

LEGISLATIVE COUNCIL

Coastal Protection and Other Legislation Amendment Bill 2010 (No 2)

First print

Proposed amendments

- No. 1 Page 22, Schedule 1 [26], proposed section 55T (6), lines 1 to 5. Omit all words on those lines. Insert instead:
- (6) A person must not make an application to an issuing authority for a certificate to authorise the placement of emergency coastal protection works if:
 - (a) a certificate relating to the same works has been issued by another issuing authority and is in force, or
 - (b) an application to another issuing authority in relation to the same works is pending.
 - (7) In this section:
 - emergency works authorised officer* means an authorised officer appointed by a council or the Director-General who has been authorised in writing by the council or the Director-General, as appropriate, for the purposes of issuing certificates under this Division.
 - issuing authority*, in relation to an application for a certificate under this Division, means the relevant local council and the Director-General.
- No. 2 Page 28, Schedule 1 [26], proposed section 55ZC. Insert after line 35:
- (4) A Coastal Authority that is a designated authority for land on which a person has placed (or caused to be placed) emergency coastal protection works may order the person to restore land that is adjacent to the land on which the works were placed if the Coastal Authority is of the opinion that the adjacent land has been damaged or disturbed by:
 - (a) the placement, maintenance or removal of the works, or
 - (b) erosion caused by the works.
- No. 3 Page 30, Schedule 1 [26], proposed section 55ZD. Insert after line 28:
- (9) An order under this Part given to a person does not authorise the person to enter land without the permission of the owner of the land.
- No. 4 Page 31, Schedule 1 [26], proposed section 55ZF. Insert after line 23:

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- (2) It is a defence to a prosecution for an offence under this section if the defendant establishes that the failure to comply with the order concerned was caused by the refusal of an owner of land to give the defendant permission to enter the land to do the act or thing required by the order.
- No. 5 Page 44, Schedule 2 [1], proposed section 496B, lines 7 to 22. Omit all words on those lines. Insert instead:
- (1) A council may, in accordance with this Act and the regulations, make and levy an annual charge for the provision by the council of coastal protection services for a parcel of rateable land that benefits from the services, being services that relate to coastal protection works constructed:
- (a) by or on behalf of the owner or occupier (or a previous owner or occupier) of the parcel of land, or
- (b) jointly by or on behalf of:
- (i) the owner or occupier (or a previous owner or occupier) of the parcel of land, and
- (ii) a public authority or a council.
- No. 6 Page 45, Schedule 2 [1], proposed section 496B (9), line 17. Omit “Subsections (1) and (2) do”. Insert instead “Subsection (1) does”.
- No. 7 Page 45, Schedule 2 [3], proposed section 553B (1), lines 33 to 36. Omit all words on those lines. Insert instead:
- (1) An annual charge for coastal protection services may not be levied on a parcel of rateable land in relation to existing coastal protection works unless the owner (or any previous owner) of that land has consented in writing to the land being subject to such charges.
- No. 8 Page 46, Schedule 2 [3], proposed section 553B (2), lines 3 to 6. Omit:
- if, after the commencement of this section, the owner or occupier of the parcel of rateable land contributed to the upgrade or expansion of the existing coastal protection works.
- Insert instead:
- if the owner or occupier (or any previous owner or occupier) of the parcel of rateable land contributed, after the commencement of this section, to the upgrade or expansion of the existing coastal protection works.
- No. 9 Page 52, Schedule 3.2. Insert after line 10:
- [1] Clause 3 Definitions**
- Insert in alphabetical order in clause 3 (1):
- coastal council* means a council whose area, or part of whose area, is included within the coastal zone (within the meaning of the *Coastal Protection Act 1979*) or whose area includes land that adjoins the tidal waters of the Hawkesbury River, Sydney Harbour and Botany Bay, and their tributaries.
- No. 10 Page 53, Schedule 3.2 [2], lines 3 to 7. Omit all words on those lines. Insert instead:
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4B Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council—whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the *Local Government Act 1993*.