

## Part 7 Environment Protection zones provisions

### **43 General controls for development—Zone 7 (b) (Environment Protection Foreshore Zone)**

#### **(1) Land within the zone**

Land is within Zone 7 (b) (the Environment Protection Foreshore Zone) if it is shown lettered 7 (b) on the zoning map.

#### **(2) Objectives of the zone**

The objectives of Zone 7 (b) are as follows:

- (a) to identify, protect and enhance areas of the foreshore and wetlands having significant natural attributes or cultural conservation value,
- (b) to ensure the development of foreshore activities and facilities does not adversely impact on any significant natural or cultural conservation value of the foreshore land or adjoining waterbody.

#### **(3) Allowed without development consent**

Development for the purpose of:  
environmental facilities.

#### **(4) Allowed only with development consent**

Development for the purpose of:  
agriculture; aquaculture; buildings or works associated with aquaculture; clearing of land; moorings; picnic grounds; utility installations; water recreation.

#### **(5) Prohibited**

Any development not included in subclause (3) or (4).

### **44 General controls for development—Zone 7(d) (Environment Protection General Zone)**

#### **(1) Land within the zone**

Land is within Zone 7 (d) (the Environment Protection General Zone) if it is shown lettered 7 (d) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 7 (d) are as follows:

- (a) to protect and conserve important elements of the natural environment, including bushland, significant areas of natural vegetation, water catchment areas and wildlife habitats and corridors,
- (b) to encourage development compatible with and sympathetic to the conservation of the natural environment and based on principles of ecologically sustainable development,
- (c) to maintain the visual character of the coastal landscapes, hillscapes and ridgelines,
- (d) to protect threatened ecological communities or threatened species and their habitats,
- (e) to protect areas of high biodiversity value,
- (f) to strictly control any reduction of important natural areas,
- (g) to ensure that development in the zone on land adjoining land in Zones 7 (b), 7 (f1), 7 (f2) and 8 is compatible with the management objectives for that land.

**(3) Allowed without development consent**

Development for the purpose of:

environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:

agriculture; bed and breakfast establishments; camp sites; clearing of land; dwelling houses; ecotourism facilities; kiosks; picnic grounds; recreation areas; utility installations.

**(5) Prohibited**

Any development not included in subclause (3) or (4).

**45 General controls for development—Zone 7 (f1) (Coastal Lands Protection Zone)**

**(1) Land within the zone**

Land is within Zone 7 (f1) (the Coastal Lands Protection Zone) if it is shown lettered 7 (f1) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 7 (f1) are as follows:

- (a) to identify, protect and enhance environmentally sensitive and scenic coastal land,
- (b) to safeguard sections of the coast which are significantly tourist and recreation areas and to permit only environmentally and aesthetically sensitive development,
- (c) to regulate development so that it does not adversely affect and is not adversely affected by, coastal processes in both the short and long term.

**(3) Allowed without development consent**

Development for the purpose of:  
environmental facilities.

**(4) Allowed only with development consent**

Development for the purpose of:  
agriculture; animal establishments; aquaculture; bed and breakfast establishments; camping grounds; clearing of land; dwelling houses; ecotourism facilities; home businesses; home industries; utility installations.

**(5) Prohibited**

Any development not included in subclause (3) or (4).

**46 General controls for development—Zone 7 (f2) (Coastal Lands Acquisition Zone)**

**(1) Land within the zone**

Land is within Zone 7 (f2) (the Coastal Lands Acquisition Zone) if it is shown lettered 7 (f2) on the zoning map.

**(2) Objectives of the zone**

The objectives of Zone 7 (f2) are as follows:

- (a) to protect and enhance the natural values of prominent coastal lands which are generally undeveloped and which provide aesthetic and recreational opportunities for the public,
- (b) to allow development only where:
  - (i) it can be demonstrated that it can be carried out in a manner that does not detract from the scenic quality of such land, and
  - (ii) it is unlikely to prejudice proposals for the acquisition of such land.

**(3) Allowed without development consent**

Nil.

**(4) Allowed only with development consent**

Development for the purpose of:

agriculture; animal establishments; buildings associated with agriculture; clearing of land; environmental facilities; utility installations.

**(5) Prohibited**

Any development not included in subclause (4).

**47 Subdivision of land and erection of dwelling within Zones 7 (d), 7 (f1) and 7 (f2)**

- (1) Consent must not be granted to the subdivision of land within Zone 7 (d), 7 (f1) or 7 (f2) unless each allotment to be created has an area of not less than 40 hectares.

- (2) Despite any other provision of this plan, consent must not be granted to the erection of a dwelling house on an allotment within Zone 7 (d) or 7 (f1) unless the land:
  - (a) comprises an allotment of not less than 40 hectares, or
  - (b) comprises an allotment created for the purpose of a dwelling house by a subdivision pursuant to a consent granted prior to the appointed day.

#### **48 Development within Zone 7 (d)**

- (1) Consent must not be granted to the carrying out of development on land within Zone 7 (d) for the purpose of ecotourism facilities unless the consent authority is satisfied that:
  - (a) no part of the development will visually dominate the natural landscape when viewed from roads, public places and residential areas, and
  - (b) no part of the development will result in the destruction of features of natural or cultural heritage significance, and
  - (c) the development complies with the following requirements:
    - (i) any development site must be no larger than 4 hectares, with at least 25% of the site's open space remaining forested and the site must be separated from other sites by at least 50 metres of forested open space,
    - (ii) all buildings must be sited below ridgelines and hillcrests and at a downslope distance sufficient to ensure that rooftops do not intrude on the skyline,
    - (iii) all buildings must be single storey structures,
    - (iv) all buildings must be screened from outside view by on-site plantings and plant species should be the same, or closely related to, those found naturally in the vicinity of the site.

- (2) Consent must not be granted to development for the purpose of ecotourism facilities on land within Zone 7 (d) unless the consent authority has considered:
  - (a) a visual analysis of the proposed development from major viewpoints in the locality, and
  - (b) a detailed landscape planting plan identifying proposed plant species and their projected height, and site preparation methods proposed to be implemented in conjunction with the development.
- (3) Development for the purpose of caravan parks is prohibited on land within Zone 7 (d).

#### **49 Development in Zones 7 (f1) and 7 (f2)**

- (1) #
- (2) Consent must not be granted to the carrying out of development (including the clearing of land) within Zone 7 (f1) or 7 (f2) unless the consent authority has taken into consideration:<sup>#</sup>
  - (a) the extent to which the development would affect the scenic qualities of the coastal landscape, headlands, dune systems and areas where the original vegetation is still dominant, and
  - (b) whether the development would result in the degradation of, or restriction of access to, coastal recreation areas, and
  - (c) any plan, policy or design adopted by resolution of the Coastal Council of New South Wales for the purpose of protecting coastal lands, and
  - (d) in the case of land within Zone 7 (f2), the imminence of acquisition of the land, and
  - (e) the objects of the Environmental Planning and Assessment Act 1979, and
  - (f) the potential impacts of climate change including sea level rise. #

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# Amendment: Repeal of Concurrence and Referral Provisions SEPP clause amended

**50 Acquisition of land within Zone 7 (f2)**

- (1) The owner of land within Zone 7 (f2) may, by notice in writing, require the corporation to acquire the land.
- (2) On receipt of such a notice, the corporation shall acquire the land.