

## Legislative Council

### Coastal Protection Amendment Bill

Schedule of the amendments agreed to in Committee of the Whole  
on Wednesday 23 October 2002.

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**R Jones** No. 1 Page 2, clause 2, lines 5 and 6. Omit all words on those lines. Insert instead:

This Act commences on the day that is 3 months after the date of assent.

**Govt** No. 2 Page 2, clause 4, lines 9 and 10. Omit the clause.

**R Jones** No. 3 Page 3, Schedule 1. Insert after line 2:

[1] **Section 3**

Insert after section 2:

**3 Objects of this Act**

The objects of this Act are to provide for the protection of the coastal environment of the State for the benefit of both present and future generations and, in particular:

- (a) to protect, enhance, maintain and restore the environment of the coastal region, its associated ecosystems, ecological processes and biological diversity, and its water quality, and
- (b) to encourage, promote and secure the orderly and balanced utilisation and conservation of the coastal region and its natural and man-made resources, having regard to the principles of ecologically sustainable development, and
- (c) to recognise and foster the significant social and economic benefits to the State that result from a sustainable coastal environment, including:
  - (i) benefits to the environment, and
  - (ii) benefits to urban communities, fisheries, industry and recreation, and
  - (iii) benefits to culture and heritage, and
  - (iv) benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water, and
- (d) to promote public pedestrian access to the coastal region and recognise the public's right to access, and
- (e) to provide for the acquisition of land in the coastal region to promote the protection, enhancement, maintenance and restoration of the environment of the coastal region, and
- (f) to recognise the role of the community, as a partner with government, in resolving issues relating to the protection of the coastal environment, and

- (g) to ensure co-ordination of the policies and activities of the Government and public authorities relating to the coastal region and to facilitate the proper integration of their management activities, and
- (h) to establish the Coastal Council to advise the Minister in relation to the matters referred to in paragraphs (a) and (g) and, in particular, to develop policies in relation to the planning and management of the coastal region.

**Govt** No. 4 Page 3, Schedule 1. Insert after line 13:

**[2] Section 6 Administration**

Omit the section.

**[3] Section 36 Administration**

Omit the section.

**Govt** No. 5 Page 3, Schedule 1. Insert after line 15:

**[3] Section 37A Implementation of principles of ecologically sustainable development**

Omit “have regard to”. Insert instead “promote”.

**Gms** No. 6 Page 3, Schedule 1. Insert before line 16:

**[3] Section 38 General supervision of coastal zone**

Insert before section 38 (1) (c):

- (b1) be inconsistent with the principles of ecologically sustainable development, or

**[4] Section 39 Special provisions respecting coastal development**

Insert before section 39 (4) (a):

(a1) be inconsistent with the principles of ecologically sustainable development, or

**[5] Section 44 Matters for consideration in relation to concurrence**

Insert before section 44 (a):

(a1) be inconsistent with the principles of ecologically sustainable development, or

**Govt** No. 7 Page 3, Schedule 1. Insert before line 16:

**[4] Section 54 Administration**

Omit the section.

**Govt** No. 8 Page 3, Schedule 1. Insert before line 16:

**[5] Section 54A Implementation of principles of ecologically sustainable development**

Omit “have regard to”. Insert instead “promote”.

**Govt** No. 9 Page 3, Schedule 1 [3], line 18;  
page 3, Schedule 1 [3], proposed section 55B, lines 24 and 27.  
Insert “zone” before “management” wherever occurring.

**R Jones** No. 10 Page 3, Schedule 1 [3], line 26. Omit “and who is directed to do so by the Minister must”. Insert instead “may, and must, if directed to do so by the Minister.”.

**R Jones** No. 11 Page 3, Schedule 1 [3]. Insert after line 28:

- (2) Two or more councils whose areas adjoin may decide to join in the making of a coastal zone management plan in accordance with this Part.
- (3) If, under subsection (2), two or more councils decide to join in the making of a coastal zone management plan, a reference in this Part:
  - (a) to a council includes a reference to those councils, and
  - (b) to an area includes a reference to the areas of those councils.

- Govt** No. 12 Page 4, Schedule 1 [3], proposed section 55C, lines 1 and 2. Insert “zone” before “management” wherever occurring.
- Govt** No. 13 Page 4, Schedule 1 [3], proposed section 55C (2), lines 16B18. Omit all words on those lines.
- Govt** No. 14 Page 4, Schedule 1 [3], proposed section 55D, lines 19 and 20; page 4, Schedule 1 [3], proposed section 55E, lines 27 and 31; page 5, Schedule 1 [3], proposed section 55F, lines 3 and 6; page 5, Schedule 1 [3], proposed section 55G, lines 10 and 12; page 5, Schedule 1 [3], proposed section 55H, lines 13, 14 and 16; page 5, Schedule 1 [3], proposed section 55I, lines 19, 20, 21, 22 and 23; page 5, Schedule 1 [3], proposed section 55J, lines 24 and 25; page 6, Schedule 1 [3], proposed section 55K, lines 2, 4 and 8; page 6, Schedule 1 [3], proposed section 55L, lines 10, 13, 15, 16, 22, 25 and 28; page 6, Schedule 1 [3], proposed section 55M, line 29. Insert “zone” before “management” wherever occurring.
- Govt** No. 15 Page 7, Schedule 1 [3], proposed section 55M (1) (c) (ii), line 10. Insert “not being a structure lawfully erected before the commencement of this section,” after “beach,”.
- Govt** No. 16 Page 8, Schedule 1 [3], proposed section 55N (1) (a), line 9. Insert “or which adjoins the tidal waters of Sydney Harbour or Botany Bay, or their tributaries,” after “coastal zone,”.
- R Jones** No. 17 Page 9, Schedule 1. Insert before line 4:

**[4] Section 56A**

Insert before section 57:

**56A Restoration orders**

- (1) The Land and Environment Court, in proceedings under this Act, may order a person to take such steps as are specified in the order, within such time as is so specified (or such further time as the Court on application may allow):
- (a) to prevent, control, abate or mitigate any harm to the environment or any loss of amenity caused by anything done or omitted to be done by the person, or
  - (b) to make good any resulting environmental damage, or

- (c) to prevent the continuance or recurrence of any such harm to the environment or any such loss of amenity.
- (2) Without limiting subsection (1), the Court may order a person to remove or clean up material dumped during a beach erosion event.
- (3) In this section, *environment* and *harm* have the same meanings as in the *Protection of the Environment Operations Act 1997*.

**R Jones** No. 18 Page 9, Schedule 1. Insert after line 6:

**[5] Section 58 (1)**  
Omit “10 penalty units”. Insert instead “100 penalty units”.

**[6] Section 58 (2)**  
Omit “2 penalty units”. Insert instead “10 penalty units”.

**Govt** No. 19 Pages 9 and 10, Schedule 1 [6], proposed clause 3, lines 14, 16, 19 and 24 on page 9 and line 1 on page 10.  
Insert “zone” before “management” wherever occurring.

**Govt** No. 20 Page 11, Schedule 2. Omit the Schedule.

**Govt** No. 21 Long title. Omit “to amend the *Crown Lands Act 1989* with respect to easements for public access;”.