

REPORT TO RESOURCE PLANNING AND DEVELOPMENT COMMISSION

Meeting Date	19 January 2009
Subject:	PROPOSED AMENDMENT TO THE STATE COASTAL POLICY 1996
File No:	SPOL Pol Rev Coastal

Background

The Acting Premier, the Hon Lara Giddings MP, has directed the Commission to advise whether proposed amendments constitute a significant change to the current State Coastal Policy, in accordance with section 15A (2) of the *State Policies and Projects Act 1993* (the Act). Refer to Attachment 1 for a copy of the Minister's direction dated 12 January 2009 and attachment.

The statutory requirements for considering a proposed amendment to a State Policy are contained in section 15A (2) of the Act:

(2) Where a proposed amendment to a State Policy has been submitted to the Minister, the Minister may give a written direction to the Commission to advise whether the Commission considers the proposed amendment, or that part of it specified in the direction, constitutes a significant change to the State Policy.

(3) Where the Commission is directed to provide advice in accordance with subsection (2) it must, within 21 days or such longer period as the Minister may allow, provide the advice to the Minister.

(4) The Commission must –

(a) publish notice of its advice to the Minister under subsection (3) in the *Gazette*; and

(b) make the advice available to any person who wishes to view it.

Proposed amendment

The proposed amendment relates to Outcomes 1.4.1 and 1.4.2 of the State Coastal Policy to correct an inconsistency between the outcomes. The outcomes currently read as follows:

Outcome 1.4.1:

Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea-level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.

Outcome 1.4.2:

Development on actively mobile landforms such as frontal dunes will not be permitted.

The inconsistency is that Outcome 1.4.2 does not permit works required under the management component of 1.4.1.

It is proposed to amend Outcome 1.4.2 to read:

Development on actively mobile landforms such as frontal dunes will not be permitted **except for works consistent with Outcome 1.4.1.** [Bold type added to show proposed amendment]

Significant change

A significant change would usually take the form of a change to the purpose, or objectives, or the principles underpinning the policy. In this instance the proposed amendment is intended to remove an anomaly between the two outcomes to enable Outcome 1.4.2 to be implemented. The intent of the outcomes does not change nor does there appear to be any consequential impacts on the remainder of the State Policy. Accordingly the proposed amendment does not amount to a significant change to the State Coastal Policy.

Recommendations

On the basis of the above, the Commission **resolves** that:

1. Pursuant to section 15A (3) of the *State Policies and Projects Act 1993* the Commission shall advise the Acting Premier in writing that the proposed amendment referred by the Acting Premier to the Commission for consideration under letter dated 12 January 2009 is not considered to constitute a significant change.
2. Pursuant to section 15A (4) of the *State Policies and Projects Act 1993* the Commission shall publish notice of its advice to the Acting Premier and make the advice available on the Commission website.

Officer: Pam Scott

Title: Senior Project Manager

Date: 16 January 2009

Attachment:

1. Written direction dated 12 January 2009 from the Acting Premier.