State Planning Policy No. 2.6: State Coastal Planning Policy Review

Draft
State Planning Policy 2.6
State Coastal Planning Policy

February 2012

Prepared under Part Three of the Planning and Development Act 2005 by the Western Australian Planning Commission

WALGA
27 March 2012

Ben Bassett, SPP2.6 Review Project Manager
Department of Planning
Work done

• DoT Technical Report - *Sea Level Change in Western Australia* (2/2/10)
• Review of all relevant policies – Australian States and International
• Advice on legal liability
• Identification of WA coastal compartments & landforms
• Review of how cyclones are applied under the policy
• WAPC Position Statement (25/5/10) endorsed by Cabinet (23/8/10)
• Policy measures and Schedule One updated
• Operational guidelines developed
• Preliminary consultation (internal & targeted external)
• WAPC endorsed draft revised policy and guidelines to release for public comment (24/1/12)
Purpose

Policy Measures

• New
  Water Resources & Management;
  Coastal Hazard Risk Management & Adaptation Planning;
  Infill Development; Coastal Protection Works;
  Precautionary Principle

• Modified
  Building Height Limits; Coastal Foreshore Reserves;
  Public Interest; Coastal Plan Requirements

Schedule One

• Coastal Types
• Definition of Storm Event
• Sea Level Rise Value
• Calculation of Coastal Processes

Operational Guidelines

Changes
SPP2.6 (revised)

Introduced a broad statement of purpose –

Guidance for decision-making within the coastal zone:
- Establishment of foreshore reserves;
- Managing development & land use change; &
- Protect, conserve & enhance coastal values.

In doing so:
- Recognise & respond to regional diversity in coastal types;
- Ensure coastal hazard risk management & adaptation is appropriately planned for;
- Encourage innovative approaches to managing coastal hazard risk.

Area of Application and Objectives remain the same.
i. Coastal development should manage water resources in accordance with the principles of water sensitive urban design and integrated water cycle management. This includes treating all urban water flows as potential resources, and giving consideration to all water users, including the community, industry and the environment.

ii. Development on or near the coast should maintain or restore pre-existing or desirable environmental flows and hydrological cycles within foreshore reserves. Development on or near the coast should not discharge any waste or stormwater that could significantly degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystems.

iii. Stormwater flows from development areas that comply with the Stormwater Management Manual for WA may be incorporated into foreshore reserves. Permitted stormwater management measures within the foreshore reserve are detention/infiltration areas and overland flow paths onto the beach for major flow events, subject to minimal landform modification within the dune system.

iv. There is a general presumption against the use of coastal foreshore reserves for the management of wastewater or to accommodate any portion of infrastructure or site works used for wastewater management.
Coastal Hazard Risk Management & Adaptation Planning

Adaptation Hierarchy
1. Avoid
2. Planned or Managed Retreat
3. Accommodation
4. Protection

Risk Assessment
Analyse Risk
- Determine Likelihood
- Determine Consequences

Identify Risks
Vulnerability Assessment

Establish Context

Communicate & Consult

Monitor & Review
Infill Development

- Where development is likely to be subject to coastal hazards over the planning timeframe, coastal hazard risk management planning and adaptation measures should be implemented to reduce the risk from coastal hazards over the full planning time frame to an acceptable level.

- Where a coastal hazard is identified it should be disclosed to those likely to be affected. On consideration of approval for development … notification on the certificate of title: “VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion &/or inundation over the next 100 years.”

- The likelihood of being subject to coastal hazards should not be any greater than that of adjoining development.
Coastal Protection Works

i. There is a general presumption against new coastal protection works, except where such works are considered only after all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process.

ii. Existing coastal protection works that require significant upgrade or maintenance over the planning timeframe should be considered as new coastal protection works, including consideration of the most appropriate form.

iii. Coastal protection works should only be supported:
   • where it is demonstrated there are no significant impacts on the adjacent environment within the sediment cell; and
   • in conjunction with appropriate funding arrangements for the construction and ongoing care, control and maintenance being put in place.

iv. Coastal protection works, where necessary and justified should be:
   • be adequately considered and planned as part of making decisions about land use, subdivision and development within the coastal zone;
   • primarily proposed in the public interest, ensuring they maintain a coastal foreshore reserve, public access, public amenity and public safety as well as to protect high value property and infrastructure that is not expendable; and
   • be evaluated at a sediment cell level and take into consideration the future protection requirements of adjoining development.
Precautionary Principle

i. Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation.

ii. The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment.

iii. If the proponent cannot demonstrate there is not a likelihood of such harm, the onus is on the development proponent to show that the harm can be managed.

PP Accepted and Applied in -

Wattleup Road Development Company Pty Ltd v Western Australia Planning Commission
[2011] WASAT 160

Conclusion

“Balancing the planning considerations, the Tribunal considers that, in the circumstances of this case, the precautionary principle warrants refusal of the proposed subdivision ..”
In relation to the acquisition of risk data and to the need to take into account climate change impacts on the coast when making planning decisions.

- **Duty of care** to make decisions based on the best information available.
- Precautionary principle should be adopted when considering development proposals where the impact of climate change on coastal development may be relevant.
- Failure to take into account these issues and the best information available may result in potential liability for future damages.
- State and local governments should address any issues identified by taking steps to bring about changes in their day-to-day decision making and take preventative measures using whatever resources are available. Legislative (& policy) changes may also be required.
- When considering coastal development proposals the assessment and determination process needs to be robust.
Building Heights

i.  Careful consideration should be given to building heights.

ii. The provisions of this part of the policy apply to all development within 300m of the HSD, but do not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999).

iii. Development Criteria:
   a) Development is consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy;
   b) Development takes into account the built form, topography and landscape character of the surrounding area;
   c) Is the development location part of an identified activity node;
   d) The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and
   e) There is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.

iv. Maximum height limits may be specified as part of controls outlined in a regional planning scheme or local planning scheme, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.
Coastal Foreshore Reserves

- General guide of foreshore width has been removed. Case by case determination.
- Coastal foreshore reserves are required to accommodate a range of functions and values.
Public Interest

- Community consultation and engagement strategies should be developed to encourage informed community input into decision making processes. Communities should have sufficient information to understand the risks to their communities arising from likely influence on coastal processes and coastal hazards. Consultation and participation should raise community awareness, understanding and education of risks and appropriate responses associated with their regions.

Strategies & Plans

- Coastal strategies & management plans appropriate to the planning stage and scale of development retained.
- Coastal plan requirements (old s.5.2) moved from the Policy to the Guidelines.
Schedule One
Calculation of Coastal Processes

- Sea level rise value
- Storm event definition
- Coastal type
- Risk of erosion & inundation
- Variations only
Sea Level Rise

SLR value 0.9m by 2110
0.9m x 100 = horizontal distance

- DoT Technical Report
  *Sea Level Change in Western Australia*
  - Comprehensive review of current science (IPCC, CSIRO)
  - AIF1 ~ upper limit
  - WA ~ global average
  - Peer review by CSIRO & UWA
- Other jurisdictions
- WAPC 25 May 2010
### Jurisdiction Sea Level rise value for planning 2100

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<th>Jurisdiction</th>
<th>Sea Level rise value for planning 2100</th>
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<tr>
<td>SA</td>
<td>(0.3m plus 0.7m by 2050) or 1m to 2100</td>
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<tr>
<td>VIC</td>
<td>0.8m (2100)</td>
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<tr>
<td>TAS</td>
<td>0.3m (2050) &amp; 0.9m (2100)</td>
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<td>NSW</td>
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<td>Cwth Govt</td>
<td>1.1m for coastal vulnerability risk assessments</td>
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Definition of Storm Event

- The selection of the storm event for determining the allowance for the current risk of erosion and inundation is dependent on the coastal zone.

- The allowance for the current risk of erosion should be based on a tropical cyclone storm event for zones 1 & 2, and a mid-latitude depression or extra-tropical low storm event for zones 3 & 4.

- The allowance for the current risk of inundation should be based on a tropical cyclone storm event for zones 1, 2 & 3, and a mid-latitude depression or extra-tropical low storm event for zone 4.
Coastal Compartments/Coastal Types

Coastal Compartments
• Define the principal coastal regions and coastal compartments around the Western Australian coast based on known geologic features, landforms, ocean processes and sediment distribution

Coastal Types
• Sandy Coasts
• Rocky Coasts – Hard rock coast; Soft sedimentary rock coast; weakly lithified sedimentary rock coast
• Mixed Sandy & Rocky Coasts – Fringing reefs; Rocky platforms; Discontinuous rocky shorelines
• Coastal Lowlands
• Tidal Reaches of Inland Waters
• Islands
Calculation of Coastal Processes

Case by Case assessment

Erosion

- Sandy – S1 (current risk of storm) + S2 (historical trend) + S3 (SLR) + 0.2m uncertainty
- Rocky – geotechnical assessment
- Mixed – sandy or rocky + landform or longshore sediment changes
- Coastal lowlands – + consider potential landform changes
- Tidal reaches of inland waters – consider variation in underlying coastal processes & driving forces
- Islands – variation + adaptation plan

Inundation (S4) – PSWL + wave run-up
Variations

- Public recreation facilities with finite lifespan
- Coastally dependent & easily relocatable development
- Dept of Defence operational installations
- Coastally dependent industrial & commercial development
- Development nodes with a range of facilities to benefit the broader public, defined in a strategic plan
- Surf life saving clubs

Require an agreed coastal hazard risk management & adaptation plan
Coastal Policy Planning Guidelines

POLICY NO. DC 6.1
COUNTRY COASTAL PLANNING POLICY

BACKGROUND NOTES

1. Coastal and marine parks play a key role in the coastal zone. It is important to establish a planning framework that ensures the effective and efficient use of the coastal zone.

2. The Coastline Management Plan (CMP) is a key tool in managing coastal and marine parks. The CMP provides a framework for the development of coastal management strategies.

3. Coastal management policies and regulations should be developed in consultation with local communities and stakeholders.

4. The CMP should be reviewed regularly to ensure it remains relevant and effective.

5. The Coastline Management Plan (CMP) is a key tool in managing coastal and marine parks. The CMP provides a framework for the development of coastal management strategies.

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State Coastal Planning Policy guidelines
February 2012

Prepared under Part Three of this Planning and Development Act 1983 by the Western Australian Planning Commission
Next Steps

• Public consultation 14 Feb to 31 May 2012
  Submissions may be emailed or posted to:
  – Project Manager (Ben Bassett) – Review of State Planning Policy 2.6
    - State Coastal Planning Policy
    Ref: DP/10/00904/1
    Department of Planning
    140 William Street
    PERTH WA 6000
  – ben.bassett@planning.wa.gov.au

• Submissions analysis and modifications – June to August 2012
• Report to WAPC – Sept 2012
• Minister > Gazettal