



State Environmental Planning Policy No 71—Coastal Protection (Amendment No 3)

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 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 3)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to extend the application of Part 3 (Significant coastal development) of *State Environmental Planning Policy No 71—Coastal Protection* to development in respect of which certain concurrences of the Director-General of the Department of Infrastructure, Planning and Natural Resources are required, and
- (b) to make additional requirements for the preparation of master plans concerning the subdivision of certain land that is not identified as being within a sensitive coastal location if the land is capable of subdivision into more than 25 lots, and
- (c) to make transitional provisions as a consequence of the amendments made by this Policy.

3 Land to which Policy applies

This Policy applies to the land to which *State Environmental Planning Policy No 71—Coastal Protection* applies.

4 Amendment of State Environmental Planning Policy No 71—Coastal Protection

State Environmental Planning Policy No 71—Coastal Protection is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Application of Part

Insert after clause 9 (2):

- (3) Despite subclause (2), this Part does apply to development in relation to which, under:
 - (a) *State Environmental Planning Policy No 1—Development Standards*, or
 - (b) *State Environmental Planning Policy No 14—Coastal Wetlands*, or
 - (c) *State Environmental Planning Policy No 26—Littoral Rainforests*,

development consent cannot be granted without the concurrence of the Director-General, whether or not the concurrence may be lawfully assumed.

[2] Clause 18 Master plan required before certain consents may be granted

Omit clause 18 (1) (b). Insert instead:

- (b) subdivision of land within a residential zone that is not identified as a sensitive coastal location into:
 - (i) more than 25 lots, or
 - (ii) 25 lots or less, if the land proposed to be subdivided and any adjoining or neighbouring land in the same ownership could be subdivided into more than 25 lots, or

[3] Clause 18 (1) (d)

Insert “including any adjoining or neighbouring land in the same ownership, as referred to in paragraph (b) (ii),” after “land,”.

[4] Clause 18 (1) (e)

Omit “has waived the need for a master plan for the land under subclause (2)”.

Insert instead “has, under subclause (2), waived the need for a master plan for the whole or a specified part of the land referred to in paragraph (d)”.

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Schedule 1 Amendments

[5] Clause 18 (3)

Insert after clause 18 (2):

- (3) For the purposes of this clause, areas of land that are adjoining or neighbouring are in the same ownership if:
 - (a) the registered proprietor of all the areas of land is the same person, or
 - (b) the registered proprietor of part of the areas of land is a body corporate and the registered proprietor of the other part is, or the registered proprietors of the other parts are, a director or shareholder of the body corporate, or a related body corporate of the body corporate.

[6] Clause 18 (4)

Insert after clause 18 (3):

- (4) In subclause (3):

body corporate has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

registered proprietor means a registered proprietor under the *Real Property Act 1900*.

related body corporate has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

[7] Clause 25 Transitional provisions

Insert after clause 25 (3):

- (4) The amendment made to clause 9 of this Policy by *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 3)* extends to a development application made on or after 17 January 2003 but not finally determined before the commencement of *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 3)*.
- (5) Except as provided by subclause (4), the amendments made to this Policy by *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 3)* do not extend to a development application made but not finally determined before the commencement of *State Environmental Planning Policy No 71—Coastal Protection (Amendment No 3)*.

BY AUTHORITY
