

# Coastal Protection Regulation 2004

[2004-586]



New South Wales

## Status Information

### Currency of version

Repealed version for 27 August 2004 to 31 August 2010 (accessed 6 November 2024 at 12:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Environmental Planning and Assessment Amendment Act 2008 No 36](#) (not commenced)
- **Repeal**  
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2010.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 September 2010

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# Coastal Protection Regulation 2004



New South Wales

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

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This Regulation replaces the [Coastal Protection \(Non-Local Government Areas\) Regulation 1994](#) which is repealed on 1 September 2004 under section 10 (2) of the [Subordinate Legislation Act 1989](#).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