Dear Jason

I am writing to you in relation to the draft “Planning and Design Code in the outback” (the Code) currently on public consultation.

A key consideration for the Coast Protection Board (the Board) is to ensure the Code reflects and advances State Planning Policy (SPP) 13 “Coastal Environment” via appropriate policy and procedural settings, and that important referrals to the Board are maintained while minimising unnecessary referrals. With respect to the Coastal Areas Overlay, the Board recommends that:

- A “Performance Outcome” (PO) is included as follows: “development is not at risk from current and future coastal hazards (including sea level rise, coastal flooding, erosion, dune drift and acid sulfate soils) consistent with the hierarchy of avoid, accommodate and adapt”. This is consistent with the SPP 13 Policy 13.2 and is a key assessment consideration.

- The “Referrals” table (clause (b)) under “Development Type” requires amendment to ensure dwellings and habitable buildings within settlement areas, that are subject to coastal erosion and sand drift hazard risk, continue to be referred to the Board. This is commensurate with the agreed “Purpose of referral” and ensures related hazard risk PO provisions are addressed. The Board understands that all dwellings outside of Settlement Zones will be referred.

- The proposed POs and “Deemed To Satisfy” (DTS) provisions with respect to the standard sea flood risk (100 year Average Recurrence Interval) and sea level rise (allowance for 1 metre) requires some amendment to ensure they are practical and that standard sea flood risk and sea level rise considerations are, in all cases, an integrated assessment.

- In some settlements (notably shack settlements), the elevation of building “site” levels to address the standard sea flood risk and sea level rise requires significant amounts of fill, which can be costly, impractical and or inappropriate. Board Policy (Flood Hazard Risk Standard) enables elevated building “floor” levels (e.g. pole frame homes) in existing flood prone settlements without the need to raise sites (import fill) provided certain conditions are met, including an increased floor elevation to
“accommodate” storm flood waters entering the understorey area. The Code should include similar policy. Importantly, this policy recognises that elevated floor levels do not alleviate long term coastal hazard risks, nor does it lessen the requirement for whole of settlement coastal flooding hazard adaptation strategies, which may include retreat or abandonment.

- A PO should be included that is explicit about the need to allow for the unrestricted landward migration of natural coastal features caused by changing climatic conditions and rising sea levels.

- Further refinement is required to various PO and DTS provisions to ensure they are practical and clear. For example, DTS 6.4 should be deleted: an “8 metre setback from any boundary adjoining a coastal reserve” is not a practical state-wide provision, given some private seaward boundaries extend seaward of cliff tops. Such provisions are generally settlement specific.

The proposed Conservation Zone replaces the Coastal Conservation Zone, which covers a predominately natural coastal landscape containing high conservation values. The Board recommends:

- Dwellings should be classified as “restricted development” and not “performance assessed” as proposed, which would be a significant departure from the current non-complying classification.

- PO 2.1. and 2.2. states “Land division limited to that which supports the management, improvement or appreciation of the natural environment”. This is too ambiguous. Land division, classified as “restricted development” should be restricted to minor boundary alterations or to facilitate tourism development.

- PO 4.4. requires further consideration, primarily to ensure tourism accommodation building/s are not converted to dwellings.

The proposed Coastal Waters Zone, which replaces the Coastal Waters Development Plan, is likely to require further policy provisions to guide development on water and “land” (i.e. islands, many with important conservation values).

The Board understands that the Department for the Environment and Water will work closely with the Department for Planning, Transport and Infrastructure after submissions are closed to refine coastal policy. The Board can provide assistance as required.

The Board thanks the State Planning Commission for the opportunity to comment on the Code and looks forward to helping progress subsequent stages.
Yours sincerely

Allan Holmes
Presiding Member
COAST PROTECTION BOARD

CC: David Speirs MP
Minister for Environment and Water