

Update on coastal hazards and planning certificates



Planning & Infrastructure

Frequently Asked Questions

January 2014

WHAT CHANGES ARE BEING PROPOSED TO HOW PROPERTY BUYERS ARE ADVISED OF COASTAL HAZARDS?

- The NSW Government is proposing to issue clear advice to councils on how they should report on coastal hazards such as erosion and flooding when issuing Section 149 certificates, which are needed when a property is sold.
- The community and councils are being consulted until Monday 3 March on a draft Planning Circular that advises councils of the need to make a clear distinction between current and future hazards on the certificates.

WHAT ARE SECTION 149 CERTIFICATES?

- Section 149 certificates are issued by councils and detail a variety of issues including current and future hazards to the property and restrictions on development.
- There are two types of Section 149 certificates:
 - Section 149(2) certificates which are compulsory and list restrictions on development due to current or future hazards.
 - Section 149(5) certificates which are optional and include information on other issues affecting property. Restrictions on development cannot be listed on these certificates.

WHY IS THERE A NEED FOR THIS CHANGE?

- There has been a lack of clarity between current and future hazards listed on Section 149 certificates issued by councils.
- Some councils have been including long-term hazards - based on sea level rise forecasts up to 100 years from now - on these certificates.
- Such future hazards can be very different in nature to current hazards and can require different management controls.
- The proposed clear distinction between current and future hazards will help ensure property buyers get accurate, complete and reliable information.
- It will also ensure property buyers don't mistakenly believe the property is already impacted by future projected hazards.

HOW IS "CURRENT EXPOSURE TO A COASTAL HAZARD" DEFINED?

- This is where the land is currently threatened by a hazard or there is a likelihood that the hazard will occur during a probable event such as a storm.
- Examples include land in an immediate coastal erosion area or land where there is a 1 in 100 year flood probability.

Update on coastal hazards and planning certificates



Planning & Infrastructure

Frequently Asked Questions

HOW IS “FUTURE EXPOSURE TO A COASTAL HAZARD” DEFINED?

- This is where a hazard may arise in the future but the land is not at risk from the hazard now.
- Examples include land likely to be exposed to receding shorelines, flooding or inundation due to projected sea level rise or erosion.

WHY IS THE GOVERNMENT NO LONGER RECOMMENDING SEA LEVEL RISE BENCHMARKS FOR COUNCILS?

- In 2012, the Government removed the need for councils to apply across-the-board benchmarks for future sea level rise after the NSW Chief Scientist and Engineer, Professor Mary O’Kane, reviewed the adequacy of the science behind them.
- The report noted sea levels have risen over the past 100 years but projections vary widely for future sea level rise, particularly for the latter part of the 21st century.
- It found NSW has the expertise – in government, academic and research institutions and the private sector – to adapt and interpret global models and develop more precise local models specific to various NSW coastal locations.

HOW IS THE GOVERNMENT HELPING COUNCILS DECIDE ON WHAT SEA LEVEL RISE PROJECTIONS TO ADOPT?

- The NSW Office of Environment and Heritage is providing councils with detailed information and helping them interpret observed historical sea levels and future sea level projections.
- The Government’s Coastal Expert Panel is developing practical advice to help councils in their assessments including the complex issues of probability and change which councils need to examine when considering the science surrounding coastal hazards.
- The Government has also invested in a Climate Change Adaptation Research Hub, which includes a Coastal Processes and Responses node. This node’s role is to provide the best and most up-to-date scientific information on a range of coastal issues, helping councils and their communities manage and adapt to future hazards.

WHAT SHOULD COUNCILS DO IF THEY HAVE NOT YET FORMALLY ADOPTED SEA LEVEL RISE PROJECTIONS?

- Councils may need to make interim or transitional arrangements until projections are formally adopted by the council.
- Options may include preparing interim projections or delaying coastal flood or coastal hazard studies until the council’s projections are adopted.
- Councils can access expert advice and technical guidance to help them provide sufficiently accurate,

Update on coastal hazards and planning certificates



Planning & Infrastructure

Frequently Asked Questions

complete and reliable information on Section 149 certificates.

HOW CAN PEOPLE MAKE A SUBMISSION ON THE PROPOSED CIRCULAR?

- The draft Planning Circular can be viewed at:
 - The NSW Department of Planning and Infrastructure's website www.planning.nsw.gov.au/proposals
 - The department's Information Centre at 23-33 Bridge St, Sydney.
- Submissions can be made until Monday 3 March.
 - Online at www.planning.nsw.gov.au/proposals
 - By mail to Ms Santina Camroux, Coastal and Natural Resources Policy branch, NSW Department of Planning and Infrastructure, GPO Box 39 Sydney NSW 2001.
- Submissions will be made public in line with the department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission.
- Before making a submission, please read our privacy policy at www.planning.nsw.gov.au/privacy

MORE INFORMATION

- Visit the website: www.planning.nsw.gov.au/proposals
- Call 1300 305 695
- Email: information@planning.nsw.gov.au