

3 March 2014

NSW Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Submission - Draft Planning Circular: Coastal Hazard Notations on Section 149 Planning Certificates

Thank you for the opportunity to make a submission on the *draft Planning Circular: Coastal Hazard Notations on Section 149 Planning Certificates*.

Parts of Hornsby Shire (i.e. the southern side of Dangar Island and Milsons Passage) are identified as being located within the coastal zone as identified on the NSW Planning and Infrastructure's Coastal Zone Maps. Further, the Hawkesbury River and Berowra Creek are subject to tidal influence. Accordingly, planning for both current and future coastal hazards is an important issue for Council.

The principle of the draft Planning Circular to provide property buyers clear advice on both current and future hazards is generally sound and is supported. However, the guidance provided in relation to drafting Section 149 Planning Certificate notations within the draft Planning Circular falls short of achieving the stated principle. The following comments are offered to assist the Agency in improving its coastal hazard management policies.

- The draft Planning Circular notes that Section 117 *Direction 2.2 - Coastal Protection* and *Direction 4.3 Flood Prone Land* are being revised to incorporate additional criteria upon which a planning proposal is required to comply in order to determine future exposure to a coastal hazard. These include that a planning proposal is prepared having regard to councils own evidence based climate change prediction data and consideration of current research/technical advice from the Climate Change Adaptation Research Hub.

The detail of the Directions is unknown and should be exhibited in conjunction with the draft Planning Circular. This would assist councils in commenting on the policy as it would provide a complete picture of their responsibilities in undertaking the necessary environmental studies, preparing a comprehensive land use planning strategy and including notations on Section 149 Planning Certificates.

- The draft Planning Circular recommends the form of notations to describe land that is affected by current and future exposure to a coastal hazard that should appear on Section 149(2) Planning Certificates. The draft Planning Circular later states that councils should seek legal advice in relation to the specific wording to be included on both Section 149(2) and (5) Planning Certificates.

Questions 7 and 7A under Schedule 4 of the *Environmental Planning and Assessment (EP&A) Regulations 2000* require councils to identify where a property is affected by Government policy concerning coastal hazards/risk. To promote consistency across all coastal councils in NSW, appropriate notations should be drafted by the Agency to provide a base for councils to answer both questions 7 and 7A in Section 149(2) Planning Certificates in relation to current and future coastal hazards. Council's should seek their own legal advice on any additional wording/notations that they decide to include on Section 149 (2) and (5) Certificates in relation to these hazards.

Any notations drafted should refer to "current and future exposure to a coastal hazard" and "future exposure to a coastal hazard". Spatially, land currently subject to coastal hazards would also be subject to future coastal hazards. The hazards only differ in the extent of the affectation (eg. different peak flooding/tidal inundation levels above MHWL).

I trust that these comments are of benefit to the Agency in refining its coastal hazard management policies.

Yours faithfully



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Strategic Planning Branch

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