

Coastal Management State Environmental Planning Policy

○ Fact sheet 1: Overview

December 2018

A new planning policy for coastal management

State Environmental Planning Policy (Coastal Management) 2018, known as the Coastal Management SEPP, defines the coastal zone and establishes state-level planning priorities and development controls to guide decision-making for development within the coastal zone.

The Coastal Management SEPP commenced on 3 April 2018. It promotes an integrated and coordinated approach to land use planning in the coastal zone, that is consistent with the objects of the *Coastal Management Act 2016* (the Act).

This SEPP consolidates and updates SEPP 14 (Coastal Wetlands), SEPP 26 (Littoral Rainforests) and SEPP 71 (Coastal Protection), which are now repealed. The Act replaces the *Coastal Protection Act 1979*.

Defining a new coastal zone

The coastal zone is defined in the Act as being the area of land comprised of one or more of four coastal management areas:

- **coastal wetlands and littoral rainforests area** - defined as areas with particular hydrological and ecological characteristics
- **coastal vulnerability area** - defined as the area affected by any one of seven coastal hazards
- **coastal environment area** - defined as the coastal waters of the state, estuaries, coastal lakes and foreshores including beaches, dunes, headlands and rock platforms as well as surrounding land
- **coastal use area** - defined as land adjacent to the coast, where development is or may be carried out.

Under the previous *Coastal Protection Act 1979*, the coastal zone comprised of a single area. It is now comprised of four distinct coastal management areas, enabling more targeted management of the diversity of environments, associated pressures and interests in the coast. Targeted development controls apply to each area and are designed to achieve the specific management objectives for that area as set out in the Act.

Some land may be mapped as more than one coastal management area. In these cases, development controls for all of the relevant coastal management areas will apply. In accordance with the Act, in the event of any conflict, the priority order (highest to lowest) of the management objectives and controls for overlapping coastal management areas is: coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area.

Development controls for each coastal management area

The Coastal Management SEPP identifies development controls to help protect and manage sensitive coastal environments, manage risks from coastal hazards and support appropriate development.

Development controls for the:



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- mapped **coastal wetlands and littoral rainforests area** continue the existing protections for these important ecological communities
- **coastal vulnerability area** are concerned with managing risks to human life and public and private property that may be impacted by coastal hazards, now and into the future
- mapped **coastal environment area** aim to protect and improve natural coastal processes, features and environmental values
- mapped **coastal use area** focus on appropriate urban development for coastal areas, taking into account urban design issues such as maintaining public access to the coast, open space and natural areas, scenic qualities, and Aboriginal cultural heritage and places.

Interactions with local planning and implications for property rights and development

Local Environmental Plans (LEPs) establish zoning and permissible land uses for land in the local government area. Development Control Plans (DCPs) provide more detailed guidance on planning considerations for specified areas or development types.

The Coastal Management SEPP does not change what is permissible on any land, does not rezone land and does not prohibit development. The SEPP maps are a planning overlay that identify assets and values of the land and the SEPP controls inform development assessment. This will maintain and enhance the attributes of the coast and coastal living for the benefit of current and future generations.

Where a property is in the coastal zone, this land will be identified as being subject to the Coastal Management SEPP on a planning certificate issued under section 10.7 - formerly known as a section 149 certificate - of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

A new Ministerial Planning Direction under EP&A Act section 9.1 - formerly known as a section 117 direction - issued at the same time as the Coastal Management SEPP, requires councils to demonstrate that any proposed zoning changes are consistent with the objectives of the Act and SEPP.

Councils are also required to develop Coastal Management Programs (CMPs) under the Act to set the long-term strategy for the management of land within the coastal zone with a focus on achieving the aims of the Act.

Current coastal management area mapping

The coastal wetlands and littoral rainforests area, the coastal environment area and the coastal use area are mapped in the SEPP.

At present, the coastal vulnerability area has not been mapped. The NSW Government will work with councils and communities over the next five years to ensure that coastal hazards identified in studies or plans prepared for councils are considered for when planning for future coastal development.

As a transitional arrangement, until coastal management programs are developed by councils and/or the coastal vulnerability area is mapped, coastal hazards are to be considered throughout the coastal zone.



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Future changes to coastal management areas maps

Councils may seek amendments to any of the coastal management area maps as needed, including adding coastal vulnerability area maps to the Coastal Management SEPP, via a planning proposal. Planning proposals involve a period of public consultation and are approved by the NSW Government. Maps developed as part of a council's CMP may form part of a Planning Proposal once the CMP is certified by the Minister for the Environment.

The NSW Government may also undertake a SEPP review, including to make amendments to any of the coastal management area maps. In December 2018, the Department conducted a minor update of the coastal wetlands and littoral rainforests area map to improve its accuracy and reflect recent approved land use change. This update was informed by advice and evidence from councils and public authorities, including the Office of Environment and Heritage.

All amendments will need to be supported by appropriate evidence, research, investigations and consultation.

Links between the coastal wetlands and littoral rainforest area and the NSW Government's biodiversity reforms

The Government's biodiversity reforms provide a new regulatory framework for the management of native vegetation, biodiversity of native plants and animals and threatened species. Details can be found at www.landmanagement.nsw.gov.au.

The *Biodiversity Conservation Act 2016* also introduces a new process for declaring and protecting areas of outstanding biodiversity value and a risk-based approach to managing wildlife interactions.

The Coastal Management SEPP requires development consent for clearing native vegetation on land mapped as coastal wetlands or littoral rainforests, even if the clearing is not associated with any other development. The development controls for land mapped as coastal wetlands and littoral rainforests apply to all land use zones, including rural and urban zoned land.

In addition, as the clearing of native vegetation on land mapped as a coastal wetland or littoral rainforest is 'designated development' under the EP&A Act, it will require an environmental impact statement and public consultation before the relevant consent authority, usually a local council, can determine the development application.

The clearing of coastal wetlands and littoral rainforests will also trigger a requirement for an assessment under the *Biodiversity Conservation Act 2016*. Coastal wetlands and littoral rainforests mapped under the Coastal Management SEPP are also types of land that can, and have, been included on the Biodiversity Values (BV) Map given they have high or sensitive biodiversity values. The proximity areas for coastal wetlands and littoral rainforests have not been included on the BV Map.



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The BV Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. Proposed development exceeds the 'biodiversity offsets scheme threshold' if it is or involves the clearing of native vegetation, or other action prescribed by clause 6.1 of the *Biodiversity Conservation Regulation 2017*, on land included on the BV Map. An application for development consent that exceeds the 'biodiversity offsets scheme threshold' must be accompanied by a biodiversity development assessment report (BDAR), which amongst other things, will specify the offset requirements for the proposed development. You can view the BV Map through the [Biodiversity Values Map and Threshold tool](#).

Suitable biodiversity offset actions may be applied to the development, provided that the requirements of the EP&A Act and Coastal Management SEPP are met. This includes a requirement that the consent authority is satisfied that sufficient measures have been, or will be made, to protect, and where possible enhance the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest on which the development is proposed before granting consent.

Development controls in Sydney Harbour

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP) includes development controls relating to environmental and social issues for Sydney Harbour waters and identified foreshore land (as mapped). These are to be carried forward in the proposed State Environmental Planning Policy (Environment), for which an Explanation of Intended Effect was exhibited in 2017.

These controls remain relevant and apply fine grain land use and development controls to this land. To avoid duplication of controls, the development controls in the Sydney Harbour REP continue to apply to the foreshores and waterway area land which may be in a coastal management area.

The Coastal Environmental Area and the Coastal Use Area controls in the Coastal Management SEPP do not apply to the Sydney Harbour Catchment. The SEPP maps for the coastal environment area and the coastal use area replicate the foreshores and waterways area maps in the Sydney Harbour REP although the development controls in the SEPP do not apply.

The inclusion of Sydney Harbour and foreshore land in the coastal use area and coastal environment area means that this critically important area of the State is part of the coastal zone, with the *Coastal Management Act 2016* applying to Sydney Harbour's land and water.