

Our Ref: Out-35037

23 September 2022

The Secretary
NSW Department of Planning and Environment
c/- Coastal Policy team

By email: coastal@planning.nsw.gov.au

Dear Sir/Madam

Response to draft Coastal Design Guidelines 2022

I write regarding the Department of Planning and Environment's updated draft Coastal Design Guidelines (July 2022) which were recently exhibited for public consultation. This is a draft submission and is subject to review and approval of the Local Government NSW (LGNSW) Board. Any changes will be advised at the earliest opportunity.

The Department has stated that it is particularly seeking feedback from councils on practical issues regarding the commencement of the Guidelines. This opportunity to comment on the draft Guidelines is welcomed. LGNSW has received input from councils in developing this submission.

As the peak body representing local government in NSW, LGNSW supports the strategic context of the draft Guidelines in consideration of natural hazards and climate change. The intent of the draft guidelines aligns with one of LGNSW's 2022 [advocacy priorities](#), to '*Improve resilience to natural disasters*', which supports policy initiatives in the NSW planning system that will help deliver more resilient and sustainable homes, buildings and places.

More specifically, the following comments on the Guidelines are offered:

General Comments

- The Guidelines are a welcome urban design resource, with a focus on coastal environments in regional areas. There should therefore be consideration of the link to other existing guidelines and State Environment Planning Policies (SEPPs) that may also be of influence, namely the Urban Design for Regional NSW Guideline, Housing SEPP and Apartment Design Guide (SEPP 65).
- The application to the planning proposal (rezoning) stage could benefit from the inclusion of standards for evaluation, to quantify the desired outcomes with more prescriptive guidance on how they could be implemented for single site redevelopment.

Chapter 1: Introduction

- The strategic context explanation is helpful, no change.

Chapter 2: Understanding Coastal Places

- The place-based approach to development within the coastal management areas is strongly supported and the inclusion of specific examples, particularly in identifying cultural significance would be helpful.
- The discussion of built form could also include response to climate such as passive design principles. For example, siting in relation to sun orientation and sea breezes, in addition to coastal location.

Chapter 3: Planning Proposals in the Coastal Zone

- The key outcomes for planning proposals in the coastal zone provides a practical assessment tool, however it risks being another level of consideration that overlaps and potentially conflicts with the existing statutory objectives and obligations of the *Coastal Management Act 2016* and Resilience and Hazards SEPP.
- Similarly, the provision of building height limits and re-categorisation of coastal settlements based on population numbers (outcome B.2) may conflict with a genuine place-based design approach, particularly where existing buildings exceed this height and increased densities are already supported in existing documents and regional plans to increase densities in town centres.
- Some of the mandatory requirements (outcome B.1a, E2c) apply to Coastal Vulnerability Areas (CVA) which have not been identified or mapped – a note should be added to the Guidelines that no CVA have been identified, as it has for the Resilience and Hazards SEPP.
- Similarly, the goal to not increase or intensify land use in wetlands and littoral rainforest is supported, however the wording needs to be tightened to refer to mapped areas in the SEPP and to ensure consistency with Section 6 of the Coastal Management Act to protect these sensitive coastal ecosystems.
- The outcome to account for climate change is supported, however the guideline only refers to a recommended action. Given the impacts we are already seeing along the coast, the currently recommended point should be mandated (i.e., require consideration of a 100-year planning horizon under up-to-date climate projections).
- The goal of avoiding disturbance of areas of Acid Sulfate Soil (ASS) is supported, although given much of the coastal zone is subject to ASS this goal may be difficult to achieve without impacting development potential.
- Specific guidance for coastal protection works could be incorporated given the pressures on existing development and recent examples of different approaches to infrastructure works creating community controversy.
- Protection of public amenity could contemplate inclusion of the specific aspect of coastal recreation (outcome C.3) whereby recognition of waves and surf breaks have unique community, tourism and economic values.
- Supporting industries that depend on the coast (outcome D.1) may be of economic benefit, however this may conflict with defined 'planning purpose' as preferential business competition is not generally regarded as a matter for planning consideration.

Chapter 4: Urban Design Guidance for the Coastal Zone

- High level objectives would benefit from more detail of how to interpret or apply the terms used, for example – does ‘withstanding coastal hazards’ express a preference for either protection and defence or relocation and retreat?

In summary, the new guidelines are of themselves a commendable tool for inclusion in the design of coastal areas. As another layer of guidance, care needs to be taken in ensuring there is no conflict with competing policy documents already in use from the Department of Planning and Environment with regards to regional plans and coastal management areas.

Finally, councils continue to raise concerns that the one-size-fits-all provisions in the complying development pathway risk undermining the intent of policies such as these new coastal guidelines to achieve a more tailored approach to development. The absence of sufficient local planning controls and community input in the planning system due to the continued expansion of complying development exposes the potential to miss the opportunity to tailor planning controls to local settings and unique individual sites. This is fundamental to delivering well designed places.

Please contact Susy Cenedese, Strategy Manager, Environment should you wish to discuss the matter further (susy.cenedese@lgnsw.org.au or phone: 9242 4080).

Yours sincerely



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