

PLANNING AND NATURAL SYSTEMS

ATTACHMENT B

**NSW COASTAL REFORMS
MIDCOAST COUNCIL SUBMISSION**

ORDINARY MEETING

8 FEBRUARY 2017

Summary Table: Assessment of Potential Inconsistencies between Coastal Reform Package of LEP Amendments and Coastal Management SEPP with existing Local Environmental Plans of MidCoast Council

Council officers generally support the initiatives and framework provided by the NSW Coastal Reforms (Stage 1 and 2), however it is the view of officers that implementation would be best served as compulsory amendments to the Standard Principle Instrument LEP in affected local government areas, rather than through the introduction of a new SEPP.

In this regard, the Planning Reforms that gave rise to the Standard Instrument LEP (which preceded the Coastal Reforms) recognised the need to reduce the number of SEPPs and the establishment of the Standard Principle Instrument LEP as a single point of truth for practitioners and the community. The opportunity to address the complexity of written instruments is not fully realised through the proposed Coastal Reforms.

The following summary table illustrates the range of potential inconsistencies created by the development assessment relationship between the relevant clauses and map layers from three existing LEPs affecting the MidCoast Council local government area; should the proposed amendments to the Standard Principle Instrument LEP; and Coastal Management SEPP be enforced:

Great Lakes LEP 2014	Greater Taree LEP 2010	Gloucester LEP 2010	Standard Principle Instrument LEP Amendments	Coastal Management SEPP (with Coastal Management Act)
Clause 3.3 Environmentally sensitive areas	Clause 3.3 Environmentally sensitive areas	Clause 3.3 Environmentally sensitive areas	Clause 3.3 Environmentally sensitive areas Amended but retained in LEP - not inconsistent	Clause 3.3 Environmentally sensitive areas Separate amendments to Code SEPP - inconsistent with LEP amendments
Not applicable	Clause 5.3 Development near zone boundaries	Clause 5.3 Development near zone boundaries	Not addressed	Flexible Zone Boundaries Clause Excludes flexible zone boundary provisions from Coastal Zone
Clause 5.5 Development within the coastal zone	Clause 5.5 Development within the coastal zone	Not applicable	Clause 5.5 Development within the coastal zone To be repealed in Standard LEP	Coastal Zone Management Area Replaces Clause 5.5 Development within the coastal zone
Clause 5.7 Development below mean high water mark	Clause 5.7 Development below mean high water mark	Not applicable	Not addressed New definition of foreshore in Coastal	Not addressed New definition of foreshore in Coastal

			Management Act will capture all waterbodies, not just beaches, affected by tidal influences (beaches, rivers, estuaries)	Management Act will capture all waterbodies, not just beaches, affected by tidal influences (beaches, rivers, estuaries)
Clause 7.4 Coastal risk planning & maps	Not applicable	Not applicable	Not addressed	Coastal Vulnerability Area SEPP uses existing Council LEP and DCP maps but does not address potential inconsistencies between LEP & SEPP clauses
Clause 7.5 Stormwater management	Not applicable	Not applicable	Not applicable	Coastal Use Area SEPP identifies water quality and water sensitive design but does not apply to coastal lakes and LEP clause includes additional requirements
Clause 7.7 Riparian land and watercourses & maps	Not applicable	Not applicable	Not addressed	Coastal Use Area Mapping potentially inconsistent and LEP clause includes additional requirements
Clause 7.8 Wetlands & maps	Not applicable	Not applicable	Not addressed	Coastal Wetlands and Littoral Rainforests Mapping is inconsistent Inconsistencies between LEP & SEPP clauses and maps
Clause 7.10 Limited development on foreshore area & maps	Not applicable	Not applicable	Not addressed New definition of foreshore in Coastal Management Act will capture all waterbodies, not just beaches,	Not addressed New definition of foreshore in Coastal Management Act will capture all waterbodies, not just beaches,

			affected by tidal influences (beaches, rivers, estuaries)	affected by tidal influences (beaches, rivers, estuaries)
Clause 7.11 Development must ensure foreshore access	Not applicable	Not applicable	Not addressed New definition of foreshore in Coastal Management Act will capture all waterbodies, not just beaches, affected by tidal influences (beaches, rivers, estuaries)	Not addressed New definition of foreshore in Coastal Management Act will capture all waterbodies, not just beaches, affected by tidal influences (beaches, rivers, estuaries)
Clause 7.18 Residential Development at Winda Woppa & maps	Not applicable	Not applicable	Not addressed	Coastal vulnerability area SEPP provisions inconsistent and do not address LEP development restrictions
Dictionary	Dictionary	Dictionary	Dictionary SI LEP definitions repealed or amended	Dictionary Additional definitions incorporated which may affect relevance and application of LEP clauses
Land Zoning: Coastal Wetlands and Littoral Rainforests zoned E2 Environmental Conservation	Land Zoning: Coastal Wetlands and Littoral Rainforests zoned E2 Environmental Conservation	Not applicable	Not addressed Amendment should facilitate amendments to all relevant map layers	Not addressed Potential inconsistencies between LEP zone-based development provisions and SEPP provisions
Development Standard Map Layers Minimum Lot Size; Height of Buildings; Floor Space Ratio	Development Standard Map Layers Minimum Lot Size; Height of Buildings; Floor Space Ratio	Not applicable	Not addressed Amendment should facilitate amendments to all relevant map layers	Not addressed Potential inconsistencies between LEP zone-based development provisions and SEPP provisions

Clauses from Gloucester Local Environmental Plan 2010

3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) or [State Environmental Planning Policy No 26—Littoral Rainforests](#) applies,
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#).

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

(3) This clause does not apply to:

- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
- (b) land within the coastal zone, or
- (c) land proposed to be developed for the purpose of sex services or restricted premises.

(3A) This clause does not apply to land in Zone B2 Local Centre, Zone B4 Mixed Use, Zone IN1 General Industrial or Zone IN3 Heavy Industrial.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

5.7 Development below mean high water mark

[Not applicable]

Clauses from Greater Taree Local Environmental Plan 2010

3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) or [State Environmental Planning Policy No 26—Littoral Rainforests](#) applies,
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#).

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres for land in Zone RU1 Primary Production, Zone RU3 Forestry and Zone RU4 Primary Production Small Lots, and in all other cases the relevant distance is 20 metres.

(3) This clause does not apply to:

- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
- (b) land within the coastal zone, or
- (c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

- (a) the development is not inconsistent with the objectives for development in both zones, and
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

5.5 Development within the coastal zone

(1) *The objectives of this clause are as follows:*

(a) *to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,*

(b) *to implement the principles in the NSW Coastal Policy, and in particular to:*

(i) *protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and*

(ii) *protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and*

(iii) *provide opportunities for pedestrian public access to and along the coastal foreshore, and*

(iv) *recognise and accommodate coastal processes and climate change, and*

(v) *protect amenity and scenic quality, and*

(vi) *protect and preserve rock platforms, beach environments and beach amenity, and*

(vii) *protect and preserve native coastal vegetation, and*

(viii) *protect and preserve the marine environment, and*

(ix) *ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*

(x) *ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and*

(xi) *protect Aboriginal cultural places, values and customs, and*

(xii) *protect and preserve items of heritage, archaeological or historical significance.*

(2) *Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:*

(a) *existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:*

(i) *maintaining existing public access and, where possible, improving that access, and*

(ii) *identifying opportunities for new public access, and*

(b) *the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:*

(i) *the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and*

(ii) *the location, and*

(iii) *the bulk, scale, size and overall built form design of any building or work involved, and*

(c) *the impact of the proposed development on the amenity of the coastal foreshore including:*

(i) *any significant overshadowing of the coastal foreshore, and*

(ii) *any loss of views from a public place to the coastal foreshore, and*

(d) *how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and*

(e) *how biodiversity and ecosystems, including:*

(i) *native coastal vegetation and existing wildlife corridors, and*

(ii) *rock platforms, and*

(iii) *water quality of coastal waterbodies, and*

(iv) *native fauna and native flora, and their habitats, can be conserved, and*

(f) *the cumulative impacts of the proposed development and other development on the coastal catchment.*

(3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:

(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and

(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and

(d) the proposed development will not:

(i) be significantly affected by coastal hazards, or

(ii) have a significant impact on coastal hazards, or

(iii) increase the risk of coastal hazards in relation to any other land.

5.7 Development below mean high water mark

(1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.

(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

Clauses from Great Lakes Local Environmental Plan 2014

3.3 Environmentally sensitive areas excluded

(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.

(2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

- (a) the coastal waters of the State,
- (b) a coastal lake,
- (c) land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) or [State Environmental Planning Policy No 26—Littoral Rainforests](#) applies,
- (d) land reserved as an aquatic reserve under the [Fisheries Management Act 1994](#) or as a marine park under the [Marine Parks Act 1997](#),
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the [National Parks and Wildlife Act 1974](#) or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the [Threatened Species Conservation Act 1995](#) or Part 7A of the [Fisheries Management Act 1994](#),
- (ja) land within 100 metres of the coastal waters of the State or a coastal lake.

5.3 Development near zone boundaries

[Not adopted]

5.5 Development within the coastal zone

(1) The objectives of this clause are as follows:

- (a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,
- (b) to implement the principles in the NSW Coastal Policy, and in particular to:
 - (i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and
 - (ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and
 - (iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and
 - (iv) recognise and accommodate coastal processes and climate change, and
 - (v) protect amenity and scenic quality, and
 - (vi) protect and preserve rock platforms, beach environments and beach amenity, and
 - (vii) protect and preserve native coastal vegetation, and
 - (viii) protect and preserve the marine environment, and
 - (ix) ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and
 - (x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and
 - (xi) protect Aboriginal cultural places, values and customs, and
 - (xii) protect and preserve items of heritage, archaeological or historical significance.

(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:

- (a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:
 - (i) maintaining existing public access and, where possible, improving that access, and
 - (ii) identifying opportunities for new public access, and
 - (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
 - (i) the type of the proposed development and any associated land uses or activities (including compatibility of any land-based and water-based coastal activities), and
 - (ii) the location, and
 - (iii) the bulk, scale, size and overall built form design of any building or work involved, and
 - (c) the impact of the proposed development on the amenity of the coastal foreshore including:
 - (i) any significant overshadowing of the coastal foreshore, and
 - (ii) any loss of views from a public place to the coastal foreshore, and
 - (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and
 - (e) how biodiversity and ecosystems, including:
 - (i) native coastal vegetation and existing wildlife corridors, and
 - (ii) rock platforms, and
 - (iii) water quality of coastal waterbodies, and
 - (iv) native fauna and native flora, and their habitats, can be conserved, and
 - (f) the cumulative impacts of the proposed development and other development on the coastal catchment.
- (3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:
- (a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and
 - (b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and
 - (d) the proposed development will not:
 - (i) be significantly affected by coastal hazards, or
 - (ii) have a significant impact on coastal hazards, or
 - (iii) increase the risk of coastal hazards in relation to any other land.

5.7 Development below mean high water mark

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

7.4 Coastal risk planning

- (1) The objectives of this clause are as follows:
 - (a) to avoid significant adverse impacts from coastal hazards,
 - (b) to ensure uses of land identified as coastal risk are compatible with the risks presented by coastal hazards,
 - (c) to enable the evacuation of land identified as coastal risk in an emergency.
- (2) This clause applies to the land identified as “Coastal Risk Planning area” on the [Coastal Risk Planning Map](#).
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development:
 - (a) is likely to be adversely affected by the impacts of coastal hazards, and
 - (b) is likely to cause detrimental increases in coastal risks to other development or properties, and
 - (c) is likely to alter coastal processes and the impacts of coastal hazards to the detriment of the environment, and

- (d) incorporates appropriate measures to manage risk to life from coastal risks, and
 - (e) avoids or minimises potential adverse effects from the impact of coastal processes and the exposure to coastal hazards, particularly if the development is located seaward of the 2060 hazard line, and
 - (f) provides for the relocation, modification or removal of the development to adapt to the impact of coastal processes, coastal hazards and sea level rise planning benchmarks.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Coastal Planning Guideline: Adapting to Sea Level Rise (ISBN 978-1-74263-035-9) published by the NSW Government in August 2010, unless it is otherwise defined in this clause.
- (5) In this clause:
- 2060 hazard line** means the landward extent of erosion, recession and stability hazards consistent with the projected 2060 sea level rise of 0.5 metres above the 1990 mean sea level.
- coastal hazard** has the same meaning as in the [Coastal Protection Act 1979](#).

7.5 Stormwater management

- (1) The objective of this clause is to minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands and receiving waters.
- (2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development:
- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
 - (b) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and
 - (c) is designed to integrate water sensitive design measures, including stormwater, groundwater and waste water management, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and
 - (d) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and
 - (e) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
 - (f) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

7.7 Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following:
- (a) water quality within watercourses,
 - (b) the stability of the bed and banks of watercourses,
 - (c) aquatic and riparian habitats,
 - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following:
- (a) land identified as "Watercourse" on the [Watercourse Map](#),
 - (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as "Watercourse" on that map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
- (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed, shore and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
 - (b) whether or not the development is likely to increase water extraction from the watercourse, and
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

7.8 Wetlands

- (1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.
- (2) This clause applies to land identified as “Wetland” on the Wetlands Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
 - (a) whether or not the development is likely to have any significant adverse impact on the following:
 - (i) the condition and significance of the existing native fauna and flora on the land,
 - (ii) the provision and quality of habitats on the land for indigenous and migratory species,
 - (iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

7.10 Limited development on foreshore area (Great Lakes LEP)

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:
 - (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and

(h) sea level rise or change of flooding patterns as a result of climate change has been considered.

(4) In this clause, foreshore area means the land identified as "Foreshore Area" on the Foreshore Building Line Map.

7.11 Development on the foreshore must ensure access (Great Lakes LEP)

In deciding whether to grant consent for development on the foreshore, the consent authority must consider whether and to what extent the development would encourage the following:

- (a) continuous public access to and along the foreshore through or adjacent to the proposed development,
- (b) public access to link with existing or proposed open space,
- (c) public access to be secured by appropriate covenants, agreements or other instruments registered on the title to land,
- (d) public access to be located above mean high water mark,
- (e) the reinforcing of the foreshore character and respect for existing environmental conditions.

7.18 Residential accommodation at Winda Woppa

(1) The objective of this clause is to restrict the intensity of development on the Winda Woppa peninsula.

(2) This clause applies to land identified as "Development Restriction Area" on the Winda Woppa Coastal Development Map.

(3) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development will be situated on a lot with an area not less than 450 square metres, and
- (b) the development will not involve the erection of more than 2 dwellings on that lot, and
- (c) the development will comprise a single building, and
- (d) the gross floor area of at least one dwelling will not exceed 60 square metres.

(4) Development consent must not be granted to the subdivision of a lot referred to in subclause (3) (a) if the subdivision will result in the dwellings referred to in subclause (3) (b) being situated on separate lots.