

PLANNING AND NATURAL SYSTEMS

ATTACHMENT C

**NSW COASTAL REFORMS
MIDCOAST COUNCIL SUBMISSION**

ORDINARY MEETING

8 FEBRUARY 2017

DRAFT Local Planning Direction - Coastal Management

Section 117(2) of the Environmental Planning and Assessment Act 1979

Objective

The objective of this direction is to protect and manage coastal areas of NSW.

Where this direction applies

- (1) This direction applies to land that:
 - (a) is within the coastal zone, as defined under the *Coastal Management Act 2016* - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by the *State Environmental Planning Policy (Coastal Management) 2016*; or
 - (b) has been identified as land affected by a current or future coastal hazard in a study or assessment undertaken:
 - (i) by or on behalf of the relevant planning authority, or
 - (ii) by or on behalf of a public authority and provided to the relevant planning authority.

When this direction applies

- (2) This direction applies when a relevant planning authority prepares a planning proposal that will apply to land identified in (1) above.

What a relevant planning authority must do if this direction applies

- (3) A planning proposal must include provisions that give effect to and are consistent with:
 - (a) the objects of the *Coastal Management Act 2016* and the objectives of the relevant coastal management areas;
 - (b) the NSW Coastal Management Manual and associated Toolkit;
 - (c) NSW Coastal Design Guidelines 2003; and
 - (d) any relevant Coastal Management Program that has been certified by the Minister, or any Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*, that applies to the land.
- (4) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land:
 - (a) within a coastal vulnerability area identified by the *State Environmental Planning Policy (Coastal Management) 2016*; or
 - (b) identified as land affected by a coastal hazard as per (1)(b) above.
- (5) A planning proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the *State Environmental Planning Policy (Coastal Management) 2016*.
- (6) A planning proposal may amend the following maps, including increasing or decreasing the land within these maps, under the *State Environmental Planning Policy (Coastal Management) 2016*:
 - (a) Coastal wetlands and littoral rainforests area map;
 - (b) Coastal vulnerability area map;
 - (c) Coastal environment area map; and
 - (d) Coastal use area map.

Such a planning proposal must be supported by evidence in a relevant Coastal Management Program that has been certified by the Minister, or by a Coastal Zone Management Plan under the *Coastal Protection Act 1979* that continues to have effect under clause 4 of Schedule 3 to the *Coastal Management Act 2016*.

Consistency

- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a study or strategy prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (b) in accordance with any relevant Regional Plan or District Plan prepared under Part 3B of the *Environmental Planning and Assessment Act 1979* by the relevant strategic planning authority which gives consideration to the objective of this direction, or
 - (c) is of minor significance.

“Coastal hazard” and “Coastal Management Program” are defined in the *Coastal Management Act 2016*.

Note: Ministerial Direction 2.2 – Coastal Protection will be revoked when this Direction is finalised