

CoastAdapt: Jurisdictional differences (<http://coastadapt.com.au/different-planning-approaches-across-jurisdictions>)

Table 1: Summary of state and Northern Territory policy and law relevant to coastal Australia. Source: Bell-James (*pers. comm.*) and CoastAdapt.

State/ Territory	Key legislation/ regulations/documents with binding legal effect	Key policies/strategies	Brief summary
NSW	<p><i>Environmental Planning & Assessment Act 1979</i> (NSW) and <i>Environmental Planning and Assessment Regulation 2000</i> (NSW)</p> <p><i>Coastal Protection Act 1979</i> (NSW) and <i>Coastal Protection Regulation 2011</i> (NSW)</p> <p>SEPP 71 Coastal Protection (under <i>Environmental Planning and Assessment Act 1979</i>)</p> <p><i>Coastal Management Act 2016</i> (NSW)</p> <p>Draft State Environmental Planning Policy (Coastal Management)</p>	<p>NSW Coastal Planning Guideline: Adapting to Sea Level Rise (2010)</p> <p>NSW Coastal Policy (1997)</p> <p>NSW Coastal Design Guidelines (2003)</p> <p>Guidelines for preparing coastal zone management plans (2013)</p> <p>Floodplain Development Manual (2005)</p>	<p>The <i>Coastal Protection Act 1979</i> (NSW) sets out the legislative framework for coastal management, whilst the NSW Coastal Policy 1997 sets more specific goals for management of the coastal zone. By Ministerial Direction, local governments must give effect to the Coastal Policy.</p> <p>The Coastal Planning Guideline: Adapting to Sea Level Rise 2010 presents six principles to be considered in land use planning and development assessment.</p> <p>The <i>Environmental Planning and Assessment Regulation 2000</i> (NSW) was amended in early 2011 to require that coastal hazards affected by sea level rise be noted on ‘section 149’ planning certificates.</p> <p>The NSW coastal management framework is under review. The new framework comprises the <i>Coastal Management Act 2016</i> (passed but not commenced), a draft State Environmental Planning Policy (Coastal Management) and a coastal management manual (in preparation).</p>
Northern Territory	<p><i>Planning Act</i> (NT)</p> <p>Northern Territory Planning Scheme</p>		<p>The <i>Planning Act</i> (NT) is the main planning legislation for the state. Amongst other things, it provides for a single Northern Territory Planning Scheme to apply to the whole Territory, except where another planning scheme applies.</p> <p>The Scheme is linked to maps of ‘primary’ and ‘secondary’ storm surge areas, defined as having a 1% and 0.1% AEP of inundation by storm surge respectively. The Scheme places limitations on development in these areas.</p> <p>The maps incorporate a 0.8m sea level rise by 2100.</p>

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Queensland	<p><i>Sustainable Planning Act 2009</i> (Qld)</p> <p><i>Coastal Protection and Management Act 1995</i> (Qld)</p> <p>State Development Assessment Provisions</p> <p><i>State Planning Policy</i> (April 2016)</p> <p>Erosion prone area plans (declared under s 70 of the <i>Coastal Protection and Management Act 1995</i> (Qld))</p>	<p><i>Coastal Management Plan 2014</i></p>	<p>The <i>Sustainable Planning Act 2009</i> (Qld) sets out the underpinning legislative framework for planning and development assessment in Queensland. The <i>Coastal Protection and Management Act 1995</i> (Qld) provides the framework for coastal management.</p> <p>Erosion prone area plans declared under the <i>Coastal Protection and Management Act 1995</i> (Qld) incorporates a sea-level rise benchmark of 0.8 m by 2100.</p> <p>The State Planning Policy sets out the State's interests for local governments that must be addressed when amending their planning scheme, and assessing development applications. These policies link development restrictions to the declared erosion prone areas.</p> <p>When the State government has jurisdiction to assess a development application, they apply the State Development Assessment Provisions, and also place restrictions on development in declared erosion prone areas.</p> <p>Given the risk to existing and future development along the coast the QLD Government is supporting local government in the development of coastal hazard adaptation strategies under a program called QCoast 2100. \$12M has been allocated over 3 years for this work.</p> <p>It should be noted that new planning legislation has been passed by the Queensland government which will commence in July 2017.</p>

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South Australia	<p><i>Coast Protection Act 1972 (SA)</i></p> <p><i>Development Act 1993 (SA)</i></p> <p><i>Development Regulations 2008 (SA)</i></p> <p><i>Climate Change and Greenhouse Emissions Reduction Act 2007 (SA)</i></p>	<p><i>Coastline: Coastal erosion, flooding and sea level rise standards and protection policy no 26 (1992)</i></p> <p><i>Policy on Coast Protection 1991 and Coast Protection Board Policy Document 2012</i></p> <p><i>Prospering in a changing climate: A Climate Change Adaptation Framework for South Australia 2012</i></p> <p><i>South Australia's Climate Change Strategy 2015-2050</i></p> <p><i>Coastal Planning Information Package: A guide to coastal development assessment and planning policy 2013</i></p> <p><i>Living Coast Strategy (2004)</i></p>	<p>The <i>Development Act 1993 (SA)</i>, and the <i>Coast Protection Act 1972 (SA)</i> provide the essential underpinning legislative framework for coastal development in the state. The <i>Coast Protection Act</i> also established the Coast Protection Board, which develops coastal planning policy and is a referral body for coastal development.</p> <p>The Coast Protection Board's <i>Policy on Coast Protection and New Coastal Development (1991)</i> is the source of sea level rise provisions included in all SA Local Development Plans.</p> <p>Planning authorities must refer development applications for coastal land to the Coast Protection Board. The Coast Protection Board has decision-making power in limited circumstances, otherwise their role is advisory and the planning authority must have regard to their advice. Referrals are assessed against the Coast Protection Board's <i>Policy on Coast Protection and New Coastal Development 1991</i> and <i>Coast Protection Board Policy Document 2012</i>, which adopts a sea-level rise benchmark of 0.3 m by 2050, and 1 m by 2100.</p> <p>The <i>Living Coast Strategy (2004)</i> recognises the risk of climate change, sea level rise, and coastal hazards, and the need to incorporate in local planning.</p> <p>The <i>Climate Change Adaptation Framework</i> released in 2012 sets out guiding principles for entities including local governments to consider in planning</p>

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Tasmania	<p><i>State Policies and Projects Act 1993</i> (Tas)</p> <p>Tasmanian State Coastal Policy 1996</p> <p><i>Land Use Planning and Approvals Act 1993</i> (Tas)</p>	<p>Sea-Level rise and allowances for Tasmania based on the IPCC AR5 report (2016)</p> <p>Tasmanian Coastal Works Manual (includes provisions for climate change)</p> <p>Coastal erosion hazard susceptibility zone mapping for hazard band definition in Tasmania</p> <p>Coastal Hazards Package (2016)</p>	<p>The <i>Land Use Planning and Approvals Act</i> sets out the underpinning legislative framework for the planning in the state.</p> <p>It is supplemented by the Tasmanian State Coastal Policy, which is given statutory effect by the <i>State Policies and Projects Act 1993</i>. The policy sets out key objectives and outcomes for local governments to consider in planning.</p> <p>The <i>Sea-level rise and allowances for Tasmania based on the IPCC AR5</i> report sets out sea level rise planning allowances for each coastal municipality in Tasmania, as well as state-wide averages (http://www.dpac.tas.gov.au/data/assets/pdf_file/0016/313522/CSIRO_Sea_Level_Rise_Allowance_Report_December_2016.pdf).</p> <p>The coastal erosion susceptibility zone mapping for hazard band definition in Tasmania (2013) sets out the technical basis for assessing the impact of climate change induced sea level rise on the Tasmanian coast.</p> <p>The Coastal Hazards Package (2016) sets out how the sea level rise planning allowances are to be considered in land use planning and building in Tasmania. The package includes policy maps for coastal inundation and erosion.</p>
Victoria	<p><i>Planning and Environment Act 1987</i> (Vic)</p> <p><i>Coastal Management Act 1995</i> (Vic)</p> <p><i>Climate Change Act 2010</i> (Vic) (requirement to consider climate change in developing coastal strategies /actions plans under</p> <p><i>Victoria Planning Provisions – State Planning Policy Framework</i></p> <p><i>Municipal statements</i> in local planning schemes</p> <p><i>Water Act 1989</i> (Vic) allows catchment authorities to undertake flood studies and control development adjoining waterways</p>	<p>Victorian Coastal Strategy 2014</p> <p>Coastal Action Plans and Coastal Management Plans (West Coast, Central Coast, and Gippsland Coast) – a mechanism for implementing the coastal strategy at the regional level</p>	<p>The <i>Planning and Environment Act 1987</i> and <i>Coastal Management Act 1995</i> set the underpinning legislative framework. The <i>Coastal Management Act</i> established the Victorian Coastal Council and three regional Coastal Boards, influential in promoting climate change adaptation in coastal Victoria</p> <p>The Victoria Planning Provisions (VPP) is a set of standard planning scheme provisions, which must be integrated into local planning schemes. Chapter 13 addresses coastal hazards and coastal impacts of climate change. The VPP requires councils to plan for 0.2 m sea level rise by 2040 for infill development, and 0.8 m by 2100 for new greenfield development.</p> <p>The Victorian Coastal Strategy (VCS) is a more detailed document outlining principles for planning and development decision-making. The overarching principles require that decision-makers:</p> <ol style="list-style-type: none"> 1. ensure the protection of significant environmental and cultural values 2. undertake integrated planning and provide clear direction for the future 3. ensure the sustainable use of natural coastal resources 4. and finally, when the above principles have been considered and addressed—ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed <p>Under the <i>Coastal Management Act 1995</i>, governments must take all reasonable steps to give effect to the strategy.</p>

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Western Australia	<p><i>Planning & Development Act 2005</i> (WA)</p> <p><i>State Planning Policy 2.6: State Coastal Planning Policy 2013</i></p>	<p>State Coastal Planning Policy Guidelines (2013) (for State Planning Policy 2.6)</p> <p>Coastal Hazard Risk Management and Adaptation Planning Guidelines (2014)</p> <p>Draft Coastal Zone Management Policy for Western Australia (June 2011)</p>	<p>The <i>Planning & Development Act 2005</i> (WA) is the overarching planning law.</p> <p>The <i>State Planning Policy 2.6: State Coastal Planning Policy 2013</i> (SCPP) establishes a sea-level rise benchmark of 0.9 m to 2110. The SCPP encourages future development to be concentrated in existing settlements, and also encourages local government to undertake coastal hazard risk management and adaptation planning.</p> <p>Local governments are required to have regard to the SCPP when preparing or amending a local planning scheme.</p> <p>The Coastal Hazard Risk Management and Adaptation Planning Guidelines are to be read in conjunction with the SCPP.</p>

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