

Draft Coastal Hazard Local Planning Policy

1.0 Application

This policy applies to all land within Special Control Area No. 1 (SCA 1), which is that land identified in the Shire of Murray Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) as being subject to erosion or inundation by 2120. The extent of SCA 1 is shown on the plans in Appendices C2, C3 and C4.3 of the CHRMAP.

The policy applies all strategic planning, subdivision and development proposals for land within SCA 1.

2.0 Background

The Shire of Murray's CHRMAP has identified that part of the Shire near the Peel Harvey Estuary and the lower reaches of the Murray and Serpentine Rivers will be subject to coastal hazard over the 100 year planning timeframe to 2120.

SCA 1 has been included in the Shire's Scheme which covers the area subject to the coastal hazards and requires development approval to be granted before commencing or carrying out any works or use of land within SCA 1, unless the development is a type specifically exempted.

The policy does not apply to existing development. Rather it provides guidance on how the Shire will consider proposals within the SCA 1 area to better accommodate and respond to the risk of coastal hazard.

3.0 Objectives

1. To identify land within the Shire of Murray at risk of coastal hazard by 2120.
2. To ensure public health and safety and reduce risk associated with coastal erosion and inundation.
3. To protect new development from the impacts of coastal erosion and inundation.
4. To avoid inappropriate land use and development of land at risk of coastal erosion and inundation.
5. To ensure sufficient land within or adjacent to the coastal zone is continuously available for coastal foreshore management, public access, recreation and conservation.
6. To ensure coastal hazard considerations are taken into account in preparing strategic planning proposals and in assessing applications for development and subdivision.

4.0 Definitions

Annual Recurrence Interval (ARI) means how likely an event is to occur. For example a 1% ARI event is an event that occurs or is exceeded on average once every 100 years.

CHRMAP means the Shire of Murray Coastal Hazard Risk Management and Adaptation Plan.

Coastal means the area of water and land that may be influenced by coastal processes.

Coastal hazard means the consequence of coastal processes that affect the environment and safety of people. Potential coastal hazards include erosion and inundation.

Coastal processes means any action of natural forces on the coastal environment.

Commission means the Western Australian Planning Commission.

Erosion Hazard Line means the mapped erosion hazard lines identified in the CHRMAP.

Habitable room has the same meaning as given in State Planning Policy 7.3 Residential Design Codes – Volume 1.

Horizontal Shoreline Datum (HSD) means the active limit of the shoreline under storm activity, as defined in

SPP 2.6.

Net lettable area has the same meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Permanent development means development that is not time or event limited as determined by the Shire.

SCA 1 means Special Control Area No. 1 as defined on the Scheme maps.

SPP 2.6 means the Commission's State Planning Policy 2.6 Coastal Planning Policy.

Strategic Planning Proposals means a Local Planning Strategy, Local Planning Scheme, amendment to a Local Planning Scheme, Structure Plan or Local Development Plan.

Scheme means the Shire of Murray Local Planning Scheme No.4 or any subsequent local planning scheme approved by the Minister for Planning.

Trigger event has the same meaning given in the Scheme.

Vulnerable land use means a land use that caters for vulnerable occupants such as the elderly, children under 18 years of age, and the sick or injured. This includes schools, child care centres, hospitals, nursing homes and any other land use considered vulnerable at the discretion of the Shire.

5.0 Requirement for Development Approval

Notwithstanding any other provision of the Scheme, development approval is required before commencing or carrying out any works or use of land within SCA 1, unless specified in this Policy as a type that does not require development approval.

Where development approval is required applicants will need to clearly demonstrate that the proposed development meets the objectives and requirements of this Policy and any other relevant requirements of the Shire's planning framework.

Note: Approval to commence development may also be required from the Western Australian Planning Commission under the Peel Region Scheme.

5.1 Exempted Development

Notwithstanding the land being located within SCA 1, unless otherwise required by the Scheme, development approval is not required for:

1. Alterations and additions to a habitable room of an existing residential building or net lettable area of commercial, retail or community building which does not exceed 10m² cumulatively from the date of adoption of this Policy.
2. A change of use that does not involve works, does not intensify development or use of the land and does not involve a vulnerable land use.
3. Development located landward of the 2120 Erosion Hazard Line, which meets all the requirements of this Policy.

6.0 Policy Requirements

6.1 General

Coastal hazard must be considered in preparing strategic planning proposals and when making land use planning and development decisions in order to avoid increasing the impact of coastal processes through inappropriately located land use and development.

Notwithstanding the requirements of this Policy, the Shire may exercise discretion in its consideration of a planning proposal where a site-specific coastal hazard assessment, prepared by a suitably qualified and experienced specialist consultant and which is consistent with SPP 2.6 has adequately demonstrated the suitability of the proposal.

6.2 Strategic Planning Proposals

Strategic planning proposals for land within SCA 1 must demonstrate how it is proposed to plan for and



appropriately manage coastal hazards, including risk to public utility infrastructure servicing the land and roads which provide public access to the land.

Strategic planning proposals for land on the seaward side of the 2120 Erosion Hazard Line should not provide for more intensive development or use of this land.



Strategic planning proposals for land adjacent to the coast must include provision for a coastal foreshore reserve. This reserve should be ceded free of cost to the Crown without payment of compensation. The coastal foreshore reserve width is to include a suitable allowance for coastal processes through to 2120 and in addition, sufficient land which is not vulnerable to coastal processes in order to provide for coastal foreshore management, public access, recreation, conservation and landscape amenity.

6.3 Subdivision

Subdivision applications for land on the seaward side of the 2120 Erosion Hazard Line will generally not be supported, except where the application is for:

1. a purpose which will not create the potential for additional private development within the erosion hazard area; or
2. a boundary realignment, rationalisation of landholdings or lots created for a foreshore reserve which will not create the potential for additional private development within the erosion hazard area;

and the subdivision is otherwise consistent with the Scheme and the Commission's general subdivision policies.

For subdivision applications for land on the landside of the 2120 Erosion Hazard Line, the Shire will need to be satisfied that the subdivision will not lead to development at risk of coastal hazard, and in particular:

1. for subdivision of land in an urban area, the finished surface level of new lots should allow for the development of habitable dwellings, being the combination of the lot level plus building pad, should be at or above 2.34m AHD. The surface of all roads providing access to the new lots should also be at this level, unless it can be demonstrated in a particular instance that a lower level is suitable having regard to coastal inundation risks.
2. for subdivision of land in special rural zones a building envelope is to be prepared consistent with the provisions of the Scheme which includes an area of at least 1,000m² which is which above 2.34m AHD, with the exception of lots within the current riverine 1% ARI flood mapping area, where the finished surface level is otherwise required to exceed 2.34m AHD.
3. public road access to the new lots must not be subject to inundation to the extent that would result in difficulty providing evacuation during a coastal inundation event.

The Shire will recommend to the Commission that a condition be imposed on all subdivision approvals requiring a notification under section 165 of the *Planning and Development Act 2005* to be placed on the Certificate(s) of Title of the subject land, at the cost of the landowner, advising that the lot(s) are located in an area likely to be subject to coastal hazard within the period to 2120, except where the coastal hazard will be adequately addressed through the subdivision construction works or has otherwise been suitably addressed.

6.4 Development

For land on the seaward side of the 2120 Erosion Hazard Line:

1. Alterations and additions to a habitable room of an existing residential building or to the net lettable area of an existing commercial, retail or community building may be permitted provided this does not exceed 10m² cumulatively from the date of adoption of this policy.
2. Development which is incidental to an existing building, including outbuildings, carports, and patios may be permitted. This does not include Ancillary Dwellings.
3. Other development may only be permitted provided:
 - a. the applicant adequately demonstrates that the design life of the development is suitable for its location with regard to the Erosion Hazard Lines contained within the CHRMAP and that the development can be relocated or removed;
 - b. a condition is imposed limiting the term of the development approval and requiring the approved development to be removed and the land restored as nearly as practicable to its

condition immediately before development started to the satisfaction of the Shire, upon a trigger event occurring; and



- c. a condition is imposed requiring a notification to be placed on the certificate of title of the subject land pursuant to section 70A of the *Transfer of Land Act 1893* to alert prospective purchasers of the limited term of the approval and the requirement to remove the development and restore the land as nearly as practicable to its condition immediately before development started to the satisfaction of the Shire, upon a trigger event occurring.

4. Where ever reasonably practicable to do so any new development is to be located on the least vulnerable portion of the land.
5. Habitable rooms for residential buildings and net lettable areas for commercial, retail or community buildings require a minimum finished floor level of at least 2.34m AHD with the exception of properties within the current riverine 1% ARI flood mapping areas, where the required finished floor levels exceed 2.34m AHD. The following buildings may be constructed below this level:
 - a. minor additions and alterations to buildings which exist at the date of adoption of this policy, where this floor level is not reasonably practicable or desirable in a particular instance;
 - b. non-habitable buildings or floorspace such as outbuildings, car ports.
6. Where the filling of land is proposed to achieve minimum finished floor levels, the design and extent of the fill and any retaining walls must not create an adverse impact on inundation levels on adjacent properties or on the amenity of the locality.
7. All utility service connections including power points, light switches, communications connections, sewer vents and the like shall be elevated and / or designed to be protected from the impact of inundation. The Shire may require information to demonstrate how this will be achieved or apply conditions to this effect.
8. Buildings are to be designed to withstand structural loads associated with inundation, including water resistant building materials and construction methods. The Shire may require information from a structural engineer to demonstrate how this will be achieved or apply conditions to this effect.
9. Where reticulated sewerage is not provided to the land, the onsite effluent disposal system must be an aerobic treatment unit with nutrient retentive capacity to the satisfaction of the Shire and be designed to withstand inundation events.
10. All development approvals will include a condition requiring a notification to be placed on the certificate of title of the subject land pursuant to section 70A of the *Transfer of Land Act 1893* to alert prospective purchasers that the land is located within an area likely to be subject to coastal hazard within the period to 2120, except where the coastal hazard will be adequately addressed through the development works or is otherwise suitably addressed.

For land on the landward side of the 2120 Erosion Hazard Line development may be approved provided:

1. Where ever reasonably practicable to do so any new development should be located on the least vulnerable portion of the land.
2. Habitable rooms for residential buildings and net lettable areas for commercial, retail or community buildings require a minimum finished floor level of at least 2.34m AHD, with the exception of properties within the current riverine 1% ARI flood mapping areas, where the required finished floor levels exceed 2.34 AHD. The following buildings may be constructed below this level:
 - a. Minor additions and alterations to buildings which exist at the date of adoption of this policy, where this floor level is not reasonably practicable or desirable in a particular instance;
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3. Where the filling of land is proposed to achieve minimum finished floor levels, the design and extent of the fill and any retaining walls must not create an adverse impact on inundation levels on adjacent properties or on the amenity of the area.
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