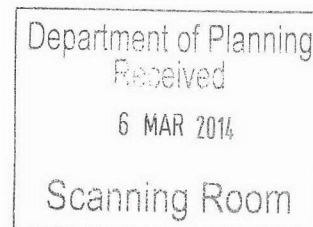




Our ref: R90/0507-02 Out-22350
Further contact: SM/JD

3 March 2014

Mr Richard Pearson
Deputy Director
Planning and Infrastructure
GPO Box 39
Sydney NSW 2001



Dear Mr Pearson

Submission on Draft Planning Circular on Coastal hazards on S149 Certificates

Thank you for the opportunity to provide feedback on the *Draft Planning Circular: Coastal hazard notations on Section 149 planning certificates*.

Local Government NSW (LGNSW) supports Planning and Infrastructure's aim to improve the clarity of information provided on Section 149 (s149) certificates in regard to coastal hazard matters. However, the suggested changes are confusing and problematic. LGNSW recommends that further consultation with councils is required to develop a more beneficial outcome for the public and one that is easy for councils to implement.

We understand that the purpose of the proposed changes are to provide more consistency in how councils reference coastal hazards. The Draft Planning Circular focusses on how councils refer to current and future coastal hazards and provides some advice around those issues. However, LGNSW is concerned that the issues raised are not adequately resolved and the proposed changes may be counter-productive, requiring councils to provide further information on s149 certificates on 'future hazards,' which is the reverse of what was intended.

LGNSW recommends that a council reference group be established to assist Planning and Infrastructure in determining whether there is a benefit in changing current practice and if so, to ensure that the benchmarks on how hazards are referenced, are based on the current agreed statewide framework. Currently councils rely on Floodplain Development Manual: The Manual for flood liable land, 2008 and the NSW Coastlines Manual, 2008 that establish agreed practice.

It was also recommended that the council reference group should consider:

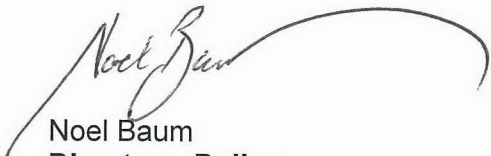
- Whether it is timely to remove s149(5) certificates as the role of these certificates is debatable, not well understood by the public and therefore 'mostly overlooked' as a means of providing additional information to property owners.
- Developing an agreed approach to referencing Coastal Management Plans and Flood Management Plans; and
- Ensuring that applicants for s149 certificates understand what development controls apply where coastal hazards are referenced.

Councils are extremely aware that any change to s149 certificates can be a signal to the community that certain restrictions may apply to property. Hence, it is very important that any

and all changes are well considered, derive a clear public benefit and can be practically applied by councils.

The proposed changes as outlined in the Draft Planning Circular are fall short on each measure.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Noel Baum', with a long, sweeping horizontal flourish extending to the right.

Noel Baum
Director – Policy