



State Environmental Planning Policy No 71—Coastal Protection (Amendment No 2)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Infrastructure and Planning.

CRAIG JOHN KNOWLES, M.P.,

Minister for Infrastructure and Planning, Minister for Natural Resources

State Environmental Planning Policy No 71—Coastal Protection (Amendment No 2)

under the

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1 Name of Policy

This Policy is *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 2)*.

2 Principal Policy

In this Policy, *State Environmental Policy No 71—Coastal Protection* is referred to as the Principal Policy.

3 Aims of Policy

The aims of this Policy are to amend the Principal Policy:

- (a) to require councils to send to the Director-General of the Department of Infrastructure, Planning and Natural Resources copies of development applications for the erection of buildings that are 2 or more storeys in height and that are proposed to be erected on land within, or partly within, a sensitive coastal location within the meaning of the Principal Policy, and
- (b) to define certain words and expressions that are used in Schedule 2 (Significant coastal development—specified development) to the Principal Policy, and
- (c) to provide, as a transitional matter, that the amendments made to the Principal Policy by this Policy are not to apply to development applications made, but not finally determined, before the commencement of this Policy, and
- (d) to make other minor amendments.

4 Land to which Policy applies

This Policy applies to the land to which the Principal Policy applies.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 5)

[1] Clause 2 Aims of Policy

Insert “certain” before “development applications” in clause 2 (2) (b).

[2] Clause 3 Definitions

Omit “Department of Planning” from the definition of *Director-General* in clause 3 (1).

Insert instead “Department of Infrastructure, Planning and Natural Resources”.

[3] Clause 3 (1), definition of “Minister”

Omit “Planning”. Insert instead “Infrastructure and Planning”.

[4] Clause 9 Application of Part

Omit clause 9 (1) (b). Insert instead:

- (b) development (other than development specified in Schedule 2) comprising the erection of a building that is 2 or more storeys in height, the number of storeys being determined in accordance with clause 6 of *State Environmental Planning Policy No 6—Number of Storeys in a Building*, on, or partly on, land within a sensitive coastal location, and

[5] Clause 25 Transitional provisions

Omit “This Policy” from clause 25 (2).

Insert instead “Subject to subclause (1), this Policy”.

[6] Clause 25 (3)

Insert after clause 25 (2):

- (3) The amendments made to this Policy by *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 2)* do not apply to a development application made, but not finally determined, before the commencement of *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 2)*.

[7] Schedule 2 Significant coastal development—specified development

Omit “if effluent is proposed to be disposed of by means of a non-reticulated system” from paragraph (c).

Insert instead “if the future development of any lot created by the subdivision will require effluent to be disposed of by means of a non-reticulated system”.

[8] Schedule 2

Insert at the end of Schedule 2:

In this Schedule:

extractive industry means the obtaining of extractive materials by methods including excavating, dredging, tunnelling or quarrying, or the storing, stockpiling or processing of extractive materials by methods including washing, crushing, sawing or separating.

extractive material means sand, gravel, clay, turf, soil, rock, stone or similar substances.

industry means the following types of industry but only if they comprise designated development in accordance with Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*—agricultural produce industries, bitumen pre-mix industries, breweries and distilleries, cement works, ceramic and glass industries, chemical industries and works, chemical storage facilities, composting facilities or works, contaminated soil treatment works, crushing, grinding or separating works, drum or container reconditioning works, electricity generating stations, livestock intensive industries, livestock processing industries, mineral processing or metallurgical works, paper, pulp or pulp products industries, petroleum works, wood or timber milling or processing works, and wood preservation works, but does not include mining or extractive industries.

landfill means a waste management facility that disposes of waste by landfill.

marinas means marinas which are designated development in accordance with Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*.

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Schedule 1 Amendments

mining includes the mining, processing or handling of minerals, being minerals within the meaning of the *Mining Act 1962*.

recreational establishments means health farms, religious retreat houses, rest homes and youth camps, but excludes internal refits of, or minor alterations or minor additions to, existing recreation establishments.

tourist facilities means any of the following which provide accommodation for tourists: hotels, motels, backpackers' accommodation, hostels, tourist resorts, holiday cabins, holiday units, serviced apartments, eco-tourism resorts, caravan parks and camping grounds, but excludes internal refits of, or minor alterations or minor additions to, existing tourist facilities.

BY AUTHORITY
