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Ms Danijela Karac  
Director Environment Policy  
Department of Planning, Industry and Environment  
[coastal@planning.nsw.gov.au](mailto:coastal@planning.nsw.gov.au)

## **Re: Comments on the NSW Coastal Design Guidelines**

Dear Danijela,

Thank you for the opportunity to make a submission on the [draft NSW Coastal Design Guidelines 2022](#) (draft Guidelines), currently on public exhibition. The Sydney Coastal Councils Group (SCCG) also appreciated the presentation your team provided at the recent meeting of its Technical Committee that was also attended by members of the SCCG Executive Committee.

We have obtained feedback from our member Councils in developing this submission however it should be noted that some of our members are providing their own submission on behalf of their Councils. Given the SCCG's role in project managing the development of the [Greater Sydney Harbour Coastal Management Program](#) (CMP), we are also providing comments on the draft Guideline that are relevant to this CMP.

### **Strategic Alignment**

The SCCG is a regional organisation of councils, established in 1989 to promote collaboration among member councils on environmental issues relating to the sustainable management of the urban coastal and estuarine environment. The group comprises nine councils adjacent to Sydney marine and estuarine environments and associated waterways and represents nearly 1.3 million Sydneysiders. We are guided by the [SCCG's 2019-2029 Strategic Plan](#) which includes six goals, four of which are highly relevant to the draft Guidelines:

- People and places adapt to a changing climate and future shocks and stressors.
- Waterways and the foreshore are protected and healthier.
- The SCCG is comprised of sustainable, livable and 'smart' cities.
- There is a collaborative, effective and consistent approach to coastal and estuarine management.

### **Our Comments**

You will recall that the SCCG provided a pre-exhibition submission in February 2020. We appreciate that our previous comments have been largely addressed in the latest draft.

We consider that a key outcome of the draft Guidelines is to include reference to the *Coastal Management Act 2016* (CM Act), the accompanying Coastal Management Framework and the consolidated State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021 as these were not included in the 2003 Guidelines.

We note the requirement remains under Local Planning Direction 4.2 for planning proposals to give effect to the Guidelines. Alignment with the Government Architect NSW design guidance is also supported. The SCCG also acknowledges that the draft Guidelines are not mandatory in considering Coastal Management Plan (CMP) development. However, a CMP could direct an amendment to a Local Environmental Plan, for example and require a planning proposal to rezone land.

We have provided detailed comments on each chapter of the guidelines in the table attached which are based on a detailed review and include comments raised by our members during the presentation. The table also identifies our recommended amendments.

A commitment should be made to regular and timely review of the guidelines within 10 years, as the greatest uncertainty in planning for the coast relates to climate change (as noted by the multiple asterisks in Chapter 2.3) and a decadal timescale is useful to climate change monitoring and planning.

The SCCG also strongly supports the proposed inclusion of case studies outside the guidelines but in a related website location, as a useful resource to be accessed for both examples of applying the guidelines and for lessons learnt, including to inform further review.

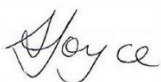
In addition, the SCCG acknowledges and supports the submission made by Bayside Council, identifying issues relating to how the Guidelines can better assist application of the mandatory requirements and recommendations with reference to the *Coastal Management Act 2016* and Resilience and Hazards SEPP to the four coastal zones, including the Proximity Area for Coastal Wetlands.

The SCCG also acknowledges and supports the submission made by Willoughby City Council, which strongly recommends that the Guidelines contain a clear and central message that the protection of threatened ecological flora and fauna, and the preservation of Aboriginal heritage items should take precedence in assessing development located within the coastal zone. This is to ensure that ecologically sustainable outcomes are achieved for the environment and the social, cultural and economic wellbeing of current and future generations of the people of New South Wales.

I trust that the information provided above will be helpful in finalising the draft NSW Coastal Design Guidelines prior to exhibition for public consultation.

If you have any queries, please contact me on M.0407733075 or by email at [executiveofficer@sydneycoastalcouncils.com.au](mailto:executiveofficer@sydneycoastalcouncils.com.au)

Yours sincerely,



Sarah Penny Joyce  
**Executive Officer**

## Comments on Each Chapter of the Draft Guideline

Chapter reference	Comments	Recommended Amendments
Ch.1 Introduction		
Various	<ul style="list-style-type: none"> <li>• Good strategic context; no specific comments.</li> <li>• Link included from CMPs to guidelines to reflect that CMPs should be considered in applying the guidelines.</li> <li>• Acknowledge that the guidelines are not mandatory in considering CMP development. However, a CMP could direct amendment to an LEP and require a planning proposal.</li> <li>• In Figure 1, would still question as per our pre-exhibition submission why the link from 'District and regional plans and LSPS' is only a potential relationship to LEPs rather than a statutory relationship.</li> </ul>	<ol style="list-style-type: none"> <li>1. Review Figure 1 - link from 'District and regional plans and LSPS' being only a potential relationship to LEPs rather than a statutory relationship.</li> </ol>
Ch. 2 Understanding coastal places		
2.1 Approach to place	<ul style="list-style-type: none"> <li>• The term 'foreshore' is used widely in the CDG and may not be consistent with the CM Act; a definition of this and other statutory terms in the CM Act should be included in the Glossary and a consistency review undertaken.</li> <li>• CDG state that 'A genuine understanding of place requires an understanding of how that place influences and is influenced by, its context.' What is context? Then goes on: 'This is particularly important for coastal places, given that the coastal environment is dynamic and constantly changing.' Therefore, an understanding of the coastal environment is the implied context for applying the CDG, going on to state that 'By understanding this context and how it changes, we can ensure that designs are sensitive to natural and built coastal environments'.</li> <li>• What is implied, is that environmental assessments will underpin application of the CDG. It could be clearer about the extent of understanding the environmental context to inform site analysis. This needs to be made more explicit.</li> </ul>	<ol style="list-style-type: none"> <li>2. Undertake a consistency review of terms widely used in the guidelines, such as 'foreshore' and 'beach', ensure consistent with statutory definitions in the CM Act and include in the Glossary.</li> <li>3. Regarding coastal processes, especially such as coastal hazards, there is an assumption in the guidelines that sufficient information is available to support design considerations. However, this may not be the case. The guidelines could clarify this and acknowledge that environmental studies may need to be undertaken, as is often a requirement to support a planning proposal. (Ch.2.1)</li> </ol>

Chapter reference	Comments	Recommended Amendments
2.2 Key factors shaping coastal places	<ul style="list-style-type: none"> <li>• Support reference to understanding a coastal place by engaging with Aboriginal custodians.</li> </ul>	
2.3 Common features of coastal places	<ul style="list-style-type: none"> <li>• Need to acknowledge that the full the range of landforms subject to threats and hazards that may be affected by climate change, including the following which should have an asterisk next to them too: <ul style="list-style-type: none"> <li>○ Coastal lake or watercourse entrance instability</li> <li>○ Coastal cliff or slope instability</li> <li>○ Estuary entrance modifications</li> </ul> </li> <li>• Include marine ecosystems in Blue systems; full range of features that may be affected by climate change need to be noted eg. Tidal inundation.</li> <li>• Built environment threats and hazards that may be affected by climate change need to include 'Disruptions to habitat connectivity'.</li> <li>• Spatial framework: '...layout of that settlement as well as the relationship between the built environment and surrounding natural environment more generally.' Needs to be clearer in terms of description and impacts on the environment.</li> <li>• Seems to be confusion about natural structures vs. processes. Consider a statement that distinguishes structure and processes, with processes requiring more detailed assessment for planning proposal purposes.</li> <li>• Politics and governance – does not list 'characteristics and features' as such but stakeholder groups; not sure what this should look like but does not reflect actual governance structures.</li> </ul>	<ol style="list-style-type: none"> <li>4. Include the following Threats and hazards as may be affected by climate change (Ch.2.3): <ol style="list-style-type: none"> <li>i. Coastal lake or watercourse entrance instability</li> <li>ii. Coastal cliff or slope instability</li> <li>iii. Estuary entrance modifications</li> </ol> </li> <li>5. Built environment threats and hazards that may be affected by climate change need to include 'Disruptions to habitat connectivity' (Ch.2.3).</li> <li>6. Language around references to the natural environment could be more explicit rather than general (Ch.2.3).</li> <li>7. Natural structures could be better distinguished from natural processes which may require environmental assessment (Ch.2.3).</li> <li>8. Governance structures could be better clarified rather than a stakeholder list (Ch.2.3).</li> </ol>

Chapter reference	Comments	Recommended Amendments
Ch. 3 Planning proposals in the coastal zone		
3.2 Key outcomes for planning proposals in the coastal zone	<ul style="list-style-type: none"> <li>• Outcome A.1 Protect coastal ecosystems – include the word ‘protect’ in Mandatory requirement b: ‘Identify and protect sensitive coastal ecosystems including coastal wetlands or littoral rainforest that may be impacted by development’.</li> <li>• Outcome A.3 Protect marine parks and aquatic reserves – make Mandatory requirement a: ‘Consider if the land uses will negatively impact the environmental, economic, social and cultural values of marine parks and aquatic reserves.’</li> <li>• Outcome E.3 Account for climate change – the recommended requirement should be made Mandatory to give effect and strengthen Outcome E.1 Ensure public safety and prevent risks to human life and Outcome E.2 Account for natural hazards risks. Also suggest changing the wording of the requirement to the following: ‘Reflect a 100-year planning horizon under up-to-date climate change projections for shoreline retreat and coastal inundation, and plan for corresponding foreshore setbacks. Recognise that beyond 2100, sea level is projected to continue to rise for centuries.’ Suggest removing the reference to “full range of SLR projections” as this is potentially too subjective, or extremely onerous and expensive (especially if it’s at Local Government cost).</li> </ul>	9. Changes to some of the Mandatory and Recommended requirements, noting that the guidelines are designed to give effect to the objectives of the Coastal Management Framework, including the CM Act, should be considered (Ch.3.2).
Various	<ul style="list-style-type: none"> <li>• Acknowledge primary role of the CDG to support planning proposals and with reference to mandatory requirements and recommendations under the CM Act.</li> <li>• Checklist in Appendix 1 is a useful tool.</li> </ul>	
Ch. 4 Urban design guidance for the coastal zone		
4.2.5 Protect and enhance the environmental, social and cultural values of foreshores, tributaries and other important coastal landforms	<ul style="list-style-type: none"> <li>• The intent to protect public views over private views could be strengthened in this section. The guidelines currently only reference prioritising ecological integrity of the foreshore and headlands over creating views and outlook from private properties, under Ch. 4.2.1.</li> </ul>	10. The intent to prioritise public views over private views could be strengthened and included in Ch. 4.2.5 Protect and enhance the environmental, social and cultural values of foreshores, tributaries and other important coastal landforms (Ch.4.2.5).