

Department of Planning and Environment

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# Submissions report – Update to the Coastal Design Guidelines

NSW Coastal Design Guidelines – update 2023

October 2023



# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning and Environment

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First published: October 2023

Department reference number: SF21/103796

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TMP-MC-R-SC-V1.2

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# Executive Summary

The department exhibited a draft update to the NSW Coastal Design Guidelines (the draft Guidelines) from 29 July to 9 September 2022. This report summarises engagement activities during the exhibition period, feedback received, changes made to address feedback and next steps.

The department received 33 submissions on the draft Guidelines. Of these 13 (39%) supported the changes, 19 (58%) were neutral and 1 (3%) was negative.

The majority of the issues raised in submissions related to the practical application of the Guidelines (102 times), natural hazards and climate change (90 times) and environmental protection (82 times). Many submissions requested changes to the planning proposal and urban design requirements, ranging from minor wording changes to requests to add or remove requirements.

**Table 1** summarises key changes to the Guidelines in response to feedback.

Table 1 Summary of key changes made in response to submissions

Issue / feedback	Specifics
Concerns about how practical the guidelines would be to apply to planning proposals	Simplified the planning proposal requirements by: <ul style="list-style-type: none"> <li>• creating a single set of requirements</li> <li>• listing the coastal management area(s) each requirement applies to</li> <li>• clarifying how to address conflicting requirements</li> <li>• removed some requirements not usually assessed in planning proposals.</li> </ul>
Requests for additional, or more detailed, planning proposal requirements for certain topics	Added and expanded planning proposal requirements regarding water quality, environmental buffers, habitat connectivity, green infrastructure, views, access, recreational uses, Aboriginal and non-Aboriginal heritage, adaptation plans for infrastructure, and legacy impacts.
Concerns about the inclusion of suggested building heights	Deleted building height limits for different settlements, originally from 2003 Guideline, to allow a genuine place-based approach.
Requests for additional, or more detailed, urban design guidance for certain topics	Added and expanded urban design guidance regarding water quality, land-sea connectivity, noise and light pollution, lower impact sea walls, cut and fill, tree canopy, visual impacts of buildings, Aboriginal cultural heritage protection, adaptive reuse of heritage buildings, locating essential services, and consistency with coastal management programs.
Requests for case studies and illustrative examples	Added illustrations to clarify and show examples of the planning proposal requirements and urban design guidance in practice, in a range of contexts.
Requests for more frequent reviews of the Guidelines	Added a note that DPE will update the guidelines every 10 years.

# Introduction

The NSW Coastal Design Guidelines were first released in 2003 to provide advice on undertaking development that is sensitive to the unique characteristics of coastal places in NSW.

The updated Guidelines ensure consistency with the coastal management framework that was introduced in 2016 and expands consideration of issues that have gained prominence in planning over time.

Under Local Planning Direction 4.2 Coastal Management, planning proposals seeking to change local planning controls (or in limited cases, a State Environmental Planning Policy (SEPP)) in the coastal zone must be consistent with the guidelines.

The Guidelines:

- outline, at a high level, the connection to existing policies, acts, regulations and guidelines.
- explore the common factors, features, pressures and opportunities for coastal places
- set planning proposal outcomes and requirements under five themes: natural environment, built environment, social and cultural values, coastal economies, and coastal hazards
- provide urban design guidance for the natural environment, built environment and social and economic context.

# Consultation

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## Community and stakeholder consultation

The department exhibited the draft Guidelines for public comment from 29 July to 9 September 2022. The aim of the exhibition was to raise awareness about and seek feedback on the draft Guidelines.

The department undertook the following consultation activities during exhibition:




- online briefings to key external stakeholder groups; the NSW Aboriginal Land Council’s Policy Team, Local Government NSW, the NSW Planning System Stakeholder Group (Community & Environment), Landcom, Sydney Coastal Council Group
- two in-person briefings with council staff at the Regional Roadshows in Wingecarribee and Eurobodalla local government areas. Registered attendees included staff from Bega Valley Shire Council, Eurobodalla Shire Council, Wollongong City Council, Wingecarribee Shire Council, Wollondilly Shire Council, and Goulburn Mulwaree Council
- two formal webinars; one aimed at councils and regional organisations, and one aimed at industry, peak bodies, and Aboriginal stakeholders

There was also significant stakeholder engagement during the development of the draft Guidelines.

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## Targeted consultation

The Department’s engagement program involved multiple methods and activities to reach key stakeholders, as outlined below, to provide information to help with submissions during the formal exhibition period.

	<b>Emails</b> Key stakeholders and Councils were contacted via email when the draft Guidelines went on exhibition and were encouraged to make a submission.
	<b>Stakeholder meetings</b> The Department held both online and in-person meetings with key stakeholders as detailed in the section above. The Department also held two online webinars for interested stakeholders.
	<b>Submissions Portal</b> The Guideline was placed on the Department’s Planning Portal where submissions could be made.

# Submissions overview

## Public exhibition of the Coastal Design Guidelines

The sources of the 33 submissions received were as follows:

- 17 from local councils
- 1 from a multi-council organisation (representing 9 councils)
- 7 from NSW government agencies
- 6 from industry or interest groups
- 2 from members of the community.

Overall, these submissions represent 23 coastal councils, which is 43% of all NSW coastal councils.

**Figure 1** shows the submissions received by stakeholder type and **Table 2** shows the breakdown of council submissions received by region.

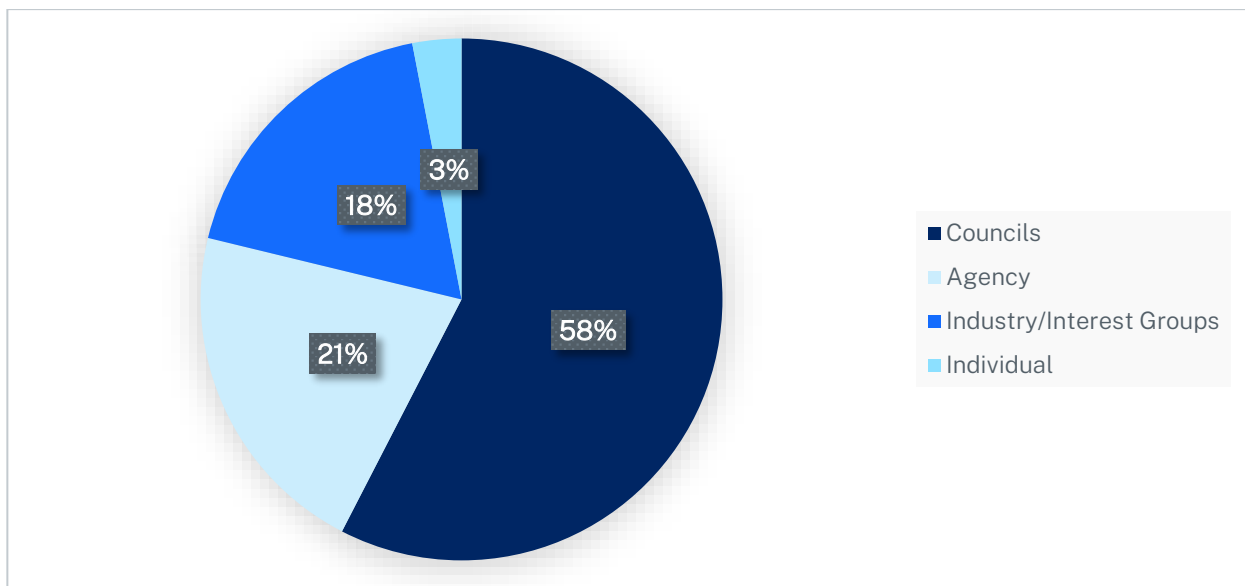


Figure 1: Percentage of submissions from each type of stakeholder

Table 2 Submissions received by region

Region	Coastal councils represented by submissions	Coastal councils in region	% of all coastal councils in the region
North Coast	3	11	27%
Hunter and Central Coast	5	8	63%
Greater Sydney	13 <sup>1</sup>	30	43%
South Coast	2	6	33%
<b>Total</b>	<b>23</b>	<b>54</b>	<b>43%</b>

<sup>1</sup> 7 individual council submissions, and 1 submission from the Sydney Coastal Councils Group which represents 9 councils. 3 Sydney Coastal Councils Group member councils that also contributed individual council submissions have only been counted once each.

## Submission sentiment

Most submissions expressed either a positive or neutral sentiment. 13 (39%) were positive, 19 (58%) were neutral and 1 (3%) was negative, as illustrated in **Figure 2**.

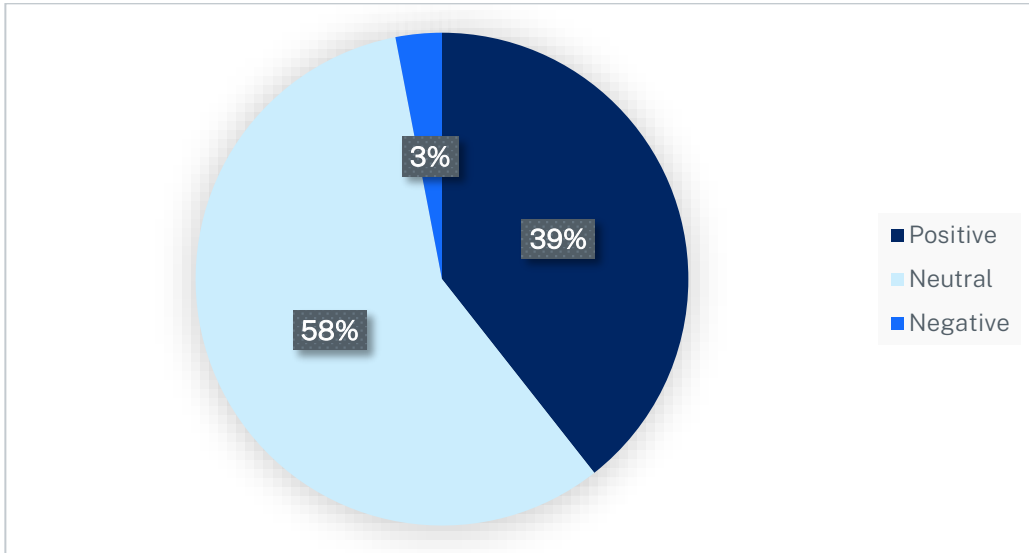


Figure 2: Submission sentiment

## Key issues raised in submissions

The most common issues raised in submissions were practical application of the Guidelines (102 times), expanding requirements regarding natural hazards and climate change (90 times) and strengthening environmental protection (82 times).

**Figure 3** provides a breakdown of key submission themes by the number of times raised.

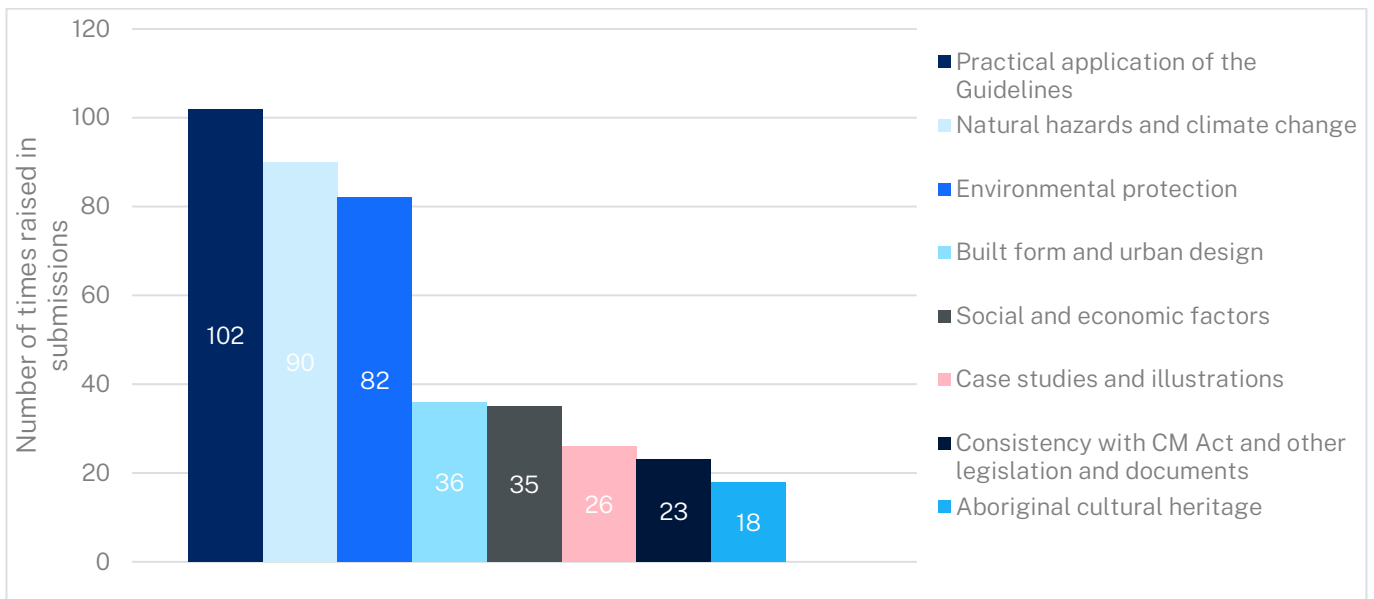


Figure 3: Key themes raised in submissions



# How we have responded to key issues

This section documents the feedback received, by issue, and the Department’s response.

## 1. Practical application of the Guidelines

Feedback / suggestion	Department response
Include a commitment to review the Guidelines within 10 years.	A commitment has been added to review the Guidelines every 10 years.
Change when the Guidelines apply – allow councils to decide whether to apply to planning proposals and make mandatory for large DAs.	The Guidelines will continue to be a mandatory requirement for planning proposals in the coastal zone and optional for other applications like DAs, as per current policy settings for the existing 2003 Guidelines.
Change the ‘mandatory’ and ‘recommended’ requirements for planning proposals – make some recommended items mandatory. It may be difficult to assess against recommendations.	Planning proposal requirements have been amended to remove distinction between mandatory and recommended items. Instead a consolidated set of “requirements” are to be addressed, or otherwise appropriately justified.
Clarify how requirements apply when there is no coastal vulnerability area (CVA) map and what interim arrangements apply until the CVA is mapped	Requirements related to coastal hazards have been reworded to refer to a ‘coastal hazard and risk areas’, which includes the CVA and other identified hazard areas.
Clarify which coastal management areas the planning proposal requirements apply to.	The Appendix has been modified to note which coastal management area(s) each outcome applies to.
Clarify how planning proposals should be assessed in circumstances where requirements contradict.	The hierarchy of coastal management areas has been included. The Guidelines clarify that if requirements conflict, those relevant to highest coastal management area on the hierarchy prevail.
Change some details in requirements for planning proposals – strengthen and clarify language for easier interpretation and remove prescriptive or numeric controls to allow place-based approaches.	Some planning proposal requirements have been reworded to be less prescriptive to reflect the need for a place-based approach. Other requirements have been relocated to the urban design chapter, in recognition that they are more appropriately assessed during a development application process.

Feedback / suggestion	Department response
Include more prescriptive, numeric controls.	No change. Numeric controls are not supported given the variations in settlement types, development densities, building forms and environmental features across the coastal zone.
Include more information on how to apply the Guidelines in inland coastal areas, for infill development, for site-specific development, exempt and complying development, State Significant Developments (SSD).	Amendments made to clarify relevance to inland areas and infill development, including rewording requirements and adding illustrated examples. Case studies will demonstrate the application of the Guidelines in different contexts.
Include more information on application to Regional and District Plans.	Section 1.3 has been updated to clarify application of Guidelines to Regional Plans.

## 2. Natural hazards and climate change

Feedback / suggestion	Department response
Expand the section on understanding coastal places to list more threats and hazards that interact with coastal hazards including sea level rise.	Additional hazards added that interact with coastal processes and functioning, including threats associated with sea level rise like impacts to infrastructure and foreshore access.
Add requirements and guidance on the migration of flora, fauna in response to climate change.	No change. The Guidelines include planning proposal and urban design requirements relating to habitat migration in response to climate change.
Remove references to improving building design to increase resilience to coastal hazards. Design and construction cannot increase resilience.	No change. Opportunities to improve building design for coastal resilience include suitable pilings, location outside hazard zone for new builds and retrofitting building materials.
Change the requirement for planning proposals to account for the interactions between coastal and other hazards to include more interacting hazards.	Additional interacting hazards added: storm surge, east coast lows and cyclones.
Make certain planning proposal requirements relating to natural hazards and climate change a precondition to a planning proposal progressing.	No change. The Guidelines do not have power to create preconditions to planning proposals progressing. The existing Gateway process includes assessment of key issues.

Feedback / suggestion	Department response
Expand urban design guidance to include more on the resilience of essential services and infrastructure to hazards.	Urban design requirements have been added to locate services and infrastructure away from coastal hazards and ensure service and infrastructure design considers risk to life, evacuation and coastal hazards.
Incorporate specific guidance for coastal protection works and land use zoning in coastal hazard areas.	No change. The Coastal Management Program process considers and assesses appropriate types of coastal protection work. Guidance for zoning is provided in Practice Notes for coastal hazards.
Include guidance on the use of natural defences.	An urban design requirement has been added to consider techniques to reduce the environmental impact of engineering solutions, when natural solutions are not possible.

### 3. Environmental protection

Feedback / suggestion	Department response
Expand the consideration of habitat and migration corridors and threats to water quality in the 'understanding coastal places' section.	Requested edits have been made, where suitable, for comprehensiveness and accuracy.
Acknowledge that there is not a clear divide between blue and green systems.	A sentence has been added to note this.
Specify classes of acid sulfate soils development should be avoided on.	Class 1 and Class 2 acid sulfate soils specified.
Add further planning proposal requirements about geoheritage, water sensitive urban design and water quality.	Additional planning proposal requirements have been added on geological features and geoheritage and managing stormwater runoff.
Link water quality requirements to the achievement of NSW's Water Quality Objectives and Marine Water Quality Objectives.	No change. Consideration of these water quality objectives is appropriate at a higher level, such as when formulating local strategic plans.
Add urban design requirements on promoting diverse native planting, land-sea connectivity, noise and lighting impacts on wildlife and water quality.	Additional urban design guidance requirements added on native planting, land-sea connectivity, noise and lighting impacts and water quality.

Feedback / suggestion	Department response
Provide advice assessing impacts on marine parks and aquatic reserves, standard conditions of consent for development on coastal wetlands and water sensitive urban design requirements (e.g. required water storage capacities).	No change. Providing further guidance on these matters is out of scope of the Guidelines.
Provide definitions for certain key environmental terms.	Definitions have been added for: 'beach', 'coastal landform', 'foreshore', 'geoheritage', 'greenbelt', 'green infrastructure', 'natural features', 'natural features of foreshores', 'rock platforms', and 'significance'.

## 4. Built form and urban design

Feedback / suggestion	Department response
Remove building height limits to allow genuine place-based design that reflects individual environmental characteristics and features. The Guidelines should encourage town centre density (though flexible building heights) over urban sprawl.	Building heights from 2003 Guideline have been removed. The requirement now notes that building heights must complement the existing or desired local character, supported by place-based strategies.
Expand the planning proposal requirements to avoid additional development on cleared headlands or significant coastal landforms.	Requirement added.
Address the interface of coastal proposals with existing land use in the urban design requirements.	No change. These issues would more likely be resolved at detailed design stage. The Guidelines provide several objectives to consider and refer to, responding to the context.

## 5. Social and economic factors

Feedback / suggestion	Department response
Add additional governance-related threats and hazards and clarify the section on governance structures.	Additional governance-related threats have been added. The list of governance characteristics and features has been amended for clarity.

Feedback / suggestion	Department response
'New technologies disrupting traditional industries' (currently listed as a threat to productivity) could also be considered an opportunity.	No change. New technology can be both a threat and an opportunity and should be considered as part of the local context.
Consider all coastal zone recreational activities in the coastal economy planning proposal requirements.	Requirements have been expanded to refer to all sustainable coastal industries and recreational activities.
Expand the public amenity planning proposal requirements to further consider amenity and views impacts.	Requirements have been added about protecting public spaces from noise and visual impacts and considering impacts on heritage items.
Acknowledge situations where public access should be restricted due to hazards or to protect environmental or cultural values.	The requirements have been amended to require restricted or consolidated access in certain situations.
Provide definitions for certain key social and economic terms.	Definitions of 'vulnerable communities' and 'legacy issue' have been added to the glossary.

## 6. Case studies and illustrations

Feedback / suggestion	Department response
Hand drawn maps and case studies were a strength of the 2003 Guidelines. Include figures and illustrations to demonstrate the requirements and show examples of appropriate development	New figures and illustrations have been added to help demonstrate the requirements.
Provide case studies to support the principles outlined in the Guidelines	Case studies will be provided on the Department's website.

## 7. Consistency with Coastal Management Act and other legislation/documents

Feedback / suggestion	Department response
Clarify how the Guidelines relate to relevant legislation. 'Figure 1. Strategic context of the NSW Coastal Design Guidelines' is confusing.	Figure 1 has been replaced with a simple table explaining how key legislation and programs relate to the Guidelines.

Feedback / suggestion	Department response
Remove duplication between the Guidelines and requirements in coastal management legislation, other guidelines, or coastal management programs (CMPs).	Not supported. The Guidelines collate and interpret requirements from other sources and translate into clear requirements, particularly as relevant to planning proposals in the coastal zone.
Consider links to the Urban Design for Regional NSW Guideline, Housing SEPP and Apartment Design Guide	The Guidelines have been updated to refer to these publications.
Provide guiding information for reviewing Local Strategic Planning Statements (LSPSs)	Not supported given the level of variation between Local Government Areas, LSPSs, and coastal communities where the Guidelines apply.
The Guidelines must ensure consistency with the strategic vision of Regional Plans	Section 1.2 has been updated to clarify the relationship with Regional Plans.

## 8. Aboriginal cultural heritage

Feedback / suggestion	Department response
Include further requirements relating to preservation of Aboriginal heritage, and appropriate access arrangements for Aboriginal areas and sites	Additional requirements on these topics have been added.
Acknowledge the Aboriginal Country of each photo	The Aboriginal Country name has been added where it was missing.
Provide guidance on consultation with Aboriginal peoples throughout the planning proposal process.	The Guidelines refer to the Connecting with Country framework (GANSW 2023) and other guidance documents on engaging with Aboriginal communities.

## Other issues

Feedback / suggestion	Department response
Make consideration of the Guidelines a mandatory requirement for large development applications.	This is out of scope for the Guideline review. Chapter 4 of the updated Guidelines includes best practice urban design for development applications.

Feedback / suggestion	Department response
Make editorial changes for clarity and accuracy.	Content has been modified, added to, reorganised, or removed, as appropriate, for accuracy and clarity.
Include further resources and references.	Additional resources on natural hazards, climate change, Aboriginal heritage, Traditional Owner engagement and environmental impacts have been added to the resource list.
Develop a communications strategy to raise awareness of the Guidelines.	There will be a communications strategy for the release of the Guidelines.
Clarify the savings and transitional arrangements that will apply when the Guidelines are released.	Transitional arrangements will be made clear in communications when the Guidelines are released.
Make changes that are out of scope of the Guidelines: limit complying development; expand marine park areas; provide financial assistance and resources, change the State's overall approach to climate change, catchment and coastal management.	These issues are out of scope for the Guidelines. These comments have been noted and, if appropriate, passed onto the relevant team.
Provide: guidance on identifying a coastal vulnerability areas; standards for assessing impacts on coastal wetlands and the marine estate, and for water sensitive urban design capacities; procedures for Aboriginal cultural heritage item discovery and coastal project management.	These issues are out of scope for the Guidelines. Comments have been noted and may be addressed in future work.

## Next steps

The Department will:

- publish the Coastal Design Guidelines 2023
- update Local Planning Direction 4.2 Coastal Management
- engage with key stakeholders on how to apply the Guidelines
- develop and publish case studies and worked examples on the Department's webpage.

Further, the Department will consider whether some issues raised in submissions that were out of scope for the Guidelines (summarised in the section above) should be addressed in a future work program.