

**COASTAL PROTECTION ACT 1979—REGULATION**

(Coastal Protection (Non-Local Government Areas) Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Minister for Public Works, and in pursuance of the Coastal Protection Act 1979, has been pleased to make the Regulation set forth hereunder.

GEORGE SOURIS, M.P.,  
Acting Minister for Public Works.

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**Citation**

1. This Regulation may be cited as the Coastal Protection (Non-Local Government Areas) Regulation 1994.

**Commencement**

2. This Regulation commences on 1 September 1994.

**Definitions**

3. (1) In this Regulation:

“the Act” means the Coastal Protection Act 1979.

(2) The expressions “coastal zone” and “public authority” are defined in section 4 (1) of the Act and the expressions “consent” and “development” are defined in section 37 (1) of the Act.

**Notes to clauses**

4. Notes to clauses do not form part of this Regulation.

**Application of Regulation**

5. This Regulation applies to land within such part of the coastal zone:
- (a) as is not within a local government area; and
  - (b) as is not subject to an environmental planning instrument within the meaning of the Environmental Planning and Assessment Act 1979, other than a State environmental planning policy.

**Regulation of development generally**

6. A person (including a public authority) must not, without the concurrence of the Minister, carry out development on land to which this Regulation applies.

NOTE: Contravention of this clause (otherwise than by the Crown) constitutes an offence for which the maximum penalty under section 58 of the Act is 2 penalty units.

**Granting of rights and consents by public authorities**

7. A public authority must not, without the concurrence of the Minister, grant any right or consent to a person:
- (a) to use or occupy land to which this Regulation applies; or
  - (b) to carry out development on land to which this Regulation applies.

NOTE: Contravention of this clause (otherwise than by the Crown) constitutes an offence for which the maximum penalty under section 58 of the Act is 2 penalty units.

**Repeal**

8. (1) The Coastal Protection (Non-Local Government Areas) Regulation 1979 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Coastal Protection (Non-Local Government Areas) Regulation 1979, had effect under that Regulation is taken to have effect under this Regulation.

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**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, without any changes in substance, the provisions of the Coastal Protection (Non-Local Government Areas) Regulation 1979 under the Coastal Protection Act 1979. The new Regulation:

- (a) applies to land in the coastal zone that is not within a local government area and is not subject to an environmental planning instrument, other than a State environmental planning policy (clause 5); and
- (b) prohibits the carrying out of development on such land except with the concurrence of the Minister for Public Works (clause 6); and
- (c) prohibits public authorities from granting any right or consent to the use or occupation of, or the carrying out of development on, any such land except with the concurrence of the Minister for Public Works (clause 7); and
- (d) contains other provisions of a minor, consequential or ancillary nature (clauses 1, 2, 3, 4 and 8).

This Regulation is made under the Coastal Protection Act 1979, including section 39.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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