

## Agreement in Principle

**Ms ANGELA D'AMORE** (Drummoyne—Parliamentary Secretary) [10.12 a.m.], on behalf of Mr Frank Sartor: I move:

That this bill be now agreed to in principle.

New South Wales coastal communities and local councils are facing difficult coastal erosion issues. Approximately 40 houses have been lost due to coastal erosion over recent decades. Some 200 houses at 15 erosion hotspots are currently exposed in the event of a significant coastal storm, with this number expected to increase with projected sea level rise. New South Wales has an established framework for managing coastal erosion risks under the Coastal Protection Act. This sees local councils, with Government support, prepare coastal zone management plans which inform land-use planning, development controls and coastal activities. However, councils' progress on completing the plans, has been slow, with only two plans for estuaries and no plans for broader coastal areas yet completed.

The Coastal Protection Act has not been reviewed for many years and many of its provisions need updating. Current legislation, for example, does not provide a practical way for regulating erosion protection works. Additionally, order powers to remove illegal or inappropriate works on beaches are limited and maximum penalties are not a deterrent. Councils have also raised concerns about the adequacy of the exemptions from liability for coastal management under the Local Government Act. All these deficiencies mean that coastal decision-making is currently litigious and inefficient.

To improve coastal management, the New South Wales Government announced a coastal erosion reform package last October to strengthen the current approach to managing erosion risks. The package improves consideration of coastal erosion in new development areas to avoid intensification of land-use in areas at risk from erosion. It also increases the management options available for councils and landowners to respond to erosion risks to established buildings and infrastructure. The Government's approach is to provide the tools needed to achieve appropriate balance between these two important goals. The overall package of reforms includes legislative amendments, new guidelines and additional support for councils to re-energise their planning processes. In relation to existing buildings, the reform package aims to achieve a reasonable balance between the concerns of beachfront landowners threatened by coastal erosion and the community's use and enjoyment of beaches.

A particular challenge for erosion protection works on the coast is that if they are not properly implemented they can merely transfer erosion to other locations or reduce areas of beach. On the other hand, prohibiting any action will certainly lead to losses of homes and infrastructure. The Government's approach is to provide the tools needed to achieve an appropriate balance between these two important goals. The Coastal Protection and Other Legislation Amendment Bill is the main legislative component of the Government's coastal erosion reforms. It amends the Coastal Protection Act to allow landowners to place large sandbags or sand in specific and limited circumstances as emergency coastal protection works.

Before placing these emergency works, landowners will need to obtain a certificate from an authorised officer of the council or the Department of Environment, Climate Change and Water. This is to ensure that emergency works comply with gazetted requirements, which will describe the localities where works can be placed and acceptable construction techniques. A draft of the ministerial requirements for emergency works will be available for public comment on the department's website after this bill has been passed by Parliament. A landowner will be able to place these emergency works for a period of up to six months, unless a development application is lodged for longer-term works, in which case the works can remain until the application is determined. An authorised officer will be able to issue an order to remove the works if they are causing erosion of neighbouring land, unreasonably limiting beach access, or pose a threat to public safety.

The bill's Coastal Protection Act amendments also improve order powers relating to illegal works on beaches, including new stop-work orders, increased penalties and improved compliance provisions. A New South Wales coastal panel will also be established under this bill to provide the Minister with expert advice and to act as a consent authority for some long-term coastal protection works permissible under proposed amendments to the Infrastructure State Environmental Planning Policy. It will comprise experts nominated by State agencies and local government, with the chair appointed jointly by the Minister and the Local Government and Shires Associations of New South Wales.

Amendments to the Infrastructure State Environmental Planning Policy will be progressed following the passage of this bill to complement its provisions, which will allow landowners to apply for development consent to construct long-term coastal protection works that will protect existing development from coastal erosion. This is necessary because some local environmental plans prohibit these works. Of critical importance are the provisions in this bill that require that consent may be provided only if erosion, beach access and ongoing

maintenance of works are satisfactorily addressed. This bill will facilitate only those works that protect property and beaches.

This bill also amends the Local Government Act to allow councils to levy a coastal protection service charge on landowners who have lawfully constructed long-term works such as seawalls. This will provide for maintenance of the works and mitigate any erosion impacts through activities such as the replacement of eroded beach sand. The bill is based on a philosophy of transparency of cost and beneficiary contribution. This will ensure that any approved works are properly maintained and impacts mitigated for the life of the works to protect against transferring erosion problems with benefiting landowners bearing the cost. This charge will be outside of rate-pegging and will apply only to landowners who have voluntarily contributed to the cost of the works. It will also be possible for councils to participate with private landowners to share the costs and responsibilities for constructing and maintaining works. Again, this would apply only where each participating landowner agreed to do so.

The Local Government Act amendments also improve the statutory exemptions for liability for councils and the State undertaking coastal management, based on advice from the Crown Solicitor. This will enable councils and agencies that properly fulfil their responsibilities to avoid the high costs and delay of unreasonable litigation. This bill and the proposed amendments to the Infrastructure State Environmental Planning Policy will modernise the way we manage coastal erosion in New South Wales. They have been developed recognising the value the community places on our beaches, while being sensitive to the impacts of coastal erosion on many beachfront landowners. I commend the bill to the House.