The New South Wales Coast

Government Policy
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WHAT IS THE CHALLENGE?

The Government has a mandate to ensure the responsible and productive management of the 1,100 kilometre strip of land along the NSW coast. The efficient management of this land has been plagued by a history of haphazard development and the absence of a clear conservation strategy.

This is not acceptable.

Governments are confronted with the reality that the pressures on coastal areas are increasing. The coastal area already supports a population of 3 million people and population growth in the far north and south coast regions alone is expected to be 66% and 43%, respectively, to the year 2016. The NSW coast is also experiencing growing popularity as a tourist destination. More than 10 million people visit annually, and the majority of these are from other parts of NSW and other states.

The demands for residential and tourism development are legitimate. They must be catered for.

Similarly, there are other industries in which New South Wales has a clear competitive advantage and which are vital to the economic well-being of the State.

The heavy mineral sands mining industry, for example, has experienced significant growth in recent years as a result of rising prices for heavy mineral products. In 1988/89 the value of heavy mineral sands production was approximately $93 million. Clearly the State cannot afford to displace such important industries.

What is important to the people of New South Wales is an assurance that Governments can accommodate these competing demands on a finite resource in a responsible and systematic way.

The challenge is to achieve a balance by meeting the increasing needs for housing and recreational opportunities, protection of prime agricultural land and promotion of economic development while recognising the importance of beaches, dunes, headlands, bays, estuaries, lagoons, wetlands, rainforests and other significant natural features.

The unique natural scenic areas of the NSW coastline are an irreplaceable public asset. They must be preserved for the enjoyment of this and future generations.
THE GOVERNMENT'S RESPONSE

This policy represents the Government's unequivocal commitment to:

- protection of environmentally sensitive areas;
- guaranteed public access to foreshore areas;
- facilitating a scale of development that is sensitive to environmental and planning constraints;
- sensitive use of renewable resources to maintain the integrity of the resource base and provide for its continued use by future generations;
- protection of the diversity of ecosystems so that species can flourish and maintain their productivity;
- the control and management of adverse environmental impacts.

The policy is a framework within which optimal land use decisions can be made on private and publicly owned land along the full length of the NSW coast.

For the purposes of the policy, the coast is defined as the area one kilometre landward from the low water mark and 3 nautical miles out to sea, with the exception of the major urban centres of Sydney, Wollongong and Newcastle. These cities will continue to be subject to special regional planning exercises which take account of their substantially developed status and the particularly intense land use pressures to which they are subject.

Local councils and expert committees will be given the opportunity to advocate the inclusion of particular tidal lakes, lagoons, bays and estuaries, and nominations will be determined by the Director of Planning having regard to the spirit of the policy.

Improvements to Existing Policies

Existing coastal management policies and programmes have been evaluated. Where appropriate, actions will be taken to strengthen and improve the effectiveness of these policies and practices to reflect the Government's strategic objectives.

These actions cover a range of areas.
(i) Land Protection

- Acquisition of land which is environmentally sensitive, of scenic importance or critical to maintenance of public access will be a priority under the Coastal Lands Protection Scheme.

- Coastal Crown land will be subject to full assessment and public consultation prior to any decision to lease it or reserve it.

- Where Crown land is found to be suitable for disposal after assessment, leasing rather than sale will be the preferred option. However, if the preferred land use is residential development, sale of the land will be acceptable.

- Existing leases will not be converted to freehold where a significant change in land use is contemplated.

- Crown land which is found to have conservation significance will be dedicated or reserved for public purposes or transferred to the National Parks and Wildlife Service.

- Plans of Management will be prepared for all coastal Crown land reserved or dedicated for a public purpose.

- Controls on the use of off-road vehicles in National Parks will be strengthened.

(ii) Flora and Fauna Protection

- The strict environmental assessment provisions of the State Environmental Planning Policies on Wetlands (14) and Littoral Rainforests (26) will be retained. Wetland boundaries are being reviewed to ensure that the most significant wetland areas fall within the provisions of SEPP 14 and that errors made by the previous haphazard approach are corrected.

- Significant flora and fauna species outside National Parks and Nature Reserves will be protected through Conservation Agreements.
(iii) Planned Development

- Local Environmental Studies will be required for any development in the coastal area that requires rezoning.

- Regional Tourism Strategies which identify areas with high tourism potential are to be considered when preparing planning instruments.

- Rezoning of rural, non-urban or environmental protection zonings for urban development will not be permitted in areas isolated from cities and towns.

(iv) Environmental Controls

- To ensure the protection of prime agricultural land, Local Environmental Plans will ensure that reasonable minimum lot sizes and appropriate zonings are maintained.

- Strict conditions governing site rehabilitation and prevention of adverse environmental effects will be applied in cases where heavy mineral sands mining is approved.

- A comprehensive regional inventory of heritage items will be completed to ensure protection of our cultural heritage and to assist planning at local and State levels.

New Initiatives

A number of new initiatives have also been developed to strengthen the range of coastal management measures available to local and State administrations and to give all users of the coastal resource clear signals about how coastal land in NSW is to be used. Some of these are:

(i) Beach and Foreshore Protection

- Coastal beaches within the Crown estate will be dedicated for use by the people of N.S.W.

- Development will be prohibited on beaches, frontal dunes, and undeveloped headlands.

- Development proposals will have to conform with specified design and planning standards to control height, setback and scale. Specifically, these standards will ensure that buildings on the coast are
generally confined to 4 storeys, that public setback lines guarantee public access, and that beaches/foreshore open space areas are not overshadowed.

(ii) Protection of Marine and Estuarine Areas

- Management plans will be prepared for all major fisheries in NSW. These will provide for stock protection and habitat management.

- A ten year programme of estuary restoration works will be developed. This will enable the prioritisation of works across the State.

(iii) Climate Change

- A 20% reduction in the 1988 level of carbon dioxide emission by the year 2005 has been identified as an interim target. This will be achieved by efforts to improve energy efficiency, maximise generation of electricity from fuels producing less carbon dioxide, improve building standards to minimise energy use and enhanced vegetation management.

(iv) Development Control

- A Coastal Urban Planning Strategy will be developed to ensure that continuous urban development does not proliferate and that it proceeds in a more orderly, efficient and environmentally sensitive way.

- Heavy mineral sands mining in National Parks, Nature Reserves and littoral rainforests on the coast will be prohibited. In designated wetland areas the strict environmental assessment provisions will continue to apply. Heavy mineral sands mining will also be prohibited on beaches unless it can be clearly demonstrated that it is environmentally acceptable. These prohibitions reflect the fragility of these environments and the high priority that is placed on their preservation.

- A design review panel will be established to assess major development proposals on Crown land. This will ensure that developments on public land provide a positive model for other projects.

- Planning guidelines for canal estate development proposals will be introduced following public consultation, and more stringent environmental assessment provisions for marina developments will be adopted.
Co-ordination and Monitoring

For the first time responsibility for the effective and cohesive management of the NSW coast will be vested in one body. Coastal policy making will no longer be characterised by the fragmentation of responsibilities within and between levels of Government. Specific management tasks will be undertaken by relevant Government agencies, but the Coastal Committee of NSW will ensure that these tasks are directed and mutually reinforcing.

The composition of the Coastal Committee draws together a range of groups with an interest in coastal management. The Committee has an independent chairman, three representatives from the Local Government and Shires Associations, a delegate from the Nature Conservation Council, and relevant representation from Government departments (Planning, Public Works, National Parks and Wildlife Service, Lands, NSW Tourism Commission, NSW Agriculture and Fisheries, Local Government and Minerals and Energy).

The Committee will ensure that all participants share responsibility for the co-ordinated and consistent implementation of the policy.

It will also provide a mechanism for monitoring the effectiveness of the policy and for its ongoing review and development.
NSW COAST: GOVERNMENT POLICY

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APPLICATION OF THE POLICY

For the purposes of this policy the NSW coastal area covers the one kilometre landward strip from the low water mark, and extends three nautical miles out to sea unless, for the purposes of ensuring the effectiveness of a specific policy initiative, the definition requires adjustment or qualification.

In particular, local councils in the coastal region and Catchment Management Committees (established under the Total Catchment Management Act), will be given an opportunity to nominate tidal lakes, lagoons, bays or estuaries which might be covered by the policy, for consideration by the Director of Planning.

The policy will apply to the full length of the NSW coast with the exception of the more urbanised areas of Wollongong and Newcastle and the Sydney Region (stretching from Port Hacking to Broken Bay).

These areas have already been subject to intense development. It is envisaged that the spirit of the policy will be carried through in specific plans to address the planning challenges in these areas.

In relation to metropolitan Sydney, the complexity of land use decision making in this region puts it beyond the scope of the policy. This is not to say that the Sydney area will be without a suitable land management framework. The Government will continue to oversee the systematic introduction of appropriate planning instruments for the coastal areas of Sydney.

The future development of the Sydney Region is guided by the Metropolitan Strategy which provides a blueprint for the more equitable distribution of jobs, urban development, education and recreation facilities. The Strategy identifies land which is unsuitable for urban expansion and reinforces the importance of protecting major scenic environmental features such as the harbour, estuaries, beaches, National Parks, heritage precincts, water catchments and significant biological areas.

Regional Environmental Plans have already been introduced for the Eastern Beaches and the Kurnell areas. These plans uphold the spirit of the Coastal Policy to the extent that they introduce development controls related to building height and scale and make appropriate provisions for public access to the foreshores and open space protection.
1. Protection of the Natural Environment
1. PROTECTION OF THE NATURAL ENVIRONMENT

1.1 LAND CONSERVATION AND MANAGEMENT

THE ISSUE

The unique natural and scenic areas of the NSW coastline are a finite and irreplaceable public asset. Identification of the most environmentally significant land along the coast and protection of this land from development are critical elements of responsible coastal management. These objectives can only be achieved through a systematic programme of land acquisition, dedication, reservation and management, and flora and fauna protection.

GOVERNMENT POLICY

1.1.1 LAND ACQUISITION

The Coastal Lands Protection Scheme provides for the acquisition of coastal land where a change in use would be a threat to the scenic quality of the land or would result in a loss of public access or recreational opportunities.

Once acquired, the land is transferred to an appropriate agency - generally the National Parks and Wildlife Service, the Department of Lands or the local council - to be managed on behalf of the people of NSW.

Since the Scheme was introduced in 1973, over 13,000 hectares of coastal land have been purchased, at a cost of $30 million.

Acquisition of land already identified under the Scheme will proceed as a matter of priority and the Government will also consider whether these lands are sufficient to meet access, recreation and scenic protection requirements. Additional lands which fit the criteria of the Scheme will be identified. These will be added to the established acquisition programme.

1.1.2 LAND DEDICATION, RESERVATION AND MANAGEMENT

Land with conservation or environmental significance will continue to be reserved by the National Parks and Wildlife Service for National Parks or State Recreation Areas, or dedicated as Nature Reserves, under the National Parks and Wildlife Act, 1974.
National Parks are defined in the Act as spacious areas containing unique or outstanding scenery or natural phenomena. In practice they are large areas set aside because they are characterised by unspoilt natural landscape, flora and fauna. They are permanently dedicated for public education, recreation and aesthetic purposes and are protected from interference to ensure that their natural state is preserved. There are currently 15 National Parks along the NSW coast with a total area of 120,555 hectares.

Nature Reserves are areas of special scientific interest containing wildlife or natural phenomena, specifically acquired for scientific investigation, educational and conservation purposes. There are 16 Nature Reserves totalling 34,986 ha. along the NSW coast.

State Recreation Areas are primarily designed to provide recreational opportunities in a manner which is consistent with preserving the natural environment. There are 5 State Recreation Areas totalling 4,834 ha. on the NSW coast.

The 36 National Parks, Nature Reserves and State Recreation Areas cover 33% of the NSW coastline and span 480 kilometres.

The National Parks and Wildlife Service will continue to investigate and, where appropriate, propose new or additional reservations or dedications.

Where it is proposed to reserve an area as a National Park or State Recreation Area the existing arrangements for securing permanent protection for this area will be retained. A proclamation of reservation must be laid before each House of Parliament for a limited period without challenge before the reservation can take effect. A Nature Reserve is dedicated by way of a notice in the Government Gazette.

Arrangements for revocation of a dedication or reservation are an important reinforcing feature. For National Parks and Nature Reserves this can only be achieved by an Act of Parliament. State Recreation Area reservations cannot be revoked if either House of Parliament, after being notified, passes a resolution rejecting the proposal.

Management plans will continue to be prepared for National Parks and Nature Reserves in accordance with the requirements of the National Parks and Wildlife Act, 1974. The management plans address the following objectives:

- the conservation of wildlife;
- the prohibition of works adversely affecting the natural condition or special features;
• the encouragement and regulation of appropriate use, understanding and enjoyment; protection against fire and erosion; and

• the setting apart of wilderness areas.

Where it is clear that more consistent and effective management of the foreshore area will result, the inter-tidal zone adjoining an area that is reserved under the National Parks and Wildlife Act as a National Park, Nature Reserve or State Recreation Area will be dedicated for public use under the Crown Lands Act, 1989 and the National Parks and Wildlife Service will be appointed as trustee for the purposes of care, control and management. The Service will be responsible for preparing statutory plans of management for the inter-tidal zone under the Crown Lands Act, in consultation with other Government bodies (including NSW Agriculture and Fisheries) and the community.

Where estuaries or lakes within the coastal zone are surrounded by National Parks, Nature Reserves or State Recreation Areas and the beds of the lakes are not within the reserved or dedicated area, management plans will be prepared in consultation with relevant Government bodies and the community to ensure effective and comprehensive management of the area within the provisions of the Crown Lands Act.

The Government also recognises the significance of wilderness areas and is committed to continuing assessment of the wilderness values of nominated areas in accordance with the provisions of the Wilderness Act, 1987.

Where areas with proven wilderness significance are within existing National Parks or Nature Reserves, these areas will be declared as wilderness areas under the National Parks and Wildlife Act. This will require the preparation of special management plans which will prohibit disruptive activities.

Quite aside from lands dedicated and reserved under the National Parks and Wildlife Act and land acquired under the Coastal Lands Protection Scheme, land owned by the Crown can be retained in public ownership and, where appropriate, dedicated or reserved from sale, lease or licence, for a public purpose using the Crown lands legislation.

There are already significant areas of land in Crown ownership along the coast. These lands are either leased from the Crown or still held and managed by the Crown.

The Crown Lands Act, 1989 provides a clear statutory framework for effective planning and management of all Crown land. It specifically identifies the following objectives:
(a) a proper assessment of Crown land;

(b) the management of Crown land having regard to the principles of Crown land management contained in the Act;

(c) the proper development and conservation of Crown land having regard to those principles;

(d) the regulation of the conditions under which Crown land is permitted to be occupied, used, sold, leased, licensed or otherwise dealt with;

(e) the reservation or dedication of Crown land for public purposes and the management and use of reserved or dedicated land; and

(f) the collection, recording and dissemination of information in relation to Crown land.

In future, vacant Crown land will not be disposed of or reserved for a public purpose until a full assessment is undertaken to establish the preferred use. An evaluation of the land's capabilities will be integral to this process and a range of uses will be considered, including community or public purposes, environmental protection, nature conservation, water conservation, forestry, recreation, tourism, agriculture, residential and commercial uses.

The assessment process will include public consultation and will be based on the following principles:

(a) that environmental protection principles be observed in relation to the management and administration of Crown land;

(b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved;

(c) that public use and enjoyment of appropriate Crown land be encouraged;

(d) that, where appropriate, multiple use of Crown land be encouraged;

(e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity.

The assessment process will identify in general terms any special environmental features and development capabilities. Where the assessment process highlights land with high environmental values and these values suggest the need to retain the land in public ownership, the land will be reserved or dedicated under the Crown Lands...
Act. Reservation and dedication enables the land to be set aside for public purposes including recreation, environmental protection and protection of flora and fauna.

Dedication under the Crown Lands Act will continue to be the measure for protecting the most sensitive areas for appropriate public purposes. Dedications cannot be removed unless a formal notice is put before both Houses of Parliament for 14 sitting days and there is no resolution rejecting the proposal.

The Government will put public ownership of our beaches beyond doubt through a concerted and ongoing programme of registering title to all beaches within Crown control in the name of the State of NSW. These beaches and any surrounding Crown land will be dedicated for the purposes of public recreation, access and environmental protection. Private acquisition of NSW beaches will not be permitted.

Where coastal Crown land is dedicated or reserved for a public purpose, management plans will be prepared in consultation with the community. Land use management must be consistent with these plans, particularly in cases where the land is under the care, control and management of a local council or private trust.

The plans will contain a set of guidelines for the future management of the reserve, and typically cover such issues as resource management, visitor use, funding and administration. Draft plans will be exhibited for a minimum of 28 days to provide opportunity for public comment.

The Government will also continue a structured programme of financial assistance to trust bodies for reserve management and upgrading in coastal areas, through the Public Reserves Management Fund.

Where the assessment and management planning processes and associated consultation with the National Parks and Wildlife Service indicate that a Crown site which has not already been disposed of by lease or dedicated for a public purpose has conservation value and dedication/reservation as a National Park or Nature Reserve is warranted, this land may be transferred to the National Parks and Wildlife Service.

Where it is recommended following an assessment that a vacant Crown site could be disposed of, this recommendation will be advertised to enable public comment prior to a final decision.

Leasing rather than sale will be the preferred disposal option. However, if the land assessment process suggests that the preferred use for an area is residential development, sale of the land will be acceptable. In all cases, any proposed developments on Crown land will be subject to the assessment procedures set down in the Environmental Planning and Assessment Act and in this policy.
Where Crown sites are already leased, conversion of the Crown lease to freehold title in the coastal zone will not be supported where a significant change in the nature and intensity of land use is proposed. Where conversion is approved, appropriate covenants on title will ensure that no significant change in land use occurs. There will be a presumption against rezoning of these sites. These arrangements will permit the conversion of perpetual leases covering land primarily used for farming purposes where continuation of farming is guaranteed.

Where conversion is sought, the proposal will be referred to the National Parks and Wildlife Service to enable the Service to undertake an assessment of the environmental significance of the land in question, as a matter of priority. Where preservation of the land is demonstrated to be in the public interest, the land will be retained in Crown ownership or acquired by the National Parks and Wildlife Service.

Where an area already leased from the Crown is subject to a reservation from sale which covers a major or significant foreshore area or an area which is critical for public access to same, this reservation will be maintained and the area will never be placed in private ownership.

Where a lease includes land which is in a significant or major foreshore area or which is critical to public access to this area, and this area is not subject to a reservation from sale, the Government will not allow this land to go into private ownership.

1.1.3 PROTECTION OF FLORA, FAUNA AND ECOSYSTEMS

The protection of representative coastal species and ecosystems is important for aesthetic, environmental, scientific and economic reasons.

To a large extent, samples of the native plant and animal species and ecosystems of the NSW coast are protected within National Parks, Nature Reserves and Crown land. The current policy for protection within the public landholding network is canvassed in Sections 1.1.1 and 1.1.2.

However, the responsibility for species protection must also be shared by private landholders.

The Government's policy is to ensure that environmental planning and land management strategies (i) acknowledge the sensitivities associated with the presence of unique species of flora and fauna and particular ecosystems outside of the National Park and Nature Reserve network; and (ii) include appropriate measures to protect them.

This will still be achieved through the land zoning provisions of the Environmental Planning and Assessment Act, 1979. The first major zoning to be used under this Act
has been the Environmental Protection Zone. This special zoning was a measure originally introduced under the 1973 Coastal Lands Protection Scheme to generally prohibit uses not related to agricultural or recreational purposes on environmentally significant sites. Local councils have subsequently incorporated other environmental protection zones over coastal land in Local Environmental Plans. These include environmental zones for purposes such as escarpment protection, wetlands, foreshore protection and habitat protection.

There has been increasing pressure to permit development within these zones and theoretically this could be achieved by rezoning. The Government policy will be to require Local Environmental Studies to be undertaken to support any proposal to rezone land currently zoned for environmental protection purposes.

Where land in private ownership has clearly defined environmental attributes (such as the habitat of a rare plant or a bird breeding area) and public acquisition is not favoured, the Government will negotiate Conservation Agreements with landowners in accordance with the provisions of the National Parks and Wildlife Act.

Conservation Agreements are a means of ensuring that landowners accept positive management obligations. Owners might, for instance, be required to implement a management plan. Once registered they are binding on those who later acquire an interest in the land. Where landowners have entered into Agreements, the Government will be willing to provide financial assistance for management activities.

Local councils will retain the option of identifying land to be subject to environmental protection zonings where this is necessary. It should also be noted that the question of flora and fauna protection is a matter which must be considered by local councils when making decisions on development proposals.

Where there are flora or fauna species which require particular attention, additional safeguards will be applied in all local areas.

Coastal Wetlands and Littoral Rainforests are special cases where the Government has already introduced protective provisions.

In the case of wetlands, it is acknowledged that they support a wide range of vital functions such as retardation of water flows, filtering run-off, provision of nursery areas for many fish species and habitats for mammals, birds, reptiles and amphibians. Wetlands protection will continue to be achieved through the rigorous implementation of State Environmental Planning Policy No. 14 - Coastal Wetlands (SEPP 14). This SEPP applies to designated wetland areas in the coastal zone of NSW, excluding the Sydney metropolitan area, and land already reserved or dedicated under the National Parks and Wildlife Act.
To guarantee the protection of the most significant wetlands and to overcome the problems caused by haphazard application of the policy, the Government is systematically examining the wetlands areas to ensure that they are precisely mapped and to identify any areas where boundaries need to be adjusted or new wetlands designations are required.

SEPP 14 protects identified wetlands. Development is strictly limited and is only allowed where it can be conclusively demonstrated that it will not undermine the values of the wetlands. The preparation of a full Environmental Impact Statement provides opportunities for public involvement in decisions about developments which are likely to affect the value of a wetland. Whilst the local council remains the decision maker, development cannot proceed unless the Director of the Department of Planning grants concurrence.

SEPP 14 complements but does not replace Local Environmental Plans. Local Environmental Plans are necessary to describe the types of land uses a council considers might be acceptable in or near each wetland and to protect locally significant wetlands not included in SEPP 14.

The number of Littoral Rainforests has been greatly reduced by land development, clearing and sand mining along the coast. The small remaining pockets are still under considerable threat of disturbance or destruction. Littoral rainforests are a unique type of rainforest that have specifically adapted to the salt bearing winds and sandy soils of coastal areas.

SEPP 26 was introduced in 1988 to provide for conservation of specially identified littoral rainforests. It has similar provisions to the Coastal Wetlands SEPP but also requires development approval from the local council for proposals in 100 metre buffer zones around the rainforest core to assist in protecting these sensitive ecosystems from disturbance.

In addition to the safeguards provided by Conservation Agreements, environmental protection zonings in Local Environmental Plans, and the State Environmental Planning Policies discussed above, the Government can call on the "protected lands" provisions of the Soil Conservation Act, 1938 to ensure the protection of trees in particular areas.

The Soil Conservation Service maps protected land in areas that are environmentally sensitive (including steep hillslopes, along rivers and around lakes) or are affected or liable to be affected by soil erosion, siltation or land degradation. Under the Soil Conservation Act, trees on protected land cannot be destroyed, removed or damaged without an authority issued by the Soil Conservation Service.
LAND CONSERVATION AND MANAGEMENT

Land Acquisition

- The Department of Planning will acquire significant coastal land under the N.S.W. Coastal Lands Protection Scheme.

- The Government will adopt appropriate management arrangements for all land acquired under the Coastal Lands Protection Scheme.

Land Dedication, Reservation and Management

- The National Parks and Wildlife Service will undertake timely and comprehensive assessment of new National Park proposals.

- The Government will dedicate those parts of the inter-tidal zone under Crown control which adjoin a National Park, a Nature Reserve or a State Recreation Area for public use under the Crown Lands Act. The National Parks and Wildlife Service will be appointed as trustee of these areas and will prepare plans of management for them in accordance with the provisions of the Crown Lands Act.

- Management plans for National Parks, Nature Reserves or State Recreation Areas that surround estuaries or lakes will be prepared in consultation with other relevant government bodies to ensure a comprehensive management programme.

- The Department of Lands will ensure that assessment of coastal Crown land is given priority under the Crown Lands Assessment Programme.

- The Government will register the title of all beaches currently under Crown control in the name of the people of NSW and will dedicate those beaches for public use.

- The Department of Lands will prepare plans of management for all coastal Crown lands which are reserved or dedicated for a public purpose. These plans will ensure a greater degree of community participation in the management process.

- Where land assessment indicates that Crown land with conservation value should be retained in public ownership, that land will be reserved or dedicated under the Crown Lands Act.

- Where a Crown site has high conservation value and reservation/dedication as a National Park, Nature Reserve or State Recreation Area is warranted, transfer to the National Parks and Wildlife Service will be a priority consideration.
The National Parks and Wildlife Service will assess the environmental significance of any Crown land which is subject to an application for conversion from leasehold to freehold title.

Covenants on title will apply to any Crown land being converted from leasehold to freehold title to prevent significant changes in use.

Where leasehold land is subject to a reservation from sale which covers a major or significant foreshore area or an area which is critical for public access to same, this reservation will be maintained and the area will never be placed in private ownership.

Where a lease includes land which is in a significant or major foreshore area or which is critical to public access to this area, and this area is not subject to a reservation from sale, the Government will not allow this land to go into private ownership.

Protection of Flora, Fauna and Ecosystems

Councils will be issued with a direction to undertake Local Environmental Studies for rezoning proposals associated with sites that are currently zoned for environmental protection.

The National Parks and Wildlife Service will negotiate Conservation Agreements to ensure the preservation of plant and animal species outside National Parks and Nature Reserves.

The Government will also investigate other methods of protecting the habitat of threatened plant and animal species outside existing National Parks and Reserves.

The Government will continue to implement Coastal Wetlands and Littoral Rainforest State Environmental Planning Policies. Ongoing monitoring and review will be carried out by the Department of Planning to ensure that boundaries are precisely mapped and that the most significant areas are protected.

The National Parks and Wildlife Service will complete its assessment of coastal lands under the Wilderness Act to determine which areas require protection.

The Soil Conservation Service will continue its mapping programme to ensure the protection of trees in designated areas.
1.2 MARINE AND ESTUARINE PROTECTION

THE ISSUE

The effective management of marine and estuarine environments is fundamental to the sustainability of the State’s fisheries and the continued enjoyment of the coastal zone. A major threat to this objective arises from water quality problems associated with urban run-off and sewage disposal.

As a diffuse source of pollution, urban stormwater carries contaminated run-off from cities and towns into coastal waters. In the absence of adequate planning and pollution control measures, changes to natural land surfaces and drainage patterns brought about by urban development often result in natural watercourses, lakes and estuaries becoming turbid, silted, littered and excessively enriched with nutrients.

The shoreline discharge of raw or primary-treated sewage and of sewage sludge is a specific problem which demands priority attention. Not only is it a source of visual pollution due to solids, grease, fats and water discolouration, but it also poses a threat to public health.

The disposal of secondary-treated sewage into poorly flushed estuarine waterways can, through nutrient enrichment, cause abnormal growth of algae. This can disrupt the normal ecological balance and make the waters unsightly. It can also lead to a rapid deterioration of important fisheries and recreational opportunities.

The fishing industry requires particular consideration. There are 3,400 licensed fishing boats in NSW and 2,800 licensed fishers. There are, of course, many more who fish recreationally. Oyster cultivation is carried out in many NSW estuaries by 1,054 oyster farmers over 3,800 leases.

Fragmentation of responsibility for the management of catchment areas across a number of Government authorities and local councils has traditionally impeded the effective management of these issues and problems.

GOVERNMENT POLICY

1.2.1 CATCHMENT MANAGEMENT AND CO-ORDINATION

Regional and local environmental planning instruments will remain the primary mechanism for ensuring that appropriate land use controls are set down for catchment areas. The Department of Planning will continue to prepare Regional Environmental Plans which ensure that catchment management objectives are increasingly integrated into the environmental planning process. To reinforce this,
the Public Works Department will continue to provide advice to local councils and Government bodies on the potential impact of specific developments on estuarine areas.

To ensure that land conservation and rehabilitation measures complement land use controls, the Government will bring the Total Catchment Management Policy into operation through the Catchment Management Act, 1989.

The principle of Total Catchment Management involves the co-ordination of all important aspects in the management of land, water and related resources within a river basin, so as to minimise land degradation, prevent siltation, protect streams and improve water quality.

The Government has established a State co-ordinating committee consisting of representatives from Government agencies (notably the Soil Conservation Service, NSW Agriculture and Fisheries, the Departments of Planning, Public Works, Water Resources and Lands, the Forestry Commission, the Water Board and the State Pollution Control Commission) as well as representatives from local government and the community to oversee and facilitate the implementation of Total Catchment Management.

Regional Committees will now be established to directly address the problems associated with part or all of particular river basins or valleys. Their function will be to advise on management of the catchment, to involve local communities in achieving the objectives of the legislation, and to attract and expend funding on local projects such as tree planting, "land care", "dune care" and "salt action". These committees will include local government, community and State Government representatives.

Trusts, with the power to levy rates and carry out works, will also be set up under the legislation.

Estuary restoration works implemented by the Public Works Department will continue to be a priority, and a State-wide programme of works is being developed. Details of individual projects will generally be formulated within the Total Catchment Management framework.

Total Catchment Management can also be seen as an umbrella policy under which other related land resource policies such as the State Soils Policy will sit. One of the main objectives of the State Soils Policy is the maintenance of soil stability to prevent sedimentation of streams, rivers, harbours and dams. Soil conservation and rehabilitation methods will also be promoted under the policy.
1.2.2 WATER QUALITY

Maintaining a high standard of water quality is a major environmental priority for the NSW coast.

Local councils and the State Pollution Control Commission will continue to monitor water quality in coastal lakes and estuaries to ensure that it meets SPCC and Health Department standards and is suitable for recreational activities.

Where appropriate, Regional Environmental Plans will require local councils to consider the recommendations of environmental audits and water quality studies prepared by the SPCC when considering development applications, or preparing Local Environmental Plans and area management plans. The prevention of siltation will be a key objective in this context.

The approval of the State Pollution Control Commission will continue to be required where any specific project is likely to result in the discharge of pollutants into waters. The Clean Waters Advisory Committee, which consists of representatives from relevant Government bodies, technical experts, industry representatives and conservation and recreation organisations, will be responsible for providing advice on projects which are being assessed by the Commission.

Individual projects which are likely to generate water pollution will also continue to require a licence from the State Pollution Control Commission. The objective of these licences is to provide a means of day to day control over the emission of pollution into the environment by allowing ongoing supervision of polluters.

An important aspect of the system of approvals and licences is the imposition of conditions by the Commission. The SPCC will maintain and introduce conditions, where appropriate, to ensure that effective pollution control equipment is in place or to make changes to processes and industrial plant, as advances in technology are made.

The introduction of a revised system for classifying the waters of NSW according to the type and level of by-products that can be discharged with safety, will provide standards to be utilised in the assessment of particular projects requiring approval or licensing and the imposition of conditions.

To reinforce these regulatory and management initiatives, the Government has adopted a strict regime of penalties for pollution related offences, including offences against the Clean Waters Act, by introducing the Environmental Offences and Penalties Act. This Act sets down penalties that are consistent with the seriousness with which such offences are regarded and creates additional offences relating to the disposal of waste and spillage. Penalties for these offences can be up to $1M for a
corporation, and $150,000 and/or a gaol term of up to seven years plus all clean-up costs for individuals.

The effective design and monitoring of effluent outfalls will also be a specific priority. Design principles adopted by the Public Works Department and Water Boards will ensure that the effluent quality and location of discharge meet the standards set by the SPCC and the Health Department. The preparation of Environmental Impact Statements for individual facilities will be the formal means by which these principles are addressed.

Secondary treatment of sewage will be standard practice. Where necessary, tertiary maturation ponds or special treatment will be established to enable further treatment of effluent prior to discharge.

The State Pollution Control Commission will require all viable options for alternative disposal of treated effluents to be fully explored before approving any discharges to waters.

As a further protective measure, the strict control of trade waste discharge into sewers will be maintained.

No sludge produced in non-metropolitan treatment plants will be disposed of in water and any waste containing heavy metals or toxic substances will continue to be excluded from country sewers.

In the Sydney and Hunter Water Board areas, the strict regulation of effluent quality is reflected in the established Trade Waste policy. This policy is designed to control the discharge of organo-chlorine compounds, pesticides and heavy metals from treatment works. Testing will occur at regular intervals to determine the effectiveness of the policy.

Where a facility is controlled by local government, councils cannot accept trade waste for disposal in the sewer unless Public Works Department approval has been obtained.

The NSW Government will continue to work with the Commonwealth to control the dumping of wastes off the NSW coast.

The legislative and administrative controls over dumping of wastes at sea are essentially a Commonwealth responsibility. Anyone wishing to dispose of wastes at sea is required to secure a permit before proceeding. If the proposal is considered by the Commonwealth to be likely to significantly affect the environment, then an Environmental Impact Statement will be required in accordance with the provisions of the Commonwealth Environment Protection (Impact of Proposals) Act, 1974. Applications are also referred to a number of NSW Government agencies and
statutory authorities before a permit is issued. Where a dumping proposal is within the 3 nautical mile area, the concurrence of the NSW Minister for Public Works is required by the NSW Coastal Protection Act, 1979, and where a significant environmental impact seems likely an Environmental Impact Statement will be requested.

The NSW Guidelines for Sea Dumping set out the factors to be addressed in submitting an application for waste dumping off the NSW coast and the associated environmental monitoring requirements. The guidelines are the first of their kind in Australia.

1.2.3 FISHING INDUSTRY

The protection and management of fish resources involves both stock and habitat management.

The Fisheries and Oyster Farms Act will continue to be used to manage and protect fisheries resources. Activities such as dredging and reclamation, protecting mangroves and marine flora, maintaining fish passage and the declaration of Aquatic Reserves are specific provisions to protect marine and estuarine areas.

All land reclamation and dredging by public authorities must be notified to the Minister for Agriculture and Rural Affairs, who is responsible for administering the Fisheries and Oyster Farms Act and whose concern it is to prevent damage to fisheries.

Local councils, individuals and corporations will need to obtain the consent of the Minister before they can proceed with these activities, unless they have been granted the right to reclaim the land under Crown lands legislation or by another public authority, in which case the impact on fisheries will be considered prior to the issue of such authorisation.

Where the necessary consent has not been obtained or the conditions of a consent are breached, the Minister will exercise the right to direct those concerned to carry out any work necessary to offset damage caused to the fisheries.

In addition to the regulatory arrangements set down in the Fisheries and Oyster Farms Act, fishing areas and coastal habitats will be protected from the adverse consequences of development through the Environmental Planning and Assessment Act. The Division of Fisheries will provide comment and advice to consent authorities on development applications and on local and regional plans.

Where appropriate, Aquatic Reserves will be established to protect special aquatic environments, in accordance with the Fisheries and Oyster Farms Act. Existing
NSW COAST: GOVERNMENT POLICY

Aquatic Reserves at Julian Rocks, Fly Point and Bushrangers Bay will be retained. Plans of management which outline the values of the area and define the extent to which fishing is permitted will be prepared.

Research stations at Grafton, Port Stephens and Narrandera and the Fisheries Research Institute at Cronulla will continue to undertake research associated with resource assessment, fisheries exploration and fish ecology including the role of fish habitats.

The results of this research will be implemented through estuary management programmes conducted by Total Catchment Management Committees, the Public Works Department, the Soil Conservation Service and local councils.
NSW COAST: GOVERNMENT POLICY

**ACTIONS - MARINE AND ESTUARINE PROTECTION**

**Catchment Management and Co-ordination**

- The Government will establish a comprehensive network of Catchment Management Committees across NSW, including urban areas.

- A Statewide 10 year programme of estuary restoration works will be developed as an initiative within the framework of Total Catchment Management.

- The Department of Planning will prepare guidelines for local councils to help them determine what environmental planning measures can be used to advance Total Catchment Management principles.

- The Soil Conservation Service will continue research into effective soil and land rehabilitation procedures. The results of this research will be incorporated into Total Catchment Management strategies.

**Water Quality**

- The Government will undertake ongoing monitoring of, and prepare regular reports on, environmental conditions in the coastal area to inform decision making and direct resource allocations at both State and local levels. Water quality in estuarine and marine areas, sand flows, dune stability and the incidence of erosion will be given special attention.

- The State Pollution Control Commission will revise its classification system for NSW waters and apply the new water quality goals through the Clean Waters Act.

- The State Pollution Control Commission will help local authorities meet clean water standards by implementing revised design criteria for ocean discharges.

- The State Pollution Control Commission will require all viable options for alternative disposal of treated sewage effluents to be fully explored before approving any discharges to waters.

- The Public Works Department and Water Boards will continue to research and promote re-use of treated effluent. Trials of re-use in industry, agriculture and domestic uses will be extended.
The Hunter Water Board will finalise the Hunter Fringe Areas Sewerage Project including:

(i) Substantial reduction of the number of unsewered properties by approximately 18,500 over the next 10 years.

(ii) Rationalisation of the seven treatment works around Lake Macquarie.

All sewage will be treated to a secondary quality standard and transferred to Belmont for discharge via a new long ocean outfall. This will substantially reduce nutrient inputs into Lake Macquarie.

(iii) Significant improvement of existing sewerage systems in Port Stephens with the decommissioning of the seven plants on the Tomaree Peninsula and transport of sewage to an upgraded treatment plant at Boulder Bay for disposal via a long outfall.

The Water Boards will continue to monitor the effectiveness of their Trade Waste Management Policy as a means of controlling the discharge of organo-chlorines, pesticides and heavy metals from treatment works.

The Public Works Department and the Water Boards will continue research with a view to improving the performance of treatment facilities and developing new and improved treatment processes.

The State Pollution Control Commission will promote the management of stormwater quality through the publication of its manual on Pollution Control for Urban Stormwater.

**Fishing**

- NSW Agriculture and Fisheries will prepare management plans for all major fisheries in NSW to provide for sustainable resource management and future industry direction.

- NSW Agriculture and Fisheries' role in protecting and conserving estuarine and marine habitats will be maintained through research and fisheries management programmes. In particular, studies of the changes in fish populations and fish habitats will be pursued and the results will assist in planning decisions involving habitat modification or alienation.
Research stations at Grafton, Port Stephens and Narrandera and the Fisheries Research Institute at Cronulla will continue to undertake research associated with resource assessment, fisheries exploration and fish ecology including the role of fish habitats. The results of this research will be implemented through estuary management programmes conducted by Total Catchment Management Committees, the Public Works Department, the Soil Conservation Service and local councils.
1.3 COASTAL HAZARDS MANAGEMENT

THE ISSUE

Continuing erosion of coastal landforms such as beaches and headlands presents a significant hazard to existing public and private property as well as potentially undermining recreational and development opportunities, scenic quality and wildlife habitat values.

The full extent of coastal processes and their impact on the coastline have been recognised and understood for less than two decades. Development along the coast is already under threat. Pressure for development along the coastline is also continuing and the nature of the development and usage of the area is changing.

Major degradation of dune and beach areas along the NSW coastline is concentrated between Smokey Cape and Port Hacking, with the coastal stretch exhibiting sand drift, hummocky destabilisation of dunes, decreased diversity of native vegetation and some loss of individual species. On the North Coast degradation mainly takes the form of weed invasion of dunes and adverse changes to native vegetation.

Sand drift is a natural phenomenon and remains a feature along the NSW coastline. A recent study indicated that 5,631 hectares of coastal land (11% of the coastal dune system) is completely bare and drifting. A further 2,235 hectares of coastal land (4%) is in a state of hummocky destabilisation.

The potential for future broad scale sand drift has been masked by the invasion of bitou bush along the NSW coastline. Bitou bush displaces native dune vegetation and, in the long term, provides less stable dune protection against wind erosion. Extreme ocean storms or the eradication of bitou without replacement by appropriate native species could trigger widespread sand drift in areas where bitou dominates dune vegetation.

Ultimately, the coastal hazards to which we are currently subjected may be exacerbated by climate changes associated with the Greenhouse Effect. Potential impacts could include increased beach and dune erosion, water inundation and flooding and these impacts pose a threat to both natural and built forms.

GOVERNMENT POLICY

Whilst ensuring that existing development is protected from coastline hazards, the Government’s ultimate objective is to avoid the need for expensive structural works to remedy damage caused by coastline hazards and to protect new development by forward planning strategies.
1.3.1 HAZARDS MANAGEMENT

The Government is committed to a package of planning and structural measures which together form a Coastline Hazards Policy. The policy establishes the following objectives as priorities:

• reducing the impact of hazards on existing developed areas through the construction of protective works and/or the voluntary purchase of property at equitable prices;

• controlling the potential for hazard losses in new developments through the application of effective planning and development controls or the use of appropriate works to ensure that the development is compatible with the hazard;

• construction of beach improvement works to protect or enhance the recreational amenity of the State's most heavily used beaches and their associated sand dune systems; and

• facilitation of local hazard management plans along the entire coastline.

Because the responsibility for planning and management of land subject to hazard risks essentially rests with local councils, the Government will provide all local councils with a Coastline Management Manual to assist in the development and execution of Coastline Management Plans. These plans should ensure that:

• land subject to coastline hazards is managed in a manner compatible with the type, nature and damage potential of these hazards;

• hazardous lands are managed with regard to the social, economic, aesthetic, recreational and ecological costs and benefits to both individuals and the community, as well as hazard considerations;

• all reasonable measures are taken to alleviate hazards and potential damage to existing properties and recreational amenity;

• future properties and projects in the coastal zone do not cause any significant or unacceptable growth in hazard or damage potential;
information on the nature of existing and possible future hazards is made available to the public; and

appropriate warning systems and contingency plans are available to mitigate personal risk and to facilitate post-hazard recovery.

Financial assistance will also be made available to local councils for technical investigations, construction of protective works to reduce the risk or impact of hazards in developed areas, and measures to enhance and protect the amenity of beaches and their associated sand dune systems.

Specialist technical assistance will be given to local councils by the Public Works Department, the Soil Conservation Service and the Department of Planning.

It is expected that, following detailed investigation of the problems and issues, councils will introduce comprehensive hazard management strategies including appropriate provisions in Local Environmental Plans. In formulating these strategies councils should consider the following options:

- the use of Development Control Plans to impose building conditions on new developments and redevelopments;
- the use of Local Environmental Plans to impose land use zoning and identify acceptable uses to control the damage potential to new developments;
- the initiation of a dune maintenance programme to protect and restore damaged sand dunes;
- provision of structural works to protect existing property at risk;
- voluntary acquisition programmes to remove existing properties subject to undue risk;
- public awareness and education programmes.

The Government proposes to introduce legislation to allow councils to reduce rates for land which is unable to be developed because of its hazard exposure. New legislation will also protect councils from liability for decisions and advice on hazards management provided on the basis of the Coastline Hazards Policy.

With regard to the spread of pest species such as bitou bush, the Soil Conservation Service, the National Parks and Wildlife Service, local councils and volunteer groups are continuing to conduct various programmes to eradicate bitou bush and replant...
with native species. Biological control is being trialled on Crown land dunes in Tweed Shire and will be extended if it proves to be effective.

1.3.2 CLIMATE CHANGE

The NSW Government recognises the importance of the potential impacts of global warming on the natural, social and economic environment.

The Government is committed to improving knowledge about the nature and extent of regional climate changes, to monitoring the impact on beaches, dunes, wetlands, inter-tidal zones and estuarine habitats, and to the formulation of appropriate strategies to deal with the issue. It is also committed to supporting and participating in national and international efforts to address the problem.

The Government has already produced a Greenhouse Strategy which documents efforts to date in improving the efficiency of energy use and supply and in advancing research on greenhouse related issues.

The strategy also sets a framework for future Government action. With regard to the reduction of greenhouse gases, an interim target of 20% reduction in carbon dioxide emissions by the year 2005 has been adopted. Key measures to achieve this will be:

- improving the efficiency of electricity generation and use;
- maximising the amount of energy generated from fuels which produce less carbon dioxide;
- improving building construction standards to minimise energy use; and
- increasing the rate of removal of carbon dioxide from the atmosphere by enhanced vegetation management.

Environmental planning will also be a key mechanism for Government in adapting to climate change. Innovative planning policies are needed for the coast which provide flexibility for dealing with likely changes in the longer term. Planning strategies which will be considered include coastal buffer zones, property acquisition, planned retreat, time limited consents for development and requirements for demountable, removable or expendable structures in vulnerable coastal sites.

For existing developments in vulnerable coastal sites, it is recognised that future climate change may pose dilemmas concerning whether to protect or retreat. While engineering structures can achieve property protection objectives at a community
cost, environmental impact assessment will be required to properly assess these projects. This approach will be important to avoid the loss of beaches, recreational resources, visual impact, expensive maintenance works and the transfer of erosion problems to other coastal sites. All options, including property acquisition programmes and removal of structures, will be assessed before final strategies for coastline management are adopted. The Government's Coastline Management Manual will provide advice in confronting these issues.

A review of the Floodplain Manual is also being undertaken to ensure consideration of climate change.

Consideration will be given to carrying out sensitivity studies on the coast when more reliable regional information on climate change becomes available. This will enable environmental planning policy and decision making to be more responsive to likely effects of climate change. The need for wetland buffer zones to facilitate successful wetland migration will be an important factor to be considered in these sensitivity studies.
**ACTIONS - COASTAL HAZARDS MANAGEMENT**

- The Government will ensure that hazard management strategies are developed in accordance with the Public Works Department's Coastline Management Manual. In particular, councils will receive technical and financial support to institute proper hazard management strategies.

- The National Parks and Wildlife Service, Soil Conservation Service and local councils will ensure that programmes to control pest species such as bitou bush are effective.

- The Government will implement actions identified in the Greenhouse Strategy as a matter of priority having regard to public comments received.

- Appropriate elements of the Greenhouse Strategy will be incorporated in the Coastline Management Manual and the Floodplain Manual to ensure appropriate action at local and regional levels.

- The Government will undertake sensitivity studies for coastal areas in the light of regional climate change data.
1.4 HEAVY MINERAL SANDS MINING

THE ISSUE

Heavy mineral sands mining is of vital importance to the economic development of N.S.W. In 1988/89 the value of heavy mineral sands production in this State was over $93 million. With strong prices, increased demand in traditional markets and the development of new applications for heavy mineral products, the outlook for the industry is promising.

While the industry has established a successful rehabilitation record, particularly over the past 10 years, the fact remains that the mining of heavy mineral sands is a sensitive environmental planning issue. Significant mineral sand deposits primarily occur in beach and dune systems, parallel to the coastline and adjacent to waterways. In some cases these systems extend for a number of kilometres inland.

GOVERNMENT POLICY

The Government acknowledges that there is a need to balance the development of the economic potential of this resource with environmental planning considerations.

The Government's policy on this issue is founded on two main principles:

(i) There is a need to protect fragile wetlands, National Parks, littoral rainforests, coastal protection areas and water resources.

(ii) Where heavy mineral sands mining does occur, it must be approached in a responsible and well managed way and in accordance with established environmental protection standards.

1.4.1 LOCATION OF MINING

The following restrictions will apply to the location of heavy mineral sands mining operations:

(a) National Parks and Nature Reserves

Heavy mineral sands mining will not be permitted in existing National Parks and Nature Reserves.

Where an area has been formally referenced by the National Parks and Wildlife Service for addition to the National Parks and Nature Reserve
estate, no mining approval will be granted until the assessment of the area is completed and the proposal determined.

(b) Coastal Wetlands and Littoral Rainforests

As described in Section 1.1.3 of this policy, coastal wetlands and littoral rainforests are protected by State Environmental Planning Policies to ensure that fragile plant communities and habitats remain in an undisturbed state. Planning consent and concurrence can only be given to developments which do not compromise the natural environment in these areas.

The combination of vegetation, habitat and hydrology characteristic of SEPP 14 Wetlands areas is especially vulnerable to the disturbance generated by heavy mineral sands mining. Heavy mineral sands mining will therefore continue to be subject to a full environmental impact assessment and will also require the concurrence of the Director of Planning.

In the case of SEPP 26 - Littoral Rainforests, the complexity of the natural ecosystem makes it impossible to successfully restore the area following development. Heavy mineral sands mining will not be permitted in designated littoral rainforests.

(c) Beaches and Sand Dunes

Heavy mineral sands mining will not be permitted on beaches or on incipient dunes (the most seaward and immature dunes in the dune system), except where it can be clearly demonstrated that this would be environmentally acceptable.

The NSW Coastal Committee will prepare guidelines to assist in determining environmental acceptability. Coastline Management Committees set up by local councils under the NSW Coastal Hazard Policy will be responsible for advising local councils as to whether a heavy mineral sands mining proposal is considered to be acceptable within the framework established by the guidelines.

Examples of environmental acceptability might involve cases where:

— a dune area requires stabilisation or revegetation in order to protect the coastal compartment;

— an area has previously been mined but not rehabilitated; or

— previous revegetation/restoration has not been successful.
1.4.2 ENVIRONMENTAL ASSESSMENT

All new leases and permits require development consent from the relevant consent authority under the Environmental Planning and Assessment Act, 1979 before the Minister for Minerals and Energy can consider granting a lease.

Any application to undertake heavy mineral sands mining under the terms of an existing (pre-1973) lease will continue to require development consent and be subject to rigorous environmental assessment.

In most cases proposals will be greater than 2 hectares and these must be accompanied by an Environmental Impact Statement. This statement will be expected to:

(i) Provide a full and detailed description of the attributes of the area covered by the proposal including the characteristics of the land, flora, fauna, scenic attractions, archaeological features and geomorphological features.

(ii) Address issues such as impact on public use of the site during heavy mineral sands mining; extent of physical disturbance to vegetation, topsoil, underlying sands and related water resources; pollution; and secondary impacts such as traffic generation and road damage.

(iii) Address the issue of cumulative impact on the natural systems in the locality, including the effects on other developments.

(iv) Put forward a detailed proposal for the rehabilitation of the site.

Additionally, the procedures laid out for environmental impact assessment in the Environmental Planning and Assessment Act require public exhibition of the EIS and provide the opportunity for community response to the proposed activity.

It should also be emphasised that development consent for heavy mineral sands mining on the coast can only be granted with the concurrence of the Director, Department of Planning.

Concurrence will be contingent upon the proponent demonstrating that natural areas with rare or endangered flora or fauna species, significant geomorphological or archaeological features or recognised items of State environmental heritage and cultural value will be protected.

In deciding whether to grant concurrence, the Director will also consider whether the area has already been disturbed by cultivation, logging, pasture improvement, mining or development.
When granting leases, the Minister for Minerals and Energy will continue to have regard for the need to conserve and protect flora and fauna, fish, fisheries, scenic attractions and features of archaeological, historical or geomorphological interest as required under the Mining Act, 1973.

1.4.3 SITE MANAGEMENT AND REHABILITATION

Where mining of heavy mineral sands is approved, strict conditions will be applied to the mining operation to protect important natural features and to prevent adverse impact on air, noise, scenic amenity, water quality and, where appropriate, water quantity. Care will also be taken to prevent and/or repair damage to infrastructure, such as roads.

Conditions will also need to be imposed to require the proper rehabilitation of mined areas and to prevent disturbance of adjacent areas. These will have particular regard to flora and fauna, and significant historical, archaeological or geomorphological features.

Rehabilitation measures for mined areas should specifically address the establishment of fire trails, alternative routes for public access, weed control and erosion hazard protection.

Standards will be tailored to suit the particular attributes and constraints of the site and will be documented in rehabilitation plans.

Conditions relating to rehabilitation will also cover considerations such as contouring and revegetation and will take into account the proposed uses for the site subsequent to heavy mineral sands mining. Security deposits will be required pending compliance with these conditions.
**ACTIONS - HEAVY MINERAL SANDS MINING**

- The Government will apply this policy to all new heavy mineral sands mining proposals through a number of mutually reinforcing measures:

  (i) prescription of the policy within Section 90 of the Environmental Planning and Assessment Act as a matter for consideration by Councils when applications are being assessed;

  (ii) issuing Section 117 directions to ensure that Local Environmental Plans reflect the stated objectives;

  (iii) the concurrence provisions exercised by the Department of Planning; and

  (iv) the mining approvals processes, administered by the Department of Minerals and Energy.

- Where the mining of heavy mineral sands is approved, strict conditions will be imposed:
  
  — requiring the proper rehabilitation of mined areas;
  
  — ensuring that adverse environmental impacts are prevented; and
  
  — ensuring that adjacent areas are not disturbed by mining operations.

- A policy will be developed to ensure that appropriate planning processes also apply to sand extraction proposals in the coastal area.
2. Growth Strategies
2. GROWTH STRATEGIES

Even in those areas where conservation is not imperative and more active use or development of land is appropriate and sustainable, there will be various competing uses with associated environmental, social and economic impacts that need to be considered.

This section is concerned with ensuring that the primary land use demands are met in an environmentally and economically acceptable manner. The pattern of development must be systematic because spatially fragmented and sporadic expansion is uneconomic. Continuous land development is also environmentally problematic and if allowed to continue unchecked will compromise the conservation priorities already articulated.

2.1 PLANNED URBAN DEVELOPMENT

THE ISSUE

The advantages of a mild coastal climate and an abundance of natural resources on the coast have led to the population of NSW being concentrated on the coastal fringe, east of the continental divide.

What must be acknowledged, however, is that if this coastal settlement pattern continues uncontrolled, it will undermine the natural features of the coast. A continuous line of development down the length of the coast is not desirable on either environmental or economic grounds. Economic concerns relate to the high public cost of social and physical infrastructure associated with urban development.

GOVERNMENT POLICY

2.1.1 CONTROL OF URBAN DEVELOPMENT

Planning assessment procedures and appropriate planning instruments will be the principal means of preventing uncontrolled urban development. The Environmental Planning and Assessment Act, 1979 will therefore be the mainstay of the Government's policy.

The specification of land to be made available for residential purposes will occur under Local and Regional Environmental Plans. In general, the Department of Planning will expect these plans to reflect the principle that urban development should be confined to areas adjacent to existing cities and towns.
To ensure that development proceeds in a more orderly, efficient and environmentally sensitive manner, the Department of Planning will prepare a Coastal Urban Planning Strategy in consultation with local councils and other Government authorities. The Strategy will ensure that land use planning initiatives in individual coastal areas are complementary and that they address the issue of population growth on a regional basis. Urban development programmes will be developed for each region and these programmes will provide the framework for the preparation of Regional Environmental Plans and the rezoning of land on a staged basis. Priority will be given to those areas with the most rapid population growth and development pressures.

State Environmental Planning Policies (including SEPP 14 and SEPP 26) will remain in place as a means of ensuring that urban development does not compromise environmentally sensitive areas.

2.1.2 INFRASTRUCTURE PROVISION

The main authorities which provide the infrastructure for urban development are the Roads and Traffic Authority which plans and constructs arterial roads and highways, the Electricity Commission and county councils which provide the power grid, and the Public Works Department and many local councils which combine to provide water and sewerage services.

While these large servicing authorities plan the provision of services within the regional, State and local environmental planning framework they can also set the agenda for the pace and location of urban development.

The Coastal Urban Planning Strategy will provide a mechanism for ensuring the systematic planning of infrastructure provision in expanding coastal areas by Government authorities.

All State Government infrastructure development proposals that are likely to significantly affect the environment will remain subject to the environmental impact assessment provisions of the Environmental Planning and Assessment Act.
** ACTIONS - PLANNED URBAN DEVELOPMENT **

- The Department of Planning will develop a Coastal Urban Planning Strategy in consultation with local councils and other Government authorities.

- To ensure that continuous urban development does not proliferate prior to the completion of this strategy, the Minister for Planning will issue new directions to local councils under S.117 of the Environmental Planning and Assessment Act which will prohibit the rezoning of rural, non-urban or environmental protection zonings to permit urban developments isolated from existing cities and towns.
2.2 TOURISM

THE ISSUE

Tourism is a major growth industry. The coastal zone has a special role in tourism and recreation in NSW because of the significant opportunities coastal environments offer for water based activities and their general aesthetic appeal.

In 1988/89 tourism was worth $7.6 billion to the New South Wales economy, employing some 153,000 people. During 1988 New South Wales received over 1.5 million international visitors, 73% of total arrivals to Australia. The large majority of these visitors primarily spend time in Sydney.

Over 50% of domestic travel is concentrated in the coastal regions of New South Wales (excluding Sydney). In terms of accommodation supply, over 36% of the State's hotel and motel rooms, caravan parks and camping grounds are in coastal regions (outside Sydney).

The major challenge is to ensure that the level of development undertaken to accommodate tourism is sustainable, having regard to the fact that too much development will compromise precisely those natural assets that both domestic and international visitors come to enjoy.

GOVERNMENT POLICY

2.2.1 STRATEGIC TOURISM DEVELOPMENT

Tourism development must be directed to appropriate locations. Facilities must be well planned, having regard to environmental sensitivities as well as market demands. Ultimately recreational developments must maintain/conserve the natural attributes of the coastal area which provide the tourist attraction.

In much the same way as the land use controls under the Environmental Planning and Assessment Act will be used to determine where urban development will occur, the zoning mechanisms and principles set down in Regional and Local Environmental Plans will also be used to ensure that tourism development is located in appropriate areas. Regional and Local Environmental Plans will be the means by which sensitive land is protected and areas most suitable for tourism development are nominated.

The establishment of appropriate formal controls to be set down in statutory planning instruments, under the Environmental Planning and Assessment Act, will be facilitated by the forward planning initiatives of the NSW Tourism Commission.
Regional Tourism Strategies for the North Coast, Hunter, Illawarra and South Coast areas will nominate growth centres that may be considered for the purposes of tourism development.

The strategies are prepared in draft form and placed on open exhibition to enable public comment.

Where an area is nominated in the regional strategy as having high tourism development potential, local councils may elect to prepare a more specific local tourism plan. The aim of these plans is to determine the appropriateness of existing zonings and the nature of infrastructure required to support tourism development. The NSW Tourism Commission will assist local councils to prepare local tourism plans by providing expert advice and financial assistance.

Tourism strategies will guide land use planning on both local and regional levels and will enable the consideration of tourism demands alongside other land use requirements. It should be restated that a Local Environmental Study will be mandatory where any development in the coastal zone requires rezoning to enable a change in land use. This will ensure that the attributes of the land are fully assessed and public comment is sought before any decision is made.
**ACTIONS - STRATEGIC TOURISM DEVELOPMENT**

- The NSW Tourism Commission will complete Regional Tourism Development Strategies for all coastal regions as a priority.

- Councils will be encouraged to undertake forward planning for tourism and, where necessary, prepare Local Tourism Plans. Financial assistance can be made available by the NSW Tourism Commission for this purpose.

- Land use requirements identified in Tourism Strategies will be considered alongside other land use demands in the preparation of planning instruments.
2.3 AGRICULTURAL LAND USE

THE ISSUE

The sub-division of coastal agricultural land for rural residential and hobby farm lots can threaten the economic viability of agricultural enterprises, unnecessarily sterilising prime crop and pasture land as well as reducing rural landscape amenity.

There is a recognised need to maintain minimum levels of production in many agricultural industries (such as banana and sugar cane farming) in order to support the associated infrastructure. Land rezoning for other purposes could reduce production below critical levels and thereby threaten viability.

It is equally important to ensure that agricultural practices on this prime land are sustainable and that the land, soil and water resource base is not depleted.

GOVERNMENT POLICY

2.3.1 PROTECTION OF PRIME AGRICULTURAL LAND

The protection of prime agricultural land will be achieved through a number of complementary Government programmes and actions.

Agricultural land classification maps and Rural Land Capability Studies will continue to feed into the statutory planning process.

NSW Agriculture and Fisheries will continue to carry out mapping of agricultural land classifications for councils and the Department of Planning, to assist in preparation of Local Environmental Studies and Regional Environmental Plans. Rural Land Capability Surveys carried out by the NSW Soil Conservation Service for local councils will also continue to identify erosion sensitive lands. These processes enable the identification of lands that need to be protected from alienation and inappropriate development.

Local Environmental Plans will ensure that reasonable minimum lot sizes are set for prime agricultural land and that this land is appropriately zoned. The policy of requiring an environmental study for any proposal to rezone prime agricultural land to non farm uses will be retained.

State Environmental Planning Policies are designed to reinforce local and regional planning initiatives. Protective measures such as SEPP 14 - Coastal Wetlands contribute to sustaining a high level of agricultural activity by enabling the
continuation of agricultural uses whilst maintaining hydrological regimes, water quality, nutrient filtration and minimising flood events.

Total Catchment Management initiatives and floodplain management will be the means by which the quality and quantity of local water supply is maintained.
**ACTIONS - PROTECTION OF PRIME AGRICULTURAL LAND**

- Local Environmental Studies will be required where it is proposed to rezone agricultural land for an alternative use.
- The Government will maintain a systematic programme of assessing and mapping rural land.
- The Government will develop sustainable land management systems and promote these through research and advisory programmes.
3. Environmental Assessment and Land Use Control
3. ENVIRONMENTAL ASSESSMENT AND LAND USE CONTROL

3.1 ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CONTROL

THE ISSUE

The growth strategies outlined in this policy provide a means by which the major land use activities can continue, having regard to land conservation and management objectives already stated.

Having established that certain areas are capable of sustaining a particular type of land use, the final challenge is to ensure that the nature and form of development activity and land use practices are environmentally sensitive.

The critical issue is that even where development can be sustained, it must be well planned and managed.

Consideration must be given to the problems associated with specific types of projects (such as marinas and canal estates) and also to the general design, structure and siting of any development.

GOVERNMENT POLICY

3.1.1 PROJECT ASSESSMENT

The formal procedures for environmental assessment of specific planning projects are currently set down in the Environmental Planning and Assessment Act, 1979. This Government is committed to maintaining and, where appropriate, enhancing these procedures.

The mandatory requirement for a Local Environment Study to be undertaken wherever a development in the coastal area requires rezoning will provide a public guarantee that no significant changes will occur without comprehensive consideration of both environmental and economic issues and full public consultation.

The current requirement for Environmental Impact Statements for projects which have a potential to cause significant environmental effect will be retained. This is a powerful environmental control mechanism. It requires the proponent of the project
to provide a detailed outline of the project, to systematically examine the nature and extent of any anticipated adverse environmental impact, and to identify measures to be taken to prevent or minimise such impacts. The Environmental Impact Statement must be publicly exhibited to enable open scrutiny and comment. Any public submission must be taken into account during the decision making process.

The projects to be subjected to this process are specifically identified as "designated developments" and are listed in the regulations made pursuant to the Act. Important inclusions in this list are marinas and canal estate developments.

It should also be reiterated that the environmental assessment requirements for proposed development activities under State Environmental Planning Policy 14 - Coastal Wetlands, and State Environmental Planning Policy 26 - Littoral Rainforests will be retained. (Refer to Section 1.1.3 for details.)

The Government will not rely on these formal procedures alone. Where appropriate, it will continue to provide advisory documents to assist local councils in making final decisions on particular developments.

With regard to coastal areas, it is recognised that special consideration needs to be given to marinas and canal estate developments.

**CANAL ESTATES**

Canal estate development involves the construction or alteration of a canal to create a waterway and allotments of land by sub-division for residential use. Canal estates may also include other types of land use, such as commercial, industrial, open space, rural and special use.

Canal estates can provide a pleasant water oriented environment. Water views, coastal scenery, temperate climate, and the ready availability of water based activities attract people to canal estates for both permanent and holiday accommodation.

However, there is a justifiable concern that land clearing and filling, with the associated dredging of waterways, may have an adverse effect on the environment. Consequently, it is important that siting and appropriate environmental safeguards be considered at an early stage of the decision making process.

While the designation of canal estate developments greater than 10 residential allotments under the Environmental Planning and Assessment Act already ensures that environmental impact assessment takes place, the Government favours the introduction of a specific policy framework to guide local councils in their
consideration of individual development proposals and to ensure that proponents address relevant environmental concerns.

It is proposed, subject to the outcome of the current public consultation process, that firm guidelines be introduced which ensure that canal estate proposals comply with specific criteria. They should be:

(a) Located near existing urban development.

(b) Compatible with any urban release strategy for the area.

(c) Serviced by adequate infrastructure (including roads, electricity, water and sewerage) and/or accessible to adequate community facilities.

(d) Located outside of areas with significant environmental values, including:

(i) natural areas with rare or endangered species, habitats of rare or endangered fauna or flora, or significant geological or geomorphological features;

(ii) foreshore reserves; and

(iii) areas with items of State heritage significance.

(e) Located to avoid restricting public use of coastal amenities, including:

(i) public access to or through foreshore areas for recreation.

(ii) public use of beaches or open space for recreation.

(iii) commercial fishing in recognised fishing areas.

(f) Located outside of areas of high flood risk.

(g) Excluded from lands identified under the Coastal Lands Protection Scheme as "Acquisition Essential".

(h) Located to minimise damage to wetlands or littoral rainforests, in accordance with State Environmental Planning Policy No. 14 - Coastal Wetlands, or State Environmental Planning Policy No. 26 - Littoral Rainforests.
It is envisaged that Environmental Impact Statements will be required to address the unique features of canal estate developments. They should include:

- An identification and analysis of all the major components of the proposal. This should include a discussion of pollution control safeguards to address water quantity and quality in the canal system and connected waterways, visual impact, likely noise impacts on adjacent development, and an indication of the likelihood of flood damage.

- The methods and equipment to be used to mitigate environmental impact in the proposed canal estate foreshores, having particular regard for dredging/filling operations. These should cover erosion control measures, rehabilitation, disposal of vegetation and any surplus soil, and control of biting insects (midges).

- An identification of the likely impact on any wetlands and aquatic habitats and any measures to be taken to protect these areas.

- Assessment of any anticipated changes in the hydrodynamics and sedimentary processes of the waterway areas.

- The adequacy of urban design and the likely impact of the proposed development on the visual quality of the locality.

MARINAS

Marinas are another special class of development. They are, by definition, located in the most aesthetically and ecologically sensitive area of the coast, adjacent to the shore line. It is not the Government's intention to prohibit marina developments, but they should not be permitted to proliferate indiscriminately.

While the classification of marinas as designated development under the Environmental Planning and Assessment Act guarantees that each project is closely assessed, the Government is committed to ensuring that this assessment does not occur in isolation from the regional context and that the proposed location is suitable. Requirements will be introduced to assess the project in terms of regional supply and demand for boat moorings. Where marina development is to take place, local councils must take into account the technical construction/design guidelines prepared by the Public Works Department.
3.1.2 DEVELOPMENT CONTROL

To ensure that development on the coast is appropriately located and sensitively designed, the Government will use land use controls in statutory planning instruments and assist councils to use the development approval process constructively.

Regional and Local Environmental Plans and development standards will be based on the following principles:

- Development on frontal dunes, beaches and undeveloped headlands will be prohibited.

- Any new development on headlands which are already developed will be strictly limited to a height and scale no greater than existing buildings and will require an environmental assessment, including an assessment of visual impact from adjoining beaches.

- Beaches and waterfront open space will be protected from overshadowing. Generally, the standard to be applied in large towns such as Tweed Heads, Coffs Harbour, Port Macquarie and Wollongong is no overshadowing before 3pm midwinter and 6.30pm Summer Daylight Saving Time and, elsewhere, no overshadowing before 4pm midwinter or 7pm Summer Daylight Saving Time.

- Tall buildings (all those more than 4 storeys) will not be permitted outside of existing cities, towns and growth centres identified in the Coastal Urban Planning Strategy, except where environmental considerations (e.g. hinterland topography) could justify an exception to this rule. The proposal will be placed on public exhibition and will ultimately require the concurrence of the Director of Planning.

- Applications for buildings taller than 14 metres within existing cities and towns will be assessed on their merits, having regard to the prevailing scale of development. If acceptable height controls are not set down in Local Environmental Plans, the Regional Environmental Plan will require that any building over 14 metres be subject to concurrence by the Director of Planning following environmental assessment and public consultation.
• Public setback lines will be set for every new development immediately adjoining coastal lakes and estuaries, beaches and foreshores. The amount of building setback from beaches, foredunes and undeveloped headlands will be determined by consent authorities on a case by case basis taking into consideration specific details of public access requirements, rates of shoreline recession, local topography, scenic factors (including the impact of any development as viewed from waterways and foreshore areas), coastal hazards, building design criteria and pollution and siltation management measures. No new development will be permitted to impede public access to foreshore areas.

• Apart from minor structures required for public access or enjoyment of the foreshores, no development will be permitted seaward of this setback line and developers will be required to dedicate this land to the Crown for public use or enter into a satisfactory agreement for ensuring public access and maintenance of the area to a suitable standard, as a condition of development consent.

• As a continuation of existing practice, any tourist or recreational development which proposes to utilise the natural assets of a National Park, Nature Reserve or State Recreation Area must be low key and should under no circumstances compromise the natural values of the area. Any tourist developments adjacent to areas reserved or dedicated for conservation purposes must be consistent with the "Guidelines for Tourist Developments in Proximity to Major Natural Areas in the North Coast Region" prepared by the Department of Planning.

All consent authorities will be bound by a legal requirement to assess developments and make decisions having regard to the provisions of this policy and specifically to these principles.

The statutory controls will be complemented by urban design guidelines for the north and south coast areas. These guidelines will assist developers in the presentation of sensitive development proposals, and help local councils to assess those proposals.

The guidelines emphasise that buildings should blend with the natural environment. They suggest amongst other things:

— Provide generous setbacks; avoid steeper slopes; build along the contours; cluster buildings.
Flat land with low vegetation is most suited to single storey development.

Break up longer building masses to produce a cluster of forms.

Ideally, colours should echo or complement the natural colours of the coast.

The use of local materials, including stone, brick, and especially timber will help produce buildings that relate to the coastal environment.
**ACTIONS - ENVIRONMENTAL ASSESSMENT AND DEVELOPMENT CONTROL**

- The Coastal Policy will be gazetted as a matter for consideration by consent authorities when determining development applications.

- Local councils will be advised by way of a direction under s.117 of the Environmental Planning and Assessment Act that any rezoning application associated with development in the coastal zone (including tourism development) will require the preparation and public exhibition of a Local Environmental Study in accordance with the procedures set down in the Act.

- Subject to the outcome of the current public consultation process, guidelines for canal estates will be finalised and appropriate environmental planning measures will be put in place and applied effectively.

- The Department of Planning will ensure that Environmental Impact Statements for marinas identify existing marina developments in the relevant region and justify the need for further facilities in this context.

- The Department of Planning will complete urban design guidelines for the south coast.

- The Department of Planning will develop a marketing programme to encourage use of the design guidelines for the north and south coast.

- Regional Environmental Plans will be amended, and section 117 directions issued in relation to Local Environmental Plans, to ensure the prohibition of development on beaches, frontage dunes and undeveloped headlands and to ensure that appropriate building height, setback and scale controls are included.

- To ensure the sensitive design and siting of major developments on Crown land, a design review panel including representation from the Government Architect will be established. The panel will be responsible for evaluating the design aspects of proposals for sites with State-wide significance and/or development projects valued at $10 million or more.
3.2 CULTURAL HERITAGE

THE ISSUE

The Government recognises that it is impossible to make informed policy decisions about the conservation and management of the State’s cultural heritage without an appreciation and understanding of the special cultural significance of particular items and places.

GOVERNMENT POLICY

3.2.1 PRESERVATION OF CULTURAL HERITAGE

The Government is committed to ensuring that the heritage value of sites, buildings, shipwrecks and relics from Aboriginal and early European occupation on the coast is recognised and protected.

All Aboriginal sites and relics are protected under the National Parks and Wildlife Act. The consent of the Director of the National Parks and Wildlife Service is required before any site can be damaged or destroyed.

The Government will continue to identify places of outstanding environmental heritage significance and to place these on a comprehensive regional data base known as the State Heritage Inventory. This inventory will act as an alerting device for all levels of government, industry and the public to ensure the protection of heritage items.

Where places of outstanding significance are identified, the Government is committed to preparing heritage, design and siting controls to ensure that ad hoc development does not erode the visual and cultural value of such places.

Where it is appropriate, Interim or Permanent Conservation Orders will be placed on heritage items, but generally the protection of these items using appropriate planning controls under the Environmental Planning and Assessment Act will be favoured.

Where appropriate, Regional Environmental Plans will be developed to ensure that heritage items are formally acknowledged and to establish procedures whereby the heritage concerns are properly addressed.

The Regional Environmental Plan for the Hunter Region’s heritage is an example of this policy in practice. The plan identifies some 800 specific items which have heritage value of State, regional or local significance and are worthy of conservation.
NSW COAST: GOVERNMENT POLICY

It requires owners to lodge a development application with the local council prior to any proposal to demolish, renovate, extend or alter listed buildings or to excavate or subdivide listed items or lands. The plan also allows the owners of heritage items to benefit from special conservation incentives.

Financial assistance will also be available to local councils for the preparation of cultural landscape and heritage studies, to serve as a basis for development control plans which will guide the character of development in sensitive areas.

Local councils will continue to be obliged to consider the impact of development on any Aboriginal sites before granting development consent. On the north coast the protection of items of Aboriginal heritage will also be assisted by the discussion paper on Aboriginal items, places and relics which has been prepared by the National Parks and Wildlife Service and the Department of Planning.
**ACTIONS - CULTURAL HERITAGE**

- The Government will complete a systematic programme of identifying heritage items to ensure that these items are subject to appropriate land use controls.

- The discussion paper on Aboriginal items, places and relics on the north coast will be used as the basis for discussion with Aboriginal groups to explore further opportunities for protecting items of Aboriginal heritage.

- Where appropriate, the protection of Aboriginal relics or places will be formalised under the National Parks and Wildlife Act.

- The Department of Planning will co-ordinate a marine archaeology strategy designed to protect and promote awareness of shipwrecks and other submerged heritage items.
3.3 OFF-ROAD USE OF MOTOR VEHICLES FOR RECREATIONAL PURPOSES

THE ISSUE

The use of motor vehicles off road and particularly on beaches has often generated conflict concerning the level of environmental damage, safety and noise. Vegetated sand dunes and beaches are particularly fragile and can be seriously damaged if subject to excessive use. When vegetation is stripped from sand dunes it leaves the sand vulnerable to erosion. The danger posed to animal species which use beaches as resting areas (eg: the Little Tern) is also of concern.

There is general acceptance that some controls must be placed on motor vehicle access to sensitive coastal areas.

GOVERNMENT POLICY

3.3.1 CONTROLLING OFF-ROAD USE OF MOTOR VEHICLES

The Recreational Vehicles Act, 1983 provides for the establishment of special Recreational Vehicle Areas (RVAs) as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity on private property and in environmentally sensitive areas of NSW.

Applications to establish a Recreational Vehicle Area are considered first by the local authority and then by the Director of the State Pollution Control Commission.

Unauthorised motor vehicles can be excluded from lands by the "Restricted Land" provisions of the Act. Restricted land is defined as land which is neither a public road nor a designated Recreational Vehicle Area and an occupier of such land is empowered to issue a direction prohibiting entry of motor vehicles.

The conditions for designating an RVA state:

1. that the proposed use should not contravene the provisions of the Environmental Planning and Assessment Act, 1979 or any environmental planning instrument in force under the Act; and

2. that development consent has been granted by the council. This will enable full consideration of the environmental impacts of the activity.
Areas considered appropriate for consideration in this context may include disused gravel pits and quarries, filled areas such as garbage tips, and areas destined for future development, providing off-road vehicle use does not prejudice future use.

Lands considered to be generally unsuitable for use as a Recreation Vehicle Area will include:

- land close to residential development or recreational areas where noise or dust is likely to create a nuisance;
- beaches;
- land with high soil erosion potential and shallow soils;
- land affected by salination;
- wetlands or swamps, especially those covered by SEPP 14;
- land with significant drainage lines, gully heads, stream beds and banks;
- land with existing or potential mass movement hazard;
- areas where access for land management purposes may be impaired;
- areas with observable erosion of either the sheet or gully type
- vegetated coastal sand dunes, especially those covered by SEPP 26;
- land with heritage and conservation values;
- land used for walking trails or other forms of passive recreation; and
- land with rare or endangered flora or fauna.

In the case of Crown land, the consent of the Department of Lands must be given before a designated Recreational Vehicle Area can be established. Applications for use of Crown land as a Recreational Vehicle Area will not be consented to unless favourably supported by a land assessment study as prescribed by the Crown Lands Act, 1989. Factors to be assessed will include:

(i) impact on the natural and cultural attributes of the site;
The off-road use of motor vehicles on beaches will generally not be supported. Where a local council wishes to allow motor vehicle access to a beach the Department of Lands will assess the proposal in the manner outlined above. Access may be refused on the grounds that such a use will result in an unacceptable level of environmental damage and may conflict with existing uses of a beach.

In those circumstances where a Crown site is designated as a Recreational Vehicle Area, a management plan providing for environmental protection and appropriate regulation of on-site activities must be prepared by the relevant controlling body. These plans will be made available for public comment.

In areas where the off-road use of motor vehicles is prohibited a number of mutually reinforcing education and enforcement measures will be considered:

- identifying and publicising Recreational Vehicles Areas and encouraging responsible use of motor vehicles on these sites;
- where possible and cost effective, creating physical barriers to prevent the off-road use of motor vehicles in prohibited areas;
- where cost-effective and appropriate, erecting signs to advise the public of areas prohibited to motor vehicles;
- authorising officers to control illegal off-road use of motor vehicles on vacant, reserved, or dedicated Crown lands and, where necessary, initiating or participating in legal action against offenders; and
- targeting areas where abuse is occurring for police action.

In the case of National Parks and Nature Reserves, motor vehicles will not be permitted off park roads or management tracks.

Special provisions can be made for beach access by professional fishermen on an individual merit basis. This policy is enforced by reference to the By-laws under the National Parks and Wildlife Act, the most significant of which is By-law 2(K) which prohibits the deviation of a motor vehicle from an existing road or track.
NSW COAST: GOVERNMENT POLICY

**ACTIONS - OFF-ROAD USE OF MOTOR VEHICLES**

- Controls on the off-road use of motor vehicles within National Parks will be strengthened by extending the reservations of coastal parks to the low water mark to enable more effective management of beachfronts.

- Areas prohibited for use as Recreational Vehicle Areas will be included in Local Environmental Plans.
4. Implementation and Co-ordination
4. IMPLEMENTATION AND CO-ORDINATION

4.1 CO-ORDINATION, MONITORING AND REVIEW

The success of the Coastal Policy will rely on effective co-ordination of Government initiatives, systematic monitoring of the impact of policies and programmes, ongoing support to local government, periodic review of the appropriateness of policies and the formulation of further policies and programmes as necessary.

The responsibility for monitoring implementation of the policy and ongoing policy review will be vested in the NSW Coastal Committee. It is through this mechanism that the Government will overcome the fragmentation of responsibility and ad hoc decision making that has hampered coastal management in the past.

The NSW Coastal Committee has been re-established as a statutory body under the auspices of the Minister for Planning with the following charter:

(a) to act as a co-ordinating forum by enabling consultation and information exchange between local government and State Government departments on coastal planning issues;

(b) to ensure an effective and efficient level of co-ordination of the policies and activities of the Government and public authorities on coastal land resources, including their orderly use and development;

(c) to provide advice, guidance and assistance to local government in the administration of its coastal planning and management responsibilities; and

(d) to provide advice to the Minister for Local Government and Minister for Planning and to the Department of Planning in the administration of their planning responsibilities in coastal areas, including advice on environmental protection and major development proposals.
4.2 SUMMARY OF STRATEGIC ACTIONS

This document has identified a series of strategic actions which follow on from each policy position. This section summarises the full set of future actions and identifies the administrative body that has been assigned responsibility for ensuring that these measures are taken.

In general, it should be noted that the key planning initiatives which arise in relation to a number of issues will be implemented by way of the mutually reinforcing measures of prescribing the policy for the purposes of Section 90 of the Environmental Planning and Assessment Act and issuing a Section 117 Direction to local councils.

The Section 117 Direction is to ensure that when councils are preparing Local Environmental Plans to rezone areas, the draft plans are consistent with the Coastal Policy. The prescription of the Coastal Policy under Section 90 will ensure that when councils are determining all future development applications the policy will be taken into account.
### STRATEGIC ACTION

<table>
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<tr>
<th>LAND CONSERVATION AND MANAGEMENT</th>
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<tr>
<td><strong>Land Acquisition</strong></td>
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<tr>
<td>• The Department of Planning will acquire significant coastal land under the NSW Coastal Lands Protection Scheme.</td>
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<td>• The Government will adopt appropriate management arrangements for all land acquired under the Coastal Lands Protection Scheme.</td>
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<tr>
<td><strong>Land Dedication, Reservation and Management</strong></td>
</tr>
<tr>
<td>• The Government will dedicate those parts of the inter-tidal zone under Crown control which adjoin a National Park, Nature Reserve or State Recreation Area for public use under the Crown Lands Act. The National Parks and Wildlife Service will be appointed as trustee of these areas and will prepare plans of management for them in accordance with the provisions of the Crown Lands Act.</td>
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## STRATEGIC ACTION

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<tr>
<td>• Management plans for National Parks, Nature Reserves or State Recreation Areas that surround estuaries or lakes will be prepared in consultation with other relevant Government bodies to ensure a comprehensive management programme.</td>
</tr>
<tr>
<td>• The Department of Lands will ensure that assessment of coastal Crown land is given priority under the Crown Lands Assessment Programme.</td>
</tr>
<tr>
<td>• The Government will register the title of all beaches currently under Crown control in the name of the people of NSW and will dedicate those beaches for public use.</td>
</tr>
<tr>
<td>• The Department of Lands will prepare plans of management for all coastal Crown lands which are dedicated or reserved for a public purpose.</td>
</tr>
<tr>
<td>• Where land assessment indicates that Crown land should be retained in public ownership, that land will be reserved or dedicated under the Crown Lands Act.</td>
</tr>
<tr>
<td>• Where a Crown site has high conservation value and reservation/dedication as a National Park, Nature Reserve or State Recreation Area is warranted, transfer to the National Parks and Wildlife Service will be a priority consideration.</td>
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## RESPONSIBILITY

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<td>National Parks and Wildlife Service</td>
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<td>Department of Lands.</td>
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<td>Department of Lands and National Parks and Wildlife Service.</td>
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<tr>
<td><strong>Strategic Action</strong></td>
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<tr>
<td>- The National Parks and Wildlife Service will assess the environmental significance of any Crown land which is subject to an application for conversion from leasehold to freehold title.</td>
</tr>
<tr>
<td>- Covenants on title will apply to any Crown land being converted from leasehold to freehold title to prevent significant changes in use.</td>
</tr>
<tr>
<td>- Where leasehold land is subject to a reservation from sale which covers a major or significant foreshore area or an area which is critical for public access to same, this reservation will be maintained and the area will never be placed in private ownership.</td>
</tr>
<tr>
<td>- Where a lease includes land which is in a significant or major foreshore area or which is critical to public access to this area, and this area is not subject to a reservation from sale, the Government will not allow this land to go into private ownership.</td>
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**Protection of Flora, Fauna and Ecosystems**

### STRATEGIC ACTION

- The Government will also investigate other methods of protecting the habitat of threatened plant and animal species outside existing National Parks and Reserves.

- The Government will continue to implement the Coastal Wetlands and Littoral Rainforest State Environmental Planning Policies. Ongoing monitoring and review will be carried out by the Department of Planning to ensure that boundaries are precisely mapped and that the most significant areas are protected.

- The National Parks and Wildlife Service will complete its assessment of coastal lands under the Wilderness Act to determine which areas require protection.

- The Soil Conservation Service will continue its mapping programme to ensure the protection of trees in designated areas.

- Councils will be issued with a direction to undertake Local Environmental Studies for rezoning proposals associated with sites that are currently zoned for environmental protection.

### RESPONSIBILITY

- Department of Planning.

- Department of Planning.

- National Parks and Wildlife Service.

- Soil Conservation Service.

- Department of Planning.
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<th>STRATEGIC ACTION</th>
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<tr>
<td><strong>MARINE AND ESTUARINE PROTECTION</strong></td>
<td><strong>DOUBLE-SPACED</strong></td>
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<tr>
<td>Catchment Management and Co-ordination</td>
<td><strong>DOUBLE-SPACED</strong></td>
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<tr>
<td>• The Government will establish a comprehensive network of Catchment Management Committees across NSW, including urban areas.</td>
<td>Soil Conservation Service/State Pollution Control Commission/Water Board.</td>
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<tr>
<td>• A Statewide 10 year programme of estuary restoration works will be developed as an initiative within the framework of Total Catchment Management.</td>
<td>Public Works Department.</td>
</tr>
<tr>
<td>• The Department of Planning will prepare guidelines for local councils to help them determine what environmental planning measures can be used to advance Total Catchment Management principles.</td>
<td>Department of Planning.</td>
</tr>
<tr>
<td>• The Soil Conservation Service will continue research into effective soil and land rehabilitation procedures. The results of this research will be incorporated into TCM Strategies.</td>
<td>Soil Conservation Service.</td>
</tr>
<tr>
<td><strong>Water Quality</strong></td>
<td><strong>DOUBLE-SPACED</strong></td>
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<tr>
<td>• The Government will undertake ongoing monitoring of, and prepare regular reports on, environmental conditions in the coastal area. Water quality in estuarine and marine areas, sand flows, dune stability and the incidence of erosion will be given special attention.</td>
<td>State Pollution Control Commission.</td>
</tr>
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<td>STRATEGIC ACTION</td>
<td>RESPONSIBILITY</td>
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<tr>
<td>• The State Pollution Control Commission will revise its classification system</td>
<td>State Pollution Control Commission.</td>
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<td>for NSW waters and apply the new water quality goals through the Clean Waters</td>
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<td>• The State Pollution Control Commission will help local authorities meet clean</td>
<td>State Pollution Control Commission.</td>
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<td>water standards by implementing revised design criteria for ocean discharges.</td>
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<td>• The State Pollution Control Commission will require all viable options for</td>
<td>State Pollution Control Commission.</td>
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<tr>
<td>alternative disposal of treated sewage effluents to be fully explored before</td>
<td></td>
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<tr>
<td>approving any discharges to waters.</td>
<td></td>
</tr>
<tr>
<td>• The Public Works Department and the Water Boards will continue to research</td>
<td>Public Works Department and the Water Boards.</td>
</tr>
<tr>
<td>and promote re-use of treated effluent. Trials of re-use in industry, agriculture</td>
<td></td>
</tr>
<tr>
<td>and domestic uses will be extended.</td>
<td></td>
</tr>
<tr>
<td>• The Public Works Department and the Water Boards will continue research with</td>
<td>Public Works Department and the Water Boards.</td>
</tr>
<tr>
<td>a view to improving the performance of treatment facilities and developing new</td>
<td></td>
</tr>
<tr>
<td>and improved treatment processes.</td>
<td></td>
</tr>
<tr>
<td>• The State Pollution Control Commission will promote the management of storm-</td>
<td>State Pollution Control Commission.</td>
</tr>
<tr>
<td>water quality with the publication of its manual on Pollution Control for Urban</td>
<td></td>
</tr>
<tr>
<td>Stormwater.</td>
<td></td>
</tr>
<tr>
<td>STRATEGIC ACTION</td>
<td>RESPONSIBILITY</td>
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<tr>
<td>------------------</td>
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</tr>
<tr>
<td>The Hunter Water Board will finalise the Hunter Fringe Areas Sewerage Project including:</td>
<td>Hunter Water Board.</td>
</tr>
<tr>
<td>(i) Substantial reduction in the number of unsewered properties by approximately 18,500 over the next 10 years.</td>
<td></td>
</tr>
<tr>
<td>(ii) Rationalisation of the seven treatment works around Lake Macquarie. All sewage will be treated to a secondary quality standard and transferred to Belmont for discharge via a new long ocean outfall. This will substantially reduce nutrient inputs into Lake Macquarie.</td>
<td></td>
</tr>
<tr>
<td>(iii) Significant improvement of existing sewerage systems in Port Stephens with the decommissioning of the seven plants on the Tomaree Peninsula and transport of sewage to an upgraded treatment plant at Boulder Bay for disposal via a long outfall.</td>
<td></td>
</tr>
<tr>
<td>The Water Boards will continue to monitor the effectiveness of their Trade Waste Management Policy as a means of controlling the discharge of organo-chlorine compounds, pesticides and heavy metals from treatment works.</td>
<td>Sydney and Hunter Water Boards.</td>
</tr>
<tr>
<td>The Public Works Department will continue to control trade waste discharge in relation to facilities operated by local councils.</td>
<td>Public Works Department.</td>
</tr>
</tbody>
</table>
### NSW COAST: GOVERNMENT POLICY

<table>
<thead>
<tr>
<th>STRATEGIC ACTION</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fishing</strong></td>
<td></td>
</tr>
<tr>
<td>• NSW Agriculture and Fisheries will prepare management plans for all major fisheries in NSW to provide for sustainable resource management and future industry direction.</td>
<td>NSW Agriculture and Fisheries.</td>
</tr>
<tr>
<td>• Studies of the changes in fish populations and fish habitats will be pursued and the results will assist in planning decisions involving habitat modification or alienation.</td>
<td>NSW Agriculture and Fisheries.</td>
</tr>
<tr>
<td>• Research stations at Grafton, Port Stephens and Narrandera and the Fisheries Research Institute at Cronulla will continue to undertake research associated with resource assessment, fisheries exploration and fish ecology including the role of fish habitats. The results of this research will be implemented through estuary management programmes conducted by Total Catchment Management Committees, the Public Works Department, the Soil Conservation Service and local councils.</td>
<td>NSW Agriculture and Fisheries.</td>
</tr>
<tr>
<td>STRATEGIC ACTION</td>
<td>RESPONSIBILITY</td>
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<tr>
<td><strong>COASTAL HAZARDS MANAGEMENT</strong></td>
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<tr>
<td>• The Government will ensure that hazard management strategies are developed in accordance with the Public Works Department’s Coastline Management Manual. In particular, councils will receive technical and financial support to institute proper hazard management strategies.</td>
<td>Public Works Department.</td>
</tr>
<tr>
<td>• The National Parks and Wildlife Service and local councils will ensure that programmes designed to control pest species such as bitou bush are effective.</td>
<td>Soil Conservation Service and National Parks and Wildlife Service.</td>
</tr>
<tr>
<td>• The Government will implement actions identified in the Greenhouse Strategy as a matter of priority, having regard to public comments received.</td>
<td>Ministry for the Environment.</td>
</tr>
<tr>
<td>• Appropriate elements of the Greenhouse Strategy will be incorporated in the Coastline Management Manual and the Floodplain Manual to ensure appropriate action at local and regional levels.</td>
<td>Public Works Department.</td>
</tr>
<tr>
<td>• The Government will undertake sensitivity studies for coastal areas in the light of regional climate change data.</td>
<td>Department of Planning/Public Works Department.</td>
</tr>
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### STRATEGIC ACTION

<table>
<thead>
<tr>
<th>HEAVY MINERAL SANDS MINING</th>
</tr>
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<tbody>
<tr>
<td>• The Government will apply the sand mining policy to all new heavy mineral sand mining proposals through prescription of the policy for the purposes of S.90 of the Environmental Planning and Assessment Act; appropriate S.117 directions; the concurrence role of the Director of Planning; and the mining approval process.</td>
</tr>
<tr>
<td>Department of Planning/Department of Minerals and Energy.</td>
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<tbody>
<tr>
<td>• Where the mining of heavy mineral sands is approved, strict conditions will be imposed:</td>
</tr>
<tr>
<td>• A policy will be developed to ensure that appropriate planning processes also apply to sand extraction proposals in the coastal area.</td>
</tr>
<tr>
<td>Department of Minerals and Energy.</td>
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<tbody>
<tr>
<td>• requiring the proper rehabilitation of mined areas;</td>
</tr>
<tr>
<td>• ensuring that adverse environmental impacts are prevented; and</td>
</tr>
<tr>
<td>• ensuring that adjacent areas are not disturbed by mining operations.</td>
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<tbody>
<tr>
<td>PLANNED URBAN DEVELOPMENT</td>
</tr>
<tr>
<td>• The Department of Planning will develop a Coastal Urban Planning Strategy in consultation with local councils and other Government authorities.</td>
</tr>
<tr>
<td>Department of Planning.</td>
</tr>
<tr>
<td>STRATEGIC ACTION</td>
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<td>---------------------------------------------------------------------------------</td>
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<tr>
<td>To ensure that continuous urban development does not proliferate prior to the</td>
</tr>
<tr>
<td>completion of this strategy, the Minister for Planning will issue new directions</td>
</tr>
<tr>
<td>to local councils under S.117 of the Environmental Planning and Assessment Act</td>
</tr>
<tr>
<td>that will prohibit the rezoning of rural, non-urban or environmental protection</td>
</tr>
<tr>
<td>zonings to permit urban developments isolated from existing cities and towns.</td>
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<tr>
<th>STRATEGIC TOURISM DEVELOPMENT</th>
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<tbody>
<tr>
<td>The NSW Tourism Commission will complete Regional Tourism Development Strategies</td>
<td>NSW Tourism Commission.</td>
</tr>
<tr>
<td>for all coastal regions as a priority.</td>
<td></td>
</tr>
<tr>
<td>Councils will be encouraged to undertake forward planning for tourism and,</td>
<td>NSW Tourism Commission.</td>
</tr>
<tr>
<td>where necessary, prepare Local Tourism Plans. Financial assistance can be made</td>
<td></td>
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<tr>
<td>available by the NSW Tourism Commission for this purpose.</td>
<td></td>
</tr>
<tr>
<td>Land use requirements identified in Tourism Strategies will be considered</td>
<td>Department of Planning.</td>
</tr>
<tr>
<td>alongside other land use demands in the preparation of planning instruments.</td>
<td></td>
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### STRATEGIC ACTION

<table>
<thead>
<tr>
<th>PROTECTION OF PRIME AGRICULTURAL LAND</th>
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<tbody>
<tr>
<td>• Local Environmental Studies will be required where it is proposed to rezone agricultural land for an alternative use.</td>
</tr>
<tr>
<td>• The Government will maintain a systematic programme of assessing and mapping rural land.</td>
</tr>
<tr>
<td>• The Government will develop sustainable land management systems and promote these through research and advisory programmes.</td>
</tr>
<tr>
<td>RESPONSIBILITY</td>
</tr>
<tr>
<td>Department of Planning.</td>
</tr>
<tr>
<td>NSW Agriculture and Fisheries.</td>
</tr>
<tr>
<td>NSW Agriculture and Fisheries.</td>
</tr>
</tbody>
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### ENVIRONMENTAL ASSESSMENT AND LAND USE CONTROL

#### Marinas

- The Department of Planning will ensure Environmental Impact Statements for marinas identify existing marina developments in the relevant region and justify the need for further facilities in this context.

#### Canal Estate Development

- Subject to the outcome of the current public consultation process, guidelines for canal estates to be finalised and appropriate environmental planning measures to be put in place and applied effectively.

| RESPONSIBILITY |
| Department of Planning. |
### STRATEGIC ACTION

<table>
<thead>
<tr>
<th>Environmental Assessment and Development Control</th>
</tr>
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<tbody>
<tr>
<td>• The Coastal Policy will be gazetted as a matter for consideration by consent authorities when determining development applications.</td>
</tr>
<tr>
<td>• Local councils will be advised by way of a direction under S.117 of the Environmental Planning and Assessment Act that all rezoning applications associated with development in the coastal zone (including tourism development) will require the preparation and public exhibition of a Local Environmental Study.</td>
</tr>
<tr>
<td>• Regional Environmental Plans will be amended, and section 117 Directions issued in relation to Local Environmental Plans, to ensure the prohibition of development on beaches, frontal dunes and undeveloped headlands and the inclusion of appropriate building height, setback and scale controls.</td>
</tr>
<tr>
<td>• The Department of Planning will complete urban design guidelines for the south coast.</td>
</tr>
<tr>
<td>• The Department of Planning will develop a marketing programme to encourage use of the design guidelines for the north and south coast.</td>
</tr>
<tr>
<td>STRATEGIC ACTION</td>
</tr>
<tr>
<td>------------------</td>
</tr>
<tr>
<td>To ensure the sensitive design and siting of major developments on Crown land, a design review panel will be established.</td>
</tr>
</tbody>
</table>

**CULTURAL HERITAGE**

<table>
<thead>
<tr>
<th>ACTION</th>
<th>RESPONSIBILITY</th>
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<tbody>
<tr>
<td>The Government will complete a systematic programme of identifying heritage items and ensuring that these items are subject to appropriate land use controls.</td>
<td>Department of Planning.</td>
</tr>
<tr>
<td>The discussion paper on Aboriginal items, places and relics on the north coast will be used for discussion with Aboriginal groups to explore further opportunities for protecting items of Aboriginal heritage.</td>
<td>Department of Planning.</td>
</tr>
<tr>
<td>Where appropriate, the protection of Aboriginal relics or places will be formalised under the National Parks and Wildlife Act.</td>
<td>National Parks and Wildlife Service.</td>
</tr>
<tr>
<td>The Department of Planning will co-ordinate a marine archaeology strategy designed to protect and promote awareness of shipwrecks and other submerged heritage items.</td>
<td>Department of Planning.</td>
</tr>
<tr>
<td>STRATEGIC ACTION</td>
<td>RESPONSIBILITY</td>
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</tr>
<tr>
<td><strong>OFF-ROAD USE OF MOTOR VEHICLES</strong></td>
<td>National Parks and Wildlife Service and Department of Lands.</td>
</tr>
<tr>
<td>• Controls on off-road use of motor vehicles within National Parks will be strengthened by extending the reservations of coastal parks to the low water mark to enable more effective management of beachfronts.</td>
<td>Department of Planning.</td>
</tr>
</tbody>
</table>
| • Areas prohibited for use as Recreational Vehicle Areas will be included in Local Environmental Plans. | }