

REPORT TO THE RESOURCE PLANNING AND
DEVELOPMENT COMMISSION

Meeting date: 4 May 2009

Subject: Review of the State Coastal Policy 1996: Draft State Coastal Policy 2008

File no: SPOL Coastal 2008 Draft General

Background:

The Premier, the Hon David Bartlett MP, has directed the Commission to advise whether the amendments proposed to the current State Coastal Policy 1996 (SCP 1996) constitute a significant change to SCP 1996, in accordance with section 15A (2) of the *State Policies and Projects Act 1993* (SPP Act). See Attachment 1 for a copy of the Premier's direction of 10 April 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 amendments:

The SCP 1996 has been largely redrafted as the 'higher level' and less prescriptive Draft State Coastal Policy 2008 (Draft Policy). Relevant specific changes are as follows:

Definitions

The current SCP 1996 defines the 'coastal zone' as including all land to a distance of one kilometre inland of high-water mark. The Draft Policy has replaced the term 'coastal zone' with 'coastal area' defined as all land to a distance of two kilometres inland from high-water mark.

Purpose

The SCP 1996 does not have a defined Purpose, although the Principles section includes purpose-like statements. The Draft Policy amends the SCP 1996 by including a Purpose; which is to facilitate:

- 2.1 The conservation of natural, social and economic assets, values and processes of the coastal area;
- 2.2 The sustainable use or development of the coastal area; and
- 2.3 The satisfaction of social needs and development of culture.

Objectives

The Objectives under the SCP 1996 are the objectives of the Resource Management and Planning System (RMPS) under Schedule 1 of the SPP Act. The Draft Policy sets the context for the policy as implementing the sustainable development objectives of the RMPS, but specifies 17 objectives applicable to coastal environments.

Outcomes

The SCP 1996 lists specific Outcomes to address the Principles. The 'outcomes' might more correctly be termed 'prescriptions', as they generally prescribe processes to address specific situations.

The Outcomes under the Draft Policy are broader, less numerous and less prescriptive. These are drafted to reflect the expected results of the policy, in accordance with achieving the Objectives.

Implementation

The SCP 1996 requires implementation to be co-ordinated through the State Coastal Advisory Committee. This committee no longer exists. The Draft Policy provides for implementation through all statutory instruments under the RMPS that are relevant to the coastal area.

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, there was no stated purpose in the SCP 1996, whereas there is now a defined purpose in the Draft Policy. The objectives in the SCP 1996 policy are the general RMPS objectives, whilst the Draft Policy has expanded the objectives to include specific

policy objectives. Whilst the principles underpinning the SCP 1996 and the Draft Policy are similar, the Outcomes of the Draft Policy are broader, of a higher order and less prescriptive than those under the SCP 1996. In addition, the definition of the 'coastal zone' under the SCP 1996 is significantly different to that of the new 'coastal area' under the Draft Policy. Implementation of the SCP 1996 was to be co-ordinated by a now defunct committee, whilst implementation of the Draft Policy is through relevant statutory instruments.

It is considered that the proposed amendments, particularly to the definition of coastal area, the purpose, and objectives, constitute significant changes to the State Coastal Policy 1996.

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 Premier in writing that the proposed amendments referred by the Premier to the Commission for consideration under letter dated 10 April 2009 are 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 Premier and make the advice available on the Commission website.

Officer: Jennifer Dyring
Title: Planning Advisor (Projects)
Date: 28 April 2009

Attachment:

1. Written direction dated 10 April 2009 from the Premier.