

ORDINARY MEETING 8 SEPTEMBER 2015	5.2
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PROPOSED COASTAL MANAGEMENT DISTRICTS

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RECOMMENDATION:

- A. That Council makes a submission to the Department of Environment and Heritage Protection regarding the proposed Coastal Management District raising the issues as outlined in the agenda report.**
- B. That a copy of Council's submission on the proposed Coastal Management District to the Department of Environment and Heritage Protection be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in a joint Council submission to be prepared by the LGAQ.**

EXECUTIVE SUMMARY:

The Queensland Government has readopted the projected climate change sea level rise (SLR) of 0.8m. This level came into effect on 8 July 2015. This level has regard to the State's Coastal Management Plan. Concurrent with the adoption is the State's reassessment and application of new erosion prone areas and the proposed adoption of new Coastal Management District (CMD) mapping. While land may be identified as being effected by the Coastal Management Plan, development applications are only referred to the State where the land is within the mapped Coastal Management District.

The State has invited Council and the public to lodge submissions on the proposed CMD mapping. Council officers have reviewed the changes and proposed CMD mapping. Council officers have also attended a Department briefing on these issues, changes and proposed mapping. Council is obliged to consider this SLR when determining development applications.

Concern is raised with the mapped erosion prone areas as there appear to be anomalies. Concern is also raised with the variables used to determine the CMD, the detail of the mapping and the implications in assessing applications. It is recommended that a submission be lodged with respect to the concerns outlined in the report and that a copy of Council's submission be forwarded to LGAQ for a joint submission on behalf of coastal councils.

PROPOSED COASTAL MANAGEMENT DISTRICT CHANGES

BACKGROUND

The Queensland Government has acknowledged both the causes and effects of climate change and part of the Government's commitment is to reinstate long-term, climate change related sea level rise into the planning and development framework and facilitate the preparation of coastal hazard adaptation plans by coastal councils. An initial step sees the reinstatement of a climate change sea level rise factor in the coastal hazard mapping.

The coastal hazard area mapping has been updated to reflect projected impacts of climate change to 2100 including a 0.8 metre sea level rise incorporated into erosion prone area and storm tide inundation area mapping. The Department of Environment and Heritage Protection (EHP) has declared new erosion prone areas (EP areas) for the Queensland coast under section 70 of the Coastal Protection and Management Act 1995. The new EP areas commenced on 8 July 2015.

The CMD is used to identify coastal areas requiring protection or management especially with respect to the area's vulnerability to erosion, to maintain or enhance coastal resources or for planning and development management of the area. The CMD also identifies the area where certain development under the *Sustainable Planning Act 2009* is triggered for assessment. Where land is in the CMD certain types of development applications are referred to the Department of Heritage and Environment under a concurrence agency status.

The Department has notified Council of the proposed changes to the Coastal Management District abolishing the existing district and declaring a new coastal management district (CMD) under the Coastal Protection and Management Act 1995. The Department advised that the changes were to reflect the change to the erosion prone areas due to the readoption of 0.8m SLR.

The Department has invited public submissions on the proposed new CMD. The LGAQ will be making a submission on behalf of Queensland's coastal councils. Comments are due to the Department by 14 September and to the LGAQ by 9 September 2015.

The proposed CMD can be viewed at a regional scale. Due to the level of detail the regional mapping is not at a scale at which the Shire can be viewed in one map that clearly identifies the individual lots. The maps can also be viewed via a lot-on-plan search to identify individual lots within the proposed CMD at the Department website using the following link: <http://www.ehp.qld.gov.au/coastal/development/assessment/declare-new-coastal-management-district.html>

More detail regarding the proposed CMD is also available at this web address.

OFFICER COMMENT

Key management policies dealt with by the Coastal Management Plan include:

- maintaining coastal landforms and physical coastal processes;
- conserving nature;
- maintaining access to coastal resources for indigenous cultural activities;
- maintaining or enhancing public access;
- management planning; and
- knowledge sharing and community engagement.

The readoption of the 0.8m sea level rise has implications to the conditioning of approvals. This change is in effect and must be considered in determinations.

Concern is raised with parts of the proposed coastal management district. Explanation has been given by the Department Officers that due to a number of variants the number of lots requiring concurrence referral has been significantly reduced.

The exclusion of some lots has been based on an assumption that the lots being in an urban area will not be further developed and therefore there is no impact from the readopted sea level rise and newly nominated extent of erosion prone areas. The existing extent of development is not necessarily the highest possible use under a planning scheme.

On some lots where there is no approved development, the lots include a significant extent of "Coastal hazard area – high storm tide inundation area," and the lots also include a significant extent of "Coastal hazard area - erosion prone area," the lots are not included in the CMD. In these situations the lots should be included in the CMD and referral should remain.

Concern is also raised where the whole of the lot is included in a Coastal Management District irrespective of the lot size and that development may not necessarily occur in the Erosion Prone Area. In some areas the erosion prone area is reflected by a 40m setback default line from the known point of Highest Astronomical Tide (HAT). In these situations HAT has been determined by vegetation mapping.

Consideration was sought from Department Officers as to whether the concurrence referral trigger under the *Sustainable Planning Regulation* could be the erosion prone zone rather than whether the lot was included in the Coastal Management District. Council officers were advised that this suggestion should be included in Council's submission. The Department Officers noted that as the erosion prone area is a setback from the toe of the dune, being the starting point, this will change over time due to "normal" changes.

Erosion Prone Areas creep over time due to a number of reasons: sea level rise due to climate warming; tri-decadal trends; impact of monsoonal trade winds of piling water; and normal attrition and spit creep. It is understood that generally the increase will be 0.8m throughout Queensland. However, in some areas, such as in the Torres Strait area, it is understood that the 0.8m SLR is a minimum increase and the local increase from tri-decadal change and piling water implies a higher standard should apply. To this extent concern is raised as to what are the scientifically known local implications for the SLR together with other trends. Costs for local assessment and conditioning appear to remain with Council.

There is significant cost involved in a referral to SARA. Concern was raised by the participants during the Department's information session for professionals as to what was the value added benefit of the concurrence referral process when a desk top analysis was being undertaken in Brisbane. In some situations the lot is very large and the proposed development does not occur in the erosion prone area yet the application would still be required to be referred. Concern is also held with responses from the State where only standard comments and few conditions were issued leaving the Assessment Manager (Council) left to provide suitable conditions to address the issue. It would be beneficial for a standard to be developed for modelling to be submitted for review by the State and that standard conditions be adopted that could be applied by either the State or a local council. Department officers advised that this issue should be included in Council's submission.

In another situation, being the example of the current application to reconfigure 2L Oasis Drive, the land is significantly affected by the erosion prone area and sea level rise yet the land is excluded from the CMD. In the past there was an ability for the State to seek the erosion prone land to be surrendered to the State, thereby negating the risk of future loss of development. It would be beneficial that this was re-introduced thereby negating future loss of development, or need for future protection works, that has occurred on a known erosion prone site.

It is noted that the Sheraton Mirage land has significant areas of “Coastal hazard area - erosion prone area” and a large proportion of the site is included in the Coastal Management District. However, the development of this land under the *Integrated Resort Development Act* is exempt from the *Sustainable Planning Act 2009*. Consideration should be made for the Coastal Management Plan to apply over this site, at least where in the CMD.

In some locations the land has been excluded from the CMD as the sea level rise has no impact on the coastal interface, such as rocky foreshores. However some of the mapping would appear incorrect, such as a large extent of Murphy Street Port Douglas, which is at a substantial elevation, is mapped as “Coastal hazard area - erosion prone area.” Significant Council officer resources are required to fully evaluate the proposed mapping in respect to appropriateness or inappropriateness and currently this resource of staffing is not available.

COUNCIL’S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council’s involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

FINANCIAL/RESOURCE IMPLICATIONS:

The exclusion of some land which has been identified as having significant coastal erosion prone areas and storm tide inundation from the Coastal Management District places the associated assessment costs and the risk of responsibility for development with Council. While Council already regulates this development under the *Sustainable Planning Act 2009* there appears no state assistance with these costs.

RISK MANAGEMENT IMPLICATIONS:

Concern is raised with the proposed coastal management district as:

- a. it may allow continuance of past planning requirements when new best practise should be applied;
- b. it necessitates that Council engage particular expertise rather than utilising State officers where this is their focussed area of expertise;
- c. it hinders the development of the built environment in a timely manner reflective of identified current and future planning.

INTERNAL/EXTERNAL CONSULTATION:

Council’s Senior Planning Officer attended a briefing by the Department held in Cairns on 25 August 2015. Consultation was undertaken within the planner’s officer group in respect to the proposed CMD.