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**PSR15/007 EUROBODALLA INTERIM SEA LEVEL RISE ADAPTION POLICY -  
AMENDMENTS TO REFLECT NEW PLANNING LEVELS**

**E10.4158**

Responsible Officer: Lindsay Usher - Director Planning and Sustainability Services

Attachments: 1. Interim Coastal Hazard Adaptation Code

Strategic Objective: Sustainable

Delivery Program Link: S8.2 Plan for the impact of climate change on settlement including coastal hazard, flood impacts, bushfire

Operational Plan Link: S8.3.2 Monitor, report, communicate and implement changes relating to nature resource management

**EXECUTIVE SUMMARY**

Council applies the *Interim Sea Level Rise Adaptation Policy - 2010* (Min No: 10/157) in the consideration of coastal and flood related hazard assessment. This policy currently applies the sea level rise (SLR) planning benchmarks recommended in the *NSW Sea Level Rise Policy Statement 2010* that was withdrawn by the NSW Government in September 2012.

This report presents amendments to the existing interim policy that reflects the positive improvements made possible by the *South Coast Regional Sea Level Rise Policy and Planning Framework* adopted by Council at its meeting held on 25 November 2014.

The positive changes that arise are summarised as:

- Adoption of reduced SLR projections
- More flexible planning framework
- Reduction in occasions where proponents need to engage consultant.

The task of amending the policy has been completed in response to the following recommendations from the Report (PSR14/062) presented on 25 November 2014.

- Review and amend any relevant Council planning policies to ensure provisions are consistent with the adopted South Coast Regional Sea Level Rise Planning and Policy Response Framework.
- Receive a report of any proposed amendments to existing policies.

A draft Interim Coastal Hazard Adaptation Code is presented in response to these actions.

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**RECOMMENDATION**

THAT Council:

1. Adopt the Interim Coastal Hazard Adaptation Code
2. Amend mapping identifying the extent of Investigation Areas following adoption of the Code
3. Where applicable, remove notations in relation to the policy from Planning Certificates issued under Section 149 of the *Environmental Planning and Assessment Act 1979*
4. Issue a media release promoting the positive changes implemented as a result of Council's decision on the 25 November 2014.
5. Write to property owners whose properties are impacted by the Code to advise them of the changes and to provide an update of the Coastal Zone Management Plan process and forthcoming community meetings.
6. Include a briefing of the Interim Coastal Hazard Adaptation Code and positive changes made at the Development Industry/Real Estate Industry forums.

**BACKGROUND**

Council adopted the *Interim Sea Level Rise Adaptation Policy* in July 2010 (Min No: 10/157) in response to increasing public enquiries regarding the potential impacts of climate change on properties and how this may alter consideration of development applications. There was also increasing recognition of the legal responsibilities of a council to consider climate change in the execution of functions delegated under several key areas of legislation.

The Policy was written to serve as an interim reference during the preparation of a comprehensive Coastal Zone Management Plan, however ongoing delays to this project caused by changes in the NSW Government have extended the application of the Interim policy.

The NSW Government withdrew the *NSW Sea Level Rise Policy Statement 2010* in September 2012 and subsequently advised councils to adopt regionally relevant sea level rise projections commensurate with competent scientific opinion.

As a consequence of the State Government actions, Eurobodalla Shire Council and Shoalhaven City Council, with financial and technical assistance provided by the Office of Environment and Heritage, jointly engaged Whitehead and Associates and Coastal Environment Pty Ltd to prepare the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* (Planning and Policy Response Framework).

The Planning and Policy Response Framework was adopted by Council at its meeting held on 25 November 2014. The planning level for sea level rise adopted by Council for 2050 was 12cm below the benchmark of the former NSW policy and current Eurobodalla policy. Further, the planning periods were reduced and assessment processes have become more flexible.

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As a consequence, it was recommended to review and amend any relevant Council planning policies to ensure provisions are consistent with the adopted *South Coast Regional Sea Level Rise Planning and Policy Response Framework*.

**CONSIDERATIONS**

The *South Coast Regional Sea Level Rise Planning and Policy Response Framework* made three key recommendations relevant to the proposed amendment to the *Interim Sea Level Rise Adaptation Policy*:

1. Application of a fifty year planning period to residential development
2. Application of 100 year plus planning periods only considered for major critical infrastructure or new land releases
3. Lower planning levels for sea level rise.

These considerations will impact on the extent of Investigations Areas and planning levels for new development.

*Review of Investigation Area boundary*

The criteria determining the boundary of Investigation Areas will be reviewed based upon the growing availability of existing flood and coastal inundation hazards information.

*Current Boundary*

The current boundary to determine the extent of Investigation Areas is taken as either 4m or 5m AHD elevation contour and/or a 100m distance from the high tide mark at ocean beaches.

The current Investigation Areas were determined by adding:

- sea level rise projections outlined in State policy current at the time
- water levels during current modelled and observed storm events
- rounding to account for waves, rainfall induced flooding and uncertainty based on figures within existing studies.

The amended policy will apply the following criteria:

- sea level rise projections out to a fifty year planning period as adopted in the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* and/or
- A distance of 50m from the high tide mark
- water levels during current modelled and observed storm events
- 4m AHD where no reliable information for current modelled water levels is available.

It must be noted that sea level rise projections do not include the influences of flooding and waves washing up a beach during a storm (wave run-up).

Studies carried out locally calculated wave run-up values within Batemans Bay as ranging from between 0.8m (Cullendulla) to 4.6m (Caseys Beach) (Batemans Bay Vulnerability Study, 1996).

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Applying a 4m boundary in the absence of any reliable information is a conservative proxy given existing wave run-up values can exceed this level in some locations.

**Provision of Interim Flood Planning Levels**

Additional information made available since the first draft Interim Sea Level Rise Adaptation Policy will allow Council to provide flood planning levels at a number of locations. This will remove the requirement for proponents of development at these locations to prepare a study to determine flood planning levels under the new Code.

If however, a proponent wants to prepare their own study to investigate alternative planning levels, this option will still be available under the proposed Code.

Flood Planning Levels for these locations will be determined by addition of the following:

- Existing flood levels (1% flood level)
- 50 year projection for sea level rise
- 500mm residential/300mm commercial freeboard.

The interim Flood Planning Levels will be reviewed upon completion of updated studies such as the Eurobodalla Coastal Zone Management Plan and flood studies that are currently under preparation for Tomaga River, Mummaga Lake, The Duck Pond, Kianga Lake and Wagonga Inlet.

**Legal**

Council has a duty to consider climate change, particularly in the following areas of planning law, policy and guidelines:

- *NSW Coastal Protection Act 1979*
- In order to benefit from the S733 of the *Local Government Act 1993* (exemption from liability) Councils should '*consider adopting projections that are widely accepted by competent scientific opinion*'.
- In order to benefit from the S733 of the *Local Government Act 1993*, councils must consider the *Guidelines for Preparing Coastal Zone Management Plans 2013* and the *NSW Floodplain Development Manual 2005* respectively
- Councils must meet the minimum requirements of the *Guidelines for Preparing Coastal Zone Management Plans 2013* when preparing a coastal zone management plan
- The *Environmental Planning and Assessment Act, 1979* requires that the New South Wales Coastal Policy be taken into account. The Coastal Policy indicates that:
  - i) actions should be taken to prevent problems for further generations; and
  - ii) a 'risk-adverse' approach should be taken regarding land use planning for sea level rise.

Section 55D (1) of the Coastal Protection Act 1979 directs that "a council is to prepare a draft coastal zone management plan in accordance with the Minister's guidelines. The Minister's

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adoption of guidelines for the purposes of the Coastal Protection Act 1979 was notified in the Government Gazette on 19 July 2013. This interim Code will be rescinded upon completion of the Eurobodalla Coastal Zone Management Plan which is currently in preparation.

Council and Councillors are exempt from liability under Section 733 (Exemption from liability— flood liable land and land in coastal zone) of the *NSW Local Government Act 1993* for decisions made relating to development of coastal and flood liable lands. To be afforded protection under Section 733, a Council must offer advice in good faith and in accordance with the best available information. If a council does not act in *good faith* and apply the best available information it will likely influence the Council's and councillors' protection ("*will likely limit statutory defences otherwise available to them in any liability claim*").

### **Community Consultation**

Considering the proposed levels and planning response has been publically exhibited and adopted by Council, it is not proposed to further delay the implementation of the improved planning outcomes realized through the *South Coast Regional Sea Level Rise Planning and Policy Response Framework*. Implementing these improvements at the earliest available opportunity will deliver positive outcomes for the local community and proponents of development.

The approach proposed in the Interim Coastal Hazard Adaptation Code has been extensively exhibited and endorsed by Council in adopting the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* on 25 November 2014.

Preparing the *South Coast Regional Sea Level Rise Planning and Policy Response Framework* for adoption involved extensive community consultation that included:

- direct mail out to residents identified as potentially at risk from sea level rise
- six week exhibition period
- availability of report at our libraries, Administration Centre and website
- invitation to community to forward written comments.

It is not considered necessary to delay adoption of the Interim Coastal Hazard Adaptation Code in view of the above consultation that has already occurred.

### **Policy**

Council currently applies the *Interim Sea Level Rise Adaptation Policy - 2010* (Min No: 10/157) in the consideration of coastal and flood related hazard assessment. This policy applies the sea level rise planning benchmarks recommended in the *NSW Sea Level Rise Policy Statement 2010* that was withdrawn by the NSW Government in September 2012.

This report presents an amendment to the existing interim policy that reflects the updated information contained within the *South Coast Regional Sea Level Rise Policy and Planning Framework 2014* proposed under Recommendation (3) and Council's adoption of Sea Level Rise projections derived from the RCP6.0 climate change scenarios in the IPCC Assessment Report 5.

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The attached draft Interim Coastal Hazard Adaptation Code represents a broader and more flexible approach to assessing coastal hazards and sea level rise. The change of name to Coastal Hazard Adaptation Code has been proposed to recognise the full extent of coastal hazards to be considered for the purposes of strategic planning and development assessments.

**CONCLUSION**

The Interim Coastal Hazard Adaptation Code is presented in accordance with projections for sea level rise and the planning periods adopted by Council in the *South Coast Regional Sea Level Rise Policy and Planning Framework*.

## CODE

<b>Code name</b>	Interim Coastal Hazard Adaptation Code
<b>Responsible manager(s)</b>	Director, Planning and Sustainability Services
<b>Contact officer(s)</b>	Coastal and Flood Management Planner
<b>Directorate</b>	Planning and Sustainability Services
<b>Approval date</b>	February 2014
<b>Community Strategic Plan Objective</b>	Objective 3: Our Community and Environment are in harmony
<b>Delivery Program link</b>	Natural Environment Planning
<b>Operational Plan link</b>	Eurobodalla Coastal Hazard Management Plan (Key Projects 2013–14)

### Purpose

Eurobodalla Shire Council, as a coastal local government authority, recognises and manages exposure of our Shire to coastal hazards and the potential impacts of sea level rise. The challenge is to develop long term planning strategies that reduce our exposure to risk while recognising and maintaining the social, economic and environmental value of our built and natural environments including our beaches.

Planning for coastal hazards requires long term management solutions. The current approach to managing the coastline in NSW is the development of comprehensive Coastal Zone Management Plans that draw upon extensive consultation with the local community, Government agencies and experts in the field of identifying and managing coastal hazards. Council is currently working in partnership with the State Government to prepare the Eurobodalla Coastal Zone Management Plan.

This Code initiates the process of providing long term management options for our coastline and provides guidance on how coastal hazards will be considered in the assessment of development applications in Eurobodalla Shire until such time as the Eurobodalla Coastal Zone Management Plan is completed.

This Code will provide a framework that allows Council to make a strategic response to the projected impacts of coastal hazards in the Eurobodalla.

This Code will serve as an interim measure until the full scope of risks and management options associated with coastal hazards have been identified through the preparation of the Eurobodalla Coastal Zone Management Plan. This interim Code aims to:

- Facilitate economic and residential use of the coast and foreshore over the maximum period possible under conditions of sea level rise
- Provide a precautionary risk based approach to managing the impacts of coastal hazards
- Provide strategic options for an adaptive response to coastal hazards

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- Identify Investigation Areas in accordance with recommendations contained within the *NSW Coastal Planning Guideline: Adapting To Sea Level Rise*
- Promote appropriate development within Investigation Areas
- Apply coastal hazard planning guidelines for merit based assessment of development applications and
- Provide an interim reference during the development of a comprehensive coastal zone management study and plan in accordance with the process outlined in the NSW Guidelines for Preparing Coastal Zone Management Plans 2013.

**Code criteria (relevant considerations for decision-making)**

<b>1</b>	<p><b>Application of this Code</b></p> <p>This Code applies to the Eurobodalla Shire Council local government area, and all decisions by Eurobodalla Shire Council in relation to lands or relevant matters described in this Code.</p>
<b>2</b>	<p><b>Lands to which this Code applies</b></p> <p>For lands where a comprehensive study accepted by Council does not exist, this policy will apply to lands within the coastal zone identified by Council as Investigation Areas. An Investigation Area is an interim guide to indicate land potentially subject to coastline hazards (including sea level rise) or flooding now or in the future, and will be taken as:</p> <ul style="list-style-type: none"> <li>• Lands within 50m landward of a 1% Annual Exceedance Probability (AEP) high tide event (1.435AHD) and/or at an elevation less than or equal to 4m above the Australian Height Datum (AHD) or</li> <li>• Land within the maps attached to Appendix (A) – Eurobodalla Investigation Areas; however it must be noted that not all areas will be identified within the adopted maps.</li> </ul>
<b>3</b>	<p><b>Legislation</b></p> <p>This Code will be applied with full consideration of the following New South Wales State legislation, Policies and Guidelines:</p> <ul style="list-style-type: none"> <li>• Local Government Act 1993</li> <li>• Environmental Planning &amp; Assessment Act 1979</li> <li>• Conveyancing Act 1919</li> <li>• NSW Coastal Protection Act 1979</li> <li>• Crown Lands Act 1989</li> <li>• NSW Coastal Policy 1997</li> <li>• NSW Estuary Policy</li> <li>• State Environmental Planning Policy 71 – Coastal Protection</li> <li>• NSW Flood Prone Land Policy 2005</li> <li>• NSW Coastal Design Guidelines 2009</li> <li>• NSW Coastal Planning Guideline: Adapting to Sea Level Rise 2010</li> </ul>



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	<ul style="list-style-type: none"><li>• Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessment 2010</li><li>• Guidelines for Preparing Coastal Zone Management Plans 2013.</li></ul>
4	<p><b>Planning period</b></p> <p>All development will be assessed in accordance with the hazard categories outlined in Appendix C of the <i>South Coast Sea Level Rise Planning and Policy Response Framework</i> adopted by Council on 25 November 2014 (M 14/336).</p> <p>As a guide, the following planning periods will apply:</p> <ul style="list-style-type: none"><li>• A maximum fifty (50) year planning period will be used for all residential development</li><li>• Commercial development will assessed at a maximum fifty (50) year planning period but may be assessed on merit in accordance with Appendix C of the South Coast Sea Level Rise Planning and Policy Response Framework</li><li>• Major infrastructure and new land releases will be assessed as Possible Maximum Strategic in accordance with Appendix C of the South Coast Sea Level Rise Planning and Policy Response Framework.</li></ul>

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**Coastal Hazard Planning Areas**

Development will be assessed in accordance with the following Coastal Hazard Planning Areas.

*Table 1: Coastal Hazard Planning Areas*

Coastal Hazard Planning area <sup>3</sup>	Time period (yrs)
Current Hazard <sup>4</sup>	0 - 15
Medium Term	15 - 35
Strategic Hazard Planning	35 - 85
Possible Maximum Strategic Hazard	85+

Determination of an appropriate Coastal Hazard Planning area will be determined by the locally adjusted projections for sea level rise derived from RCP6.0 scenarios from the IPCC Assessment Report 5 (AR5) and adopted by Council on 25 November 2014. Sea level rise projections and corresponding planning periods are presented in Table 2 below.

*Table 2: Locally Adjusted Sea Level Rise Projections*

Year	Locally Adjusted Sea level Rise Projection (cm) <sup>1,2</sup>
2015	0.00
2020	0.03
2030	0.10
2040	0.15
2050	0.23
2060	0.30
2070	0.39
2080	0.50
2090	0.61
2100	0.72
2100+	100.00

**Notes:**

1. These values are a sea level rise relative to the beginning of 2015
2. Based on IPCC AR5 RCP6.0 adopted by Council on 25 November 2014
3. The extent of coastal hazard planning areas will be determined through detailed studies carried out during the preparation of coastal zone and floodplain risk management studies. Until such studies are complete, proponents of development may need to engage a suitably qualified consultant to prepare their own hazard assessment report
4. Current Hazard is taken as any lands currently threatened by a 1% design storm event.

This Code is consistent with the most credible information currently available for

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	<p>regional and global sea level rise projections to 2100.</p>
<p><b>6</b></p>	<p><b>Development procedures within investigation areas</b></p> <p>Any development within an Investigation Area will need to prepare a Statement of Environmental Effects as recommended within the NSW Coastal Planning Guideline: Adapting to Sea Level Rise, 2010.</p> <p>Proponents of development will need to engage a suitably qualified coastal engineer to prepare the Statement of Environmental Effects. Council will assist where able by providing proponents with a suitable flood planning level for those areas identified under Schedule 1 attached to this Code.</p> <p>It is recommended that proponents of development within an Investigation Area have a pre-development application meeting with Council Staff to identify matters for consideration prior to developing detailed plans.</p>
<p><b>7</b></p>	<p><b>Planning levels</b></p> <p>Planning levels will vary throughout the Shire according to the location of a property in relation to the coast or tidal area. Coastal properties will need to account for total coastal inundation and/or flooding plus sea level rise when determining planning levels.</p> <p>Council can assist by providing a planning level for areas where available information can inform the issuing of appropriate development controls. These areas are identified under Schedule 1 attached to this Code.</p> <p>A proponent of development within an area listed under Schedule (1) may choose to engage a suitably qualified consultant to prepare a report if they wish to investigate alternative planning levels to those provided by Council.</p> <p>For areas not listed under Schedule 1, Planning Levels will be determined by the proponent doing a study that considers the Sea Level Rise projections identified under Section 5.</p> <p>All planning levels will include an additional freeboard above the projected inundation level. The following free board will apply:</p> <ul style="list-style-type: none"> <li>• 500mm residential</li> <li>• 300mm commercial</li> </ul> <p>Notwithstanding the provision of a floor level, it will be the responsibility of the proponent to demonstrate a suitable adaptation response for those areas identified as potentially at risk from coastal hazards through the presentation of a report prepared by a suitably qualified consultant.</p>
<p><b>8</b></p>	<p><b>Application of this Code</b></p> <p>Implementing this interim Code will ensure Council considers and incorporates projected sea level rise into:</p> <ul style="list-style-type: none"> <li>• assessment and management of flood risk and coastal hazards</li> <li>• determining development applications</li> <li>• determining location and design life of essential assets and infrastructure</li> <li>• land use planning strategies to minimise the risk of coastal hazards on new and</li> </ul>

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	<p>existing developments</p> <ul style="list-style-type: none"> <li>• planning and design of mitigation works to manage coastal hazards</li> <li>• management of natural assets such as coastal and estuarine habitats, lake entrances, beaches and dunes.</li> </ul>
<p><b>9</b></p>	<p><b>Adaptation Options</b></p> <p>Adaptation refers to actions that will reduce, manage or eliminate the risk from coastal hazards. Adaptation options can generally be summarised into three categories:</p> <ol style="list-style-type: none"> <li>1. Avoidance</li> <li>2. Mitigation</li> <li>3. Planned Retreat.</li> </ol> <p>Avoidance is the preferable option but it is limited to sites where hazard free areas are available. Application of this option would simply require placing new structures outside areas at risk from existing and projected future risk from coastal and flood related hazards.</p> <p>Mitigation includes a range of design, built or engineered responses such as raising floor levels or engineered coastal protection works like rock walls. It can also include other works such as sand nourishment which pumps or transports sand to sites at risk from coastal hazards.</p> <p>Planned retreat involves the design and construction of buildings that can be easily removed following the risk from coastal hazards reaching a certain “trigger point”. Trigger points are linked to events such as beach erosion reaching a critical point or tidal inundation reaching a property on a regular basis. Planned retreat allows development to occur and the land to be utilised for as long a period as possible in view of the potential future exposure to hazards. Planned retreat is an affordable pathway to achieving development approval that avoids unnecessary sterilisation of the land or expensive mitigation works.</p>
<p><b>10.1</b></p>	<p><b>Mitigation - Engineered Coastal Protection Works</b></p> <p>The owners of existing or proposed private developments identified as at risk from coastal hazards may seek to investigate engineered coastal protection works. Property owners investigating this option need to consider:</p> <ul style="list-style-type: none"> <li>• Any works on private lands will be subject to approval under the Environmental Planning &amp; Assessment Act 1979</li> <li>• works will need to comply with the NSW Coastal Policy 1997 and the NSW Coastal Protection Act 1979</li> <li>• protection works must not be carried out or impact on public lands or public access without appropriate approval and permits</li> <li>• Engineered coastal protections works on private lands will be at the property owner’s expense</li> <li>• property owners must maintain the structure to an appropriate engineering standard for the life of the asset</li> <li>• Council will not accept any costs or responsibility for the construction, maintenance or renewal of private coastal protection works.</li> </ul>

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	<p>Works to protect private property from coastal hazards and sea level rise will only be considered if the owner can demonstrate compliance with State policy and legislation and that the development will not adversely affect:</p> <ul style="list-style-type: none"> <li>• coastal processes and significant ecosystems</li> <li>• adjoining properties</li> <li>• the local built and natural environment</li> <li>• amenity and values of adjoining beaches and foreshores and</li> <li>• immediate and long-term public access to beaches and foreshores.</li> </ul> <p>Until a Coastal Zone Management Plan is adopted, Council will not have delegated authority under the NSW Coastal Protection Act 1979 to assess coastal protection works. All such applications must be forwarded to the NSW Coastal Panel for assessment.</p>
<p><b>10.2</b></p>	<p><b>Planned Retreat</b></p> <p>In response to the use by the proponent of retreat as a mitigation measure, Council may apply a condition of consent to give effect to the proposal.</p> <p>Planned retreat will implement a staged removal of permanent development at sites as the risk from coastal hazards increase over time under conditions expected with sea level rise. New developments within the coastal zone will be assessed on merit with proponents needing to identify that the development:</p> <ul style="list-style-type: none"> <li>• will not create any risk to the community within the specified building life</li> <li>• will manage risk from any coastal hazard, including sea level rise within specified building life</li> <li>• will not necessitate property protection and/or mitigation works within specified building life</li> <li>• will not create significant adverse economic, social or environmental cost to the community or</li> <li>• can be relocated or removed at no cost to the community upon reaching a pre-determined trigger set as a measure of vulnerability to coastal hazards.</li> </ul> <p><b>A section 88b instrument (positive covenant) may be required to be created, at full cost of proponent, to make any prospective purchaser aware of any pre-determined coastal hazard triggers outlined in a Coastline Management Study or Plan or other information provided in support of a proposed development, and confirming any actions required to be undertaken when such trigger is reached.</b></p>
<p><b>11.0</b></p>	<p><b>Generic Planning Controls</b></p> <p>Development will be assessed in accordance with Appendix A: Sea Level Rise Planning Framework. A general outline of planning constraints for each hazard area is outlined below.</p>
<p><b>11.1</b></p>	<p><b>Current Hazards (0-15 years)</b></p> <p>a) no new residential, commercial or industrial development.</p>

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<b>11.2</b>	<p><b>Medium Term (15-35 years)</b></p> <ul style="list-style-type: none"> <li>a) no new sub-divisions</li> <li>b) no net increase of residential densities</li> <li>c) Proponents will need to provide a report from a suitably qualified coastal engineer and structural engineer to support any claims for development</li> <li>d) Time-limited development such as tourist camping and cabin accommodation considered on merit</li> <li>e) Time-limited residential development such as modular and/or relocatable homes (moveable dwellings) considered on merit</li> <li>f) Proponents must demonstrate retreat strategy for site through appropriate building design, methods for removal of buildings and infrastructure, site remediation and commitment to meeting costs</li> <li>g) Council will not meet the costs for implementing any retreat plans for private developments</li> <li>h) Maintenance of existing buildings will be permitted in accordance with the definitions outlined in Appendix (A).</li> </ul>
<b>11.3</b>	<p><b>Strategic Hazard (35-85 years)</b></p> <ul style="list-style-type: none"> <li>a) infill, new residential and commercial development assessed on merit</li> <li>b) Proponents will need to provide a report from a suitably qualified coastal engineer and structural engineer to support any claims for development</li> <li>c) Proponents must demonstrate retreat strategy for site through appropriate building design, methods for removal of buildings and infrastructure, site remediation and commitment to meeting costs</li> <li>d) Maintenance of existing buildings will be permitted in accordance with the definitions outlined in Appendix (A)</li> <li>e) Renovation of existing buildings will be permitted in accordance with the definitions outlined in Appendix (A).</li> </ul>
<b>11.4</b>	<p><b>Possible Maximum Strategic Hazard (85 years +)</b></p> <ul style="list-style-type: none"> <li>a) standard building codes apply</li> <li>b) any development allowable within applicable zoning outlined in the planning controls.</li> </ul>
<b>12.0</b>	<p><b>Areas of Critical Utility</b></p> <p>The following areas will be assessed on merit due to protection from coastal erosion by current mitigation measures:</p> <ul style="list-style-type: none"> <li>• The areas of Beach Road, Batemans Bay identified in Map (1) and</li> <li>• The areas in Map (2) identified as “The Flat” within the Narooma Structure Plan.</li> </ul> <p>Clause 11.2(c) will apply to any development proposals provided Exemption under this Clause. Alternatively, a proponent may choose to accept the Flood Planning levels provided by Council listed on Schedule 1.</p>

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<b>13.0</b>	<b>Special Circumstances</b>  Special consideration will be extended to development of infrastructure associated with Surf Life Saving and other recognised emergency service providers. This is consistent with Goal 2 of the NSW Coastal Policy that allows development seaward of public set back lines for the purpose of facilities associated with Surf Life Saving.  Clause 11.2(c) will apply to any development proposals granted Special Circumstances consideration under this Clause.
<b>14.0</b>	<b>Review Period and Life of Interim Code</b>  This Interim Code will be replaced at the completion of the Eurobodalla Coastal Zone Management Plan. This plan is currently being prepared as a priority with financial and technical assistance provided by the State Government.  Council will review the inclusion of a site within an Investigation Area where: <ul style="list-style-type: none"><li>• Site specific studies have been prepared by a proponent in accordance with this Code</li><li>• The study demonstrates a site is not at risk within the relevant defined planning period and</li><li>• The study has been accepted by Council under Environmental Planning and Assessment Act 1979.</li></ul> Planning levels for sea level rise will be reviewed with each statement of advice from the NSW Government. Subsequent updates will be considered with each report from the Intergovernmental Panel on Climate Change or the CSIRO. This will ensure that advice from Council is offered in good faith and based on the most recent and credible information therefore meeting Council's obligations under Section 733 of the Local Government Act 1993. The IPCC Assessment Reports are generally released every 5 – 7 years.

**Map (1): Areas of Critical Community Utility – Batemans Bay**



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**Map (2): Areas of Critical Community Utility - Narooma Flat**

*Related external references*

Department	Publication
NSW Office of Environment and Heritage, 2013	Guidelines for Preparing Coastal Zone Management Plans. ISBN 978-1-74359-054-6.
Department of Environment, Climate Change & Water NSW, 2010	<i>Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessment.</i> ISBN 978 1 74232 466 1.
Department of Environment, Climate Change & Water NSW, 2010	<i>Flood Risk Management Guide: Incorporating sea level rise benchmarks in flood risk assessment.</i> ISBN 978 1 74232 467 8.
Department of Planning, 2010	<i>NSW Coastal Planning Guideline – Adapting To Sea Level Rise.</i>
Department of Infrastructure, Planning & Natural Resources, 2005	<i>NSW Floodplain Development Manual – the management of flood liable land.</i> ISBN 0 7347 5476 0.



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*Supporting documents*

*Definitions*

<b>Word/Term</b>	<b>Definition</b>
<b>Annual Exceedance Probability (AEP)</b>	is the chance of a storm of a given or larger size occurring in any one year. The AEP is usually expressed as a percentage. For example, an AEP of 1% means there is a 1% chance (1 in 100) that a storm of that size or larger will occur in any one year.
<b>Australian Height Datum (AHD)</b>	according to Geoscience Australia, heights above mean sea level (MSL) are referenced to the Australian Height Datum (AHD).
<b>Cliff Top Development</b>	is development on top of a high face of rock.
<b>Coastline Hazards</b>	are those identified in the manual relating to the management of the coastline for the purpose of Section 733 of the Local Government Act 1993 and include beach erosion, shoreline recession, coastal entrance behaviour, sand drift, coastal inundation, slope and cliff instability, storm water erosion and climate change.
<b>Coastal Processes</b>	are those identified in the manual relating to the management of the coastline for the purpose of Section 733 of the Local Government Act 1993 and include wave climate, longshore sediment transport, onshore/offshore sediment transport, vegetation, sand drift, tidal prism, storm water flows and water quality.
<b>Immediate hazard line</b>	is the line identified on a Coastal Risk Planning Map which represents the estimated extent of beach erosion from a design storm event (as outlined in the Coastal Risk Management Guide: Incorporating sea level rise benchmarks in coastal risk assessment, 2010).
<b>Maintenance of existing buildings</b>	can include replacing worn out, defective, rotten, corroded or damaged materials within a building with the same or similar materials. Maintenance does not include replacing one type of material for another (e.g. clad timber frame with brick); changing the floor area or layout of a building; or changing the roof shape, pitch or height.
<b>Renovation of existing buildings</b>	will include creating additional floor space up to an area of 30 square metres. A one-off extension up to 30m <sup>2</sup> may be done at the same floor level of the existing building and must not include replacing one type of material for another (e.g. clad timber frame with brick) unless the materials are of a lighter weight construction than original building (e.g. clad timber frame/timber floor renovation of existing masonry building).

ATTACHMENT 1 INTERIM COASTAL HAZARD ADAPTATION CODE

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*Change history*

Version	Approval date	Approved by	Min No	File No	Change
1	27 July 2010	Council	10/157	E10.4158	Policy commenced, Refer report O10/31 - Council meeting 27 July 2010
2	24 Sept 2013	Council	13/301	E10.4158	Reviewed policy boundary mapping; updated formatting and; removed references to rescinded State policy.

*Internal use*

Responsible officer		Director, Planning & Sustainability Services		Approved by	Council
Min no	13/301	Report no	13/301	Effective date	27 July 2013
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Area
Maloneys Beach
Long Beach
Cullendulla Beach
Surfside
Wharf Road
Central Business District
Beach Road
Corrigans Beach
Joes Creek
Caseys Beach
Short Beach Creek
Reedy Creek
Tomaga River
Congo Creek
Coila Lake
Mummaga Lake
Kianga
Wagonga Inlet

Notes:

- Flood Planning Levels will vary within each location in accordance with proximity to a waterway or exposure to wave run-up
- Proponents will need to contact Council for the relevant flood planning level
- Provision of a flood planning level applies to inundation hazards
- Proponents of development may need to engage a suitably qualified consultant to identify potential risk from coastal erosion at the following locations.
  1. Long Beach (Bay Road and Sandy Place)
  2. Surfside (beach front homes on Timbara Crescent and Myamba Pde)