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The Australian Coastal Society is dedicated to healthy ecosystems, vibrant communities, and sustainable use of coastal resources.

## **SUBMISSION TO THE DRAFT SPP2.6 STATE COASTAL PLANNING POLICY**

**Tuesday, 13 November 12**

The Australian Coastal Society aims to promote knowledge and understanding of the environmental, social and economic value of the Australian coast. The WA branch of the Australian Coastal Society aims to contribute to state and local debates on coastal issues so as to foster rational, open decision-making in order to achieve sustainable use of coastal resources and responsible stewardship of coastal assets.

This document is a collation of our members' submissions, feedback and views based on their knowledge and expertise from various sectors in coastal planning and management across Western Australia.

### Overall

Support should be given to the overall intent of draft policy 2.6. The document appears to provide guidance, rather than be overly prescriptive. This is a significant improvement on the current policy. It emphasises the need for thorough assessment of local landforms with a priority of preserving the foreshore for future public accessibility, amenity and environmental purposes.

Particular points of note include:

- the focus on setback to provide for continued public amenity of the foreshore even after year 2110, and the encouraging restriction on any new developments, other than paths and public facilities with short (30 year) expected life, within the setback lines.
- if new information or methods become available that modify the understanding of coastal hazards or processes in an area, then it should be the subject of a new risk assessment and adaptation planning process.

- no specific height limits and allowing for determination through their local planning schemes or strategies on a case by case basis.
- appropriate funding arrangements should be included for control and maintenance of the coastal protection works proposed and that such works should primarily be for the preservation of the coastal foreshore and public amenity.

### Section 3. Application of the Policy

Re 3rd dot point - expected the Policy should also apply to islands within estuaries, these are also potentially impacted by waves and currents, storm events and sea level variations.

### Section 4. Policy Objectives

Suggest greater clarity by inserting a new point 2 in the policy objectives to read “provide guidance for incorporating coastal hazard risk assessment and adaptation into the decision making process”.

### Section 5.4 Building Heights Limit

The draft policy removes reference to the need for ‘broad community support in the determination of maximum development height’ and proposes to replace criteria ‘(a)’ with the following text:

- a) Development is consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy;*

ACS supports the draft provision which acknowledges that maximum height limits is to be specified as part of controls outlined in local planning schemes. The reference to the need to undertake a comprehensive community consultation as part of the process of establishing building heights should be re-introduced.

### Section 5.5 Coastal hazard risk management and adaptation planning

Part (i) - The need for proper coastal risk assessment and adaptation is supported. The Policy states that the ‘responsible authority’ needs to carry out a risk assessment and develop adaptation planning for any existing developments that may be affected by coastal processes within the planning timeframe. However, the policy provides no guidance as to who the responsible authority (authorities) should be. Hence, greater clarification as to who is/are the responsible authority or authorities is required.

It is also unclear who will pay for these assessments. It would be a significant expense for local governments and could diminish the likelihood of proper assessments being undertaken. Some agencies may not have the capacity or the expertise to undertake this work or assess the work of the proponent. It is recommended that the State Government

provide training and general technical support to agencies and authorities following policy adoption.

Greater clarification is also needed in regard to potential risks of liability for damages if the responsible authority has not yet carried out such studies and damage to a development occurs from coastal processes.

We recommend that clear guidelines be developed that detail the requirements of robust risk identification. This information would add value to the existing Coastal hazard risk management and adaptation planning process flow chart included in the Guidelines. Such guidelines would help to overcome shortages in technical expertise by providing agencies clear information for undertaking or assessing the risk identification step while relieving demands for technical assistance on existing state agencies. Information would include required data sets related to each coastal process that affects risk identification, why this data is important (i.e. detailed bathymetry is useful for understanding sediment budgets), the ideal length and technical specifications of the data set, methods for collecting this data, and references for sourcing more information. This would provide a clearer pathway for land managers and proponents looking to undertake coastal hazard risk management.

Clause 5.5(ii) states that where a coastal hazard risk is identified, it should be disclosed to those likely to be affected and where relevant, in the consideration of development approvals that existing and future land owners should be made aware of this risk via a notification on the Certificate of Title. It is unclear from the policy as to how notifications on titles will be triggered, the process involved and who will bear the costs of the notification. Furthermore, whilst subdivision may be an appropriate trigger, further consideration is required as to the way in which development will trigger such a requirement. There is concern that the responsibility for the management of this process for multiple applications will be overly onerous on local government both in terms of time and financial resources. It is therefore recommended that other alternative avenues are also provided in determining appropriate triggers for notifications on titles.

5.5 (3) & (4) refers to 'sufficient justification' for not avoiding development of land at risk. It is recommended to include a definition and/or an example of what constitutes 'sufficient justification'.

Clause 5.5 (3) (2) refers to 'planned' or 'managed' retreat and the relocation / removal of assets within risk areas over time. Greater consideration and guidance is required as to how this will be achieved for assets on private land.

Clause 5.5(4) states that risk areas should be reviewed based on new information or methods that become available. Whilst this statement is supported, it is critical that the State government recognises that local governments will require continued support and

funding to ensure that research can be maintained and incorporated into state and local government policy.

#### Clause 5.7 Coastal Protection Works (and monitoring)

The policy suggests the need for shared responsibility (and who the authorities should be) for the resourcing and funding required for ongoing maintenance, upgrade or replacement of coastal protection works and the monitoring of potential impacts on the adjacent environment. We encourage the State Government to develop a consistent regional and local scale coastal process monitoring and analysis program as well as a funding program to assist agencies undertaking coastal monitoring activities and ultimately ensure robustness and accuracy of datasets across the State.

#### Clause 5.7 Coastal Protection Works (c) Sediment Cells

The draft Policy makes reference to 'sediment cells'. It is suggested that the identification of sediment cells will need to be undertaken at comprehensive regional/state level however due to the interrelated and inherent impacts which may occur over local government boundaries, as a result of coastal works within individual local government areas. Consideration should therefore be given as to the relevant agency responsible for the identification of cells / vulnerable sites, both at a regional and local level and the funding mechanisms in place to support these outcomes.

#### Section 5.8 Public Interest

In this section terms such as 'adequate opportunity' and 'sufficient information' are used as measures. These terms are not clearly defined and thus are not necessarily effective measures. Consideration should be given to providing clearer benchmarks.

#### 5.9 Coastal foreshore reserve

Draft policy 2.6 removes the current nominal setback requirement from the horizontal setback datum in favour of a more robust but flexible case by case approach. While the calculation of the foreshore reserve, and the additional width of the setback to the development is determined in Schedule One, the wording in 5.9 needs to be strengthened to reflect the intent of the draft policy.

The intent is to ensure that the values, functions and uses prescribed for foreshore reserves today, will be available at the end of the planning timeframe. It is recommended to include the following as a stand-alone clause in section 5.9 of the policy:

"An appropriate coastal foreshore reserve will include the allowance for physical processes (as per Schedule One) and an appropriate width to ensure a coastal foreshore reserve is maintained should the physical processes impacts be realised over the 100 year planning timeframe".

In addition, the requirement for the proponents to maintain the foreshore reserve for 5 years after completion of foreshore works should be incorporated within other relevant State Planning Policies. The State Government should also investigate avenues in which foreshore reserves will be protected in the long term, including potential land banking.

Reference is made for the need to *'adequately protect the values, functions and uses of foreshore reserves'*. It is argued that 'adequately' is too vague an expression and open to interpretation and as such is likely to result in foreshore and coastal ecological communities being placed at significant risk as a result of coastal processes and development pressures. The removal of the term 'adequately' would strengthen the statement.

#### 5.10 Coastal Strategies and Management Plans

This section refers to various triggers to require a coastal planning strategy or coastal foreshore management plan. One of these is described as 'development'. Suggest this is made more specific, such as 'development approval'. This would be more consistent with other sections of the policy and also is more easily defined.

#### Clause 8.1 - Ecological Values

The term *'critical habitats'* should be changed to 'natural habitats' to ensure that all habitats are valued and protected.

#### Clause 9.1 – Coastal Plan Requirements

The guidelines state that the proponent should be responsible for the implementation of the foreshore management plan as well as the funding, maintenance, monitoring and management of foreshore works for a period not less than five years from the completion of works. Currently reserve or public open space is maintained for 3 years by proponents. ACS WA supports this position however recommends its inclusion within other relevant State Planning Policies which include reference to public open space (reserves) being ceded as part of the subdivision process.

#### Precautionary principle

The inclusion of the precautionary principle is supported. It is noted, however, that the definition as written only relates to 'harm to' the environment and it is suggested that it should also include 'harm from' severe weather events. This suggestion is in line with the coastal hazard risk assessment and adaptation component of the draft policy. It is recommended that section 5.11 (ii) be amended to read:

The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment, or incur serious damage from the impacts of severe weather events.

### Integration with other State Policies

It is not clear how draft SPP 2.6 relates with *Coastal Protection Policy for WA - A Department of Transport Operational Policy (April 2006)*. The Department of Transport's operational policy states, *'The ownership of existing coastal protection structures for which ownership is unclear will be negotiated between State and local coastal managers. It is expected that ownership will be allocated to the public body representative of those gaining the most benefit from the structures.'*

Such a statement has significant financial repercussions on local government, particularly in light of the provisions of draft SPP 2.6. It is critical that once finalised, all relevant State policies are updated to ensure consistency with the provisions of SPP2.6, particularly in relation to the issue of ownership / responsibility of coastal structures.

### Integration of social, cultural, economic and ecological values.

This can be achieved through the Coastal Planning Strategies and Management Plans. Canal estates should be banned.

**ACS supports the draft *State Planning Policy No. 2.6 – Coastal Planning Policy* 'in-principles' and recommends the State Government to provide a clear funding plan for the implementation of the finalised SPP 2.6 and to ensure that government agencies and authorities are appropriately funded to prepare and implement coastal hazard risk management and adaptation plans.**

Sincerely,  
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