



## **Shire of Dandaragan**

### **Local Planning Scheme No. 7**

#### **Amendment No. 37**

##### ***Summary of Amendment Details***

##### ***Standard Amendment - Inserting Special Control Area No.3 – Coastal Hazard Risk Area***

# Planning and Development Act 2005

## RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

SHIRE OF DANDARAGAN LOCAL PLANNING SCHEME NO. 7  
Amendment Number 37

Resolved that the Council of the Shire of Dandaragan pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting Clause 4.23 State Planning Policy 2.6 to read as part of Scheme, as follows:

*“4.25.1 The provisions of State Planning Policy 2.6 State Coastal Planning Policy shall apply as if they were part of this scheme. All coastal development is to comply with the provisions of State Planning Policy 2.6 State Coastal Planning Policy.”*

*“4.25.2 The local government –*

- a) must make a copy of SPP2.6 available for public inspection during business hours at the offices of the local government; and*
- b) may publish a copy of SPP2.6 on the website of the local government.”*

2. Inserting the following as Clause 5.1.1 (iii):

*(iii) Special Control Area No.3 – Coastal Hazard Risk Area.*

3. Inserting the following as Clause 5.4:

### **5.4 Coastal Hazard Risk Special Control Area**

*“5.4.1 The purpose of SCA3 is to provide guidance as to the appropriate scope of land use and development to be permitted within the coastal erosion and inundation hazard risk area.”*

*“5.4.2 The objectives of SCA3 are:*

- a) to ensure land in the coastal zone is continuously provided for coastal foreshore management, public access, recreation and conservation;*
- b) to ensure public safety and reduce risk associated with coastal erosion and inundation;*
- c) to avoid inappropriate land use and development of land at risk from coastal erosion and inundation;*

- d) *to ensure land use and development does not accelerate coastal erosion or inundation risks; or have a detrimental impact on the functions of public reserves; and*
- e) *to ensure that development addresses the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan prepared in accordance with SPP2.6”*

*“5.4.3 All proposed development within SCA3 requires development approval. Development approval will be issued on a temporary or time limited basis.”*

*“5.4.4 Applications for development approval should be referred to the Department of Transport, the Western Australian Planning Commission, and any other relevant authority for advice and comment on the coastal risk.”*

*“5.4.5 In granting development approval on a lot located within SCA3, the Shire shall apply a condition requiring the proponent to place the following notification on the certificate of title in accordance with Section 70A of the Transfer of Land Act 1987 and SPP2.6:*

*VULNERBALE COASTAL AREA – this lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years.”*

#### 4. Amending the Scheme Maps accordingly.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- the Amendment to the Scheme is to make it consistent with State Planning Policy 2.6 – State Coastal Planning Policy;
- the Amendment to the Scheme map is consistent with a structure plan, activity centre plan or local development plan that has been approved under the Scheme for land to which the Amendment relates if the Scheme does not currently include zones of all types that are outlined in the plan (CHRMAP); and
- is not a complex or basic amendment.

Dated the 26th day of July, 2018

\_\_\_\_\_  
(Chief Executive Officer)

## 1.0 INTRODUCTION

The Shire of Dandaragan (the Shire) is preparing for the threats of climate change and sea level rise to the coastal settlements of Cervantes and Jurien Bay. Both these town-sites have been recognised at risk of coastal erosion. This has resulted in the planning measures outlined in *State Planning Policy No. 2.6: State Coastal Planning Policy* (SPP2.6) and associated guideline documents being undertaken.

This report has been prepared to amend the Shire of Dandaragan Local Planning Scheme No.7 (LPS7) by inserting Special Control Area No.3 – Coastal Hazard Risk Area (SCA3).

The proposed amendment is a recommended implementation measure of the Shire's *Coastal Hazard Risk Management and Adaptation Plan* (CHRMAP), adopted by Council on 28 June 2018. Through this Amendment land seaward of the forecast 2110 hazard line will be included within SCA3, and subject to specific scheme provisions to ensure responsive, safe and sustainable coastal development.

## 2.0 BACKGROUND

In 2012 the Department of Planning, Lands and Heritage (DPLH) commissioned the *The Coast of the Shires of Gingin and Dandaragan (WA): Geology, Geomorphology and Vulnerability* study. This study assessed the sensitivity and exposure of coastal landforms from Guilderton to North Head (north of Jurien Bay), and identified that all town sites along this stretch of coast are located on landforms that have a moderate or moderate to high vulnerability to changing coastal processes (winds, tides, currents, waves and sea levels). The study recommended detailed investigations to identify the potential extent of long term coastal erosion and inundation at priority locations.

In 2013 the Shire partnered with the Shire of Gingin (SoG) and the Northern Agricultural Catchments Council (NACC) to identify the range of data and information required to undertake coastal hazard assessments at the priority locations outlined in the *Hill Primary Coastal Compartment Information and Data Gap Analysis*.

In 2014, in accordance with the recommendations made by the abovementioned analysis the Shire partnered with the SoG, the NACC and the WA Department of Transport to undertake a preliminary assessment of coastal hazards at each town site in the study area. The preliminary findings of the assessment identified that:

1. adaptation planning for coastal erosion is a priority at Cervantes and the Jurien Bay town centre. South Jurien Bay (from Island Point south) was identified as a low priority area, mainly due to the relatively large coastal setback distance

between the high water mark and built assets at this location and, therefore, lack of a short term threat from coastal erosion; and

2. adaptation planning for coastal inundation is a priority at Cervantes and Jurien Bay. This is mainly due to the low lying nature of, and proximity of assets to, the shoreline at these locations;

Following these findings the Shire and SoG contracted coastal engineers to formulate a CHRMAP for each local government area. The Shire's CHRMAP has the following purposes:

- to ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;
- to guide the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
- to provide for public coastal foreshore reserves and access to them on the coast; and
- to protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.

The CHRMAP provides a plan for the implementation of recommended adaptation options over the next decade, to 2030 with a strategic view on the likely adjustments over the next century, to 2110. One of the recommendations of implementation is to include land seaward of the forecast 2110 hazard line within a Special Control Area (SCA) under LPS7, the purpose of this Scheme Amendment.

### **3.0 LOCAL PLANNING CONTEXT**

Section 75 of the *Planning and Development Act 2005* gives a local government the power to amend its local planning scheme.

Pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment No.36 is a standard amendment as it makes the Scheme consistent with *State Planning Policy 2.6 – State Coastal Planning Policy*, and proposes to introduce a new Special Control Area (SCA3) outlining where land is most at risk from coastal hazards.

### **4.0 PROPOSAL**

The amendment seeks the following:

1. Inserting Clause 4.23 State Planning Policy 2.6 to read as part of Scheme.
2. Inserting Clause 5.1.1 (iii) Special Control Area No.3 – Coastal Hazard Risk Area.
3. Inserting Clause 5.4 Coastal Hazard Risk Special Control Area.
4. Amending the Scheme Maps accordingly.

## **SUBJECT LAND**

The proposed SCA will include approximately 124 privately owned properties and each leased caravan park in both town-sites. A total of 65 properties in Cervantes and 59 properties in Jurien Bay are affected, as shown in Appendix B. The majority of these properties are zoned Residential under LPS7, while other freehold parcels are zoned Tourist or Harbour, with Special Use Zone 5 also affected by SCA3. The majority of the affected reserves are classified as Parks and Recreation with only one affected reserve classified as Unallocated Crown Land.

A further detailed breakdown of the land affected by the proposed SCA3 can be obtained by viewing Appendix C – Asset Information for each of the Management Units of the Shire's CHRMAP.

## **PLANNING CONSIDERATIONS & RATIONALE**

Coastal planning is undertaken in accordance with SPP2.6 and associated guideline documents, in addition to taking into consideration the requirements of other State Planning Policies, including *SPP2.: Environment and Natural Resources Policy* and *SPP3.: Urban Growth and Settlement*.

The Shire's CHRMAP has been developed in accordance with the CHRMAP Guidelines with due regard to these State Planning Policies and other associated guideline documents. The preparation of this Scheme Amendment has relied on the direction of the *Draft Planned or Managed Retreat Guidelines May 2017* and Appendix H: Planning Controls Discussion of the Shire's CHRMAP.

A SCA is the most appropriate mechanism to manage the coastal hazard risk through LPS7. Scheme Amendment 37 will further assist the Shire to have due regard to the following matters when considering a development application, in accordance with Clause 67 of the Deemed Provisions of LPS7:

- (c) *any approved State Planning Policy;*
- (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; and*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety.*

Given the above it is considered that Scheme Amendment 37 is suitable and appropriate.

## **5.0 CONCLUSION**

As recommended for implementation by the Shire's CHRMAP, the proposed Scheme Amendment establishes a statutory planning instrument to provide for the Coastal Hazard Risk Area.

Scheme Amendment 37 ensures future landowners are notified of the coastal risk affecting on their land, outline provisions associated for proposed development within these land parcels, and enables the Shire and affected coastal landowners to meet their obligations under SPP2.6.

**APPENDIX A – COASTAL HAZARD MAPS BY MANAGEMENT UNITS**

**APPENDIX B – AFFECTED PROPERTIES**

Planning and Development Act 2005

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4. Amending the Scheme Maps accordingly.

**COUNCIL ADOPTION & RESOLUTION TO ADVERTISE**

This Standard Amendment was adopted for purposes of advertising by resolution of the Council of the Shire of Dandaragan at the Ordinary Meeting of the Council held on the 26<sup>th</sup> day of July, 2018.

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDATION**

This Standard Amendment is recommended for approval by resolution of the Shire of Dandaragan at the Ordinary Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 and the Common Seal of the Shire of Dandaragan was hereunto affixed by the authority of a resolution of the Council in the presence of:

(Seal)

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDATION FOR APPROVAL**

.....  
DELEGATED UNDER S.16 OF  
THE P&D ACT 2005

DATE.....

**APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING

DATE.....