

Coastal Management State Environmental Planning Policy

○ Fact sheet 3: Coastal protection works

April 2018

Coastal protection works

Coastal protection works are defined in the *Coastal Management Act 2016* (Act) at section 4(1) to be beach nourishment activities or works, and activities or works to reduce the impacts of coastal hazards on land adjacent to tidal waters including, but not limited to, seawalls, revetments and groynes.

Coastal protection works can be built for several reasons, including to protect property, change access, maintain public safety or prevent erosion or inundation of land. These works do not guard against the impacts of all coastal hazards into the future. They are designed to protect assets during a storm of a specified magnitude or over a specific timeframe and require ongoing maintenance to be effective. Long term financial implications for maintenance are therefore an important consideration.

Coastal protection works can have unintended short and long-term consequences, such as causing erosion or accretion in other areas, reducing public access to a beach or foreshore areas, impacting on public safety or causing environmental impacts.

Approval pathways for building coastal protection works

Coastal protection works can be built by private landowners and public authorities, with appropriate approval.

State Environmental Planning Policy (State and Regional Development) 2011, (Schedule 7, clause 8A), declares certain development for the purposes of coastal protection works to be 'regionally significant development' for which the consent authority is a Sydney district or regional planning panel.

The development assessment pathways for coastal protection works highlight the importance of a certified council Coastal Management Program (CMP). Coastal protection works that are identified in a certified CMP have a different approval pathway to works that are not identified in a CMP.

Coastal protection works are required to be strategic and to avoid significant adverse long term environmental or social impacts on other coastal features, assets, processes, resources, access or use.

Consent authorities should avoid ad hoc development that is likely to cause significant impacts on coastal processes, a beach, land adjacent to the beach, public access to the coast and public safety. These environmental and social impacts are likely to occur if coastal protection works are not designed, installed or maintained appropriately.

Section 27 of the Act identifies the development controls relating to coastal protection works. Clause 19 of State Environmental Planning Policy (Coastal Management) 2018 specifies the approval pathways for these works, depending on the nature of the works and whether the works are to be undertaken by a public authority.

A regional planning panel, or Sydney district planning panel if within Sydney, with appropriate coastal expertise, will determine development applications for certain coastal protection works that are adjacent to, or under the waters of the open ocean, the entrance to an estuary or the entrance to a

Coastal Management State Environmental Planning Policy

Fact sheet 3: Coastal protection works

April 2018

coastal lake that is open to the ocean. Where these works have been strategically identified in a certified CMP, the local council is the consent authority.

The regional planning panel or Sydney district planning panel exercise development consent functions for applications for coastal protection works by private landowners and public authorities where the works are not exempted by clause 19(2) of the Coastal Management SEPP. The regional planning panel or Sydney district planning panel may continue to have consent authority functions such as modification to development consents it previously granted, even if the works are subsequently identified in a certified CMP.

A public authority may carry out coastal protection works without development consent if the works are:

- identified in the relevant certified CMP
- beach nourishment
- placing sand bags for not more than 90 days
- routine maintenance works or repairs to existing coastal protection works.

The flowcharts on pages 4 and 5 show the approval pathways for coastal protection works, depending on the type of proposed works, whether or not the proposal is by a public authority, and where in the coastal zone the works are to be located. Certain other works may also be authorised under the *Local Government Act 1993*.

Approval pathways for emergency coastal protection works

The new coastal management framework requires all proposals for coastal protection works to be considered strategically through the development of a CMP. Public authorities can carry out emergency coastal protection works, as exempt development, where these works are in accordance with a coastal zone emergency action subplan prepared by the relevant council and included in a certified CMP.

A coastal zone emergency action subplan identifies actions and responsibilities to be carried out for the protection of property affected, or likely to be affected, by beach erosion, coastal inundation or cliff instability.

Emergency coastal protection works may comprise the placement of sand, or the placing of sand bags for a period of not more than 90 days, on a beach, or a sand dune adjacent to the beach, to mitigate the effects of coastal hazards on land.

Private landowners who would like the ability to be able to undertake short term coastal protection works or activities in the event of an emergency, need to obtain prior consent from either the council if the works have already been identified in a certified CMP or are not adjacent to the open ocean, or an entrance to an estuary or coastal lake or the regional planning panel or Sydney district planning panel in any other case.

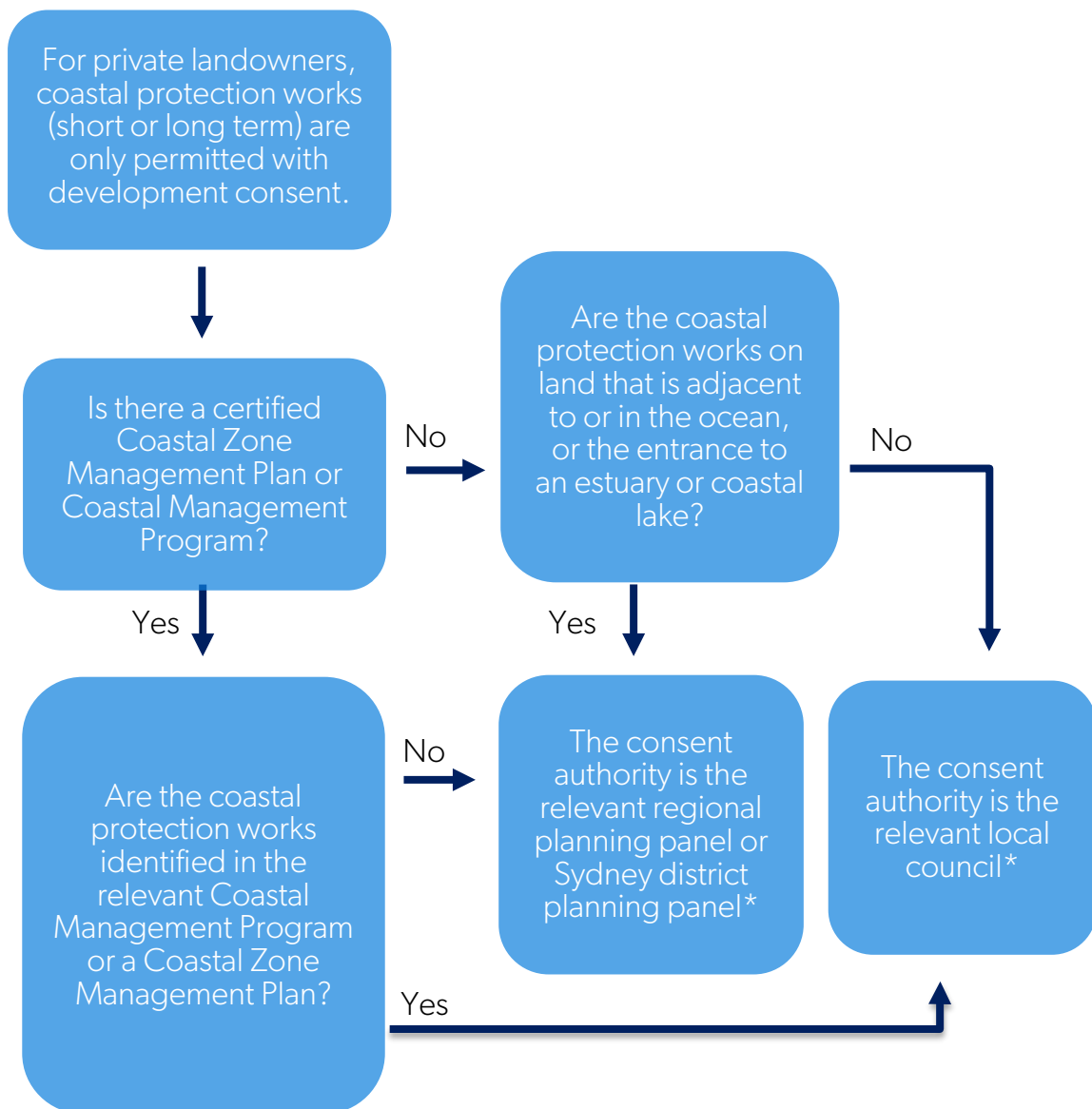
Flowcharts for assessment pathways for private and public landowners follow on the next two pages.

Coastal Management State Environmental Planning Policy

Fact sheet 3: Coastal protection works

April 2018

Coastal protection works: assessment pathway for private landowners



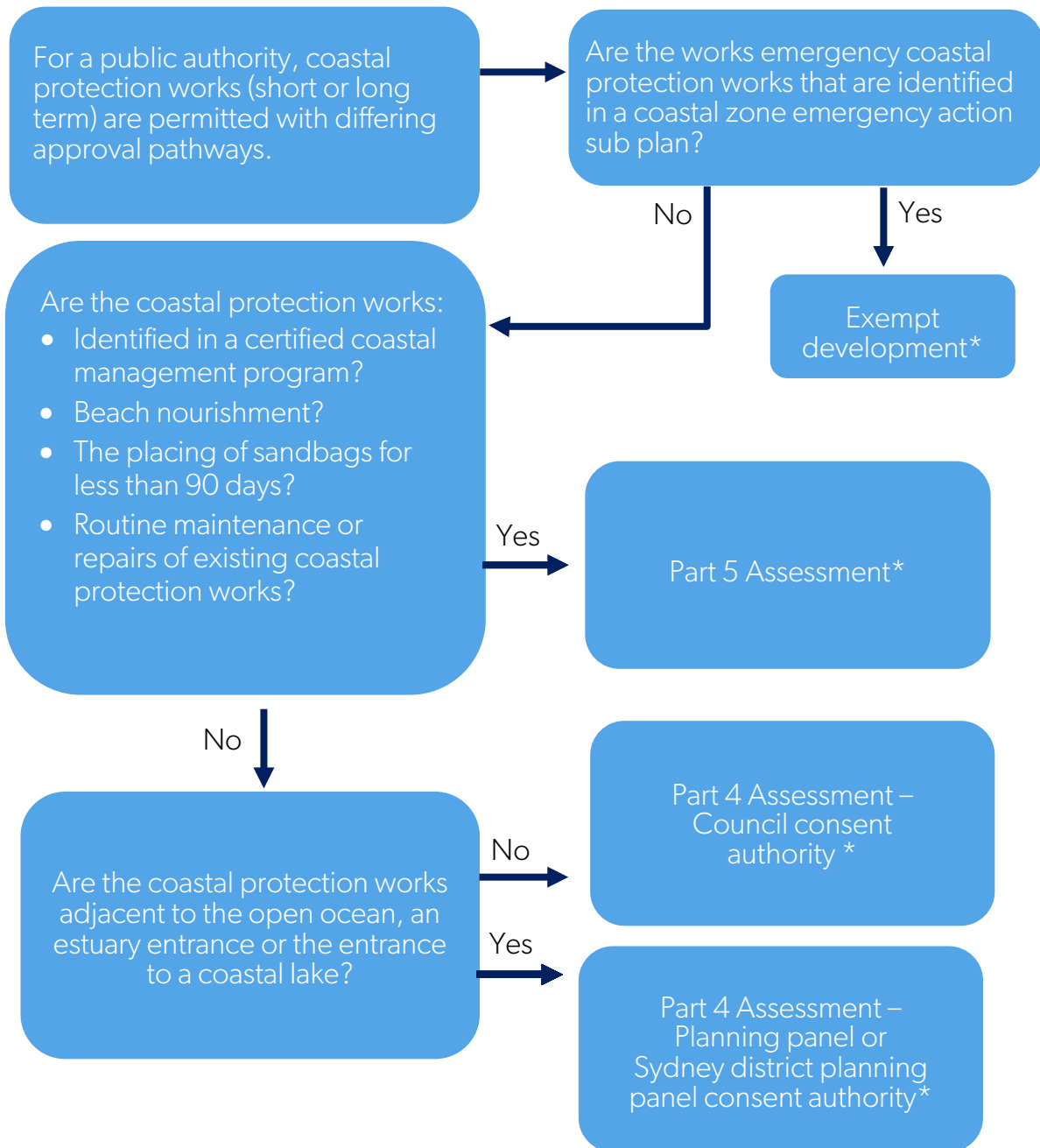
*Other approvals may be required under different legislation.

Coastal Management State Environmental Planning Policy

Fact sheet 3: Coastal protection works

April 2018

Coastal protection works: assessment pathway for public authorities (including councils)



*Other approvals may be required under different legislation.