



Department of **Planning,**
Lands and Heritage



State Coastal Planning Policy Guidelines

November 2020

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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1 INTRODUCTION

These guidelines are to be read in conjunction with State Planning Policy 2.6 State Coastal Planning Policy (**SPP 2.6**) (WAPC 2013).

1.1 PURPOSE OF THESE GUIDELINES

These guidelines assist the interpretation and practical application of SPP 2.6 and provide information for decision-making authorities, planners, landowners, proponents, and referral agencies to achieve the SPP 2.6 objectives and implement the SPP 2.6 measures. These guidelines provide detail on how land use and development is to be addressed when planning, designing and assessing a proposal in the coastal zone. Specifically, the guidelines assist in:

- determining appropriate land use and development in the coastal zone across the State of Western Australia
- specifying the requirements to be met in the application of the SPP 2.6 measures including:
 - provision of an adequate coastal foreshore reserve and access to it
 - application of the precautionary principle and
- ensuring that necessary coastal planning measures are incorporated into decision-making.

1.2 WHERE THESE GUIDELINES APPLY

These guidelines apply to all strategic and statutory planning documents (when being prepared, reviewed or amended) and subdivisions and development applications located within the coastal zone.

1.3 HOW TO USE THESE GUIDELINES

These guidelines have been prepared to assist the interpretation and practical application of SPP 2.6 and to provide an overview of the Western Australian planning process as it relates to coastal planning

2 ROLES AND RESPONSIBILITIES

Governments at all levels and private parties (individuals, businesses and the community) each have important, complementary and different roles in adapting to the impacts of coastal erosion and inundation. The overarching principles for managing coastal hazard risk are:

- (i) Private parties are responsible for managing risks to their private assets and incomes. To manage these risks, private parties need to:
 - be aware of the risks and their responsibility for managing them
 - take steps to understand the magnitude and nature of the specific risks to their assets and activities and
 - develop and implement strategies and actions to manage risks in accordance with SPP 2.6.
- (ii) Governments, on behalf of the community, are primarily responsible for managing risks and impacts to public goods and public assets which they own and manage. Governments also seek to:
 - develop local policies and regulations consistent with State adaptation approaches
 - facilitate building resilience and adaptive capacity within the local community, including providing information about relevant, known risks including coastal erosion and inundation and
 - work in partnership with the community to identify and manage risks and impacts in accordance with SPP 2.6.



This section summarises the key responsible authorities and stakeholders, as well as their respective responsibilities in implementing SPP 2.6.

2.1 LANDOWNERS/PROPOSERS

Landowners/proponents prepare planning applications (including scheme amendments, structure plans, subdivision and development) and provide information to support their application. Landowners/proponents' responsibilities in addressing SPP 2.6 and these guidelines include but are not limited to:

- being aware of the coastal hazard risk potentially affecting their property, with an understanding that coastal hazard risk can never be fully removed and that their planning proposal recognises this risk and its longevity
- providing applications that are supported by sufficient detail that indicates consideration and compliance with the policy measures in clause 5 of SPP 2.6 and these guidelines
- providing an appropriate coastal foreshore reserve inclusive of the allowance for coastal processes and land not vulnerable to coastal processes at the end of the 100-year planning timeframe, which provides the values, functions and uses of the current coastal foreshore reserve for its use and enjoyment as a coastal foreshore reserve for the benefit of current and future communities (refer clause 4.7 of these guidelines)
- responding to and complying with a coastal hazard risk management and adaptation plan (**CHRMAP**) adopted by a local government

- preparing a CHRMAP to support their application, in the absence of a CHRMAP endorsed by the relevant decision-making authority, or where required by the relevant decision-making authority. These should be prepared in accordance with SPP 2.6 clause 5.5, clause 4.3 of these guidelines and the CHRMAP Guidelines
- providing applications that are supported by sufficient technical analysis of the coastal processes in accordance with Schedule One of SPP 2.6 prepared by a qualified coastal engineering practitioner.

Landowners/proponents should consult closely with the decision-making authority during all stages of the planning process (including formulation of proposal prior to lodgement) to ensure proposals are consistent with SPP 2.6, these guidelines and any other applicable coastal planning related requirements. This should include:

- Department for Planning Lands and Heritage (**DPLH**), for advice related to approval requirements
- Department of Water and Environmental Regulation (**DWER**) and DPLH, for advice related to clearing of native vegetation, and water resource management
- Department of Biodiversity Conservation and Attractions, for advice on environmental values, specifically protected flora and fauna and
- local government, for advice related to the local planning framework requirements and the formulation of Foreshore Management Plans.

2.2 LOCAL GOVERNMENT

Local governments have the following responsibilities in relation to the implementation of SPP 2.6 and these guidelines:

- ensuring local planning instruments, including local planning strategies, local planning schemes, structure plans, and local development plans consider, and address the policy requirements of SPP 2.6 and these guidelines
- administering development controls in accordance with the local planning scheme, with due regard to SPP 2.6 and other policies and publications outlined in these guidelines
- applying the precautionary principle to development in areas with coastal hazard risk
- where land use and development are vulnerable to coastal hazards, ensuring CHRMAs are prepared and implemented in accordance with SPP 2.6, these guidelines and the CHRMAP Guidelines
- where land subject to a planning proposal is vested in the control of the local government, ensuring foreshore management plans are prepared in accordance with SPP 2.6 and these guidelines
- seeking advice from DPLH in relation to proposed coastal local planning policies or reviews of existing policies.



Local planning instruments should be considered as a mechanism for implementation of SPP 2.6 and these guidelines. Appropriate mechanisms include:

- local planning scheme provisions such as Special Control Areas, which can be used to designate coastal hazard risk areas, and to control land use and trigger the need for planning approval for developments and
- local planning policies, to support implementation of SPP 2.6 and these guidelines in local contexts.

Local government should consider opportunities for implementing SPP 2.6 and these guidelines as part of any review or amendment to local planning schemes, strategies and/or policy.

2.3 WESTERN AUSTRALIAN PLANNING COMMISSION

The Western Australian Planning Commission (**WAPC**) has responsibilities to the implementation of SPP 2.6 and these guidelines, including:

- assessing and determining strategic and statutory planning proposals, including schemes, scheme amendments, structure plans, subdivision and development applications in accordance with SPP 2.6 and these guidelines
- applying the precautionary principle to rezoning, structure planning, subdivision and development in areas with coastal hazard risk
- ensuring higher order strategic planning documents and strategic planning proposals identify coastal hazard areas and establish controls that can be implemented through the local planning scheme

- ensuring that an appropriate coastal foreshore reserve inclusive of the allowance for coastal processes and land not vulnerable to coastal processes at the end of the 100-year planning timeframe, which provides the values, functions and uses of the current coastal foreshore reserve for its use and enjoyment as a coastal foreshore reserve for the benefit of current and future communities (refer clause 4.7 of these guidelines) is provided
- monitoring the implementation and effectiveness of SPP 2.6 and these guidelines and

- providing advice to the Minister for Planning and local governments.

The Department of Planning, Lands and Heritage supports the WAPC in its decision-making.

2.4 OTHER APPROVAL PROCESSES

Land use planning proposals with coastal related matters may be subject to the requirements of other approval processes.

Approval process	Responsible agency/party	Legislation
Environmental impact assessment	Assessment by the Environmental Protection Authority	Part IV of the <i>Environmental Protection Act 1986</i>
Impact of Matters of National Environmental Significance	Assessment by the Commonwealth Department of Environment, approval by the Minister for Environment.	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
Native vegetation protection (native vegetation clearing permits)	DWER and where delegated, the Department of Mines, Industry Regulation and Safety	Part V of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Clearing of Native Vegetation Regulations 2004)</i>
The potential disturbance of acid sulfate soils	DPLH DWER	In accordance with the requirements of the <i>Acid Sulfate Soils Planning Guidelines 2008</i> and <i>Identification and investigation of acid sulfate soils and acidic landscapes 2015</i> and <i>Treatment and management of soils and water in acid sulfate soils landscapes 2015</i>
Consent is required from the Minister for Aboriginal Affairs for any activity which will negatively impact Aboriginal heritage sites	Aboriginal Cultural Committee and DPLH	<i>Aboriginal Heritage Act 1972</i>
Registration of Heritage Places and approval to disturb	DPLH sought input on behalf of the Heritage Council of WA	<i>Heritage Act 2018</i>
Modification of a threatened ecological community or to take threatened flora or fauna	Minister for Environment	<i>Biodiversity Conservation Act 2016</i> and the <i>Biodiversity Conservation Regulations 2018</i>

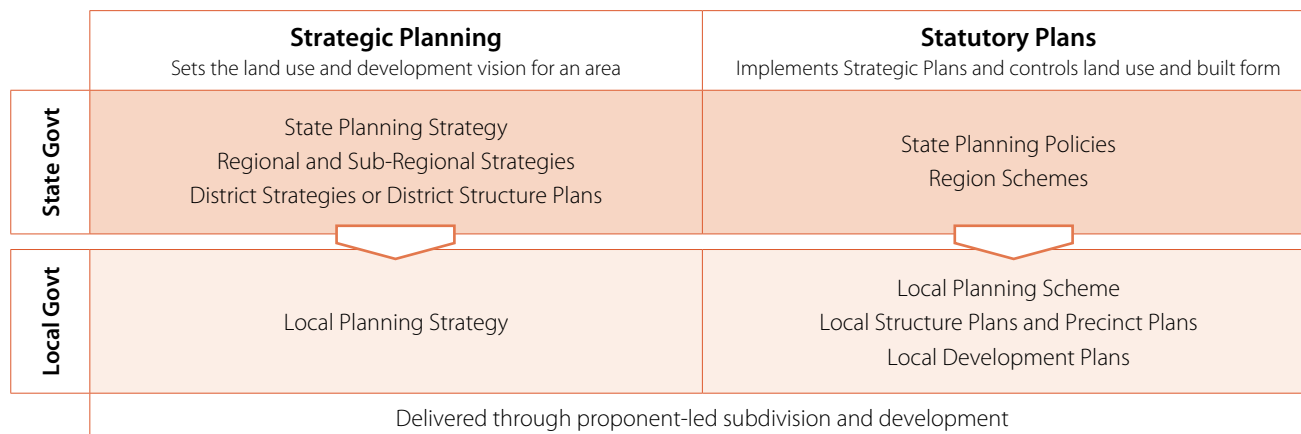


3 POLICY FRAMEWORK OVERVIEW

Western Australia's planning system includes strategic and statutory planning functions set out in the *Planning and Development Act 2005 (PD Act)*. The planning system is hierarchical, requiring increasing levels of details as a proposal progresses through regional, district and local planning to subdivision and development of individual sites (Figure 1).

SPP 2.6 is applicable to every stage of the planning process. It is intended that policy measures be addressed as early as possible in the planning process, with the level of information provided being progressively more detailed. Table 1 provides an overview of how the policy measures should be addressed at each stage of the planning process.

Figure 1: Western Australian planning hierarchy



3.1 STRATEGIC PLANNING

Strategic planning focuses on long-term activities and integrates a wide range of issues from economic, social and environmental perspectives to provide context for statutory planning functions. The policy measures of SPP 2.6 should be addressed at the strategic planning stages to ensure they are incorporated into the coastal landscape where development and coastal foreshore reserve land uses interface. Strategic planning includes frameworks and sub-regional planning strategies, region schemes (and amendments), local planning schemes (and amendments), local planning strategies, and district and local structure plans.

The level of information available at the district and local stages of planning should allow for a more comprehensive assessment of the SPP 2.6 policy requirements.

The planning assessment should consider the appropriate coastal foreshore reserve width, with zoned land use and development areas to its landward side.

Given the long timeframes for implementation of strategic planning, it will be likely that the identification and provision of a coastal foreshore reserve will need to be undertaken and refined or confirmed several times (as new information becomes available or policy and guidance changes occur), from the strategic planning process to the final subdivision planning process.

3.2 STATUTORY PLANNING

Statutory planning is founded on legislation and regulations and is guided by strategic planning documents. Statutory planning controls land uses and development through assessment and determination of subdivision, local development plans and development applications. Application of SPP 2.6 policy measures should not rely on being resolved through the subsequent statutory planning process. There should be a high degree of accuracy and assurance in strategic planning stages with regards to issues including coastal hazards and coastal foreshore reserve requirements to enable strategic planning stages to proceed.

An assessment, identification and expected provision of a coastal foreshore reserve should be adequately included in local structure planning prior to the subdivision stage of planning as indicated above in clause 3.1. In the absence of a local structure plan adequately dealing with this issue (for example if a structure plan is not kept up to date with regard to coastal foreshore reserve requirements), the



subdivision proposal will be required to assess, identify and provide the required coastal foreshore reserve. This may mean it deviates from a previously approved structure plan.

The subdivision and development planning stage in an infill or variation context under SPP 2.6 generally focuses on mitigation measures that reduce coastal hazards to an acceptable or tolerable level. Such subdivision and development should be considered within a CHRMAP, only proceeding once risk management measures have been agreed by the decision-maker.

An expanded explanation of coastal planning in the planning framework is included in Appendix 1.



Table 1: SPP 2.6 to inform land use planning in Western Australia

Planning stage	Scale	Likely proponent	Purpose of stage to address coastal planning	Scope to address coastal planning	Policy requirements	Responsibility for approval
Frameworks Region schemes Sub-regional strategies Sub-regional structure plans	Multiple local government areas	State Government	Frameworks and sub-regional structure plans are high level strategic documents that guide land use and infrastructure planning at a regional scale for up to 50 years.	At the regional and sub-regional scale, the planning assessment should include the coastal foreshore reserve and coastal risk management requirements in areas proposed for development.	Application of SPP 2.6. cl. 5.5 cl. 5.9 cl. 5.11 Schedule One.	WAPC
Region scheme amendments	Multiple local government areas	State Government / local government / landowner / proponent	Region schemes coordinate land use and zoning across different local government areas. They facilitate the reservation of land for public purposes. Region schemes have statutory effect; however, region schemes only currently apply in Perth, Peel and Greater Bunbury.	A region scheme amendment planning assessment should include the coastal foreshore reserve and coastal risk management requirements in areas proposed for development.	Application of SPP 2.6. cl. 5.5 cl. 5.9 cl. 5.11 Schedule One.	Minister for Planning on advice from WAPC
District structure plans	Part of a sub region to show general pattern of development / or Several suburbs and can cross local government boundaries.	State Government / local government / landowner / proponent	A district structure plan addresses 'fatal flaws' of a potential development area and provides for the major structural elements, including major roads, open space network, commercial and industrial areas, and environmental conditions. A district structure plan can provide a basis for zoning and lead to more detailed structure planning through the preparation of a local structure plan.	District structure planning should include the coastal foreshore reserve, coastal node and coastal risk management requirements in areas proposed for development.	Application of SPP 2.6. cl. 5.5 cl. 5.9 cl. 5.11 Schedule One.	WAPC
Local planning strategies	Single local government area	Local government	Local planning strategies guide local land use planning and development over 10 –15 years. They outline considerations that need to be addressed for land to be rezoned. Local planning strategies guide the preparation and review of statutory local planning schemes.	CHRMAP should be completed prior to formulation of a Local planning strategy to guide local land use planning. Local planning strategies should include provision for all SPP 2.6 requirements to be met at the earliest stage of subdivision and development.	Application of SPP 2.6. cl. 5.2 – cl. 5.11 Schedule One.	WAPC
Local planning schemes and amendments	Single local government area/ part of local government area	LPS – Local government LPS Amendment – Local government / landowner / proponent	Local planning schemes provide overarching statutory basis for land use planning at the local government level. They provide for land use zoning and reservation, land use permissibility, and include provisions for structure plans and special control areas. Special control areas are a zoning overlay which may set out an alternative planning process to follow, or specific provisions applying to an identified area.	CHRMAP should be completed prior to local planning scheme formulation and amendment to guide local land use planning. Local planning schemes and amendments should include provision for all SPP 2.6 requirements to be met at the earliest stage of structure planning, subdivision and development.	Application of SPP 2.6. Incorporate Coastal Hazard Risk Management & Adaptation Plan implementation actions.	Minister for Planning on advice from WAPC
Local structure plans	Generally cover a single residential estate or local area	Local government / landowner / proponent	Local structure plans deal with residential density, subdivision, and the coordination of infrastructure on a neighbourhood or smaller scale. Providing an indicative design for future subdivision and development. Local structure plans also identify matters that need to be addressed at subdivision and development stages.	CHRMAP should be completed prior to formulation of a local structure plan to guide local land use planning. Where a CHRMAP exists, a local structure plan should reflect and implement its recommendations. Local structure plans should include provision for all SPP 2.6 requirements to be met at the earliest stage of subdivision and development.	Application of SPP 2.6. cl. 5.2 – cl. 5.11 Schedule One.	WAPC



Planning stage	Scale	Likely proponent	Purpose of stage to address coastal planning	Scope to address coastal planning	Policy requirements	Responsibility for approval
Subdivision applications	Varies from two lots to hundreds of lots	Landowner / proponent	Subdivision applications enable the creation of new lots and reserves.	<p>CHRMAP should have been completed prior to formulation of a local structure plan to guide subdivision. Where this has not occurred CHRMAP should be completed prior to subdivision approval to guide subdivision lot layout.</p> <p>Where a CHRMAP exists, subdivision should reflect and implement its recommendations. Subdivision plans should be compliant with all SPP 2.6 requirements</p>	<p>Application of SPP 2.6. Notification on Title Ceding to Crown free of cost and without compensation, public coastal foreshore reserve.</p> <p>Physical creation of a public coastal foreshore reserve. Preparation of Coastal Foreshore Management Plan. cl. 5.2 – cl. 5.11 Schedule One.</p>	WAPC
Local planning policy	Single local government area / part of local government area	Local government	Local planning policy may be prepared to assist implementation of SPP 2.6 requirements that need to be addressed for land to be subdivided and developed.	Local planning policy should be consistent with SPP 2.6. Local planning policy should be consistent with and implement recommendations of an existing CHRMAP.	Application of SPP 2.6. Notification on Title cl. 5.2 - cl. 5.11 Schedule One.	Local government
Development applications	Typically, an individual lot but may cover more than one lot	Local government, landowner / proponent	<p>Development applications provide for approval of land uses and development.</p> <p>Development applications should be compliant with all SPP 2.6 requirements.</p>	<p>CHRMAP should have been completed prior to development. Where this has not occurred CHRMAP should be completed prior to development approval to mitigate adverse impacts from coastal hazards on development. Where a CHRMAP exists, development should reflect and implement its recommendations. Development applications should be compliant with all SPP 2.6 requirements.</p>	Application of SPP 2.6. Notification on Title cl. 5.2 - cl. 5.11 Schedule One.	WAPC and / or Local government and Development Assessment Panels



4 POLICY MEASURES

Building at-risk or future at-risk development, privatises the benefit of the development, while socialising the risk. The long-term solution is development that avoids current and future risk areas.

4.1 DEVELOPMENT AND SETTLEMENT

4.1.1 Consideration of other SPPs and WAPC policy

State Planning Policy No. 2 Environment and Natural Resources Policy sets out the principles and considerations that apply to planning in terms of the environment. Coastal planning should reflect consideration of these principles and considerations where applicable.

State Planning Policy 2.9 Water Resources (SPP 2.9) and the associated Water Resources Guidelines provide guidance for the implementation of integrated water resource management principles and protection, and management and consideration of water resources. Although SPP 2.9 is not directed explicitly at coastal and nearshore marine areas, it is to be referred to in relation to SPP 2.6 where any of the policy aims, objectives and measures are relevant and applicable to development in coastal and nearshore marine areas.

State Planning Policy No. 3 Urban Growth and Settlement sets out the principles and considerations that apply to planning urban growth and settlement. The aim is to facilitate sustainable patterns of urban growth and settlement by setting requirements of sustainable settlements and communities and accommodating growth and change. Coastal planning should reflect consideration of these principles and considerations where applicable.

4.1.2 Subdivision and development

When considering subdivision and development, the following elements should be considered.

- coastal planning should result in sustainable development which recognises the need to balance competing economic, social and environmental demands
- subdivision and development should not result in discharges such as sewerage, fertilisers or toxic chemicals into the coastal environment
- subdivision and development should not result in changes to nearshore water circulation patterns. Such changes may have an adverse impact on the biodiversity or public use of foreshore areas
- subdivision and development should not substantially alter existing natural drainage patterns, nutrient and organic matter cycling processes, near shore sediment transport patterns or water quality
- disturbance of existing vegetation during construction should be minimised. However, if unavoidable, the area should be rehabilitated after disturbance with native species of local origin to stabilise land in and around developments
- coastal vegetation corridors should be retained, not fragmented, and where possible, enlarged (widened and lengthened), and rehabilitated if necessary
- places of unique landscape, scientific and cultural significance should be conserved and managed including geomorphological, ecological, anthropological and historical sites

- coastal areas that provide nesting and feeding sites for marine reptiles, mammals, resident and migratory shorebirds, and sea birds should be protected from impacts of development
- development should be designed to prevent invasion of native habitats by introduced species/pests and
- disturbance of any endangered, threatened or priority listed species and communities present in the area should be avoided and assessed based on the applicable legislation.

4.1.3 Earthworks and soil

The *Acid Sulfate Soils Planning Guidelines* was released by the WAPC in December 2008. The guidelines provide a practical guide outlining the range of matters required to be addressed during planning decision-making processes, ensuring land containing acid sulfate soils are planned and managed to avoid potential adverse effects on the natural and built environment. Coastal planning should reflect consideration of these guidelines where applicable.

The *Identification and investigation of acid sulfate soils and acidic landscapes* was released by DWER in June 2015. The guidelines provide a practical guide outlining the minimum level of investigation required to identify the presence or absence of acid sulfate soil in areas likely to be disturbed by a proposed development; and if present, define the nature and extent of acid sulfate soil including the amount of existing and potential acidity it contains, to determine appropriate management measures.



In addition to the above, the following elements should also be considered.

- subdivision and development should not occur on or adjacent to unstable or mobile dunes
- natural sediment processes, including lithification and wind or water transport should not be significantly or permanently altered by subdivision or development
- topsoil should be stockpiled (for as short a time as possible) and respread on bare areas. While being stockpiled topsoil should be reasonably protected from moisture to preserve the viability of the seed bank
- subdivision and development may be restricted during certain times of the year when high wind rates may impact upon the amenity of surrounding land uses, particularly residential uses and
- subdivision and development earthworks to facilitate development in the zoned developable area, should be located landward of the coastal foreshore reserve in the zoned development area.

4.1.4 Visual landscape

The *Visual Landscape Planning in Western Australia - a manual for evaluation, assessment siting and design* was released by the WAPC in November 2007. The manual provides a suite of visual assessment techniques for incorporating landscape factors into the planning system and in Part 3, specifically addresses coastal landscapes in detail (pages 73-80). Building height, landscape, seascape and visual landscape elements of coastal planning should reflect consideration of the manual.

4.2 WATER RESOURCES AND MANAGEMENT

Liveable Neighbourhoods was released by the WAPC in October 2007 (updated in January 2009) to provide the strategic and operational framework for the planning and implementation of structure planning and subdivision development. Element 5 - Urban water management seeks to encourage water-sensitive urban design through the application of best planning practices and encourage innovative urban water management solutions through the application of best management practices to manage both the quantity and quality of urban stormwater run-off in a form that adds value to the adjacent land uses. The document provides guidance on the implementation of SPP 2.6.

Draft Liveable Neighbourhoods was released by the WAPC in September 2015, consisting of a format restructure based on six elements to improve application of its objectives and requirements. Also, its content has been updated to reflect best practice. Urban water management is contained within Elements 1 and 5, and is consistent with the requirements of *Liveable Neighbourhoods*. Water management issues should reflect consideration of *Liveable Neighbourhoods*.

Stormwater and groundwater management should be consistent with the *Stormwater Management Manual for Western Australia* (Department of Water 2004 - 2007) and *Decision Process for Stormwater Management in Western Australia* (Department of Water and Environmental Regulation 2017) and the *State Planning Policy 2.9 Planning for water*.

4.3 COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLANNING

The updated CHRMAP guidelines was released by the WAPC in July 2019. The guidelines provide an overview and explanation of the process for undertaking CHRMAP, determining appropriate content for CHRMAP, assessing vulnerability of assets, assessing options for appropriate risk management, and implementation of risk management. Formulation of CHRMAP should be in accordance with the CHRMAP guidelines.

4.3.1 Risk management and adaptation hierarchy

The risk management and adaptation hierarchy should be applied as stated in SPP 2.6 clause 5.5 (iii) on a sequential and preferential basis. Adaptation measures should be sought from the four listed measures (Avoid, Planned or Managed Retreat, Accommodation and Protection) showing or giving preference to them in the sequence and order in which they are expressed in the hierarchy. When applying the risk management and adaptation hierarchy to a planning proposal in the coastal zone, avoid is preferred over planned or managed retreat, which is preferred over accommodation, which is preferred over protection. Where a measure is achievable over its subsequent measure in the hierarchy (for example avoid over planned or managed retreat in a greenfield and brownfield location) it should be selected as the measure to be implemented.

SPP 2.6 clause 5.5 (iii) should be read in the context of the provisions of SPP 2.6 as a whole. When read in this context both the area of land which is likely to be affected by sea level rise and other coastal processes over the 100-year planning timeframe and land which is landward

of that area and which maintains 'the values, functions and uses prescribed' (SPP 2.6 clause 5.9 (i) and Schedule One clause 1) at the end of the 100-year planning timeframe is designated as a coastal foreshore reserve, not be developed, and be given up free of cost into public ownership at the time of development, subdivision or strata subdivision, over and above the required provision of public open space (SPP 2.6 clause 5.9(iii)).

4.3.2 Management authority

Coastal hazards present direct and indirect risks to management authorities. Management authorities should consider developing and implementing CHRMAPs to prepare for and reduce or manage the impact of these risks on their operations and practices. CHRMAPs should be endorsed and adopted by the relevant management authority that will ultimately be the custodian and implementer of the plan.

4.3.3 Conflicting hazard information

Occasionally, landholders prepare a CHRMAP that contains hazard information which conflicts with hazard information provided in a CHRMAP prepared by a decision-making authority. This may be as a result of new information regarding coastal processes becoming available and not included in previous assessments. The following factors should be considered by a decision-maker where this situation arises:

- has the conflicting hazard information been prepared by a qualified coastal engineer?
- has the conflicting hazard information been prepared in accordance with SPP 2.6 Schedule One and the CHRMAP Guidelines?

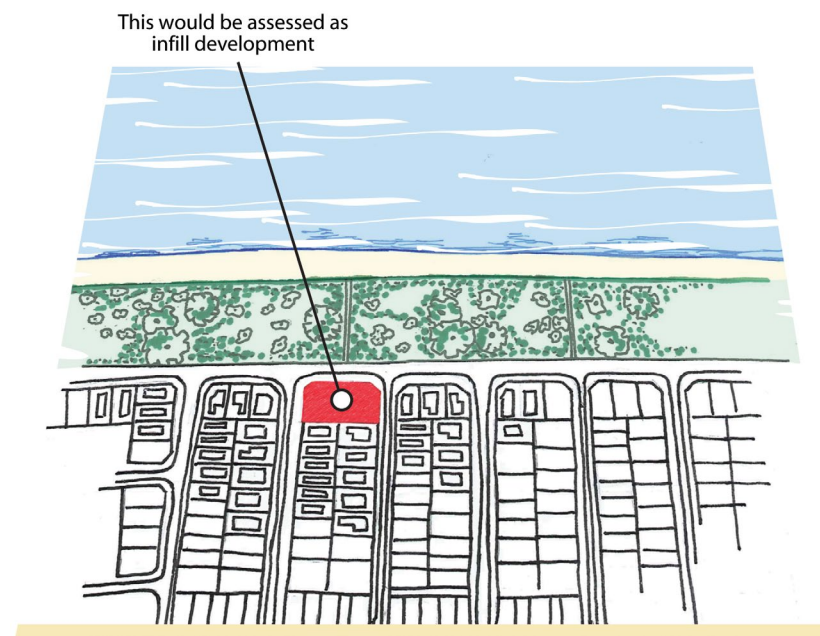
- has the conflicting hazard information been peer reviewed by a qualified third party (such as the Department of Transport and DPLH)?
- the reasons for the conflicting hazard information and the level of certainty for each reason and
- apply the precautionary principle where uncertainty exists when comparing the conflicting hazard information.

4.4 INFILL DEVELOPMENT

A coastal proposal will only be considered as infill development if the subject site is between existing lots and adjacent to approved development. Figure 2 provides an example of an infill development site.

Infill development does not apply to coastal land adjacent to existing development on only one side (such as at the edge of a town site or zone or development front along the coast) or where there is a reasonable distance between

Figure 2: Assessed as coastal infill development site





the lots to negate the benefit of shared coastal hazard risk management and adaptation planning. Figures 3 and 4 show an example of coastal development that would not be considered or assessed as infill.

4.5 COASTAL PROTECTION WORKS

The WA Coastal Zone Strategy outlines the State Government's approach to coastal planning and management and guides decisions and actions to ensure Western Australia's coast and its values are maintained and enhanced for the benefit of current and future communities. The Strategy complements SPP 2.6,

requiring protection works, among other things, to only be considered when other options in the adaptation hierarchy have been fully considered and justified in the public interest, and with funding arrangements (capital and recurrent costs) in place based on cost-benefit and beneficiary pays principles.

SPP 2.6 clause 5.7 *Coastal protection works* prescribes the requirements that should be satisfied before committing to the construction of coastal protection works. Two critical elements are that such works should be in the public interest and in conjunction with funding arrangements being in place. The CHRMAP guidelines in clause 6.3 *Funding Implementation* requires consideration

and use of the beneficiary pays principle. Where private parties benefit from coastal protection works, application of the beneficiary pays principle prescribes that costs associated with the design, construction and maintenance (capital and recurrent costs) of coastal protection works should be paid for by those private parties, proportional to the benefit received. These costs should also include any costs associated with the provision of existing and future public access to, and use of, the coast where new protection works are likely to interfere with existing and future public access and use.

Figure 3: Not assessed as coastal infill development site – example 1

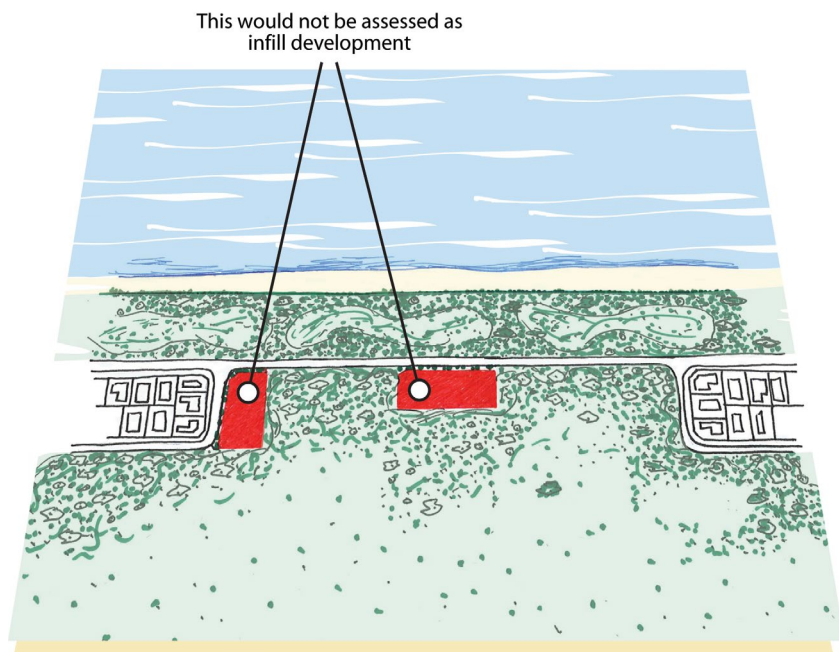
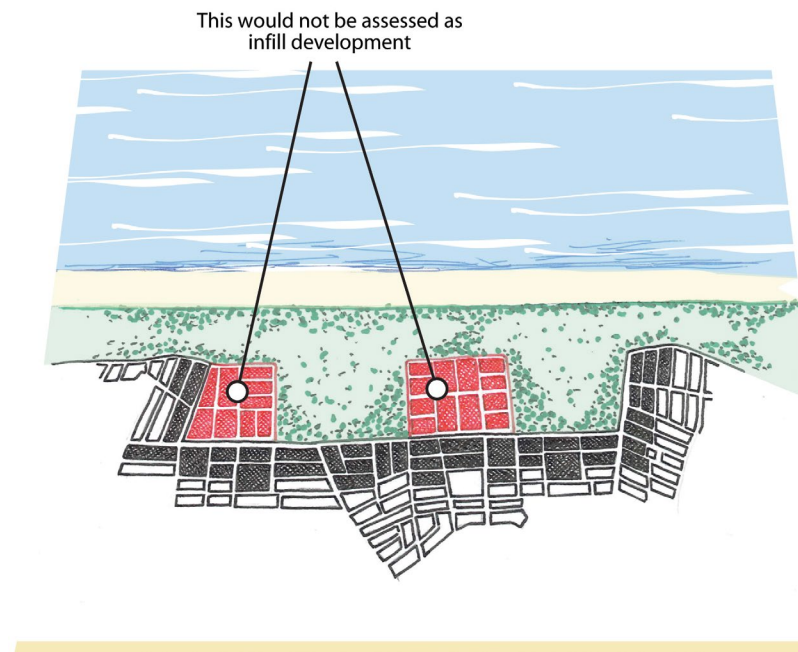


Figure 4: Not assessed as coastal infill development site – example 2





4.5.1 Benefit Distribution Analysis

Best practice funding arrangements reflect the benefit derived from coastal management actions, minimise subsidies, and avoid additional burden on taxpayers and ratepayers.

The equity of funding arrangements needs to be considered and documented. The mechanisms used to enable funding arrangements will be most acceptable where they are efficient, transparent to the community and relatively easy to understand.

To assist apportioning the costs (capital and recurrent costs) of constructing coastal protection works based on the beneficiary pays principle, a benefit distribution analysis should be completed and accompany an application to construct the works. A benefit distribution analysis assesses the distribution of benefits between stakeholders from implementing risk treatment options such as coastal protection works.

Examples of Benefit Distribution Analysis are:

- Marsden Jacob Associates, 'Collaroy-Narrabeen Beach Coastal Protections Works – Benefit Distribution Analysis', report prepared for the Northern Beaches Council (Final Report, November 2016). Available at: <https://files.northernbeaches.nsw.gov.au/sites/default/files/collaroy-narrabeen-beach-coastal-protection-works-benefit-distribution-analysis.pdf>; and
- Marsden Jacob Associates, 'Wamberal Beach Management Options: Cost Benefit and Distribution Analysis', report prepared for NSW Office and Environment and Heritage (Final Report, August 2017). Available at: <https://search.s.centralcoast.nsw.gov.au/documents/00/24/19/03/0024190388.pdf>

4.6 PUBLIC INTEREST

4.6.1 Community and stakeholder engagement

Successful community and stakeholder engagement is an essential element to good coastal planning and its successful implementation. Guidance for successful community and stakeholder consultation is provided in the CHRMAP Guidelines clause 1.5 *Community And Stakeholder Engagement* and section 3.7 Community Consultation of the *Coastal Planning and Management Manual – A community guide for protecting and conserving the Western Australian coast* (WAPC 2003). The manual provides a practical guide to coastal planning and management in Western Australia and an overview of important considerations for planning and management to protect and conserve to coast. Community and stakeholder engagement should be carried out by suitably qualified community engagement experts.

4.6.2 Public access

Public use and enjoyment of the coast should be facilitated and promoted through the following approaches:

- include consideration of attributes that attract people to the coast such as safe swimming beaches, surfing spots, and interesting landscape or seascape features
- ensure connectivity with adjacent uses such as public open space, public transport access, cafes, shops, entertainment, established car parking facilities, higher density development etc
- provide obvious and logical public access to the coast especially in the design of new subdivisions and developments to encourage the local community to walk and cycle, rather than drive to the beach

- provide a level of public access consistent with appropriate use of the coastal location (e.g. a remote coastal foreshore will not require the same level of access as an urban area)
- include consideration of safety to users. Where a known danger exists, either natural (e.g. undermined cliff, slippery rock platform or strong ocean rip) or man-made (port facilities, industry including inlets or outfalls), consideration should be given to discouraging or managing access to the coast to promote safety of coastal users (i.e. safety to lives). For example, major access to a location adjacent to a known dangerous rip may encourage people to swim there. Where such access is supported, additional management will be required to address safety
- minimise public access (in particular off-road vehicles) over eroding or steep dunes, rocky areas or other difficult terrain. This type of access may be susceptible to erosion or require frequent or costly maintenance to preserve safety and
- ensure protection of significant conservation or heritage areas through controlled access, by utilising existing access tracks or cleared areas to avoid clearing existing vegetation.

4.6.3 Coastal roads

In most urban areas, coastal roads should provide access along the coast. These coastal roads should not be developed within the coastal foreshore reserve. They should be provided within adjacent zoned land. Construction and design of coastal road networks should:



- cater for continued or improved public access to the coast
- avoid unstable or potentially unstable land
- be designed to avoid vegetation removal, alterations to natural topography, battering or other earthworks
- if battering or other works including retaining walls are required to facilitate development of a coastal road in the zoned developable area, it should be located landward of the coastal foreshore reserve boundary in the zoned development area
- consider emergency access needs to and from the coast and its siting on the least vulnerable route
- provide drainage for stormwater run-off in accordance with clauses 4.1.2 and 4.2 above
- unobtrusively complement existing and proposed recreational amenities
- be consistent with the level of access and type of recreational experience planned for an area (e.g. easy access to intensive use sites, minor access to remote areas)
- provide clear demarcation between public and private land, generally in the form of a gazetted road
- not be aligned along private tenure cadastral boundaries to determine a foreshore reserve boundary (refer below to clause 4.7.1 Ecological values)
- include provision for coastal dual use or pedestrian paths within road reserve
- incorporate appropriate structures to prevent uncontrolled pedestrian and vehicular access (simple fencing or barriers) to the foreshore and

- provide on-street car parking landwards of the coastal foreshore reserve boundary to cater for coastal recreation.

4.6.4 Coastal car parks

Coastal car parks (for public recreation purposes) should be located:

- landwards of the likely impacts of coastal processes for the design life of the carpark
- to avoid prominent locations, such as the crest of a dune or coastal headland to minimise any potential impact on visual amenity, landscape or seascape features; an exception to this may be considered where a demonstrated net public benefit will result through a designated lookout or viewing area and
- to minimise environmental impacts such as sand drift, erosion and habitat loss.

4.6.5 Coastal pedestrian access

Fenced pedestrian access paths should provide access to and between coastal car parks, roads, adjacent residential or other developments; and the coast. In urban areas, pedestrian access paths should be spaced approximately 150 metres apart, unless public access needs or local topography demonstrates a need for greater or lesser pedestrian access.

Pedestrian access paths should be located to enable the community to safely access coastal areas such as safe swimming beaches and direct people away from environmentally-sensitive or unsafe areas.

Pedestrian access paths should be sustainably designed to minimise erosion, wind tunnelling and maintenance.

Pedestrian access paths should be justified in terms of a coastal public access purpose (usually through a foreshore management plan). Their design should incorporate maximum retention of natural topography and vegetation; access to sheltered or popular locations; respect historical patterns of access such as existing tracks (if sustainable); be located on stable landforms; and if possible, be located to encourage regeneration and/or rehabilitation of degraded areas.

Pedestrian access paths should be constructed in a manner that encourages visitors for attraction reasons such as taking in areas of cultural, indigenous and natural splendour. In these instances, path design should include public furniture and interpretation/signage.

Pedestrian access should provide for a range of coastal access options including universal access (e.g. wheelchair, pram or visually impaired access) at strategic locations (e.g. coastal nodes).

4.6.6 Coastal dual use paths

In most urban areas dual use paths (shared bicycle, wheelchair and pedestrian paths) should provide access along the coast. Sufficient space should be allocated for their positioning, design, construction and maintenance. Dual use paths should be:

- positioned landward of the component of the coastal foreshore reserve to allow for coastal processes
- designed to promote safety to cyclists and pedestrians through clear visibility and passive surveillance from adjacent developable areas
- located so as not to fragment remnant vegetation
- designed to avoid vegetation removal, alterations to natural topography, battering or other earthworks



- if battering is required to facilitate development of a coastal dual use path in the zoned developable area, it should be located landward of the coastal foreshore reserve boundary in the zoned development area and
- where appropriate, be constructed to provide clear demarcation between public and private land.

Additional guidance for clauses 4.6.2–4.6.6 above is provided in the *Visual Landscape Planning in Western Australia – a manual for evaluation, assessment siting and design* as described at clause 4.1.4 above.

4.7 COASTAL FORESHORE RESERVE

The varied and unique nature of the coastal environment in Western Australia requires that flexible approaches are used in foreshore reserve planning and management. This approach advocates the use of the biological and physical features associated with coastal environments and its values, functions, uses and pressures to determine coastal foreshore reserve areas. This approach allows flexibility and outcome-based decision-making by considering a range of criteria rather than using a nominal setback requirement solely based on a numerical value. It is a sustainable approach to coastal foreshore reserve management and does not restrict the social and economic opportunities of the coastal environment while adequately protecting the values, functions, and uses of coastal foreshore reserves.

An appropriate coastal foreshore reserve will include the allowance for physical processes (as per Schedule One) and appropriate width to ensure a coastal foreshore reserve is maintained should the coastal physical processes impacts be realised over the planning timeframe (SPP 2.6 cl. 5.9 (i) and (ii)). Figure 5 shows an example of this.

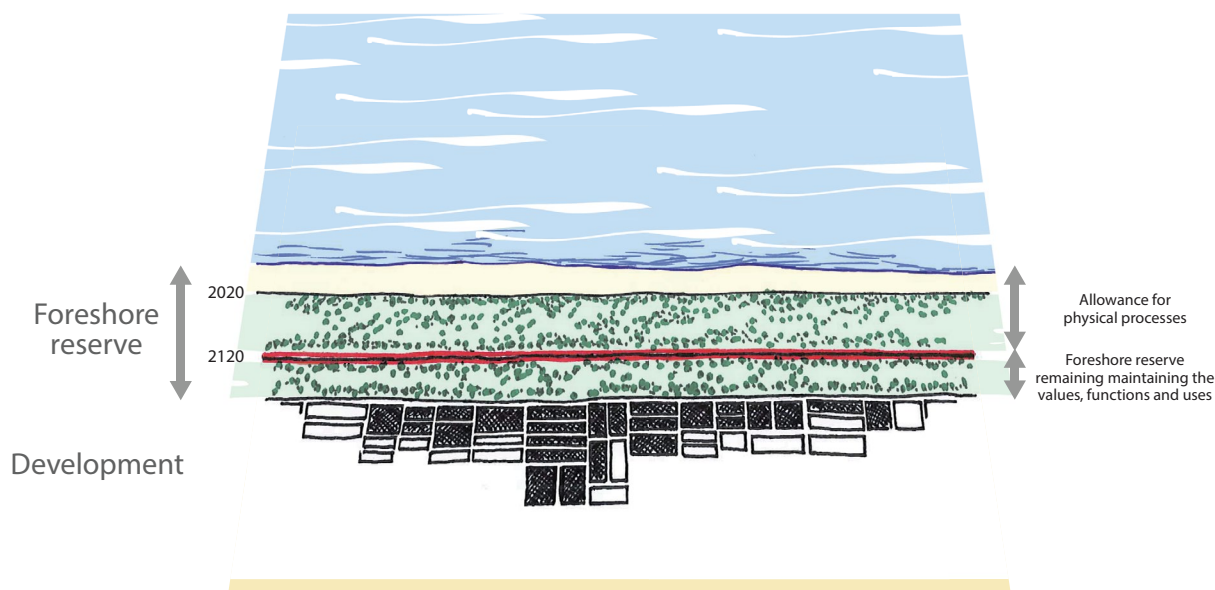
The intent of the coastal planning framework is that where there is a broad and natural, and continuous, sandy foreshore at present, including beach face and vegetated dunes behind, there should continue to be a sufficiently wide coastal foreshore reserve seaward of urban development comprising land not vulnerable to coastal physical processes at the end of the 100-year planning timeframe to enable the current values, uses and functions of the coastal foreshore reserve to be maintained.

The relevant values, functions and uses prescribed include; biodiversity and ecosystem integrity, visual landscape, public access and recreation values. The location and size of the coastal foreshore reserve should be responsive to

the environment. The coastal foreshore reserve should include landforms and landscapes of amenity value and the resultant coastal foreshore reserve may vary in depth from the coastal processes allowance relative to the nature of coastal dunes and their relationship with topographic features. A straight line across every geomorphic feature is not a good boundary for maintaining the quality of vegetation and topographic features and is not an appropriate outcome.

Figure 5 indicates that the width of the coastal foreshore reserve in 100 years may not necessarily be as generous as the current foreshore reserve. However, where there

Figure 5: Illustrates a typical foreshore reserve on a sandy coast





is a sandy coast, there should continue to be a broad and natural, and continuous, coastal foreshore reserve in 100 years' time.

The coastal foreshore reserve requirements in SPP 2.6 and these guidelines also reflects s.3(1)(b) of the PD Act, in that it promotes a sustainable approach to land use planning, and is accepted in planning decision making in Western Australia: *Two Rocks Investment Pty Ltd and Western Australian Planning Commission* [2019] WASAT 59 at [62] – [68], [71] – [73], [77], [87] – [88], [100] – [101] and [156].

Assessment of a foreshore reserve width should take into consideration the coastal node classification (e.g. regional, district or local) discussed below in section 6, and reasonable information to support and inform the delineation of a coastal foreshore reserve should be provided (e.g. landscape design for coastal nodes, foreshore management plan, ecological assessment, flora and fauna survey, utilisation survey). This information should be prepared by a suitably qualified professional, to the satisfaction of the relevant responsible authority, and provided at the earliest appropriate planning stage.

4.7.1 Ecological values

Assessment of a coastal foreshore reserve should address the question of an appropriate allowance for a coastal foreshore reserve landward of the coastal processes allowance, pursuant to the range of ecological, environmental or other environmental values identified in clause 5.9 of SPP 2.6 (including landforms, habitats, vegetation and flora). Such an assessment and reporting should be completed by a suitably qualified environmental practitioner such as a botanist.

The coastal foreshore reserve should be planned to maintain the ecological processes of the coastal location, including the functionality of the physical, hydrological and biological attributes of the area, maintaining biodiversity and ecosystem integrity, ecological values, functions and uses at the end of the 100-year planning timeframe.

Current (i.e. less than five years old) fauna studies and spring flora surveys should provide accurate information on, but not be limited to, existing flora and fauna, threatened and priority ecological communities, endangered, priority listed and/or declared rare fauna and flora for the entire proposal area including the foreshore.

The foreshore reserve should provide sufficient connectedness between habitats and ecological communities and, if appropriate, buffers. A broad and natural, and continuous coastal foreshore reserve is one of the primary natural values of coastal foreshore reserves, providing a naturally vegetated corridor for the movement of fauna and plant genetic material through pollination and seed dispersal.

The foreshore boundary should be located to retain and complement the existing topography, vegetation and geography of the locality. A straight line across every geomorphic feature is not an acceptable boundary for maintaining the quality of topography and vegetation. The resultant coastal foreshore reserve will vary in depth from the coastal processes allowance landward relative to the nature of the topography, vegetation and geography of the locality.

If battering is required to facilitate subdivision and development of zoned developable land adjacent to a coastal foreshore reserve, it should be located landward of the coastal foreshore reserve on the zoned development

land. Ecological values should not be diminished to facilitate subdivision and development of adjacent zoned developable land.

Where necessary, the foreshore boundary should be positioned to minimise light spill from development (including car parks) disturbing breeding grounds or other critical habitats of species that are adversely impacted by disturbance, including human activity and artificial light, such as turtle, seabird and migratory shorebird breeding, nesting and feeding areas.

Where other State or Australian Government agencies are responsible for the administration of a relevant management plan, policy or legislation (such as the *Environmental Protection and Biodiversity Conservation Act 1999*), advice should be sought from the agency during the planning process.

If significant alteration to existing or natural topography is supported as part of a proposal, the treatment of the development interface with the coastal foreshore reserve should be resolved prior to the commencement of any works. It is the developer's responsibility to remediate any impacts in a foreshore reserve, construct earthworks, battering or treatment resulting from the development to the satisfaction of the responsible authority. All such works should be located on the development site, be undertaken at the developer's cost, and be in accordance with an approved foreshore management plan.

Coastal foreshore reserves are generally bushfire prone areas that have implications for bushfire risk management and design of future land developments in their vicinity. Consideration of bushfire risk management in accordance with *State Planning Policy 3.7 Planning in bushfire prone*



areas and the development and implementation of a Bushfire Management Plan is likely to be required for the development of zoned land.

If required, Bushfire Management Plans should be prepared after the identification of the coastal foreshore reserve and consider any future coastal foreshore reserve restoration plans. No bushfire mitigation strategies are to be contained within a coastal foreshore reserve.

4.7.2 Heritage

Cultural heritage includes knowledge, places and things, including those made or changed by humans, that have aesthetic, historic, scientific, social or spiritual significance or other special value for past, present and future generations. This generally relates to European heritage as Aboriginal heritage is separately legislated. All levels of government are accountable for cultural heritage in Australia.

Recognising the importance of cultural heritage in Western Australia, the *Heritage Act 2018* prescribes requirements and obligations for the identification and documentation, conservation, use, development and adaptation of cultural heritage significance.

Aboriginal heritage is also separately legislated, and may relate to a place that is significant to a group or groups of Aboriginal people for a variety of reasons including practice, observance, custom, tradition, beliefs or history.

The *Aboriginal Heritage Act 1972* prescribes requirements and obligations regarding Aboriginal heritage. The *Native Title Act 1993* governs processes for land that may be the subject of native title.

Any identified culturally significant coastal heritage sites should be incorporated into the coastal foreshore reserve with practical buffers and management to ensure protection of their values.

4.7.3 Coastal foreshore reserve and public open space

The planning framework, specifically *Liveable Neighbourhoods (LN)* and SPP 2.6, sets out the long-established approach to the delineation of coastal foreshore reserves and how they differ from public open space (**POS**) and regional open space (**ROS**).

The coastal foreshore reserve requirements in SPP 2.6 and these guidelines are separate and additional to the requirements for POS and ROS. This policy position is accepted and supported in planning decision-making in Western Australia: *Two Rocks Investment Pty Ltd and Western Australian Planning Commission* [2019] WASAT 59 at [80] – [84].

4.7.3.1 Public open space

The planning framework does not support the provision of a coastal foreshore reserve via alternative arrangements such as POS. LN differentiates between a coastal foreshore reserve and POS, and identifies that SPP 2.6 coastal foreshore reserve requirements are to be satisfied. SPP 2.6 clause 5.9 (iii) provides that the coastal foreshore reserve requirement is not a POS contribution, but is being provided for foreshore purposes. Recreation is only one of many functions that a foreshore reserve is required for. Subdivisions in proximity to the coast still need to provide for the usual and proper allocation of local POS at appropriate locations to meet the everyday recreational needs of future residents.

4.7.3.2 Regional open space

The planning framework does not support provision of a coastal foreshore reserve via alternative arrangements such as ROS. LN identifies ROS is for the provision of sport, nature and recreation spaces as well as sites of historical, cultural and environment significance and conservation. Also, that ROS may contribute towards overall POS provision if it can be demonstrated that the ROS will serve a local community need. Also, ROS can be linked to POS sites and coastal foreshore reserves to create an open space network that provides access to sport, nature and recreation functions for residents and the wider community.

Although LN recognises that ROS may contribute towards POS provision and be critical to the network of POS, both LN and SPP2.6 do not support ROS, within the locality of land which is proposed to be subdivided, to be considered as a substitute for the identification and provision of a coastal foreshore reserve.

4.7.4 Previous planning decisions to identify coastal foreshore reserves

Proper and orderly planning requires proposals to be assessed against the criteria and requirements that exist at the time of submission for approval. This promotes certainty and confidence in the planning process. This is consistent with *Miller v City of Stirling* [2007] 247 at paragraph 35 and *Presiding Member of the Southern Joint Development Assessment Panel v DCSC Pty Ltd* [2018] WASCA 213 at [99].

Many coastal foreshore reserves were established around Western Australia, prior to the current SPP 2.6 being adopted in 2013. Since these reserves were planned for or ceded to the Crown, coastal foreshore reserve planning



has advanced considerably. Subsequently, the majority of existing coastal foreshore reserve boundaries are not consistent with contemporary coastal foreshore reserve planning requirements of SPP 2.6.

In addition, the need to reassess previously established coastal foreshore reserve boundaries is a consequence of developments in climate science. Coastal foreshore reserves need to provide for future communities to be able to appreciate and enjoy (at the end of the 100-year planning timeframe) similar visual landscape amenity, public access and recreational and environmental values, functions and uses, as those which are enjoyed by current communities.

While there is an initial economic cost with ceding additional land for coastal foreshore reserve, the availability of a broad, natural and continuous coastal foreshore reserve is likely to have economic benefits for landowners in terms of the value of the lots which will have benefit of such a coastal foreshore reserve, in the short, medium and longer term.

Having regard to SPP 2.6, decision-makers are best informed by identifying the values, functions and uses prescribed for the current coastal foreshore reserve and requiring that there be a coastal foreshore reserve in 100-years' time that maintains and provides those values, functions and uses. Proposals that do not reflect these requirements will result in the loss of the coastal foreshore reserve within the 100-year planning timeframe, leaving future communities with no coastal foreshore reserve to enjoy visual landscape amenity, public access, recreation and environmental values.

Past planning decisions or approvals do not set a precedent, or reason to set aside the current SPP 2.6 coastal foreshore reserve requirements.

4.8 COASTAL STRATEGIES AND MANAGEMENT PLANS

4.8.1 Coastal plan requirements

A coastal planning strategy (**CPS**) and/or foreshore management plan (**FMP**) should be prepared as part of proposals on the coast.

A CPS should provide a strategic long-term vision and framework for the planning, management and sustainable use of the coastal zone that is consistent with local and State Government policy.

A FMP guides the planning, development, rehabilitation and long-term management of a localised coastal foreshore reserve area. A FMP specifically establishes a management framework that will enable the coastal foreshore reserve to be managed in a sustainable manner providing access and amenity to local residents and the wider local community.

The CPS or FMP should:

(i) take into account:

- coastal processes
- coastal hazards
- landform and stability
- natural vulnerability
- climate change
- ecological values
- water quality
- recreation and public access
- marine resource use and access
- landscape, seascape and visual landscape

- indigenous heritage
 - cultural heritage
 - land capability
 - existing development and infrastructure.
- (ii) set out requirements for:
- coastal foreshore reserves
 - location and extent of public use, access and facilities
 - integration of coastal/marine planning and land use planning
 - protection of views and vistas
 - protection of natural landscapes
 - protection of indigenous heritage
 - protection of cultural heritage
 - protection of ecological systems
 - protection of water quality
 - protection of threatened and priority species and ecological communities
 - protection of migratory species (e.g. migratory shorebirds), turtles and seabirds, including their nesting, breeding and roosting areas
 - protection of important habitats, such as mangroves.
- (iii) provide guidelines and criteria for development addressing:
- form and scale of development
 - foreshore tenure and management
 - location, form and land use within coastal nodes



- wastewater within coastal nodes
- stormwater and water sensitive urban design
- coastal hazard risk management and adaptation
- financial responsibilities (capital and recurrent costs) for ongoing maintenance and management of foreshore areas including any foreshore protection structures.

The currency of plans relates to their need for review and is based on factors such as continued relevance, the extent and nature of change and pressures operating in the area covered by the plan.

A coastal planning strategy and/or foreshore management plan should be endorsed and adopted by the relevant management authority that will ultimately be its custodian and implementer.

Additional guidance is provided in the Coastal Planning and Management Manual – A community guide for protecting and conserving the Western Australian coast (WAPC, 2003) and Environmental guidance for planning and development – Guidance statement 33 (Environmental Protection Authority 2008).

4.9 PRECAUTIONARY PRINCIPLE

The precautionary principle in coastal decision-making requires decision-makers to act in response to the best available science, knowledge and understanding of the consequences of decisions and in the context of uncertainty, to make decisions that minimise adverse impacts on current and future generations and the environment. In the application of the precautionary principle, private and public decisions must be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment and
- (ii) an assessment of the risk weighted consequence of various options.

The precautionary principle in SPP 2.6 reflects s.3(1)(b) of the PD Act, in that it promotes a sustainable approach to land use planning, and is accepted in planning decision making in Western Australia: *WA Developments Pty Ltd and Western Australian Planning Commission* [2008] WASAT 260 at [42] – [45]; *Wattleup Road Development Company Pty Ltd and Western Australian Planning Commission* [2011] WASAT 160 at [21], [51], [63], [66] and [71]; *Wattleup Road Development Co Pty Ltd v State Administrative Tribunal* [No 2] [2016] WASC 279 at [53].

The Australian Government also advocates the adoption of the precautionary principle and avoidance of actions that will make it more difficult to cope with climate risk in the future: see The Australian Government, Department of Climate Change (2009) *‘Climate Change Risks to Australia’s Coast – A First Pass National Assessment’* p. 132

5 INFORMATION SUPPORT

Proper and orderly planning requires a basis in comprehensive, accurate and up-to-date information on the status and trends of natural resources, including use, tenure, degradation and coastal values. The WAPC and the DPLH support coastal planning and management through a range of activities, including coastal planning advice and coastal grants funding, as outlined at www.dplh.wa.gov.au/coastal-planning.

Specialist coastal engineering advice, including advice regarding coastal process studies, coastal structures, and the collection and analysis of data measuring the physical characteristics of the coastal zone can be obtained from the Department of Transport.

It is recognised that comprehensive, accurate and up-to-date information on the status and trends of natural resources including use, tenure, degradation and coastal values may not be immediately available to a decision-maker or the community. Proponents should be requested to supply necessary information where decision-makers believe it is necessary to enable decisions to support the policies. Any information provided should ensure all methodologies and data used in an analysis is consistent with Schedule One, CHRMAP Guidelines and these guidelines, is appropriate, transparent and verifiable and may be used as part of a consultation concerning a proposal.



6 VARIATIONS

See SPP2.6 Schedule One clause 7.

6.1 COASTAL NODES

Coastal nodes are recognised in clause 7 of Schedule One of SPP 2.6 for their need to occur within an area identified as a coastal foreshore reserve. The definition of a coastal node is relating to the nature of land uses within the node and explicitly excludes residential development.

The policy in this instance allows for appropriately-located and developed coastal nodes as a variation to provide connectivity, access, amenity and recreation opportunities to the coast from adjacent development areas. The impact of coastal hazards over the planning timeframe should be addressed within a CHRMAP to ensure the ongoing provision of a coastal node. This aligns with the coastal foreshore reserve requirement, which is to ensure (among other things) that land is available at the end of the planning timeframe in which a coastal node will be able to relocate to.

Simply labelling an area, such as an activity centre, a coastal node in a structure plan, does not satisfy the requirements of SPP 2.6.

State Planning Policy 4.2 Activity Centres for Perth And Peel and the *Residential Design Codes* define an activity centre as a community focal point. They include activities such as commercial, retail, higher-density housing, entertainment, tourism, civic/community, higher education, and medical services. Activity centres vary in size and diversity and are designed to be well-served by public transport.

The purpose, uses and functions of an activity centre are at odds with the purpose, uses and functions of a coastal node as provided for in SPP 2.6. Activity centre land use and development are incompatible with that identified and contemplated for a coastal node within a coastal foreshore reserve as provided for in SPP 2.6. Such land use and development areas are not supported as coastal nodes under SPP 2.6.

6.2 COASTAL NODE HIERARCHY

6.2.1 Regional coastal node

Regional coastal nodes attract people from the region, intra state, national and international areas. Appropriate facilities include large capacity car parks, cycle tracks, toilets, showers, retail, bar, dining, alfresco dining, kiosk, bus stops, parkland, lifesaving facilities and shade. Regional coastal nodes have a relatively high level of facilities, infrastructure, commercial development and use. Examples of regional coastal nodes include Busselton (Figures 6 and 7), Hillarys, Scarborough and Cottesloe.

Figure 6: Busselton coastal node, comprising approximately 5.5ha with a width of approximately 100m



Figure 7: Busselton coastal node amenity including dining, casual alfresco dining, playground and lawn areas



6.2.2 District coastal node

District coastal nodes are used by people living in the vicinity and region and accessed by foot, bicycle and car. They will have some recreational attractions in addition to the beach. Appropriate facilities include car parks, cycle racks, toilets, showers, parkland, retail, alfresco dining, a kiosk, bus stops and shade. District coastal nodes usually have a range of basic facilities, commercial activities and uses. Examples of district coastal nodes include Trigg (Figures 8 and 9), Leighton and Coogee.

Figure 8: Trigg coastal node, comprising approximately 4.3ha with a width of approximately 90m



Figure 9: Trigg coastal node amenity including casual alfresco dining, playground and lawn areas



6.2.3 Local coastal node

Local coastal nodes are those used by people living close by and are often accessed by foot or bicycle, as well as by car. Local coastal nodes usually have very few facilities and infrastructure, and generally record relatively low rates of use. Examples of local coastal nodes include Yallingup (Figures 10 and 11), Peppermint Grove Beach, Shoalwater

Figure 10: Yallingup coastal node, comprising approximately 1ha with a width of approximately 70m



Bay and Challenger Beach. The level of recreational amenity within a local coastal node setting is significantly lower than that of a district coastal nodes, however there are still requirements for amenity in the form of car parking, seating, showers, play facilities and shade.

Figure 11: Yallingup coastal node amenity including playground and lawn areas



Note: the examples provided above in Figures 6 – 11 indicate the coastal node area for amenity only within the coastal foreshore reserve. The examples exclude all other assessment and provision for a coastal foreshore reserve as per SPP 2.6 clause 5.9.



6.3 COASTAL NODES – PUBLIC VS. PRIVATE OWNERSHIP

SPP 2.6 contemplates coastal nodes within coastal foreshore reserves, requiring the range of facilities available within each coastal node to reflect the beach classification within the overall hierarchy of local, district and regional beach categories outlined at clause 10.1.

Clause 5.9 (iii) of SPP 2.6 seeks to ensure coastal foreshore reserves are ‘set aside for public ownership for management, public access, recreation and conservation’. The preference is for coastal nodes to be held in public ownership, however there may be circumstances in which they remain in private ownership for a period, prior to being transferred to the public realm.

6.3.1 Coastal nodes – public ownership

The preferential arrangements for use and development of coastal nodes involves the reserve being Crown land, with the management authority having the power to lease the reserve for uses that are appropriate and relate to the use of the reserve as have occurred in coastal foreshore reserves within the State.

Examples of coastal nodes within coastal foreshore reserves where community activities and a level of activation for the community have been achieved in accordance with the Metropolitan Region Scheme and DC Policy 5.3 Use of land Reserved for Parks and Recreation and Regional Open Space include, Trigg Beach, Floreat Beach, Cottesloe Beach and Scarborough Beach.

6.3.2 Coastal nodes – private ownership

There may be circumstances (such as development of a coastal node zone during the early stages of implementation of a structure plan over a large area) in which a coastal node zone remains privately owned and developed for a period, prior to being transferred into the public realm. Such a circumstance is only acceptable where the coastal node zone is identified in an area of existing zoned land that has been identified to become coastal foreshore reserve. In such circumstances, it is appropriate that planning is regulated and made enforceable by planning legislation, including local planning schemes.

To ensure such a circumstance is workable and enforceable, a structure plan should include provisions to the effect that the coastal node zone and any related clauses (such as delayed vesting, including trigger for vesting to occur) in the structure plan do not have effect unless and until the coastal node zone and related clauses are incorporated into the applicable local planning scheme. This process should be time-limited to be completed in no more than six years. Failing incorporation into a local planning scheme within six years, the coastal node zone shall be designated a part of the coastal foreshore reserve and not subject to any coastal node zone land use and development provisions under the structure plan and the landowner shall be required to cede the land to the Crown, free of cost and without any payment of compensation by the Crown, at the time of subdivision or development of any land within the structure plan boundary.

The trigger for delayed vesting is to be when the Horizontal Shoreline Datum (SPP 2.6 Schedule One clause 4.2) is within 40 metres of the most seaward part of any land in the coastal node zone. This will ensure that there is sufficient time to cease use and remove development, rehabilitate the land, and vest it in the Crown well before it is affected by sea level rise, and to ensure that there will remain a sufficiently wide and useable beach face and foreshore, which is publicly owned and accessible, both during and after the 100-year planning timeframe.

6.4 COASTAL NODES – PRIVATE OWNERSHIP PLANNING FRAMEWORK

Where private ownership of a coastal node is contemplated, the planning framework must be prepared accordingly. Appendix 2 outlines the guidance that should be used, for sections required for inclusion in part one of a structure plan inclusive of amendments required to a local planning scheme.



APPENDIX 1 – POLICY FRAMEWORK OVERVIEW

SPP 2.6 is applicable to every stage of the planning process. It is intended that policy measures be addressed as early as possible in the planning process, with the level of information provided being progressively more detailed. Table 1 in clause 3 of these guidelines provides an overview of how the policy measures should be addressed at each stage of the planning process.

Strategic planning documents

Strategic planning documents such as frameworks, region schemes, sub-regional strategies and sub-regional structure plans should include high-level consideration when identifying land for future coastal foreshore reserve. These documents are typically the WAPC's highest level of strategic plans and prepared at a State or regional scale, often for the Perth metropolitan area and large urban centres. They provide a coordinated direction for application of land uses, reserves and infrastructure over more than one local government area in the medium to long term. They are also used as a guide for local planning scheme zones and reservations.

Consideration of coastal planning at this level will include the identification of coastal foreshore reserve requirements, regional, district and local coastal node locations, and requirements for risk management of coastal hazards.

Strategic planning proposals

All coastal land use and development areas that exist within the boundary of a strategic planning proposal should be identified to flag where further assessment of coastal foreshore reserve and CHRMAP will be required to inform planning proposals.

Existing and proposed land uses within coastal areas should also be considered in terms of the provision of the appropriate coastal foreshore reserve, and where existing developed areas are identified within coastal hazard areas, they should be considered within a CHRMAP. The existing development should also be considered in terms of the coastal hazard risk management and adaptation hierarchy. The CHRMAP should inform the planning of the proposal and include the statutory mechanisms through which risk management measures are to be implemented.

Region scheme amendments

Region schemes outline objectives for regional development and provide a statutory mechanism to assist strategic planning. They also set out broad land use zones. There are currently three region schemes in Western Australia: the Metropolitan Region Scheme, the Peel Region Scheme and the Greater Bunbury Region Scheme.

When a region scheme is proposed to be amended, it is referred to the Environmental Protection Authority and undergoes public consultation. At this level, it provides

one of the most effective means to prevent inappropriate development in unsuitable locations where coastal hazards exist.

The supporting documentation for the scheme amendment should provide for an appropriate coastal foreshore reserve (SPP 2.6 clause 5.9 and clause 10 of these guidelines), and identify any issues arising from coastal hazard risk and risk management proposed to ameliorate them. The preferred approach is to avoid risk (in accordance with SPP 2.6 clause 5.5 (iii) CHRMAP hierarchy).

District structure plans

District structure plans are usually prepared over land that is either not yet zoned for urban land use or development, or on land that requires a guiding framework to ensure coordination is achieved in subsequent stages of the planning process.

A district structure plan shows a more detailed general pattern of development in a part of a subregion. At this level the identification of a coastal foreshore reserve provides the opportunity to prevent inappropriate development in areas vulnerable to coastal processes over the 100-year planning timeframe, and ensure that an appropriate coastal foreshore reserve inclusive of the allowance for coastal processes and land not vulnerable to coastal processes at the end of the 100-year planning timeframe, which provides the values, functions and uses of the current coastal foreshore reserve for its use and



enjoyment as a coastal foreshore reserve for the benefit for future communities (SPP 2.6 clause 5.9 and clause 10 of these guidelines).

The district structure plan should also identify future locations of coastal nodes within the coastal foreshore reserve, and that such nodes will require CHRMAP prior to development. Given the often long time periods between this level of structure planning and local structure planning and subdivision and development, it will be necessary to clearly articulate that reassessment of the coastal foreshore reserve requirements, will require further detailed assessment at local structure planning stage.

Local planning strategy

Local planning strategies are required to be prepared under the *Planning and Development (Local Planning Scheme) Regulations 2015*, and influence land use and development controls. The preparation of local planning strategies is guided by higher-order planning documents such as frameworks, sub-regional structure plans and region planning schemes where they exist providing the foundation for land use decisions for a local government area, usually for 10 to 15 years.

Local planning strategies provide the rationale for land use planning decisions at the local level by identifying development constraints and opportunities in a local government area, and balancing these with broader planning considerations as well as the aspirations of the local community.

Local planning strategies should identify the requirements for the ongoing provision of a coastal foreshore reserve and future locations of coastal nodes within the coastal foreshore reserve. Also, that such nodes will require CHRMAP prior to development.

Local planning strategies should assess coastal hazard risk alongside other relevant planning matters including environmental, economic and social considerations to holistically inform and shape future expansion, as a precursor to local planning scheme zoning and reservations.

When preparing or reviewing a local planning strategy, local government should first complete a CHRMAP (if not already done) to inform the local planning strategy, for land use and development and coastal hazard risk.

The formulation of a CHRMAP should be in accordance with the CHRMAP Guidelines identified in these guidelines.

The CHRMAP should be used to allocate permissible land uses away from hazard areas. Areas where a hazard risk level of extreme exists or is expected should generally not be identified for further development, intensification or rezoning. If such an area is identified for development, it should be clearly stated that further risk management planning is required to reduce the hazard risk level before development, intensification or rezoning may be considered.

Local planning schemes and amendments

Local planning schemes provide a mechanism to prevent development in inappropriate locations through suitable zoning and land use permissibility controls, consistent with strategic-level planning documents.

For new local planning schemes and scheme reviews, the zoning tables should be reviewed to ensure that the type of development permissible is compatible with the level of risk associated with any identified coastal hazard in the local planning strategy. Existing land uses and development within coastal hazard areas should form part

of a special control area (**SCA**). All proposed development within the SCA should require approval, issued only on a temporary or time-limited basis.

For local scheme amendments proposing the rezoning of an area, consideration should be given to whether the rezoning will increase the coastal hazard risk in that area. Coastal hazard risk may be increased by changing the land use vulnerability, particularly through increased residential development and settlement.

Land use vulnerability in coastal hazard risk areas refers to proposals that would expose a greater number of individuals and property to coastal hazard risk. Land use intensification in coastal hazard risk areas is generally not supported.

A precautionary approach should be taken in relation to any proposed local planning scheme or amendment which proposes to facilitate intensified settlement or development; in particular residential subdivision/development within a coastal hazard risk area.

Special Control Areas within coastal hazard areas

SCAs are used by local government to identify areas which are regarded as significant and where special provisions may need to apply. They are shown on the scheme map in addition to the zones and reserves that apply to the land, essentially creating a layer that operates as an overlay to the scheme map. In this regard, a local planning scheme amendment may be initiated to create SCAs that provide for special consideration of coastal hazard risk-related issues within specific locations.



The SCA provisions should set out the purpose and objectives of the SCA, any specific development requirements, the process for referring applications to relevant agencies, and matters to be considered in determining development proposals. Local governments proposing to initiate a SCA for coastal hazard risk purposes are encouraged to liaise with the DPLH prior to lodging their scheme amendment. An example of a Coastal Hazards SCA text can be found in the CHRMAP Guidelines, Appendix 2 *Special Control Area Text* in Appendix 4 *Planned or managed retreat existing planning framework and instruments*.

Local planning policies

Local planning policies are prepared by local governments to help inform and guide the preparation, assessment and discretionary decision-making of planning applications at the local government level. Local planning policies relating to coastal hazard risk management can complement a local planning scheme's coastal provisions. Local planning policies can be used to clarify the application of SPP 2.6 and identifying land use and development requirements for a locality.

Local planning policies are prepared under the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015 (PD Regs)*. They are to be given due regard to guide local governments in exercising their discretion, in determining a development application. They cannot be used to establish mandatory development requirements or override scheme provisions. Local governments wishing to do this need to adopt additional coastal planning requirements in a relevant SCA, via a scheme amendment, if they wish to impose additional site and development requirements to strengthen coastal hazard risk protection measures within their locality.

In a coastal planning context, it is recognised that carefully drafted local planning policies may be useful to provide additional guidance or locally specific risk management options in addition to those contained in SPP 2.6 and these guidelines. For example, they may include coastal hazard maps that are not appropriate for inclusion in a scheme.

Local governments are encouraged to refer their local planning policies that address coastal hazard risk issues to the DPLH for advice prior to being adopted and implemented. In finalising the draft local planning policy, the local government should consider any advice received for incorporation into the final document. If the local planning policy is inconsistent with SPP 2.6 or these guidelines, then SPP 2.6 and these guidelines will prevail in any areas of conflict or interpretation.

Local structure plans

The PD Regs requires local structure plans to be given due regard in decision-making. Local structure plans are approved by the WAPC. Any subdivision or development application is generally required to be in accordance with an approved structure plan.

Where staged development is proposed, structure plans should provide for all coastal foreshore reserve requirements to be met during all stages of development. That is, identification and provision of a coastal foreshore reserve in accordance with SPP 2.6 clause 5.9 and clause 10 of these guidelines should not be conditional to a subsequent stage being developed. Any applicable staging plan, as well as local development plan, should ensure that development can be logically progressed while ensuring that at any given time the coastal foreshore reserve identified is current and in accordance with SPP 2.6 and these guidelines. Specifically, given the long

timeframes for implementation of local structure plans, it is likely that the identification and provision of a coastal foreshore reserve will need to be undertaken and refined, or confirmed several times (as new information becomes available or policy and guidance changes occur), from the initial structure planning process to the final subdivision planning process.

If a district structure plan does not exist or identify the future location of coastal nodes, a local structure plan should identify future locations of coastal nodes within the coastal foreshore reserve, and that such nodes will require CHRMAP prior to development.

Where a structure plan has been endorsed by the WAPC prior to the publication of these guidelines and does not contain a coastal foreshore reserve in accordance with SPP 2.6 clause 5.9 and clause 10 of these guidelines, subsequent approvals should be based on the precautionary principle. This will require the local structure plan or subdivision plans to amend the design and lot layout from that in the structure plan, to achieve the provision of a coastal foreshore reserve that aligns with the requirements of SPP 2.6 and these guidelines.

Subdivision

A well-designed subdivision will avoid coastal hazards and be located landward of a coastal foreshore reserve in accordance with SPP 2.6 clause 5.5(iii)(1) and clause 5.9(i). Subdivision proposals should be used as an opportunity to consider the location, siting and design, and infrastructure available to the lot(s) to ensure people, property and infrastructure are not exposed to coastal hazards and to ensure that new infrastructure and development resulting from subdivision is unlikely to detrimentally affect natural coastal processes.



Where it can be demonstrated that avoiding coastal hazards and being located behind a coastal foreshore reserve in accordance with SPP 2.6 clause 5.5(iii) (1) and clause 5.9(i) is not possible (for example infill development), then CHRMAP in accordance with SPP2.6 clause 5.5 is required to accompany a subdivision proposal. This needs to demonstrate: (1) coastal hazard risk can be adequately managed to ensure there is no danger to lives, property and infrastructure from the exposure to coastal hazards caused by the creation of the lot(s); and (2) that a new lot(s) and resulting development and infrastructure is unlikely to detrimentally affect natural coastal processes.

Applying for subdivision

All subdivision applications likely to be impacted by coastal hazards during the 100-year planning timeframe should be accompanied by a CHRMAP. The CHRMAP is to be in accordance with the CHRMAP Guidelines, indicating the risk management measures to be implemented to reduce coastal hazard risk to tolerable levels for the proposed lots. If a CHRMAP already exists and covers the subdivision site (for example one completed and adopted by a local government), the existing CHRMAP should be included with detail of how the subdivision is consistent with it.

When a subdivision has been designed in accordance with an endorsed structure plan that did not include consideration of coastal hazard and coastal foreshore reserve requirements in accordance with SPP 2.6 (clause 5.5(iii)(1) and clause 5.9(i)), the decision-maker will need to apply the precautionary principle in determining the application, having regard to SPP 2.6 and the criteria contained in these guidelines. After the approval of many current structure plans, there have been advances in knowledge, information and coastal planning policy.

These warrant planning measures being taken to address previously unidentified coastal hazard and coastal foreshore reserve requirements. This may include refusal of subdivision deemed inappropriate on the grounds of coastal hazard risk and inadequate coastal foreshore reserve.

Subdivision conditions

The WAPC can impose conditions relating to coastal hazards on subdivision applications. Where a lot is likely to be at risk to the adverse impacts of coastal hazards such as erosion and storm surge inundation, within the planning timeframe (of 100 years), it should be disclosed to those likely to be affected by it. Therefore, the current lot owner and future lot owner should be made aware of the coastal hazard risk by providing a notification on the certificate of title. The wording to include in the condition should be that in the Model Subdivision Conditions Schedule, which states:

A notification, pursuant to Section 165A of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered." (Western Australian Planning Commission).

It should be noted that the WAPC has the discretion to include additional coastal hazard-related conditions in addition to the types listed above.

Clearing of conditions for an approved subdivision

This stage of the planning process involves clearing subdivision conditions applied by the WAPC. Local government plays an important role in this process as the clearing agency for most subdivision conditions.

Development applications

All development applications likely to be impacted by coastal hazards during the 100-year planning timeframe should be accompanied by a CHRMAP. The CHRMAP is to be in accordance with the CHRMAP Guidelines, indicating the risk management measures to be implemented to reduce coastal hazard risk to tolerable levels for the development. If a CHRMAP already exists and cover the development site (for example one completed and adopted by a local government), the existing CHRMAP should be included with detail of how the development is consistent with it.

If a proposed development is within the SCA and requires approval, approval should only be issued on a temporary or time-limited basis, in the context of the timeframes anticipated by the CHRMAP.

Development conditions

The WAPC and local government can apply conditions relating to coastal hazards on development applications that enable the appropriate development and use of the coastal zone in accordance with SPP2.6 and these guidelines. Where a lot is likely to be at risk to the adverse impacts of coastal hazards such as erosion and storm surge inundation, within the planning timeframe (of 100 years), it should be disclosed to those likely to be affected by it. Therefore, the current lot owner and future lot owner



should be made aware of the coastal hazard risk by providing a notification on the certificate of title. The wording to include in the notification should be that in SPP 2.6 cl5.5 (ii).

It should be noted that the WAPC and local government have the discretion to include additional coastal hazard related conditions in addition to the types listed above.



APPENDIX 2 – COASTAL NODES – PRIVATE OWNERSHIP PLANNING FRAMEWORK

Note: Clause numbers used below are example only.

(insert clause number) 6.6 Coastal Node Zone

(insert clause number) 6.6.1 Requirement for Coastal Node Zone to be given effect by local planning scheme

- a) The Coastal Node Zone and clause 6.6 (other than clause 6.6.1 a), b) and c)) have no effect unless and until the Coastal Node Zone and clause 6.6 (other than clause 6.6.1 a), b) and c)) and any further provisions necessary to give effect to the zone and clause 6.6 are incorporated into the **(insert local government local planning scheme)** within six years after the approval of this Structure Plan by the Western Australian Planning Commission.
- b) The **(insert local government local planning scheme)** referred to in paragraph a) of this clause may:
 - i) include any part of any adjoining unvegetated area, which under the Structure Plan is designated as a coastal foreshore reserve, in the Coastal Node Zone and
 - ii) add any discretionary land use considered appropriate for the Coastal Node Zone to the list of discretionary land uses in clause 6.6.5 b), subject to clause 6.6.5 c) ii).

- c) If the Coastal Node Zone and clause 6.6 (other than clause 6.6.2 a), b) and c)) and any further provisions necessary to give effect to the Coastal Node Zone and clause 6.6 are not incorporated into an applicable local planning scheme within six years after the approval of this Structure Plan by the Western Australian Planning Commission, then the land in the Coastal Node Zone is designated as a coastal foreshore reserve and is not subject to any zoning under this Structure Plan, and the landowner must cede that land to the Crown (free of cost and without any payment of compensation by the Crown) at the time of subdivision or development of any land within the Structure Plan boundary.

(insert clause number) 6.6.2 Objectives

The objectives of the Coastal Node Zone are to:

- a) put in place suitable development controls that allow for the land to be used until the most landward part of the Horizontal Shoreline Datum is within 40 metres of the most seaward part of the Coastal Node Zone Area
- b) recognise the constraints in terms of use and the need to minimise risk and
- c) require the owner of the land to cede the land to the Crown (free of cost and without any payment of compensation by the Crown) when the most landward part of the Horizontal Shoreline Datum is within 40 metres of the most seaward part of any of the land in the Coastal Node Zone Area.

(insert clause number) 6.6.3 Requirement for Coastal Node Zone to be given effect by local planning scheme

- a) The Coastal Node Zone and clause 6.6 (other than clause 6.6.3) have no effect unless and until the Coastal Node Zone and clause 6.6 (other than clause 6.6.3) and any further provisions necessary to give effect to the Coastal Node Zone and clause 6.6 (other than clause 6.6.3) are incorporated into an applicable local planning scheme within six years after the approval of this Structure Plan by the Western Australian Planning Commission.
- b) The local planning scheme referred to in paragraph a) of this clause may:
 - i) include any part of any adjoining unvegetated area which under the Structure Plan is designated as coastal foreshore reserve, in the Coastal Node Zone and
 - ii) add any discretionary land use considered appropriate for the Coastal Node Zone to the list of discretionary land uses in clause 6.6.5 b), subject to clause 6.6.5 c) ii).
- c) If the Coastal Node Zone and clause 6.6 (other than clause 6.6.3) and any further provisions necessary to give effect to the Coastal Node Zone and clause 6.6 (other than clause 6.6.3) are not incorporated into an applicable local planning scheme within six years after the approval of this Structure Plan by the Western



Australian Planning Commission, then the land in the Coastal Node Zone is designated as a coastal foreshore reserve and is not subject to any zoning under this Structure Plan, and the landowner must cede that land to the Crown (free of cost and without any payment of compensation by the Crown) at the time of subdivision or development of any land within the Structure Plan boundary.

(insert clause number) 6.6.4 Restriction on further subdivision

The Coastal Node Zone is to comprise a single lot and is not to be further subdivided.

(insert clause number) 6.6.5 Land use permissibility

- a) No development shall occur in the Coastal Node Zone in the absence of an approved Foreshore Management Plan.
- b) All land uses as defined in **(insert local government local planning scheme)** are classified as Prohibited (X) uses in the Coastal Node Zone, with the exception of the following, which are discretionary D uses:
 - Art gallery
 - Caravan park
 - Car park
 - Exhibition centre
 - Restaurant/cafe
 - Market
 - Small bar.
- c) In addition to having regard to the matters contained in clause 67 of the deemed provisions, the Council shall only exercise its discretion to grant development approval where it is satisfied that:

- i) any buildings proposed are readily capable of removal and relocation and
- ii) the development falls within one of the possible variations in clause 7 of Schedule One of *State Planning Policy No. 2.6 - State Coastal Planning Policy*.

(insert clause number) 6.6.6 Development requirements

Prior to considering a Development Application in respect of land within the Coastal Node Zone, the Council shall be satisfied that the proponent has provided sufficient indemnity to the **(insert local government)** (and/or other responsible public authority) to ensure the **(insert local government)** and/or public authority is not liable for any loss or damages resulting from the impact of coastal processes on development in the Coastal Node Zone.

(insert clause number) 6.6.7 Term of approval

- a) Any development approval granted in respect of land within the Coastal Node Zone shall be limited to a period of not more than 21 years from the date of approval, at which point the approval will lapse and:
 - i) the development shall be removed and
 - ii) the land shall be rehabilitated to its pre-development condition to the extent reasonably practicable, by the landowner at its cost.
- b) Council may consider a request to extend the term of approval at any time prior to its expiry, where it can be demonstrated through technical analysis that the subject land is, in the opinion of the **(insert local government)**, unlikely to be affected by sea level rise and any other coastal processes within the foreseeable future.

- c) Any extension to the term of approval granted under clause 6.6.7 b) shall only be for a term not exceeding 10 years.
- d) There is no limit to the number of extensions that the **(insert local government)** may grant, subject to the satisfaction of b) above and compliance with the requirement that, unless a further extension is granted, at the end of the term of approval:
 - i) the development shall be removed and
 - ii) the land shall be rehabilitated to its pre-development condition to the extent reasonably practicable, by the landowner at its cost.
- e) Any approval granted in respect of land within the Coastal Node Zone (including any extension thereof) shall cease to have effect and
 - i) the development shall be removed and
 - ii) the land rehabilitated to its pre-development condition to the extent reasonably practicable, by the landowner at its cost when the most landward part of the Horizontal Shoreline Datum is within 40 metres of the most seaward part of the land in the Coastal Node Zone area.

(insert clause number) 6.6.8 Requirement for delayed vesting (without compensation) of Coastal Node Zone

The owner of the land in the Coastal Node Zone area must cede that land to the Crown (free of cost and without any payment of compensation by the Crown) when the most landward part of the Horizontal Shoreline Datum is within 40 metres of the most seaward part of the land in the Coastal Node Zone area.



(insert clause number) 6.6.9 Requirement for report from coastal engineer as to distance between the Horizontal Shoreline Datum and land in the zone

The owner of the land in the Coastal Node Zone area must provide at its cost a report from a Coastal Engineer nominated or approved by the **(insert local government)** to the **(insert local government)** indicating the distance between the most landward part of the Horizontal Shoreline Datum and the most seaward part of the land in the Coastal Node Zone area:

- a) whenever development approval or an extension of a development approval in relation to land in the Coastal Node Zone area is sought and
- b) in addition, at least once every five years, or more frequently if requested by the **(insert local government)**.

(insert clause number) 6.7 Foreshore reserve

- a) Subject to paragraph b) of this clause, the coastal foreshore reserve as identified on the Structure Plan Map is to be ceded free of cost at the time of subdivision or development in accordance with *State Planning Policy 2.6 – State Coastal Planning Policy*.
- b) This clause does not apply to any of the land within the Coastal Node Zone for a period of six years after approval of this Structure Plan by the Western Australian Planning Commission or thereafter if such land is included within the Coastal Node Zone if the Coastal Node Zone is incorporated into the **(insert local government local planning scheme)**.

(insert clause number) 6.8 Foreshore Management Plan

A Foreshore Management Plan is required to be prepared as a condition of subdivision approval where the application area adjoins or includes a Coastal Node Zone Area or the coastal foreshore reserve. The Foreshore Management Plan shall include the following information:

- Coastal Plan Requirements in accordance with *State Planning Policy 2.6 - State Coastal Planning Policy Guidelines*
- Coastal Hazard Risk Management and Adaptation Plan, prepared in accordance with *State Planning Policy 2.6 - State Coastal Planning Policy*
- identification of any areas of landform or vegetation retention within the Coastal Node Zone Area and/ or the coastal foreshore reserve, and details of the treatment/rehabilitation of this area
- Identification of indicative locations for buildings, infrastructure, indicative land use, public parking and access within the coastal foreshore reserve and Coastal Node Zone Area
- identification of tenure and management responsibilities for the Coastal Node Zone Area and the coastal foreshore reserve and
- identification of indicative locations of drainage and associated infrastructure.

(insert clause number) 6.9 Structure Plan Map

- a) Provide for an appropriate coastal foreshore reserve inclusive of an allowance for coastal physical processes and land not vulnerable to coastal processes at the end of the 100-year planning

timeframe, in accordance with *State Planning Policy 2.6 - State Coastal Planning Policy* and associated Guidelines, excluding the Coastal Node Zone referred to in paragraph b), to the satisfaction of the Western Australian Planning Commission.

- b) **(insert Structure Plan name)** dated **(insert date)** to show:
 - i) the Coastal Node Zone as comprising only the distinct and discrete parts of the Coastal Node Zone area shown on **(insert Structure Plan name)** Map dated **(insert date)**
 - ii) an annotation attached to the distinct and discrete parts of the Coastal Node Zone referred to in subparagraph i) as follows:

These areas may be the subject of a proposed local planning scheme amendment to zone these areas as Coastal Node Zone. Prior to these areas being rezoned as Coastal Node Zone under the local planning scheme amendment, no development application can be approved in these areas

(insert clause number) 6.10 Additional information.

Additional information	Approval stage	Approving authority
Coastal hazard risk management and adaptation plan to be prepared in accordance with WAPC's State Planning Policy 2.6	Development application within the coastal foreshore reserve (i.e. coastal node zone development)	(insert local government) / WAPC
Foreshore management plan (for the entire structure plan coastal foreshore reserve area), prepared in accordance with WAPC's State Planning Policy 2.6	Condition of subdivision approval	(insert local government) / WAPC

