



Coastal Development Policy

Responsible Officer

Chief Executive Officer

Introduction

Determinations on developments in coastal zones must consider coastal risks. The risk arising from vulnerability of built assets is influenced by the level of preparedness and response of the community and its recovery capacity. While the scientific community has established that anthropogenic climate change is occurring, uncertainty remains about the magnitude and extent of the impacts from these processes and changes.

Despite the uncertainty, early consideration of coastal hazards and the management of appropriate planning responses can provide economic, environmental, and social benefits.

National and international coastal planning practices are increasingly adopting a risk management approach to deal with uncertainty associated with the potential adverse impacts and their timeframes, arising from coastal hazards. This ensures that risks arising from coastal hazards are appropriately factored into decision-making processes for sustainable land use and development in the coastal zone. The Western Australian Government's coastal planning policy, State Planning Policy 2.6 Coastal Planning Policy (SPP 2.6) requires a risk management approach and provides the framework for coastal hazard risk management and adaptation planning (CHRMAP).

There are a potentially wide range of policy considerations which a local government is entitled to consider when deciding what strategies, it will, and will not, adopt in response to coastal hazard risk, including financial constraints and social factors. Provided the local government's decision has due regard to relevant considerations and has a reasonable basis, the risk of the decision attracting liability is minimised. Development and planning decisions should be based on planning merits, and not with the purpose of limiting the extent of any legal liability. Nevertheless, prudent, evidence and policy-based planning decisions are by their nature likely to minimise legal liability.

Background

The coastal planning requirements set out in this policy are informed by the future Cocos (Keeling) Islands Coastal Vulnerability Study (CVS). A subsequent Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) will also be developed by the WA Department of Planning, Lands and Heritage in the coming years.

The CVS will consider the coastal inundation and erosion hazards across the Cocos (Keeling) Islands, whilst the CHRMAP will provide a holistic approach to manage and mitigate coastal hazard risk and will be developed in consultation with the local community and key stakeholders.

This policy is to be used to guide Council's assessment of all development applications.

Until such time as the CVS is finalised, Council will consider all of the islands to be at risk of coastal inundation and erosion. The CVS will inform the CHRMAP with more detailed risk information that will further guide Council in decision making.

Legislation

Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2
Deemed provisions for local planning schemes

Part 9 Procedure for dealing with applications for development approval

Section 67. Matters to be considered by local government (relevant to this policy).

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application –

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

Definitions

Objectives

1. To ensure coastal land is continuously provided for public access, recreation and conservation.
2. To ensure public safety and reduce risk associated with coastal erosion and inundation.

3. To encourage appropriate land use and development of land taking into account the risk from coastal erosion and inundation.
4. To encourage land use and development that does not accelerate coastal erosion or increase inundation risks; or have a detrimental impact on the functions of public reserves.
5. To ensure that development addresses the *State Planning Policy No. 2.6 Coastal Planning Policy* (as amended).
6. To be risk adverse and transparent about the issues regarding the development of land at risk from coastal erosion and inundation.
7. To inform and guide the community of the risks to the islands of sea level rise and the potential current and future impact on all land within the Shire of Cocos (Keeling) Islands.

Applications subject to this Policy

This policy applies to all development applications of which the Shire of Cocos (Keeling) Islands is the responsible authority for given the low-lying coral atoll environment of the local government area.

Application requirements

All future development within the Shire of Cocos (Keeling) Islands requires development approval. This position will be reviewed once a mapped CVS is approved.

Policy statement

1. Development does not occur unless:
 - a) the development is located, designed, and constructed to withstand coastal hazard impacts; or
 - b) the development is temporary, readily relocatable, or able to be demolished and removed; or
 - c) the development can mitigate the risks to people and property to an acceptable or tolerable level based on the scientific information available at the time of application.
2. Design responses are not to have a detrimental impact on the amenity of neighbouring land or the amenity of the locality generally. This includes adversely impacting storm surge inundation levels on adjoining properties.
3. Development maintains or enhances public access to the foreshore.

4. Proponents must demonstrate relative to the scale and nature of their development that it prevents directly, indirectly and cumulatively an increase in the severity of coastal hazards and the potential for damage to the site or to other properties.
5. Buildings are to be designed to withstand structural loads associated with a storm surge inundation. The Shire may, at its discretion, require buildings to be certified by a coastal engineer as adequate to withstand potential erosive action during coastal inundation and/or erosion.
6. Lower levels of buildings potentially prone to storm surge inundation are to be permeable to allow water to flow through. This would not apply if the design response included fill to the extent that the finished floor level (FFL) of the building is located above the potential level of inundation.
7. Any development approval is to be conditioned requiring all structures be removed at the cost of the proponent once the current risk of erosion poses a risk to a development or structure, as defined by the following triggers:
 - a) Where a public road is no longer available or able to provide legal access to the property.
 - b) When water, sewage or electricity to the lot is no longer available as they have been removed/ decommissioned by the relevant authority due to coastal hazards.
 - c) Where structural integrity of the building has been compromised.
8. Any development approval shall (by a condition) require the following notifications to be placed on the Certificate of Title, pursuant to Section 70A of the *Transfer of Land Act 1893*, or lease documentation:

VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the 100-year planning timeframe (2110).
9. Any development with an estimated cost above \$250,000 shall require an independent assessment by a coastal engineer to certify the suitability of the proposed development or await the finalisation of the Shire's CHRMAP and specific measures to be taken or not taken for the subject land parcel(s).
10. Any new development not deemed as infill development will be assessed against the current or likely future capacity of the Cocos (Keeling) Islands' essential services at the time of application in accordance with the *Growth & Essential Services Policy*.

Variations

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy.

Consultation

For development applications that do not comply with the acceptable development provisions contained within this Policy, Council may require that neighbours and government agencies be consulted.

Office Use Only

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Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	