

Appendix 1: Assessment checklist for planning proposals

Hierarchy of coastal management areas:

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

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

Outcome A. Protect and enhance coastal environmental values			
Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome A.1 Protect coastal ecosystems			
A.1a Avoid development on undeveloped headlands and significant coastal landforms.	CVA, CEA	Not applicable.	The subject site is a rural property. Whilst it is mapped Coastal Use Area and Coastal Environment Area, the site does not contain headlands and significant coastal landforms.
A.1b Do not increase development or intensify land uses where there is existing development on headlands and significant coastal landforms.	CVA, CEA	Not applicable.	As above.
A.1c Identify, protect and enhance sensitive coastal ecosystems including coastal wetlands, littoral rainforests and other coastal threatened ecological communities that may be affected by development.	CWLRA, CEA	Applicable	Yes. An ecological assessment has been undertaken and it has been determined that the proposed development is unlikely to affect ecosystems subject to outcome A.1c
A.1d Maintain and protect the presence of beaches, rock platforms, coastal dunes, riparian vegetation and the natural features of foreshores, including along estuaries and coastal lakes.	CWLRA, CVA, CEA	Applicable	Yes. Preliminary assessment of this proposal did not identify impacts on matters identified in outcome A.1d
A.1e Use environmental buffers and limit the number of access points and pathways to protect coastal ecosystems. In some cases, it may not be appropriate to allow public access to areas with highly sensitive ecosystems or animal populations.	CWLRA, CEA, CUA	Not applicable.	The subject site is a private property. The proposed development does not include access points and pathways allowing public access.

Outcome A. Protect and enhance coastal environmental values			
Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
A.1f Consider if the planning proposal is needed or if development zones could be better located to minimise effects on biodiversity.	CWLRA, CEA, CUA	Applicable	Yes. The planning proposal does not seek rezoning of the subject land and it is anticipated that the existing biodiversity values will not be impacted by the development.
A.1g Avoid development that may disturb, expose or drain areas of Class 1 and Class 2 acid sulfate soils.	CWLRA, CEA, CUA	Applicable	Yes. The site is mapped as Class 2, 3 & 5 acid sulfate soil. The proposed dwelling sites are located above RL 20m AHD, with a buffer to the expected elevation of ASS, where present. No lowering of the groundwater table below 1m AHD in any Class 2, 3 or 5 ASS would occur.
A.1h Consider direct and indirect effects of development, including any necessary infrastructure, on water quality, water quantity and hydrological flows of waterways and groundwater.	CEA, CUA	Applicable	Yes. The proposed development of 6 dwelling houses in 'rural residential' format is unlikely to effect values and matters subject to this outcome.
Outcome A.2 Protect coastal wetlands and littoral rainforests			
A.2a Identify coastal wetlands and littoral rainforests, including areas that could be rehabilitated or restored in the future, and do not increase development or intensify land uses in these areas.	CWLRA	Applicable	An ecological assessment was undertaken and no coastal wetlands or littoral rainforests were identified.
A.2b Allow for the adaptive management of stormwater run-off so that the quality of water leaving the site is better than pre-development quality to lessen effects on coastal wetlands or other sensitive receiving environments.	CWLRA, CEA, CUA	Applicable	Nothing in this planning proposal prohibits this outcome.
A.2c Provide environmental buffers and riparian corridors that enable the long-term management and protection of areas of biodiversity and ecosystem integrity.	CWLRA, CVA, CEA, CUA	Applicable	Yes. Dwelling houses proposed as part of this development will allow for sufficient distance from the waterways, enabling riparian corridors.
A.2d Identify and protect areas that allow for landward migration pathways for coastal wetlands to respond to climate change.	CWLRA, CEA	Not applicable	No coastal wetlands have been identified within or in proximity to the site.
A.2e Exclude land uses that affect the natural state of coastal wetlands and littoral rainforests or that will make it harder to rehabilitate these ecosystems in the future.	CWLRA	Not applicable	No coastal wetlands or littoral rainforests communities have been identified on the subject site.
Outcome A.3 Protect marine parks and aquatic reserves			
A.3a Avoid development and land uses that affect the environmental, economic, social and cultural values of marine parks and aquatic reserves.	CEA, CUA	Not applicable	This outcome does not apply to the proposed site.
A.3b Protect the ecological health of marine parks and aquatic reserves, including providing for riparian vegetation and buffers in their catchments.	CEA, CUA	Not applicable	This outcome does not apply to the proposed site.

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

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome B.1 Respond to and protect elements that make the place special			
B.1a Integrate development within the natural topography of the site and ensure land use, building scale and height respond sympathetically to coastal landforms.	CWLRA, CVA, CEA, CUA	Yes	Consistent as far as it relates to integrating the development with the natural topography of the site.
B.1b Ensure the intended form and footprint of development does not dominate coastal elements, including foreshores, public spaces and other areas of natural beauty.	CWLRA, CVA, CEA, CUA	Yes	Consistent
B.1c Incorporate adaptive, water-sensitive urban design into the development footprint to reduce run-off and manage water quality within receiving environments.	CWLRA, CEA, CUA	Not applicable	Not applicable at the planning proposal stage.
B.1d Ensure that lot sizes, building heights and density are appropriate for the coastal settlement, and complement the existing or desired local character, supported by place-based strategies.	CEA, CUA	Yes	Consistent as far as it relates to complementing existing local character. Place-based design strategies are not necessary considering small scale of the proposed development.
B.1e Avoid development that would harm geological features and geoheritage.	CEA, CUA	Applicable	Consistent. No geological and geoheritage features have been identified.
Outcome B.2 Ensure urban development complements coastal scenic values			
B.2a Limit ribbon development and urban sprawl wherever possible. In certain locations, place-based strategies may support increased development density and building heights as a better response to urban growth.	CEA, CUA	Yes	Yes. Place-based design strategies are not necessary considering small scale of the proposed development.
B.2b Use greenbelts to create, maintain and mark out separation between settlements.	CEA, CUA	Not applicable.	
B.2c Consider effects on scenic values and maintain publicly accessible views to significant landmarks.	CEA, CUA	Yes	Yes. The proposed development has been assessed against Tweed Scenic Landscape Protection Policy. A further assessment of design details will occur at the DA stage and it is likely Council will require Scenic Impact Assessment report.
B.2d Ensure that building heights consider the effect on views from different vantage points.	CEA, CUA	Yes	Whilst no design details of the proposed dwellings have been considered at this planning proposal stage, dwellings will be subject to the standard Height of Building Map controls applicable to rural dwellings.
B.2e Retain or create views from public spaces. Prioritise this over creating views from private property.	CEA, CUA	Not applicable	This planning proposal does not apply to public land.

B.2f Provide for active transport links along foreshores, including along estuaries and coastal lakes, and between settlements to increase public access and amenity.	CWLRA, CVA, CEA, CUA	Not applicable.	
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Outcome C. Protect and enhance the social and cultural values of the coastal zone

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome C.1 Protect and promote heritage values			
C.1a Ensure development does not harm heritage values or sites.	CWLRA, CVA, CEA, CUA	Yes.	Consistent. An Aboriginal Cultural Heritage Assessment was undertaken and no impacts were identified.
C.1b Work collaboratively with local Aboriginal people before and throughout the planning proposal process.	CWLRA, CVA, CEA, CUA	Yes	Consistent. The Aboriginal Cultural Heritage Assessment was consulted with the Tweed Byron Local Aboriginal Land Council.
C.1c With permission and guidance from local Traditional Custodians, identify and emphasise significant features of coastal land and sea Country.	CWLRA, CVA, CEA, CUA	Yes	Consistent. The Aboriginal Cultural Heritage Assessment was consulted with the Tweed Byron Local Aboriginal Land Council.
C.1d With permission and guidance from local Traditional Custodians, identify and protect sacred and significant areas through the appropriate siting of development.	CWLRA, CVA, CEA, CUA	Yes	Consistent. Aboriginal Cultural Heritage Assessment was consulted with the Tweed Byron Local Aboriginal Land Council.
C.1e Ensure land use, building type, scale and height respond to heritage items and areas.	CEA, CUA	Yes	Consistent. Aboriginal Cultural Heritage Assessment was consulted with the Tweed Byron Local Aboriginal Land Council.
Outcome C.2 Provide public access to significant coastal assets			
C.2a Protect and, where practical, improve, public amenity, access to and use of beaches, foreshores, rock platforms, geoheritage sites and headlands, unless you must restrict access for public safety or for environmental or cultural protection. In doing so, consider both current and projected future coastal hazards.	CVA, CEA	No	Not Applicable as the site is a privately owned rural property with restricted access and is not located near public beaches, foreshores, rock platforms, geoheritage sites or headlands.
C.2b Identify opportunities to maintain and improve existing public access to beaches, foreshores, coastal waters and coastal lakes that support active and passive recreation activities, where this does not interfere with existing coastal industries.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the site is a privately owned rural property with restricted access and is not located near public beaches, foreshores, coastal waters or coastal lakes.
C.2c Consolidate access points and consider alternative access to protect sacred and significant Aboriginal cultural areas.	CWLRA, CVA, CEA, CUA	No	Not Applicable - a report prepared by the Tweed Byron Local Aboriginal Land Council states that "the AHIMS database contains no records of any registered sites within a one kilometre radius of the property" and "No artefacts or Aboriginal cultural materials were observed during a walk over of the property" (p.9).
C.2d Maintain and improve foreshore access and connections to existing or proposed networks of public open spaces. This includes waterways, riparian areas, bushland and parks for active and passive recreation.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the site is a privately owned rural property with restricted access.

C.2e Consider opportunities to protect and improve habitat connectivity through settlements, such as those described in the <i>Greener Places Design Guide</i> .	CWLRA, CEA, CUA	No	The Ecological Assessment provided by Bower Ecology states that “the proposed development footprint provides very limited habitat value for threatened species” (p.v). It is therefore not a candidate for habitat connectivity.
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Outcome C. Protect and enhance the social and cultural values of the coastal zone

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
C.2f Avoid development on coastal dunes and foreshore reserves unless it is for essential public purposes, such as surf life-saving club buildings. Any building or structure located on dunes must be of lightweight construction and relocatable.	CVA, CEA	No	Not Applicable as the site is a privately owned rural property with no coastal dunes or foreshore reserves.
C.2g Define the boundaries of development sites with a public edge—for example, a pedestrian pathway or public laneway.	CEA, CUA	Yes	A right of access carriageway driveway from Dulguigan Road will be provided for lots 2,3,4 and 5
C.2h Prevent the privatisation of coastal open space by ensuring development next to foreshores is set back, maintains public access and accessibility, and provides links and connections to other public accessways.	CEA, CUA	No	Not Applicable as the site is a privately owned rural property and is not adjacent to the foreshore.

Outcome C.3 Protect public amenity

C.3a Avoid development that will overshadow the beach, foreshore or public domain. Apply the standard that there must be no overshadowing before 4 pm (midwinter) and 7 pm (Eastern Daylight Saving Time).	CEA, CUA	N	Not Applicable as the site is a privately owned rural property and is not located near a beach, foreshore or public domain.
C.3b Protect the amenity of public spaces from buildings, structures or land uses that may be visually and/or acoustically intrusive or create wind funnels.	CEA, CUA	N	Not Applicable as the site is a privately owned rural property.

Outcome D. Support sustainable coastal economies

Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome D.1 Support sustainable industries and recreational activities that depend on the coast			
D.1a Ensure that development will not harm sustainable coastal industries needing waterfront access, or recreational use of the coastal environment.	CEA, CUA	No	Not Applicable as the site is a privately owned rural property and the planning proposal will not restrict waterfront access or recreational use of the coastal environment.

D.1b Protect and improve essential facilities such as access ramps and jetties for sustainable coastal industries needing waterfront access.	CEA, CUA	No	Not Applicable as the site is a privately owned rural property and is not responsible for providing access structures for industry.
D.1c Ensure access ramps, jetties, pontoons, groynes and other structures do not impede navigation on the water or harm coastal landforms or impair processes such as surf breaks.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the planning proposal does not include access ramps, jetties, pontoons, groynes and other structures.
D.1d Ensure that the proposal considers how development in a waterway may affect the land.	CEA, CUA	No	Not Applicable as the planning proposal does not include development in a waterway.
Outcome D.2 Promote green infrastructure			
D.2a Do not allow development that is likely to significantly reduce connectivity of existing green infrastructure.	CEA, CUA	No	Not Applicable as the subject site is privately owned rural land with restricted access.
D.2b Provide for diverse green infrastructure that can support the changing needs of current and future communities, and provide tourism and recreational opportunities.	CEA, CUA	No	Not Applicable as the subject site is privately owned rural land with restricted access
Outcome E. Respond to coastal hazards			
Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome E.1 Respond to coastal processes			
E.1a Planning proposals that affect land within a coastal hazard and risk area must not alter coastal processes in a way that harms the natural environment or other land.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the planning proposal will not alter coastal processes.
E.1b Exclude development in areas affected by a current or projected future coastal hazard that is likely to increase the risk of coastal hazards on that land or other land.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal ensures that the 6 current rural dwelling entitlements are only exercised on land that is above the probable maximum flood, instead of seeking to enact them on the floodplain.
E.1c Locate or consolidate development in areas with little or no exposure to current and projected future coastal hazards, to ensure public safety and prevent risks to life.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal ensures that the 6 current rural dwelling entitlements are only exercised on land that is above the probable maximum flood, instead of seeking to enact them on the floodplain.
E.1d Do not increase development potential or intensify land uses in a coastal hazard or risk area.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal ensures that the 6 current rural dwelling entitlements are only exercised on land that is above the probable maximum flood, instead of seeking to enact them on the floodplain.
Outcome E.2 Account for natural hazard risks			
E.2a Identify areas on and near the proposal that are affected by current or projected future coastal hazards. Ensure that the proposal is compatible with any identified threat or risk.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal is compatible with coastal hazard risk as it ensures that the 6 current rural dwelling entitlements are only exercised on land that is above the probable

			maximum flood, instead of seeking to enact them on the floodplain.
E.2b Account for potential interaction between coastal hazards and other current and future natural hazards. This includes flooding, bushfires, landslip, heatwaves, severe storms, east coast lows and cyclones. Refer to the <i>Strategic Guide to Planning for Natural Hazards</i> .	CWLRA, CVA, CEA, CUA	Yes	While the Planning Proposal seeks to establish dwellings beyond the probable maximum flood level, the Development Application stage will determine how dwelling envelopes avoid bushfire risk.
E.2c Manage natural hazard risk within the development site. Avoid using public space or adjoining land to lessen risk.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal seeks to establish dwellings beyond the probably maximum flood level as it impacts the development site and does not rely on public space or adjoining land.
Outcome E.3 Account for climate change			
E.3a Demonstrate that the proposal applies a 100-year planning horizon for the full range of climate change projections for coastal hazards. This approach recognises that sea level is projected to continue to rise for centuries because of climate change.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal seeks to locate dwellings beyond both the probable maximum flood level, Climate Change Inundation Areas level and Design Flood Inundation Areas (1:100 Flood).
E.3b Consider how climate change could affect the risk profile of existing natural hazards and create new vulnerabilities and exposure for the proposal in the future.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal reduces the vulnerabilities and exposures for residents on site by reconfiguring lots to ensure building envelopes are beyond projected flood levels.
Outcome E. Respond to coastal hazards			
Requirement	Relevant coastal management area(s)	Applicable to planning proposal (Y/N)	Planning proposal is consistent with guidelines (Y/N) If 'No', justify this
Outcome E.4 Provide sustainable defences to coastal hazards			
E.4a Reduce exposure to coastal hazards by protecting, restoring or improving natural defences. This includes coastal dunes, vegetation, coastal floodplains and coastal wetlands, where suitable.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal ensures that the 6 current rural dwelling entitlements are only exercised on land that is above the probable maximum flood, instead of seeking to enact them on the floodplain and manipulating land to create natural defences.
E.4b If natural defences are not possible, reduce exposure to coastal hazards without significantly degrading: <ul style="list-style-type: none"> biological diversity and ecosystem integrity ecological, biophysical, geological and geomorphological coastal processes beach and foreshore amenity, or the social and cultural value of these areas public safety and access to, or use of, beaches or headlands. 	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal ensures that the 6 current rural dwelling entitlements are only exercised on land that is above the probable maximum flood, instead of seeking to enact them on the floodplain. Shifting the development envelopes in this manner has been achieved without impacting the existing environment and ecosystem on site.

Outcome E.5 Protect essential infrastructure			
E.5a Locate and design essential infrastructure to reduce vulnerability to current and projected future coastal hazards. Consider the effects of climate change over at least a 100-year planning horizon.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the Planning Proposal does not include essential infrastructure.
E.5b Where exposure to coastal hazards cannot be avoided, prepare adaptation plans for essential service infrastructure. These plans should be consistent with any applicable coastal management program.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the Planning Proposal does not include essential infrastructure.
E.5c Consult local Aboriginal land management experts and emergency management agencies on how to strategically locate access routes and other essential infrastructure.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the Planning Proposal does not include essential infrastructure.
Outcome E.6 Change land uses to manage legacy issues and avoid creating new ones			
E.6a Ensure the proposal will not require coastal management interventions to remain viable over its expected lifespan.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal ensures that the 6 current rural dwelling entitlements, and the shared access to them, are only exercised on land that is above the probable maximum flood.
E.6b Consider the potential legacy effects of the proposal and if the proposed land uses or development will create a social, environmental, economic or cultural burden for future generations.	CWLRA, CVA, CEA, CUA	Yes	The Planning Proposal does not include any rezoning, and the residential land use is currently permitted with consent. The Planning Proposal is not seeking any additional residential development that is not currently enabled on the land.
E.6c Consider if the proposed change of land use could remove redundant legacy infrastructure or reduce existing legacy effects.	CWLRA, CVA, CEA, CUA	No	Not Applicable as the Planning Proposal does not include a change of land use.