



Coastal Protection Regulation 2004

under the

Coastal Protection Act 1979

Her Excellency the Governor, with the advice of the Executive Council, on the recommendation of the Minister for Natural Resources, has made the following Regulation under the *Coastal Protection Act 1979*.

CRAIG KNOWLES, M.P.,

Minister for Natural Resources

Explanatory note

The object of this Regulation is to remake (with only minor changes in substance) the *Coastal Protection (Non-Local Government Areas) Regulation 1994* (the **1994 Regulation**) which is due to be repealed on 1 September 2004 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation applies to such part of the coastal zone as is below the mean high water mark, excluding any estuary, lake or artificial harbour. (The provision in the 1994 Regulation relating to the application of that Regulation has been modified to reflect amendments to the *Coastal Protection Act 1979* made by the *Coastal Protection Amendment Act 2002*, and to more specifically refer to the part of the coastal zone to which this Regulation applies.)

This Regulation:

- (a) prohibits the carrying out of development on any part of the coastal zone to which this Regulation applies except with the concurrence of the Minister for Natural Resources, and
- (b) prohibits public authorities from granting any right or consent to the use or occupation of, or the carrying out of any development on, any such part of the coastal zone except with the consent of the Minister.

This Regulation is made under section 39 (2) of the *Coastal Protection Act 1979*.

Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
4 Notes	3
5 Application of Regulation	3
6 Regulation of development generally	4
7 Granting of rights and consents by public authorities	4
8 Savings	4

Coastal Protection Regulation 2004

under the

Coastal Protection Act 1979

1 Name of Regulation

This Regulation is the *Coastal Protection Regulation 2004*.

2 Commencement

This Regulation commences on 1 September 2004.

Note. This Regulation replaces the *Coastal Protection (Non-Local Government Areas) Regulation 1994* which is repealed on 1 September 2004 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(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.

4 Notes

Notes in the text of this Regulation do not form part of this Regulation.

5 Application of Regulation

(1) This Regulation applies to such part of the coastal zone as is below the mean high water mark, excluding any estuary, lake or artificial harbour.

(2) In this clause, *estuary* includes:

(a) any part of a river whose level is affected (including intermittently affected) by coastal tides, or

2004 No 586

Clause 6 Coastal Protection Regulation 2004

- (b) any partially enclosed body of water that is intermittently open to the sea.

Note. Under section 39 (3) of the Act, the provisions of this Regulation do not apply to or in respect of an area that is subject to an environmental planning instrument (other than a State environmental planning policy).

6 Regulation of development generally

A person (including a public authority) must not, without the concurrence of the Minister, carry out development on any part of the coastal zone 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 10 penalty units.

7 Granting of rights and consents by public authorities

A public authority must not, without the concurrence of the Minister, grant any right or consent to a person:

- (a) to use or occupy any part of the coastal zone to which this Regulation applies, or
- (b) to carry out development on any part of the coastal zone 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 10 penalty units.

8 Savings

Any act, matter or thing that, immediately before the repeal of the *Coastal Protection (Non-Local Government Areas) Regulation 1994*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY
