk Planning Clause Planning Proposal

**Proposed amendment to Port Stephens Local  
Environmental Plan 2013 and State Environmental  
Planning Policy (Resilience and Hazards) 2021**



**PORT STEPHENS**  
COUNCIL

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## VERSION CONTROL

Version	Date	Details
1.0	14/11/2023	Council Meeting
2.0	28/02/2024	Exhibition
3.0	25/06/2024	Post-exhibition

## ATTACHMENTS

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<b>Attachment 1</b>	<b>SEPP Coastal Vulnerability Area Map and LEP Dune Transgression Map</b>
<b>Attachment 2</b>	<b>NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals</b>

## FILE NUMBERS

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**Council:** PSC 2023-02759

**Department:** PP-2023-2568

## SUMMARY

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**Subject land:** Refer to SEPP Coastal Vulnerability Area and LEP Dune Transgression Map

**Proponent:** Port Stephens Council

**Proposed changes:** Insert a dune transgression planning clause and map to the Port Stephens Local Environmental Plan 2013 (LEP).

Amend the NSW State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP) to map coastal risk areas (coastal inundation, tidal inundation, coastal erosion) on the Coastal Vulnerability Area (CVA) Map.

**Area of land:** Refer to **Attachment 1 – SEPP Coastal Vulnerability Area Map and LEP Dune Transgression Map**

## BACKGROUND

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The planning proposal seeks to introduce provisions to Port Stephens Local Government Area for coastal risk planning including:

- Amending the Port Stephens Local Environmental Plan 2013 (LEP) to insert a new clause to address the risk of dune transgression by reference to an accompanying dune transgression planning map.
- Requesting amendment to the NSW State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP) to map coastal risk areas on the SEPP Coastal Vulnerability Area (CVA) 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 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

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The planning proposal applies to land shown in **Attachment 1 – SEPP Coastal Vulnerability Area Map and LEP Dune Transgression Map** to this planning proposal.

## **PART 1 – Objectives or intended outcomes**

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The planning proposal seeks to achieve the following outcomes:

- to avoid significant adverse impacts from coastal hazards and dune transgression.
- to ensure uses of land identified as coastal risk and dune transgression are compatible with the risks presented by coastal hazards and dune transgression.
- 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**

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The objectives of the planning proposal will be achieved by amending the LEP and the SEPP.

The LEP will be amended by inserting a new clause to address the risk of dune transgression by reference to an accompanying dune transgression map. Due to the unpredictable nature of dune transgression, it is only mapped until 2070. Dune transgression is addressed in the LEP because it is a coastal process (being a form of major sand drift) as defined under the NSW Coastal Management Glossary 2018.

The planning proposal also seeks amendment to the SEPP to map coastal risk areas (areas subject to coastal inundation, tidal inundation and coastal erosion) as a “coastal vulnerability area” on the SEPP CVA Map. The planning period for the coastal risks areas is to year 2120.

The development assessment provisions of the SEPP will apply to planning applications within the area identified as “coastal vulnerability area” on the CVA Map. This includes the provisions of SEPP clause 2.9 *Development on land within the coastal vulnerability area*.

The CMP coastal risk and dune transgression map layers are described in the following table.

*Table 1 CMP Coastal Risk Planning Map Layers and Dune Transgression Map Layer Descriptions*

Risk	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"> <li>• 5% Annual Exceedance Probability (AEP)</li> <li>• 1% Annual Exceedance Probability (AEP)</li> </ul> <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 of 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 of 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 SEPP and dune transgression 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 CMP.

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

The NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) comment that as per the Coastal Management Act 2016 (CM Act), the best means of achieving the objectives of the planning proposal is to map the coastal risk areas identified in a Coastal Management Program as the Coastal Vulnerability Area in the NSW State Environmental Planning Policy (Resilience and Hazards) 2021. The planning proposal has been updated in response to the DCCEEW advice.

## 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 amending the SEPP and LEP to require development on affected land to consider coastal risks and dune transgression. 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:

HRP Strategy	Planning Proposal Response
<b>HRP Strategy 7.6</b> Local strategic planning will consider pathways to build resilience, reduce vulnerabilities, and support initiatives that can transform the region.	The planning proposal will amend the SEPP CVA Map for coastal risks and the LEP for dune transgression to ensure that development applications are assessed for coastal hazard related resilience and to reduce vulnerabilities. <b>The planning proposal is consistent with Strategy 7.6 of the HRP.</b>
<b>HRP Strategy 7.7</b> 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"><li>• Planning for Bushfire Protection 2019</li><li>• NSW Coastal Management Framework</li><li>• Floodplain Development Manual and the Flood Prone Land Policy</li><li>• Planning for a more resilient NSW: A strategic guide to planning for natural hazards</li><li>• any other natural hazards guidance that is released</li></ul>	Preparing the planning proposal to amend the SEPP CVA Map for coastal risks and LEP for dune transgression is consistent with an action within the CMP. The CMP has been prepared consistent with the NSW Coastal Management Framework. The planning proposal amends the SEPP and LEP to align with the NSW natural hazard risk management framework in coastal areas. <b>The planning proposal is consistent with Strategy 7.7 of the HRP.</b>



<p><b>HRP Strategy 7.8</b></p> <p>Local strategic planning will ensure future residential areas are not planned in areas where:</p> <ul style="list-style-type: none"> <li>• residents are exposed to a high risk from bushfire, flood and/or coastal hazards, considerate of how these may impacted by climate change</li> <li>• 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</li> <li>• any existing residential areas may be placed at increased risk</li> <li>• increased development may cause evacuation issues for both existing or new occupants</li> </ul>	<p>The planning proposal will introduce planning controls to amend the SEPP CVA Map for coastal risks and the LEP for dune transgression to ensure that development applications on affected land considers and is assessed for related resilience and reduces vulnerabilities.</p> <p>The planning proposal does not identify future residential areas for rezoning. Any planning proposal 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 Chapter 2 Coastal Management, and local and regional strategic plans such as the HRP and LSPS.</p> <p><b>The planning proposal is consistent with Strategy 7.8 of the HRP.</b></p>
<p><b>HRP Strategy 7.9</b></p> <p>Local strategic planning will:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• be consistent with any relevant coastal management program adopted and certified for that area</li> <li>• 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"> <li>○ raising houses and roads</li> <li>○ relocating or adapting infrastructure to manage coastal hazard risks, such</li> </ul> </li> </ul>	<p>The planning proposal identifies areas projected to be affected by coastal hazards including coastal inundation and tidal inundation.</p> <p>The planning proposal is consistent with the CMP being undertaken for Port Stephens, under the NSW Coastal Management Program processes.</p> <p>The CMP will require certification by the Minister administering the CM Act.</p> <p>The planning proposal will amend the SEPP CVA Map and LEP to ensure that future development applications and their assessment provides consideration of coastal hazards and processes.</p> <p>Amending the SEPP and LEP to include coastal planning considerations for development applications is a key action of the CMP.</p>

<p>as ingress of tidal water into stormwater systems and/or</p> <ul style="list-style-type: none"> <li>○ undertaking beach nourishment</li> </ul> <ul style="list-style-type: none"> <li>• consider opportunities to maintain natural coastal defences against sea level rise, such as: <ul style="list-style-type: none"> <li>○ maintaining or expanding coastal and riparian buffer zones.</li> <li>○ replanting and protecting coastal dune systems.</li> <li>○ fencing creeks and rivers to keep livestock out, limit erosion and protect water quality</li> <li>○ controlling invasive species and/or</li> <li>○ protecting and restoring mangroves and salt marsh areas to limit flooding, inundation and erosion.</li> </ul> </li> </ul>	<p>The CMP includes a range of other actions for implementation, outside of the SEPP and LEP development assessment process.</p> <p><b>The planning proposal is consistent with Strategy 7.9 of the HRP.</b></p>
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### Greater Newcastle Metropolitan Plan 2036

Parts of the Port Stephens LGA are within the Greater Newcastle Metropolitan Plan (GNMP) area and on the proposed amendment to the SEPP CVA Map and the 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"> <li>• employ risk responsive land use controls so that new development does not occur in high risk areas</li> <li>• ensure coastal dependent development mitigates natural hazards and incorporates</li> </ul>	<p>The planning proposal is consistent with the GNMP actions because it will:</p> <ul style="list-style-type: none"> <li>• amend the SEPP CVA Map to provide risk responsive controls for development proposed on land identified as subject to coastal risks</li> <li>• introduce a clause and map to the LEP to provide risk responsive controls for</li> </ul>

<p>resilience measures that have triple bottom line benefits</p> <ul style="list-style-type: none"> <li>• prevent intensive urban development in the Blue and Green Grid</li> <li>• ensure the planning for urban development adjoining or interfacing with the Blue and Green Grid addresses the impact of extreme events.</li> </ul>	<p>development on land subject to dune transgression.</p> <ul style="list-style-type: none"> <li>• ensure coastal dependent development considers coastal risk planning objectives.</li> <li>• ensure coastal development addresses the impact of extreme events.</li> </ul> <p><b>The planning proposal is consistent with Action 14.1 of the GNMP.</b></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 Local Strategic Planning Statement (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 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 SEPP and dune transgression through the LEP, Council will be responding to the LSPS 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 key related implementation action in 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 CMP.

Coastal management plans 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
<b>SEPP (Resilience and Hazards) 2021 (SEPP)</b>	
<b>Chapter 2 Coastal Management</b>  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 implements the existing provisions of Chapter 2 Coastal management of the SEPP.</p> <p>The aim of Chapter 2 Coastal management of the SEPP 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 <a href="#">Coastal Management Act 2016</a>, including the management objectives for each coastal management area, by:</p> <ol style="list-style-type: none"><li>managing development in the coastal zone and protecting the environmental assets of the coast, and</li><li>establishing a framework for land use planning to guide decision-making in the coastal zone, and</li><li>mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the <a href="#">Coastal Management Act 2016</a>.</li></ol> <p>The provisions of the SEPP including associated mapping already apply to land within the coastal zone. SEPP maps already applying within Port Stephens LGA and available on the NSW e-Planning Spatial Viewer are:</p> <ul style="list-style-type: none"><li>Coastal Wetland Area Map.</li><li>Littoral Rainforests Area Map.</li><li>Coast Use Area Map.</li><li>Coastal Environment Area Map.</li></ul> <p>The planning proposal requests amendment to the SEPP to map coastal risk areas (coastal inundation, tidal inundation and coastal erosion) identified in the CMP as the “coastal vulnerability area” on the SEPP CVA Map.</p> <p>The assessment provisions of the DEPP for development on land subject to the CVA Map will apply to future planning applications.</p> <p><b>The planning proposal is consistent Chapter 2 Coastal Management of the SEPP.</b></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
<b>1. PLANNING SYSTEMS</b>	
<p><b>1.1 Implementation of Regional Plans</b></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).</p> <p>The planning proposal is consistent with this direction. It requests amendment to the SEPP to map coastal risk areas (coastal inundation, tidal inundation and coastal erosion) identified in the CMP as the “coastal vulnerability area” on the SEPP CVA Map. This ensures 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><i>7.6 Local strategic planning will consider pathways to build resilience, reduce vulnerabilities, and support initiatives that can transform the region.</i></p> <p><i>7.7 Local strategic planning will demonstrate alignment with the NSW Government’s natural hazard management and risk mitigation policy framework including:</i></p> <ul style="list-style-type: none"> <li>• <i>Planning for Bushfire Protection 2019</i></li> <li>• <i>NSW Coastal Management Framework</i></li> <li>• <i>Floodplain Development Manual and the Flood Prone Land Policy</i></li> <li>• <i>Planning for a more resilient NSW: A strategic guide to planning for natural hazards</i></li> <li>• <i>any other natural hazards guidance that is released</i></li> </ul> <p><i>7.8 Local strategic planning will ensure future residential areas are not planned in areas where:</i></p> <ul style="list-style-type: none"> <li>• <i>residents are exposed to a high risk from bushfire, flood and/or coastal hazards, considerate of how these may impacted by climate change</i></li> <li>• <i>evacuation is likely to be difficult during a bushfire or flood due to its siting in the landscape, access</i></li> </ul>

	<p><i>limitations, hazard event history and/or size and scale</i></p> <ul style="list-style-type: none"> <li>• <i>any existing residential areas may be placed at increased risk.</i></li> </ul> <p><i>7.9 Increased development may cause evacuation issues for both existing or new occupants.</i></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><b>The planning proposal is consistent with Direction 1.1 Implementation of Regional Plans.</b></p>
<b>4. RESILIENCE AND HAZARDS</b>	
<p><b>4.2 Coastal Management</b></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 Coastal management of the SEPP.</p> <p>The planning proposal requests amendment to the SEPP to map coastal risk areas (coastal inundation, tidal inundation and coastal erosion) identified in the CMP as the “coastal vulnerability area” on the SEPP CVA Map. This ensures that coastal risk is appropriately assessed for future development.</p> <p>The planning proposal also includes inserting a new clause in the LEP to assess development on land identified as subject to dune transgression.</p> <p>Preparing the planning proposal is an action in the LSPS and in the CMP.</p> <p>The following provisions of the 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) section 3.2 of the NSW Coastal Design Guidelines 2023; and</i></p> <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>Assessment of the planning proposal with the NSW Coastal Design Guidelines 2023, Appendix 1 Assessment checklist for planning proposals is included at <b>Attachment 2 – NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals</b>.</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 within a CVA. The planning proposal requests amendment to the SEPP to map coastal risk areas (coastal inundation, tidal inundation and coastal erosion) identified in the CMP as the “coastal vulnerability area” on the SEPP CVA Map. This ensures that coastal risk is appropriately planned for and assessed for future development, consistent with the provisions of the SEPP.</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 or littoral rainforest.</p>
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	<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 requests amendment to the SEPP to map coastal risk areas identified in the CMP as the “coastal vulnerability area” on the SEPP CVA Map. This ensures that coastal risk is appropriately planned for and assessed for future development.</p> <p><b>The planning proposal is consistent with Direction 4.2 Coastal Management.</b></p>
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## **Site-specific merit**

### **Section C – Environmental, social and economic impact**

The planning proposal will ensure that coastal risks (coastal inundation, tidal inundation and coastal erosion) are considered in future land use planning development application decisions, consistent with the provisions of the SEPP.

#### **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 including requesting amendment to the SEPP to map coastal risk areas as the "coastal vulnerability area" on the SEPP CVA Map and inserting a dune transgression

clause and map to the LEP, 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 is subject to coastal risk and dune transgression.

## **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?**

The planning proposal (exhibition version) was referred to DCCEEW in accordance with the Gateway determination. The submission raised the following summary issues:

1. The justification for not mapping a CVA is inadequate.

Response: The planning proposal has been updated to identify coastal risks on the CVA Map in the SEPP. Further detail on each risk will remain available via the CMP.

2. The Coastal Risk Planning Map is unclear in portraying the specific coastal risks.

Response: A Coastal Risk Planning Map in the LEP is no longer proposed, with the updated approach being a composite single-layer CVA Map in the SEPP. Each coastal risk will remain available via in the CMP.

3. The NSW coastal design guidelines checklist does not include detailed supporting evidence confirming compliance with the guidelines.

Response: The checklist has been updated to provide further detailed evidence where possible from the CMP demonstrating compliance with the guidelines. Refer to **Attachment 2 – NSW Coastal Design Guidelines 2023 Appendix 1: Assessment checklist for planning proposals**.

The planning proposal has been updated to respond to the DCCEEW submission. The main update is to request amendment to the SEPP to identify coastal risks as “coastal vulnerability area” on the SEPP CVA Map. This approach is consistent with DCCEEW comment that the best means of achieving the objectives of the planning proposal is to map the coastal risk areas identified in a coastal management program as the CVA in the SEPP. This approach is supported by DPHI in supporting advice. It recommends that adoption of mapping and development controls within the SEPP would

provide a more robust and complete risk-based assessment framework for development applications within the extensive areas affected by current and future coastal hazards.

#### **PART 4 – Mapping**

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The proposed SEPP and LEP map layer amendments are shown in **Attachment 1 – SEPP Coastal Vulnerability Area and LEP Dune Transgression Planning Maps**.

It is proposed to map coastal risk areas (coastal inundation; tidal inundation; coastal erosion) identified in the CMP as a “coastal vulnerability area” on the CVA in the SEPP. These coastal risks are mapped to year 2120.

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

## **PART 5 – Community consultation**

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In accordance with the Gateway determination, the planning proposal was exhibited from 28 February 2024 to 11 April 2024. 1 community submission from the Tomaree Residents and Ratepayers Association (TRRA) was received. The submission:

- Supports the proposal, which will lead to important changes required by the State to support the CMP.
- Supports the proactive and consultative approach by Council to strategic planning for coastal management.
- Notes that separate comment has been made on the draft CMP.
- Suggests that a key to the colours used on each of the coastal risk planning maps would help explain how they will apply.

A single-layer for the SEPP CVA Map will be used to identify all land subject to coastal risks. This is consistent with the standard approach for mapping a SEPP CVA. Detail on each coastal risk will remain available via the CMP.

## 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
<b><i>Council decision</i></b>																
<b><i>Gateway determination</i></b>																
<b><i>Pre-exhibition</i></b>																
<b><i>Public Exhibition</i></b>																
<b><i>Consider submissions</i></b>																
<b><i>Post- exhibition review</i></b>																
<b><i>Council Report</i></b>																
<b><i>Submission to DPE for finalisation</i></b>																
<b><i>Gazettal of LEP amendment</i></b>																



Figure 1. SEPP CVA Map (Fern Bay area)

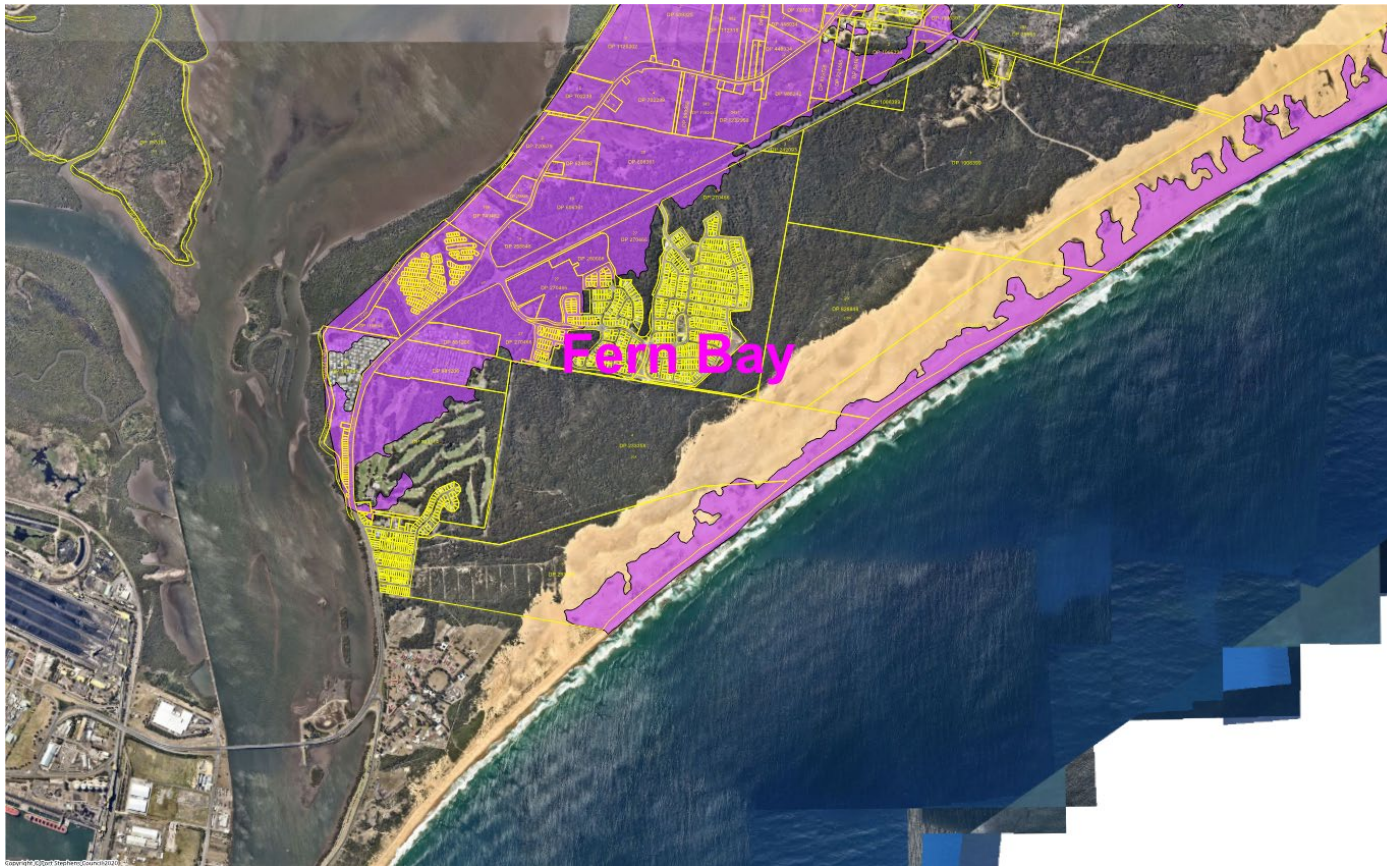
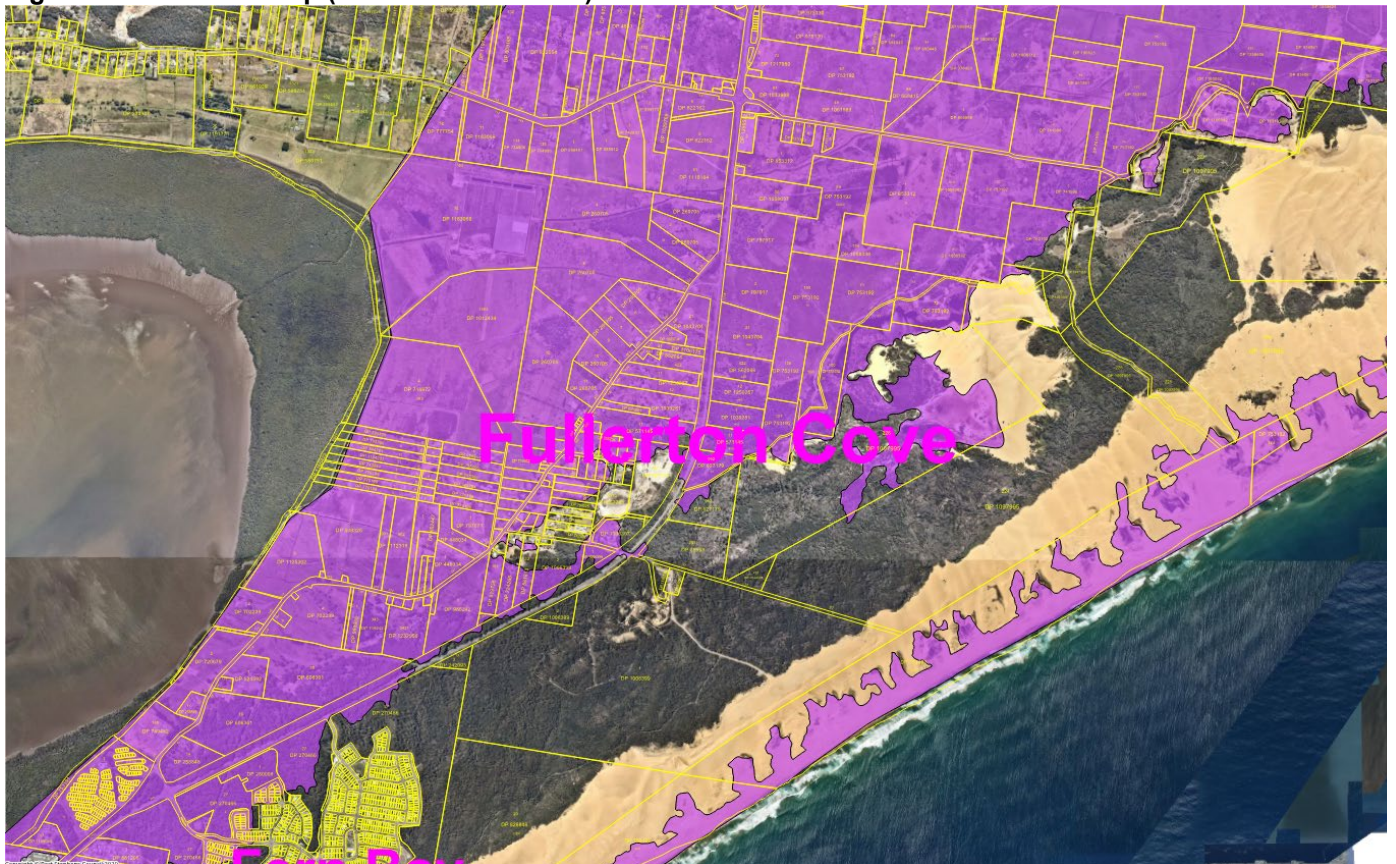
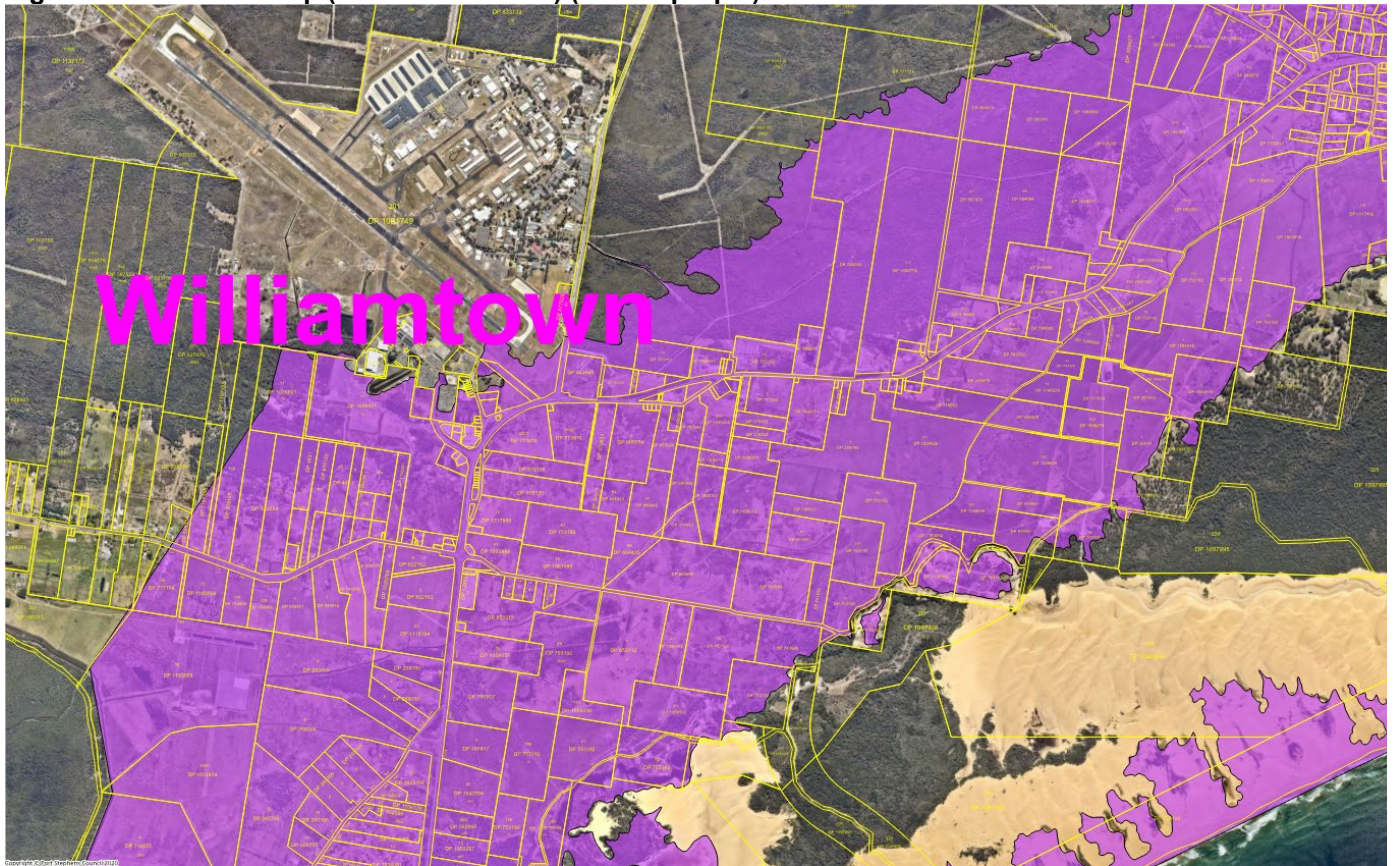


Figure 2. SEPP CVA Map (Fullerton Cove area)





**Figure 3. SEPP CVA Map (Williamstown area) (shown purple)**

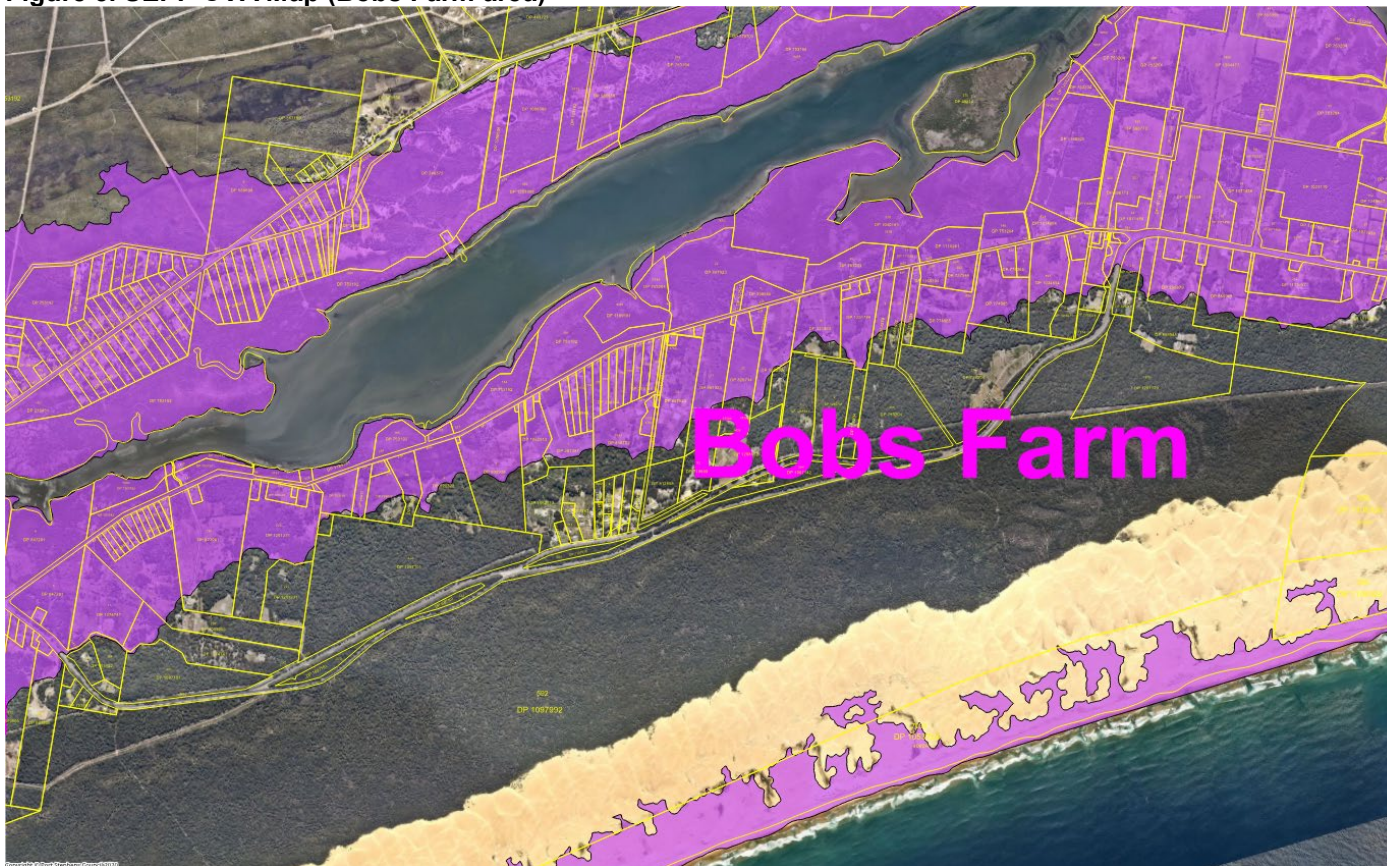


**Figure 4. SEPP CVA Map (Salt Ash area) (shown purple)**





**Figure 5. SEPP CVA Map (Bobs Farm area)**



**Figure 6. SEPP CVA Map (Bobs Farm, Anna Bay, Taylors Beach areas)**

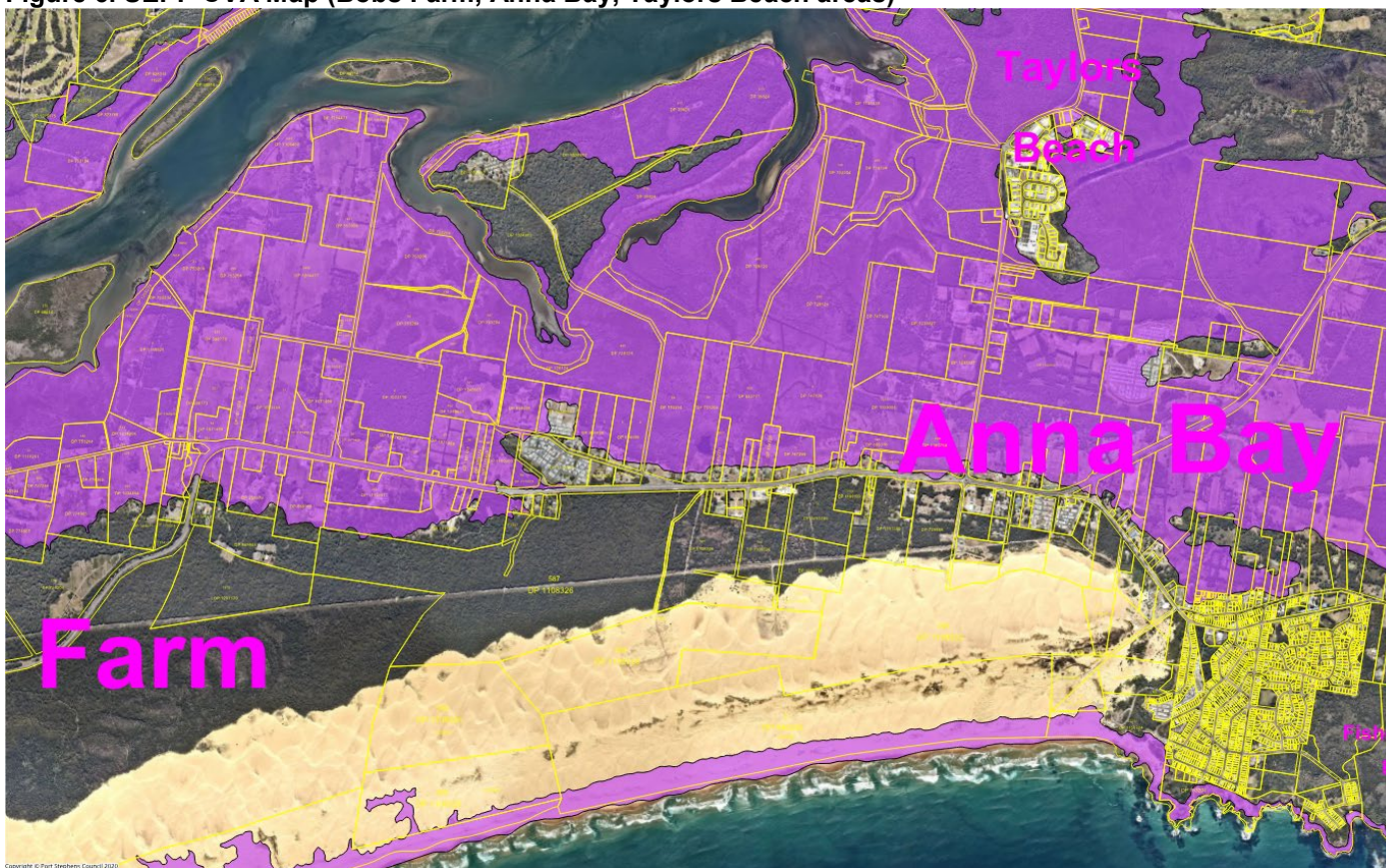




Figure 7. SEPP CVA Map (Anna Bay, One Mile areas)

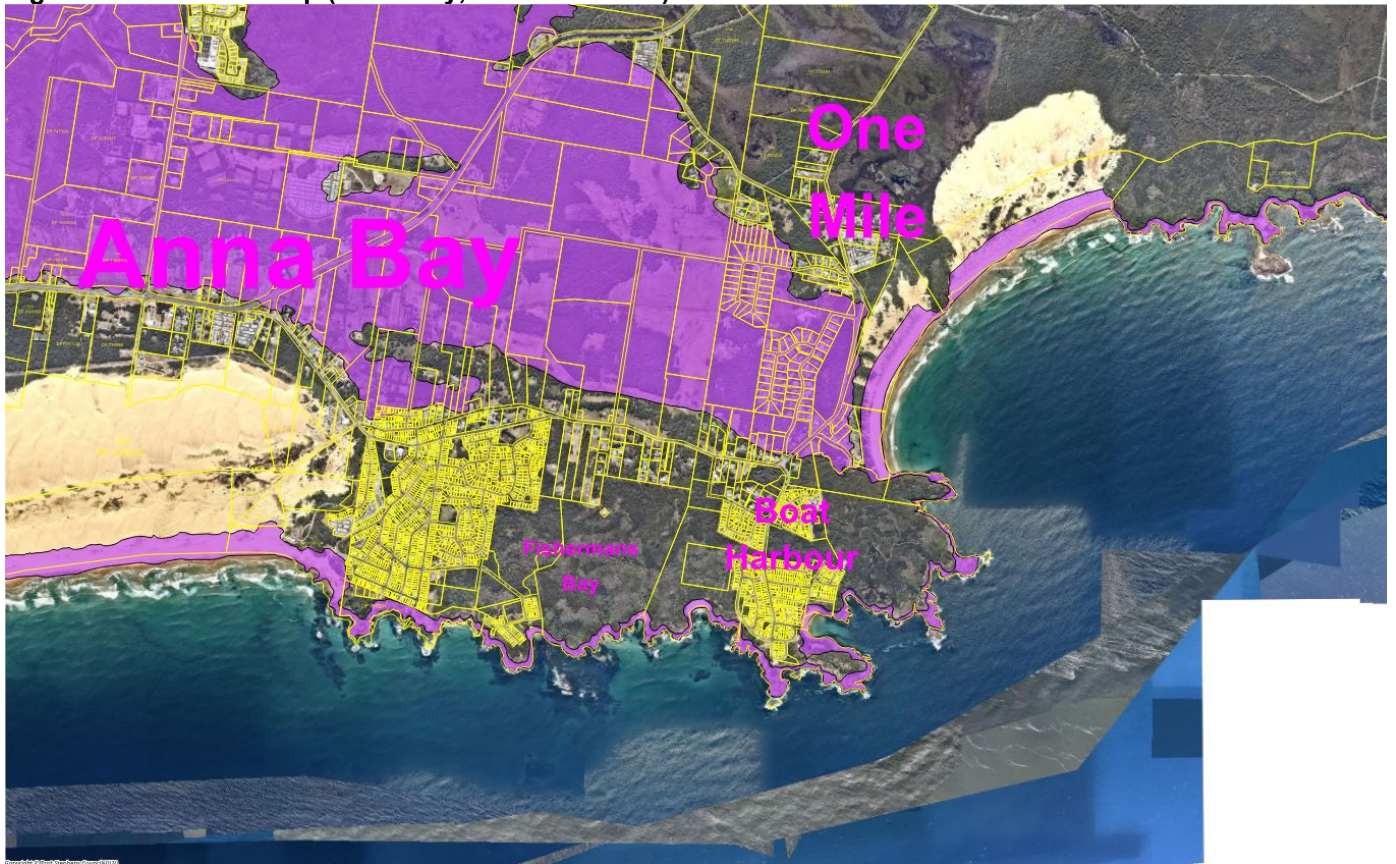
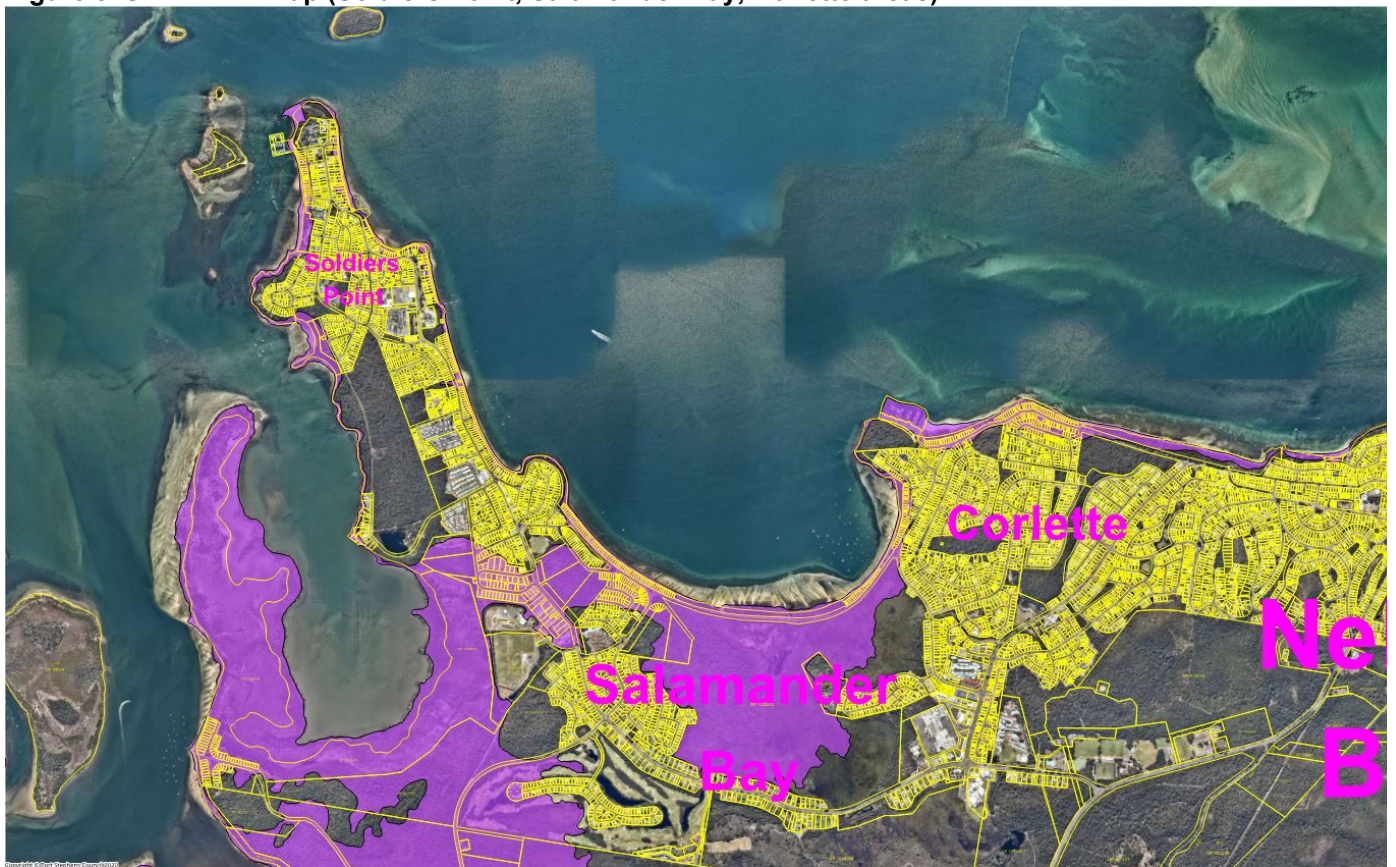
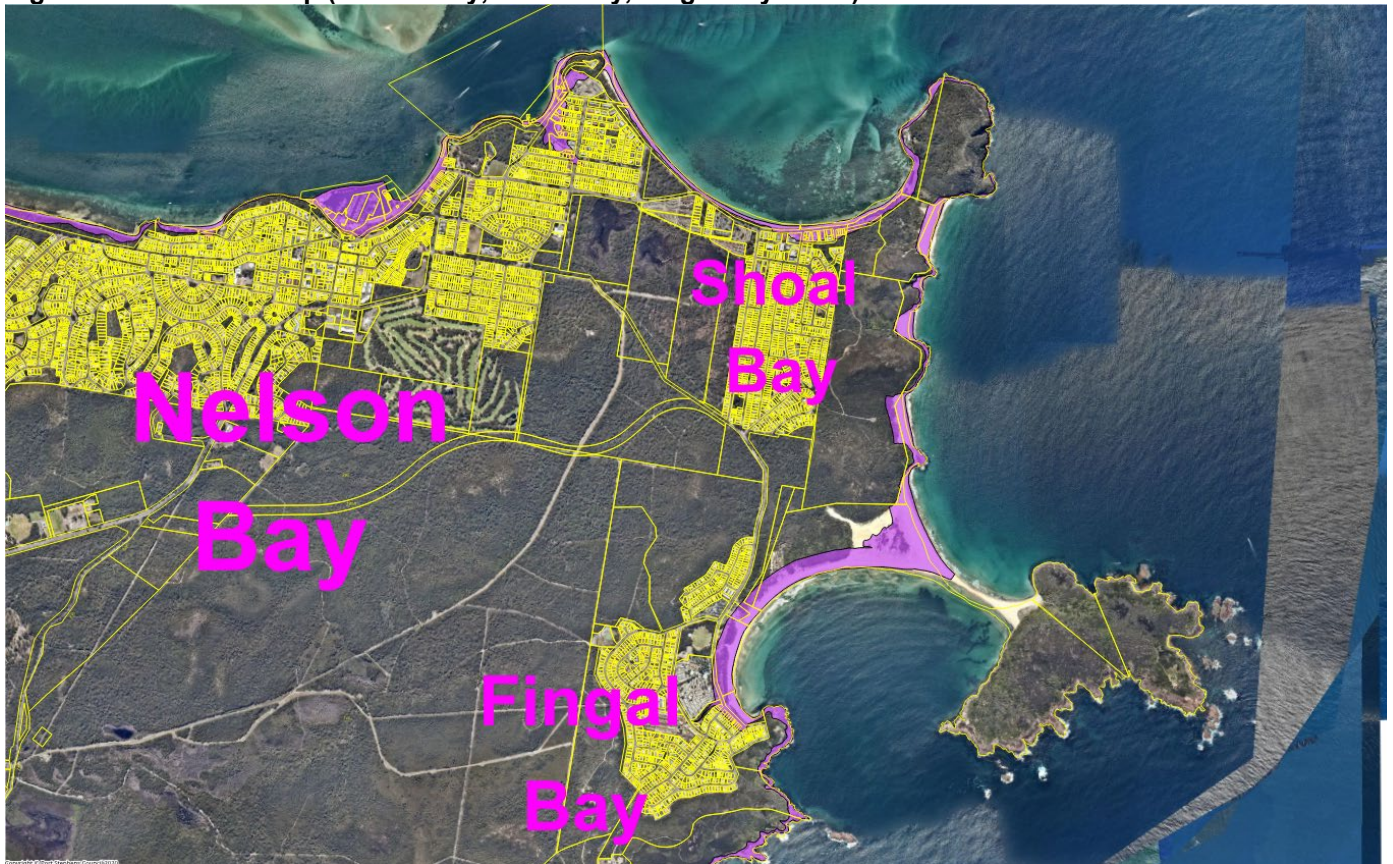


Figure 8. SEPP CVA Map (Soldiers Point, Salamander Bay, Corlette areas)

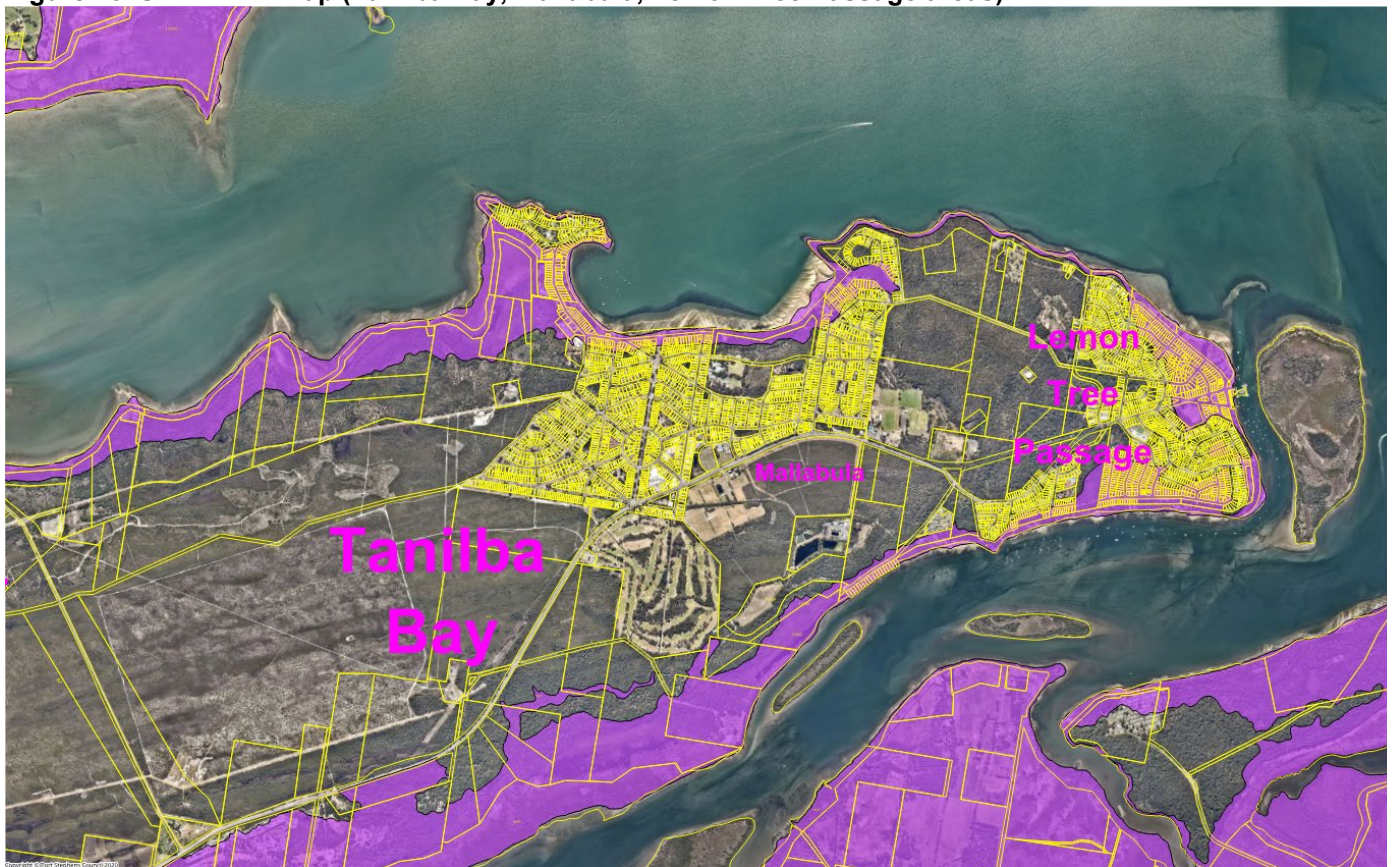




**Figure 9. SEPP CVA Map (Nelson Bay, Shoal Bay, Fingal Bay areas)**

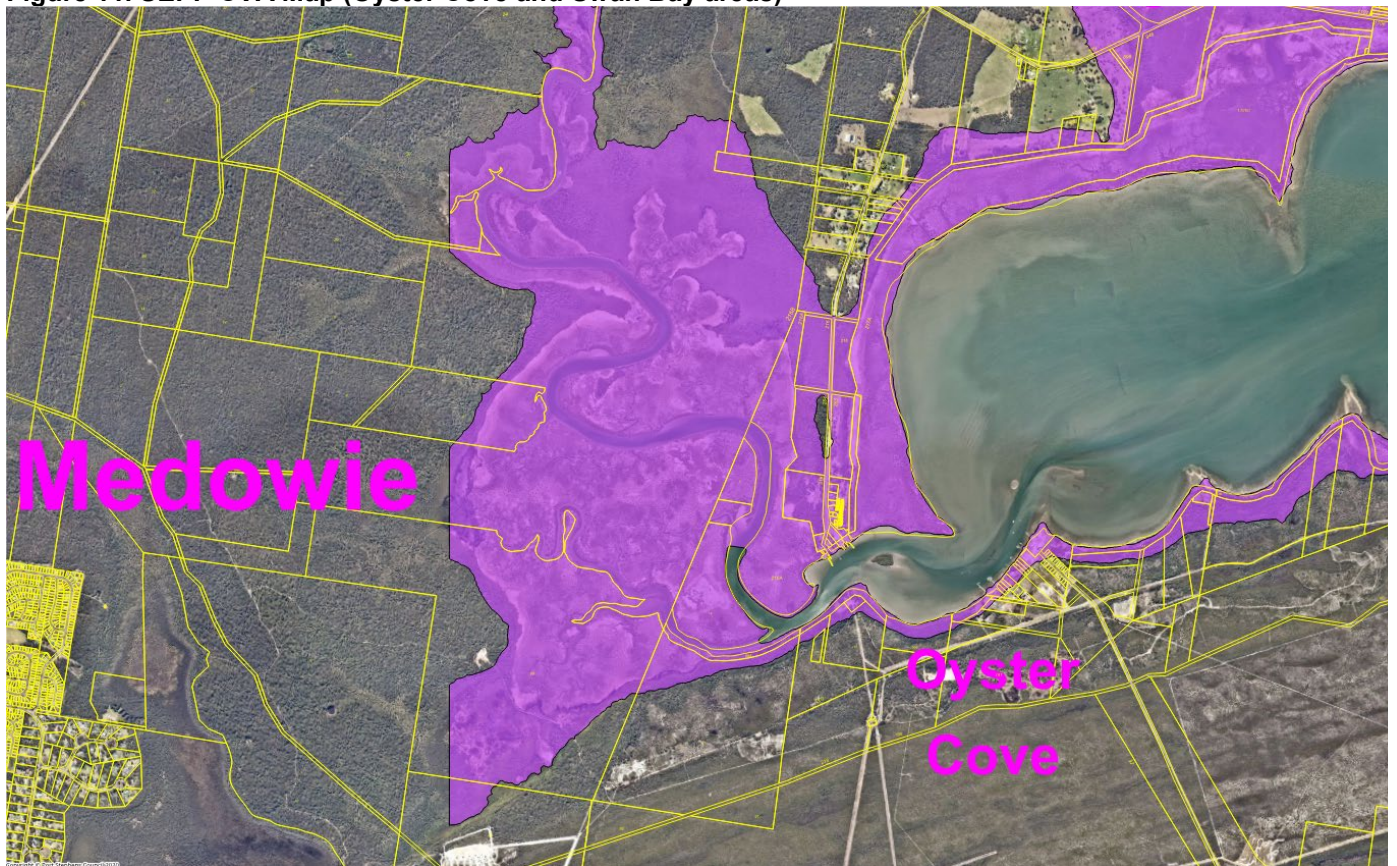


**Figure 10. SEPP CVA Map (Tanilba Bay, Mallabula, Lemon Tree Passage areas)**





**Figure 11. SEPP CVA Map (Oyster Cove and Swan Bay areas)**



**Figure 12. SEPP CVA Map (Swan Bay area)**

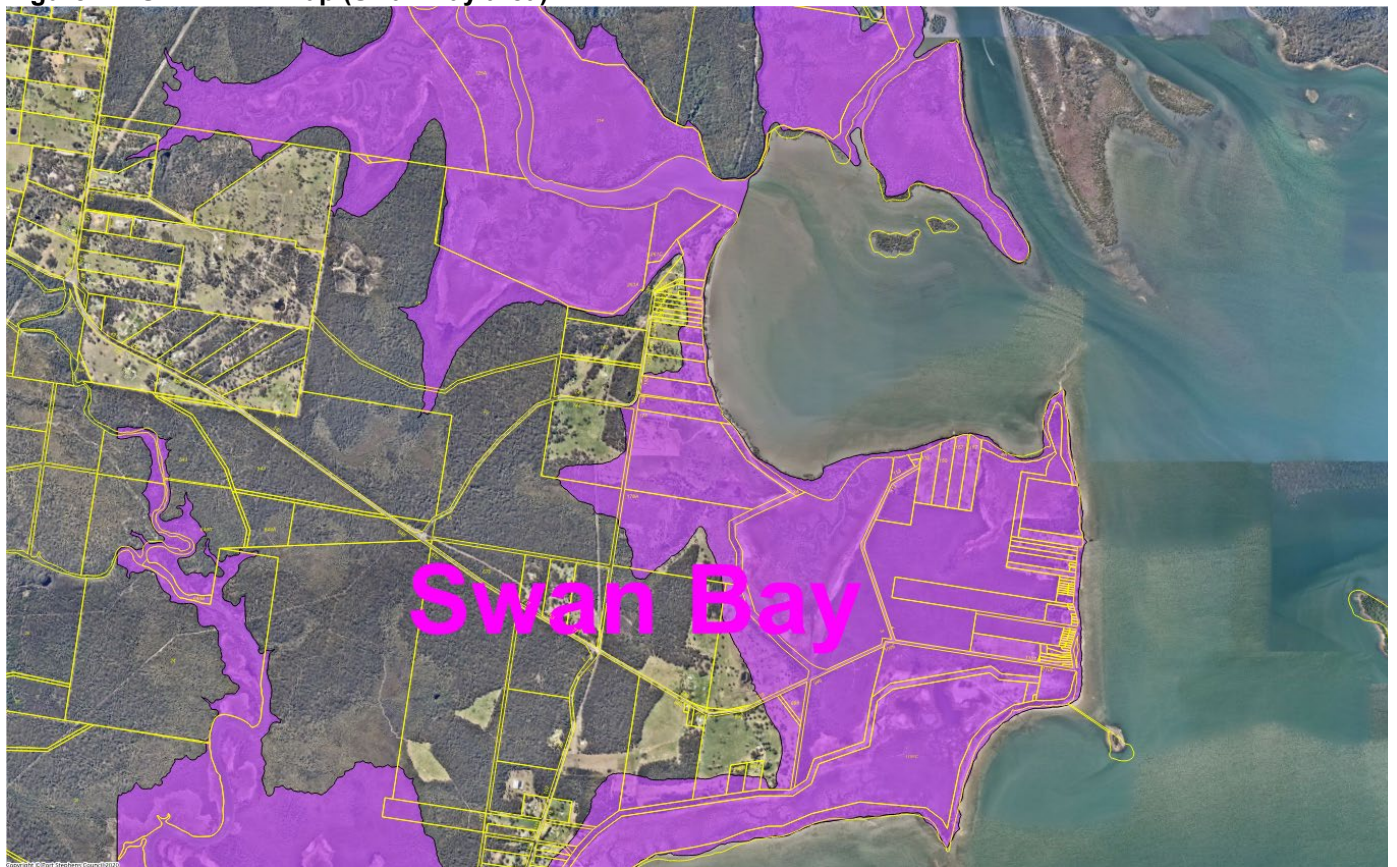




Figure 13. SEPP CVA Map (Karuah area)

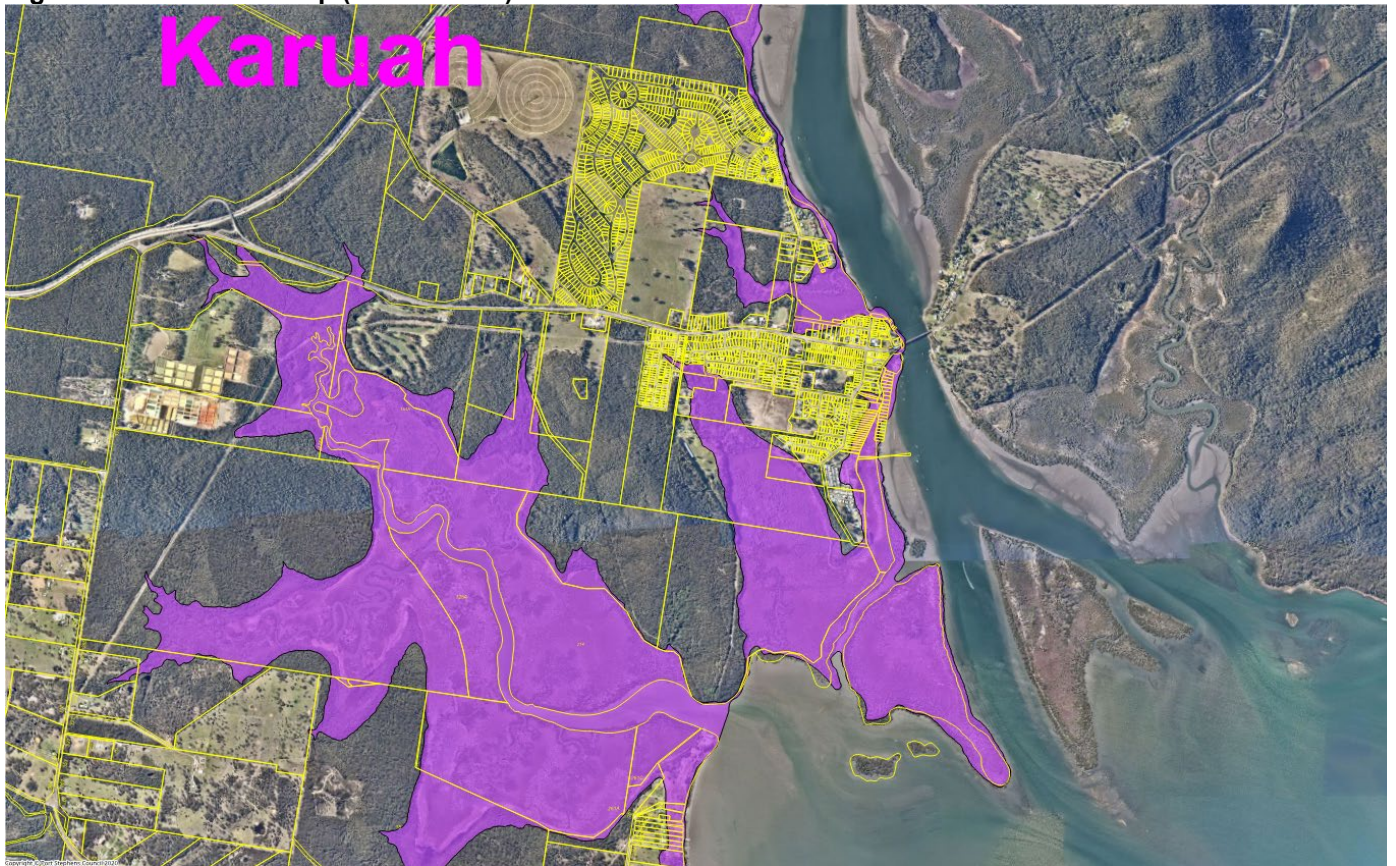
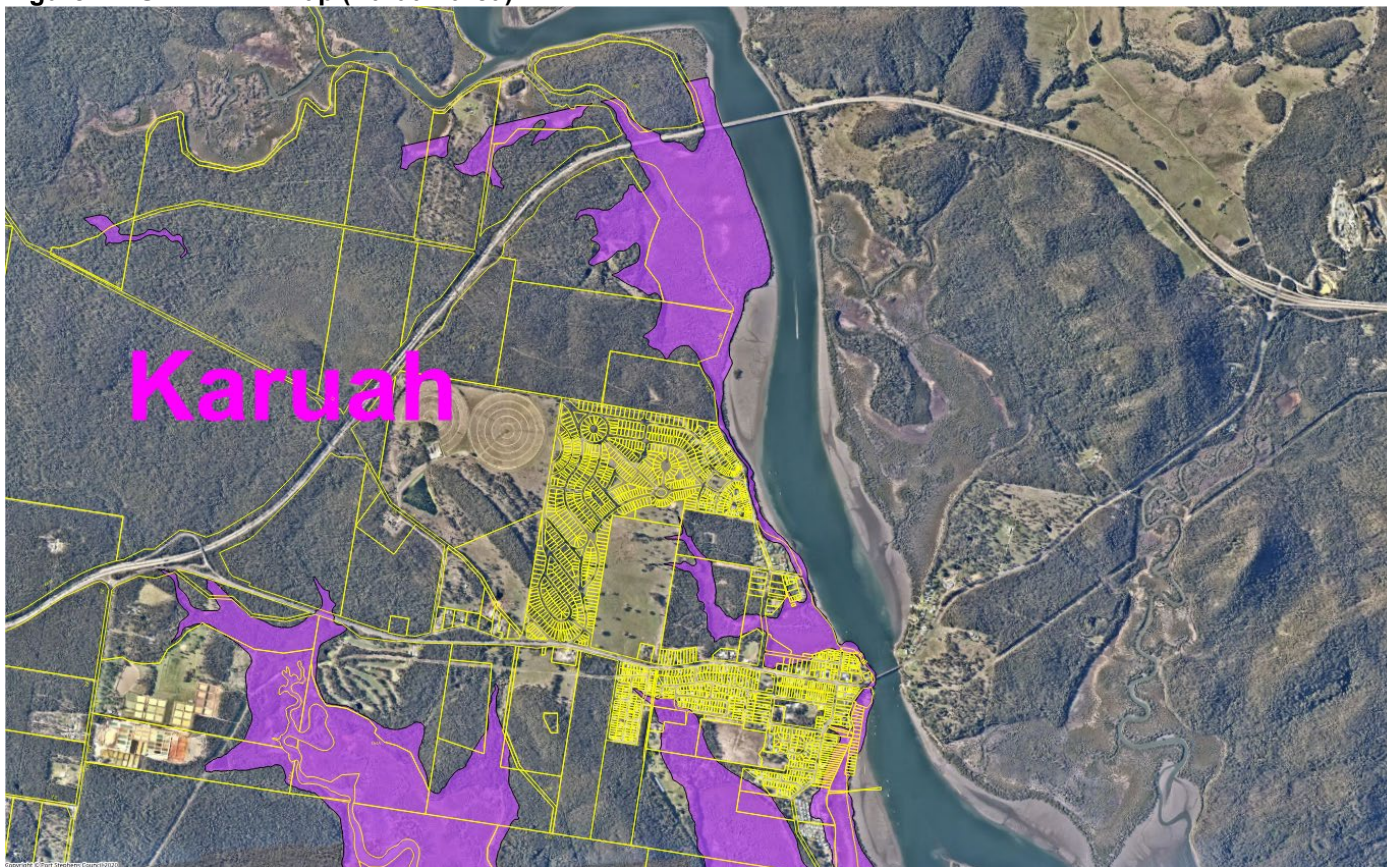
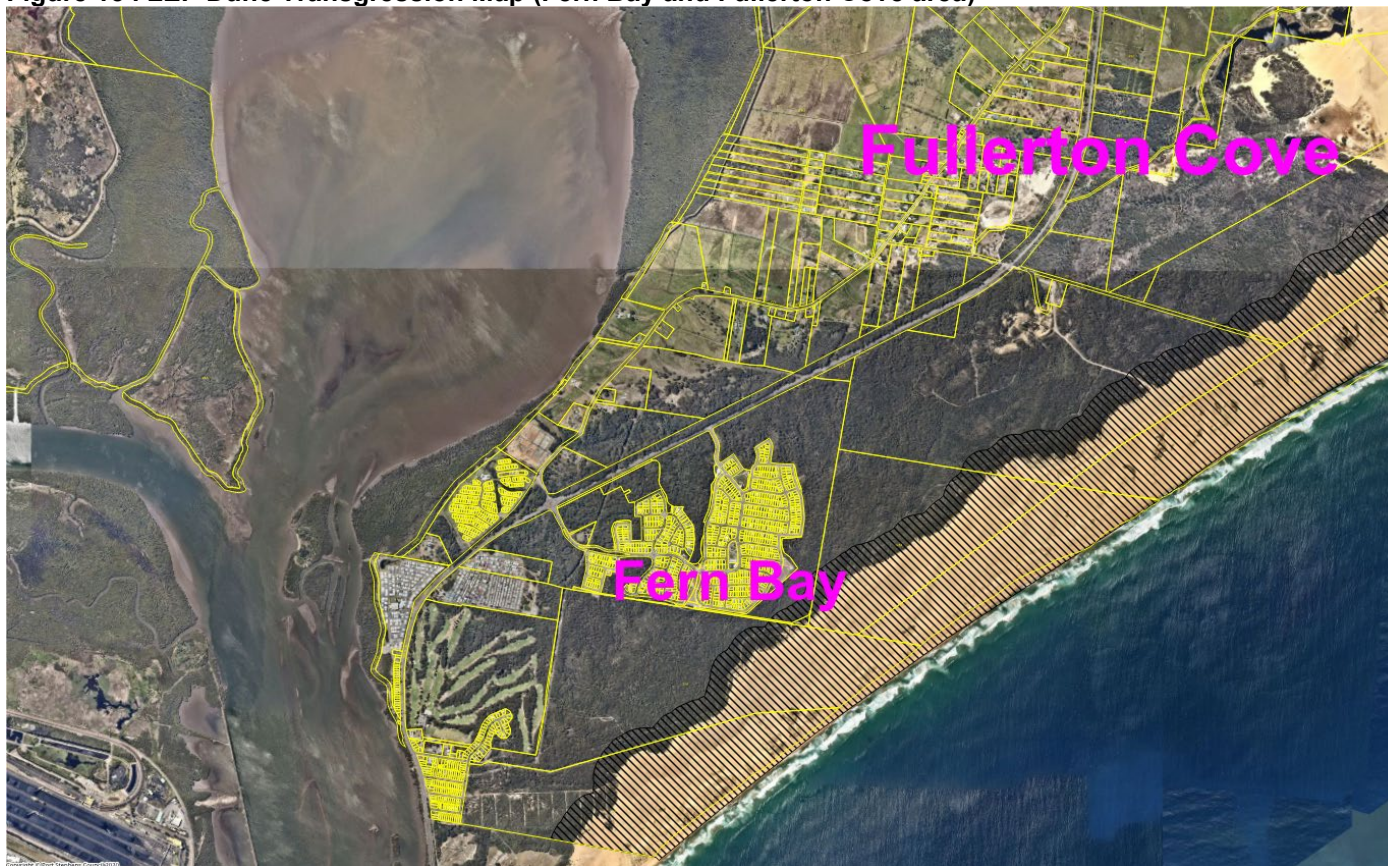


Figure 14. SEPP CVA Map (Karuah area)





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



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





**Figure 17 . LEP Dune Transgression Map (Salt Ash area)**



**Figure 18. Dune Transgression Map (Bobs Farm area)**

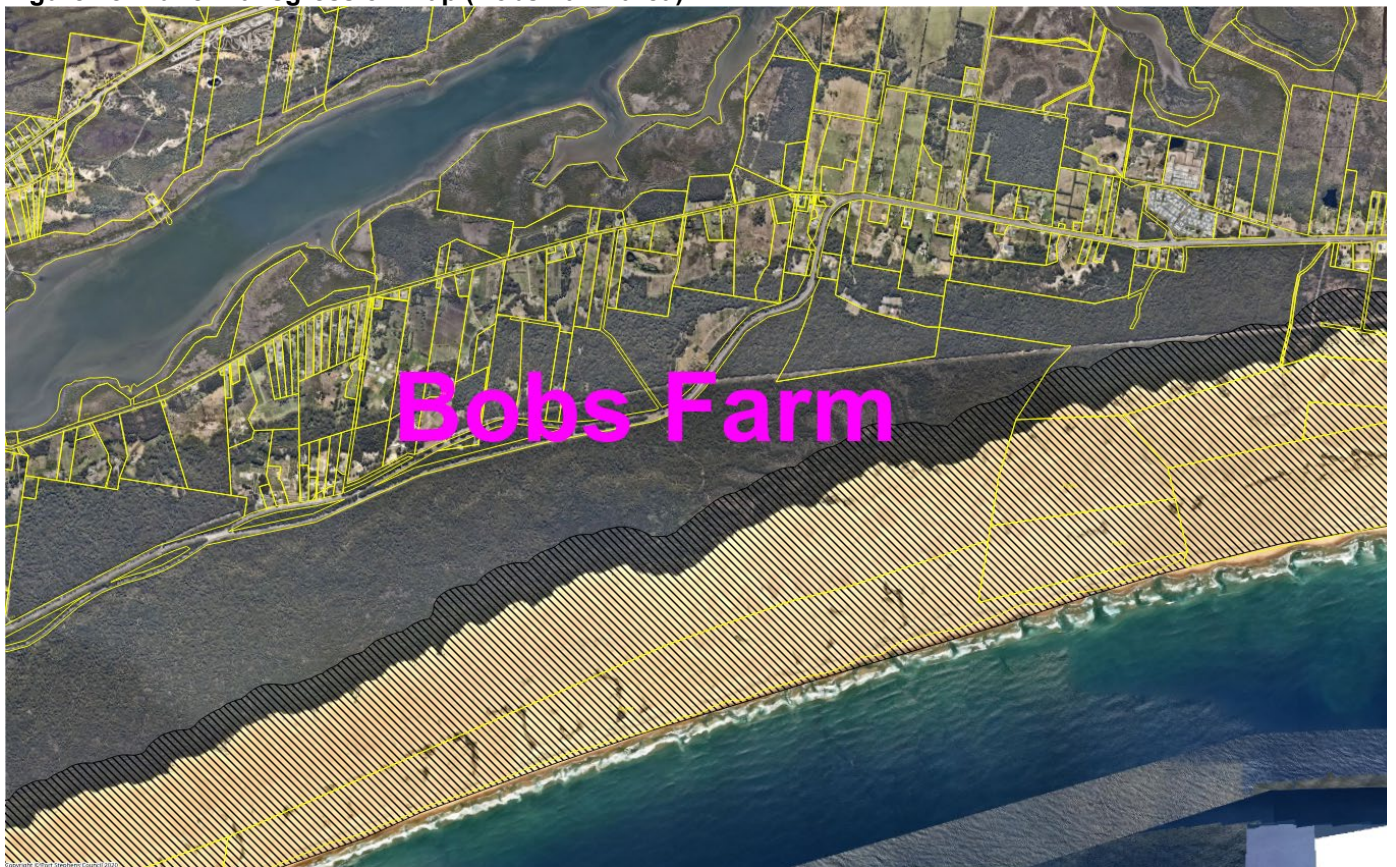




Figure 19 . Dune Transgression Map (Anna Bay area)



# Coastal Design Guidelines

## 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
<b>Outcome A.1 Protect coastal ecosystems</b>			
<b>A.1a</b> Avoid development on undeveloped headlands and significant coastal landforms.	CVA, CEA	Yes	Yes. The planning proposal requests amendment to the NSW State Environmental Planning Policy (Resilience and Hazards (2021) (SEPP) to map coastal risks areas identified in the Port Stephens Coastal Management Program (CMP) as the Coastal Vulnerability Area (CVA).  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.
<b>A.1b</b> Do not increase development or intensify land uses where there is existing development on headlands and significant coastal landforms.	CVA, CEA	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under

## 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
			Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.
<b>A.1c</b> 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	No	N/A
<b>A.1d</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to alter coastal processes to the detriment of the natural environment or other land.
<b>A.1e</b> 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.	CWLR, CEA, CUA	No	N/A
<b>A.1f</b> Consider if the planning proposal is needed or if development zones could be better located to minimise effects on biodiversity.	CWLRA, CEA, CUA	No	N/A
<b>A.1g</b> Avoid development that may disturb, expose or drain areas of Class 1 and Class 2 acid sulfate soils.	CWLRA, CEA, CUA	No	N/A
<b>A.1h</b> 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	No	N/A

## 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
<b>Outcome A.2 Protect coastal wetlands and littoral rainforests</b>			
<b>A.2a</b> 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	No	N/A
<b>A.2b</b> 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.	CEA, CUA	No	N/A
<b>A.2c</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to alter coastal processes to the detriment of the natural environment or other land.
<b>A.2d</b> Identify and protect areas that allow for landward migration pathways for coastal wetlands to respond to climate change.	CWLRA, CEA	No	N/A
<b>A.2e</b> 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	No	N/A
<b>Outcome A.3 Protect marine parks and aquatic reserves</b>			
<b>A.3a</b> Avoid development and land uses that affect the environmental, economic, social and cultural values of marine parks and aquatic reserves.	CEA, CUA	No	N/A
<b>A.3b</b> Protect the ecological health of marine parks and aquatic reserves, including providing for riparian vegetation and buffers in their catchments.	CEA, CUA	No	N/A



## 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
<b>Outcome B.1 Respond to and protect elements that make the place special</b>			
<b>B.1a</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> .
<b>B.1b</b> Ensure the intended form and footprint of development does not dominate coastal elements, including foreshores, public spaces and other areas of natural beauty.	CWLR, CVA, CEA, CUA	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> .
<b>B.1c</b> Incorporate adaptive, water-sensitive urban design into the development footprint to reduce run-off and manage water quality within receiving environments.	CWLR, CEA, CUA	No	N/A
<b>B.1d</b> 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	No	N/A
<b>B.1e</b> Avoid development that would harm geological features and geoheritage.	CEA, CUA	No	N/A
<b>Outcome B.2 Ensure urban development complements coastal scenic values</b>			
<b>B.2a</b> 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	No	N/A
<b>B.2b</b> Use greenbelts to create, maintain and mark out separation between settlements.	CEA, CUA	No	N/A

## 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
<b>B.2c</b> Consider effects on scenic values and maintain publicly accessible views to significant landmarks.	CEA, CUA	No	N/A
<b>B.2d</b> Ensure that building heights consider the effect on views from different vantage points.	CEA, CUA	No	N/A
<b>B.2e</b> Retain or create views from public spaces. Prioritise this over creating views from private property.	CEA, CUA	No	N/A
<b>B.2f</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.

## 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
<b>Outcome C.1 Protect and promote heritage values</b>			
<b>C.1a</b> Ensure development does not harm heritage values or sites.	CWLRA, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>.</p> <p>The CMP includes a range of actions for heritage values and sites within coastal areas, in addition to the existing planning framework.</p>
<b>C.1b</b> Work collaboratively with local Aboriginal people before and throughout the planning proposal process.	CWLRA, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>.</p> <p>The CMP includes a range of actions for heritage values and sites within coastal areas, in addition to the existing planning framework.</p>
<b>C.1c</b> With permission and guidance from local Traditional Custodians, identify and emphasise significant features of coastal land and sea Country.	CWLRA, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>.</p>

## 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
			The CMP includes a range of actions for heritage values and sites within coastal areas, in addition to the existing planning framework.
<b>C.1d</b> 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	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>.</p> <p>The CMP and includes a range of actions for heritage values and sites within coastal areas, in addition to the existing planning framework.</p>
<b>C.1e</b> Ensure land use, building type, scale and height respond to heritage items and areas.	CEA, CUA	No	N/A
<b>Outcome C.2 Provide public access to significant coastal assets</b>			
<b>C.2a</b> 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	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>. This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.</p>
<b>C.2b</b> 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.	CWLR, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land</p>



## 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
			identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.
<b>C.2c</b> Consolidate access points and consider alternative access to protect sacred and significant Aboriginal cultural areas.	CWLRA, CVA, CEA, CUA	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.
<b>C.2d</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.
<b>C.2e</b> 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	No	N/A

## 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
<b>C.2f</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA. The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> .
<b>C.2g</b> Define the boundaries of development sites with a public edge – for example, a pedestrian pathway or public laneway.	CEA, CUA	No	N/A
<b>C.2h</b> 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	No	N/A
<b>Outcome C.3 Protect public amenity</b>			
<b>C.3a</b> 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	No	N/A
<b>C.3b</b> 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	No	N/A

## 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
<b>Outcome D.1 Support sustainable industries and recreational activities that depend on the coast</b>			
<b>D.1a</b> Ensure that development will not harm sustainable coastal industries needing waterfront access, or recreational use of the coastal environment.	CEA, CUA	No	N/A
<b>D.1b</b> Protect and improve essential facilities such as access ramps and jetties for sustainable coastal industries needing waterfront access.	CEA, CUA	No	N/A
<b>D.1c</b> 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.	CWLR, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>. This includes that:</p> <ul style="list-style-type: none"> <li>development is not likely to alter coastal processes to the detriment of the natural environment or other land.</li> <li>measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.</li> </ul>
<b>D.1d</b> Ensure that the proposal considers how development in a waterway may affect the land.	CEA, CUA	No	N/A
<b>Outcome D.2 Promote green infrastructure</b>			
<b>D.2a</b> Do not allow development that is likely to significantly reduce connectivity of existing green infrastructure.	CEA, CUA	No	N/A
<b>D.2b</b> Provide for diverse green infrastructure that can support the changing needs of current and future communities and provide tourism and recreational opportunities.	CEA, CUA	No	N/A

## 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
<b>Outcome E.1 Respond to coastal processes</b>			
<b>E.1a</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development is not likely to alter coastal processes to the detriment of the natural environment or other land.
<b>E.1b</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.
<b>E.1c</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.

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<b>E.1d</b> Do not increase development potential or intensify land uses in a coastal hazard or risk area.	CWLRA, CVA, CEA, CUA	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.
<b>Outcome E.2 Account for natural hazard risks</b>			
<b>E.2a</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that: <ul style="list-style-type: none"> <li>if the proposed development comprises the erection of a building or works - the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</li> <li>development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.</li> </ul>
<b>E.2b</b> 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	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land</i>

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			<p><i>within the coastal vulnerability area</i>. This includes that:</p> <ul style="list-style-type: none"> <li>if the proposed development comprises the erection of a building or works - the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</li> <li>development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.</li> </ul>
<b>E.2c</b> Manage natural hazard risk within the development site. Avoid using public space or adjoining land to lessen risk.	CWLRA, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as “coastal vulnerability area” on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>. This includes that development is not likely to alter coastal processes to the detriment of the natural environment or other land.</p>
<b>Outcome E.3 Account for climate change</b>			
<b>E.3a</b> 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	Yes	<p>Yes. The planning proposal CVA map includes mapping for coastal inundation, tidal inundation and coastal erosion to year 2120.</p> <p>A dune transgression clause and map is included to the year 2070 in the LEP.</p>
<b>E.3b</b> 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	Yes	<p>Yes. The planning proposal will require development to have regard to the impacts of coastal hazards to the year 2120.</p>
<b>Outcome E.4 Provide sustainable defences to coastal hazards</b>			
<b>E.4a</b> Reduce exposure to coastal hazards by protecting, restoring or improving natural defences. This includes coastal dunes,	CWLRA, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p>

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vegetation, coastal floodplains and coastal wetlands, where suitable.			<p>Yes. The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>. This includes that:</p> <ul style="list-style-type: none"> <li>if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and</li> <li>development incorporates appropriate measures to manage risk to life and public safety from coastal hazards.</li> </ul> <p>A dune transgression clause and map is included to the year 2070 in the LEP.</p>
<p><b>E.4b</b> If natural defences are not possible, reduce exposure to coastal hazards without significantly degrading:</p> <ul style="list-style-type: none"> <li>biological diversity and ecosystem integrity</li> <li>ecological, biophysical, geological and geomorphological coastal processes</li> <li>beach and foreshore amenity, or the social and cultural value of these areas</li> <li>public safety and access to, or use of, beaches or headlands.</li> </ul>	CWLRA, CVA, CEA, CUA	Yes	<p>Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.</p> <p>The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i>. This includes that:</p> <ul style="list-style-type: none"> <li>development is not likely to alter coastal processes to the detriment of the natural environment or other land,</li> <li>development is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development.</li> </ul>
<b>Outcome E.5 Protect essential infrastructure</b>			
<b>E.5a</b> Locate and design essential infrastructure to reduce vulnerability to current and projected future coastal hazards. Consider the effects of	CWLRA, CVA, CEA, CUA	Yes	Yes. The planning proposal requests amendment to the SEPP



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climate change over at least a 100-year planning horizon.			to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes that if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works.
<b>E.5b</b> 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	Yes	Yes. The separate CMP includes a range of actions for implementation for adaptation for essential service infrastructure.
<b>E.5c</b> Consult local Aboriginal land management experts and emergency management agencies on how to locate access routes and other essential infrastructure strategically.	CWLRA, CVA, CEA, CUA	Yes	Yes. Consultation occurred during the preparation of the CMP, which includes actions to prepare this planning proposal.
<b>Outcome E.6 Change land uses to manage legacy issues and avoid creating new ones</b>			
<b>E.6a</b> Ensure the proposal will not require coastal management interventions to remain viable over its expected lifespan.	CWLRA, CVA, CEA, CUA	Yes	Yes. The planning proposal requests amendment to the SEPP to map coastal risks areas identified in the CMP as CVA.  The SEPP includes assessment provisions for development on land identified as "coastal vulnerability area" on the CVA map under Section 2.9 <i>Development on land within the coastal vulnerability area</i> . This includes if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works.
<b>E.6b</b> Consider the potential legacy effects of the proposal and if the proposed land uses or development will create a social, environmental,	CWLRA, CVA, CEA, CUA	Yes	Yes. The planning proposal seeks to void avoid social, environmental, economic and cultural burdens for future



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economic or cultural burden for future generations.			generations. It ensures development considers coastal risks to year 2120.
<b>E.6c</b> Consider if the proposed change of land use could remove redundant legacy infrastructure or reduce existing legacy effects.	CWLRA, CVA, CEA, CUA	Yes	Yes. The planning proposal ensures measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.