

# Coastal Management State Environmental Planning Policy

## Fact sheet 2: Coastal management areas

December 2018

### Managing development in the coastal zone

The *Coastal Management Act 2016* (the Act) identifies four coastal management areas that comprise the coastal zone. These are:

- coastal wetlands and littoral rainforests area
- coastal vulnerability area
- coastal environment area
- coastal use area.

State Environmental Planning Policy (Coastal Management) 2018, known as the Coastal Management SEPP, imposes targeted development controls for these areas, to guide appropriate development within the coastal zone.

The Act and SEPP apply to land that is mapped within one or more of the four coastal management areas, which are not mutually exclusive. Where a site is mapped as more than one coastal management area, the development controls for each of those coastal management areas will apply. The objectives and development controls for each coastal management area are detailed below.

### Coastal wetlands and littoral rainforests area

Both the coastal wetland and littoral rainforests areas have distinctive hydrological and ecological characteristics, as well as a surrounding proximity area to manage impacts of adjacent development on coastal wetlands and littoral rainforests.

The Act specifies that the management objectives for this area are:

- to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity
- to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests
- to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration
- to support the social and cultural values of coastal wetlands and littoral rainforest
- to promote the objectives of State policies and programs for wetlands or littoral rainforest management.

### Managing development in the coastal wetlands and littoral rainforests area

Development in coastal wetlands and littoral rainforests, regardless of land zoning, has been controlled since the 1980s. The Coastal Management SEPP largely carries forward pre-existing controls from the now repealed SEPP 14 (Coastal Wetlands) and SEPP 26 (Littoral Rainforests).

Harming or removing native or marine vegetation, draining the land, constructing a levee, environmental protection works and all other development within a mapped coastal wetlands and littoral rainforests area requires consent, and is generally designated development, meaning that an environmental impact statement must be prepared to support any development application. Neither

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exempt or complying development is permitted on land identified as coastal wetland or littoral rainforest.

Development for the purpose of environment protection works may be carried out by or on behalf of a public authority without development consent, if the development is identified in a certified coastal management program, or a plan of management under the *Local Government Act 1993* or a plan of management approved and in force under the *Crown Lands Act 1989*.

Development within the mapped proximity area is not designated development, but any development requiring consent cannot be approved by a consent authority unless they satisfied that the development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

Details about the interaction with the biodiversity reforms can be found in [Fact sheet 1: Overview](#).

### Mapping of coastal wetlands and littoral rainforests area

The coastal wetlands and littoral rainforests area is defined in the Act as land which displays 'the hydrological and floristic characteristics of coastal wetlands or littoral rainforests and land adjoining those features'.

The mapping includes coastal wetlands and littoral rainforest across all local government areas, including those in Greater Metropolitan Sydney. The maps build on the original SEPP 14 and SEPP 26 maps to reflect improved knowledge of coastal wetlands and littoral rainforests. They include data from recent studies by the Department of Planning and Environment, University of NSW, NSW Office of Environment and Heritage, and NSW Department of Primary Industries. This area maps vegetation communities of coastal wetland or littoral rainforest, rather than single trees and isolated stands.

Detailed information provided by councils has also been considered, and included in the mapping where appropriate supporting data has been supplied.

The maps include a 100-metre proximity area, applying to all land zones, around coastal wetlands and littoral rainforests.

### Coastal vulnerability area

The coastal vulnerability area is defined in the Act as land which is subject to coastal hazards. The Act provides for the management of seven coastal hazards:

- beach erosion
- shoreline recession
- coastal lake or watercourse entrance instability
- coastal inundation
- tidal inundation

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- coastal cliff or slope instability
- erosion and inundation of foreshores caused by tidal water and waves, including the interaction of those waters with catchment floodwaters.

The management objectives for this area are to:

- ensure public safety and prevent risk to human life
- mitigate current and future risks from coastal hazards, taking into account the effects of coastal processes and climate change
- maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place
- maintain public access, amenity and use of beaches and foreshores
- encourage land use that reduces exposure to risks from coastal hazards, including through siting, design, construction and operational decisions
- adopt coastal management strategies that reduce exposure to coastal hazards, in the first instance by restoring and enhancing natural defences such as coastal dunes, vegetation and wetlands; and, if that is not sufficient, by taking other action to:
  - avoid significant degradation of biological diversity and ecosystem integrity
  - avoid significant degradation or disruption of ecological, biophysical, geological and geomorphological coastal processes
  - avoid significant degradation of or disruption to beach and foreshore amenity and social and cultural values
  - avoid adverse impacts on adjoining land, resources or assets
  - provide for the restoration of the beach or adjacent land if any increased erosion is caused by actions to reduce exposure to coastal hazards
- prioritise actions that support the continued functionality of essential infrastructure during and immediately after a coastal hazard emergency
- improve the resilience of coastal development and communities by improving adaptive capacity and reducing reliance on emergency responses.

### Managing development in the coastal vulnerability area

Development is permitted in this area but will need to satisfy requirements set out in the Coastal Management SEPP.

Consent authorities must be satisfied that:

- any coastal development is engineered to withstand current and future coastal hazards for the design life of any building or structure. This will avoid creating new or more severe risks for future generations to manage
- development is not likely to alter coastal processes to the detriment of the natural environment
- development is not likely to reduce public amenity, access to and use of any adjacent beach, foreshore, rock platform or headland
- appropriate measures to manage risk to life and public safety from coastal hazards are incorporated into the development

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- appropriate measures and responses are in place to manage risk to life and public safety from coastal processes and current and future coastal hazards.

Exempt development under the Codes SEPP can be carried out on land that is identified as a coastal vulnerability area if the development meets the standards specified, and complies with the general requirements for exempt development.

Complying residential development cannot occur in this area, meaning that all residential development must be assessed on merit by the relevant consent authority, such as the local council. This means complying development set out in the General Housing Code, Rural Housing Code, and Commercial and Industrial (New Buildings and Additions) Code cannot be carried out on land that is affected by coastal hazards. However, other complying development such as that set out in the Advertising and Signage Exempt Development Code and the Housing Alterations Code can be carried out on that is affected by coastal hazards.

Proponents of development may be able to meet the Coastal Management SEPP's requirements through careful siting of the development, and appropriate design and construction elements. Councils may apply consent conditions in this regard, as well as time and trigger limits for development, to allow for changes to coastal hazards and risks, given the dynamic nature of the coastline.

### Priorities for the coastal vulnerability area

The Government's coastal reforms program provides a consistent framework, additional guidance and enhanced funding for modelling, mapping and managing coastal hazards and identifying coastal vulnerability areas.

Mapping of coastal vulnerability to a level of detail necessary to apply development controls is best undertaken at the local level, by giving detailed consideration to local coastal processes and existing development patterns and community values and needs. Councils are well placed to undertake the detailed coastal hazard modelling, risk assessment and community consultation to identify coastal vulnerability areas at the local scale. Significant modelling and mapping of coastal hazards have already been undertaken by many local councils.

Councils will be supported to undertake mapping and planning through the process outlined in the Coastal Management Manual and will consider local coastal processes and hazards over time frames relevant to land use planning.

Coastal vulnerability area maps can address one or all of the coastal hazards affecting land in a local government area and may be included in the Coastal Management SEPP. It is important that all components of this identification process be undertaken with sufficient time for community involvement and consultation.

The SEPP does not map the coastal vulnerability area at present. Councils will be able to seek the inclusion of coastal vulnerability area mapping in the SEPP via a Planning Proposal. The State may also

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make a SEPP amendment to include coastal vulnerability area mapping in the future for specific areas or the entire NSW coastline.

To ensure proper consideration of coastal hazards in development assessment, the SEPP includes an obligation for consent authorities to consider coastal hazards in the coastal zone. Existing council coastal hazard studies and other relevant information can be used by consent authorities when considering development applications in the coastal zone.

Some councils already include coastal hazard controls and mapping in their Local Environmental Plans or Development Control Plans, and these continue to have effect.

### Coastal environment area

The coastal environment area identifies the environmental features of the coastal zone, such as state waters, estuaries, coastal lakes and coastal lagoons. It also includes land adjoining those features including beaches, dunes, coastal headlands and rock platforms.

The objectives for this area under the Act are:

- to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons
- enhance natural character, scenic value, biological diversity and ecosystem integrity
- to reduce threats to, and improve the resilience of, coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change
- to maintain and improve water quality and estuary health
- to support the social and cultural values of coastal waters, estuaries, coastal lakes and coastal lagoons
- to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system
- to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms.

### Managing development in the coastal environment area

Development controls for the coastal environment area aim to protect the processes and values of coastal waters, estuaries, coastal lakes and lagoons and the natural features on the adjoining land, including beaches, dunes, foreshores, headlands and rock platforms.

Controls identify the need to minimise impacts on the environment, and the consent authority must be satisfied that the proposed development avoids, minimises or manages impacts on:

- the integrity and resilience of the biophysical, hydrological and ecological environment;
- coastal environmental values and natural coastal processes
- the water quality of the marine estate, and has particular regard to cumulative impacts on sensitive coastal lakes

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- marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms
- existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including people with a disability
- Aboriginal cultural heritage, practices and places
- the use of the surf zone.

Exempt development under the Codes SEPP can be carried out in the coastal environment area if the development meets the standards specified, and complies with the general requirements set out in the Codes SEPP.

Complying development set out in the General Housing Code, Rural Housing Code, and Commercial and Industrial (New Buildings and Additions) Code cannot be carried out on land that is identified in an environmental planning instrument as being environmentally sensitive land (or similar). This arrangement is to continue.

If a coastal environment area is also identified as environmentally sensitive land in the council's LEP, complying development under these Codes cannot be undertaken on the land. However, other complying development, such as that set out in the Advertising and Signage Exempt Development Code and the Housing Alterations Code, can be carried out on land identified as being environmentally sensitive.

### Mapping the coastal environment area

The coastal environment area maps natural features of the coast such as coastal waters of NSW, estuaries, beaches, dunes, coastal lakes and lagoons and undeveloped coastal headlands and rock platforms. Within estuaries, the coastal environment area has been mapped upstream to the extent of tidal influence.

An area of land adjacent to the open coast, estuary or coastal lake or lagoon is also included in the coastal environment area map. This is to ensure nearby development takes into account potential impacts on the coastal environment. This distance is a minimum of 100 metres but is more if the land is adjacent to an area that is more sensitive to development impacts, such as a coastal lake. The entire catchment of sensitive coastal lakes is mapped and for other coastal lakes there is a 500m buffer mapped around them.

Within Sydney Harbour, the coastal environment area map adopts the land and water mapped in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and in the proposed State Environmental Planning Policy (Environment), for which an explanation of intended effect was exhibited in 2017.

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### Coastal use area

The coastal use area is land adjacent to coastal waters, estuaries, coastal lakes and lagoons, where development is or may be carried out and impacts of development on the scenic and cultural values and use and enjoyment of the beaches, foreshores, dunes, headlands, rock platforms, estuaries, lakes and the ocean need to be considered.

The management objectives for this area within the Act are to accommodate both urbanised and natural stretches of coastline and to protect and enhance the scenic, social and cultural values of the coast by ensuring that:

- the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast
- adverse impacts on cultural and built environment heritage are avoided or mitigated
- urban design, including water sensitive urban design, is supported and incorporated into development activities
- adequate public open space is provided, including for recreational activities and associated infrastructure
- the use of the surf zone is considered.

### Managing development in the coastal use area

The coastal use area represents some of the most environmentally, economically and socially valuable land in NSW. Development in this area must maintain and improve the scenic, social and cultural values of the coast for the enjoyment of current and future generations.

Development proposals must address public interest and built form criteria to avoid, minimise or mitigate impacts on:

- existing safe access to and along a foreshore, beach, headland or rock platform, including access for people with a disability
- overshadowing, wind funnelling and loss of views from public places to foreshores
- the visual amenity and scenic nature of the coast, including headlands
- Aboriginal cultural heritage, practices and places
- cultural and built environment heritage.

Development proposals must also consider the type, bulk, scale and size of the proposed development in the context of the surrounding area.

The coastal use area applies to land only. Development controls for coastal waters are in the coastal environment area. Foreshore development which straddles land and coastal waters is assessed against development controls for both the coastal use and coastal environment areas.

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Exempt development is allowed in the area provided the development meets the required standard under the Codes SEPP. The coastal use area controls only apply when there is a need for development consent.

Complying development set out in the General Housing Code, Rural Housing Code, and Commercial and Industrial (New Buildings and Additions) Code cannot currently be carried out on land that is identified in an environmental planning instrument as being environmentally sensitive land (or similar). If land within a coastal use area is identified as environmentally sensitive land, it is likely it will also be mapped within the coastal environment area.

### Mapping the coastal use area

The coastal use area maps land only. The coastal use area extends inland from the open coast or from estuaries up to the extent of tidal influence.

The area is mapped using a defined distance away from the water-side boundary of the local government area, whether open coast or estuary. The mapped distance extends inland from 100 metres to 500 metres depending on whether the land is in Greater Metropolitan Sydney or a regional area, as well as if the land is adjacent to the open coast or an estuary. The differing distances relate to the nature of the built environment, and the values associated with surrounding land, compared with the objectives for the coastal use area.

Within Sydney Harbour, the coastal use area map replicates the land mapped in the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and in the proposed State Environmental Planning Policy (Environment), for which an explanation of intended effect was exhibited in 2017.

### Find out more

For more technical details on the mapping of each coastal management area, please refer to [Fact sheet 4: Mapping of coastal management areas: a technical guide](#).