

COASTAL PROTECTION ACT, 1979, No. 13

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 13, 1979.

An Act to constitute the Coastal Council of New South Wales and to specify its functions; to make provisions relating to the use and occupation of the coastal region; and to facilitate the carrying out of certain coastal protection works. [Assented to, 18th April, 1979.]

Coastal Protection.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Coastal Protection Act, Short title. 1979".

2. (1) This section and section 1 shall commence on the date of assent to this Act. **Commence-
ment.**

(2) Except as provided in subsection (1), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

**Arrange-
ment.**

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—THE COASTAL COUNCIL OF NEW SOUTH WALES
—*ss.* 6–35.

DIVISION 1.—*Preliminary—ss.* 6, 7.

DIVISION 2.—*Constitution of the Coastal Council—ss.* 8–
26.

DIVISION 3.—*Functions of the Coastal Council—ss.* 27–
29.

DIVISION 4.—*Finance—ss.* 30–32.

DIVISION 5.—*Miscellaneous—ss.* 33–35.

Coastal Protection.

PART III.—USE OF THE COASTAL ZONE—ss. 36–53.

PART IV.—CARRYING OUT OF WORKS IN THE COASTAL ZONE BY THE MINISTER—ss. 54, 55.

PART V.—GENERAL—ss. 56–61.

SCHEDULE 1.

**Interpre-
tation.**

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“coastal region” includes the coastal zone;

“coastal zone” means—

- (a) the areas within New South Wales and included in those maps of the catalogue of New South Wales maps of the Central Mapping Authority of New South Wales specified in Schedule 1;
- (b) any islands within the boundaries referred to in section 4 of the Constitution Act, 1902; and
- (c) except as provided by paragraph (a), the areas lying within 3 nautical miles of the coast of New South Wales or the coast of any islands referred to in paragraph (b);

“council” has the meaning ascribed thereto in section 4 of the Local Government Act, 1919, and includes a county council within the meaning of that Act;

“functions” includes powers, authorities and duties;

“public authority” means a Minister of the Crown of the State, a Department or instrumentality of the State, a council and any other public or local authority constituted by or under any Act, and includes any prescribed body;

Coastal Protection.

“regulation” means a regulation made under this Act.

(2) A reference in this Act to the exercise of a function includes, where the function is a duty, the performance of that duty.

5. This Act, section 57 excepted, binds the Crown not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities. Act binds Crown.

PART II.

THE COASTAL COUNCIL OF NEW SOUTH WALES.

DIVISION 1.—*Preliminary.*

6. This Part shall be administered by the Minister for Planning and Environment. Admini-
stration
of Pt. II.

7. In this Part—

“Chairman” means the Chairman of the Coastal Council appointed under section 10;

“Coastal Council” means the Coastal Council of New South Wales constituted under this Act;

“member” means a member of the Coastal Council, and includes, where an alternate member is acting during the absence or illness of an appointed member, that alternate member.

Interpre-
tation:
Pt. II.

Coastal Protection.

DIVISION 2.—*Constitution of the Coastal Council.*

The Coastal Council. 8. There is hereby constituted a Coastal Council of New South Wales.

Members. 9. (1) The Coastal Council shall consist of 9 members appointed by the Minister.

(2) The members shall be—

- (a) a commissioner of the New South Wales Planning and Environment Commission or an officer of the Public Service employed in the administration of the New South Wales Planning and Environment Commission Act, 1974;
- (b) a person nominated by the Minister for Public Works, being the Director of Public Works or an officer of the Public Service employed in the administration of the Public Works Act, 1912;
- (c) a person nominated by the Minister for Conservation, being the holder of an office created under an Act administered by the Minister for Conservation or an officer of the Public Service employed in the administration of an Act administered by the Minister for Conservation;
- (d) the Director of National Parks and Wildlife or an officer of the Public Service employed in the administration of the National Parks and Wildlife Act, 1974;
- (e) a person nominated by the Minister for Mineral Resources and Development, being an officer of the Public Service employed in the administration of the Mining Act, 1973;
- (f) a person nominated by the Minister for Agriculture, being an officer of the Public Service employed in the administration of an Act administered by the Minister for Agriculture;

Coastal Protection.

- (g) a person nominated by the Minister for Local Government, being a person who, in the opinion of that Minister, is a representative of local government and who is an alderman or councillor of a council the whole or any part of the area of which is within the coastal region; and
- (h) 2 persons who, in the opinion of the Minister, possess suitable qualifications relating to coastal protection.

(3) Where, for the purposes of subsection (2) (b), (c), (e), (f) and (g), a nomination of a person for appointment as a member is not made within the time or in the manner specified by the Minister in a notice in writing given to the person entitled to make the nomination, the Minister may appoint any person to be a member instead of the person required to be appointed on that nomination.

(4) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision does not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any remuneration, travelling or subsistence allowance payable to a member under section 12 or the regulations.

(5) The office of a member shall not, for the purposes of any Act, be deemed to be an office or place of profit under the Crown.

10. One of the members referred to in section 9 (2) (h) shall, **Chairman.** by the instrument by which he is appointed or by a subsequent instrument, be appointed by the Minister to be the Chairman of the Coastal Council.

11. A member shall, subject to this Act, hold office for a **Term of** period of 3 years and shall, if otherwise qualified, be eligible for **office of** reappointment as a member. **member.**

Coastal Protection.

Remuneration
of and
allowances
for members.

12. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him.

Alternate
members.

13. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member, a person who holds the same qualifications and is nominated in the same manner, if any, as the person for whom he is the alternate member.

(2) An alternate member, other than an alternate member for the Chairman, shall have and may exercise, while acting as a member, the functions, as such a member, of the person for whom he is the alternate member.

(3) An alternate member for the Chairman, unless he is nominated by the Chairman as referred to in section 18 (1), shall have and may exercise, while acting as a member, the functions, as such a member, of a member other than the Chairman.

Removal
from
office.

14. The Minister may, for any cause which to him seems sufficient, remove any member from office.

Vacation
of office.

15. A member shall be deemed to have vacated his office if—

- (a) he dies;
- (b) he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (c) he is absent from 4 consecutive ordinary meetings of the Coastal Council of which reasonable notice has been given to him, unless on leave granted to him by the Coastal Council;

Coastal Protection.

- (d) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (e) he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (f) he is convicted in New South Wales of a felony or a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (g) he, being a member appointed under section 9 (2) (a)–(g), ceases to hold the qualification by virtue of which he was nominated for appointment; or
- (h) he is removed from office by the Minister.

16. (1) On the occurrence of a vacancy in the office of a member, the Minister may appoint a person to the vacant office for the balance of his predecessor's term of office. Filling
of
casual
vacancy.

(2) A person appointed under subsection (1) shall be a person who holds the same qualifications, and is nominated in the same manner, if any, as the member whose office has become vacant was qualified and nominated.

17. The Chairman shall preside at all meetings of the Coastal Council at which he is present. Chairman
to preside.

Coastal Protection.

**Absence of
Chairman.**

18. (1) In the absence of the Chairman at any meeting of the Coastal Council, a member nominated by the Chairman or the alternate member for the Chairman, if so nominated, shall preside as Chairman at that meeting.

(2) Where both the Chairman and any member nominated by the Chairman are absent from any meeting of the Coastal Council or where no member has been nominated to preside at that meeting, the members present shall appoint one of their number to preside at that meeting.

**Presiding
member's
vote.**

19. The member presiding at a meeting of the Coastal Council shall have a deliberative vote and, in the event of an equality of votes, shall also have a second or casting vote.

Quorum.

20. Five members shall constitute a quorum at any meeting of the Coastal Council.

Meetings.

21. (1) Any duly convened meeting of the Coastal Council at which a quorum is present shall be competent to transact any business of the Coastal Council.

(2) Questions arising at a meeting of the Coastal Council shall be determined by a majority of votes of the members present and voting.

**General
procedure.**

22. The procedure for the calling of, and for the conduct of business at, meetings of the Coastal Council shall, subject to any procedure that is specified in this Act or is prescribed, be as determined by the Coastal Council.

Coastal Protection.

23. The Coastal Council shall cause full and accurate minutes to be kept of its proceedings at meetings. Minutes of meetings.

24. The Coastal Council shall cause each Minister to be furnished with— Ministers to be furnished with agenda and minutes.

- (a) a copy of the agenda of each meeting of the Coastal Council when copies of the agenda are furnished to the members; and
- (b) a copy of the minutes of a meeting of the Coastal Council as soon as practicable after the meeting.

25. A copy of those minutes which have been furnished to each Minister in accordance with section 24 shall be available for public inspection at the office of the Coastal Council during ordinary office hours. Minutes to be available for public inspection.

26. In proceedings by or against the Coastal Council, no proof shall be required (until evidence is given to the contrary) of— Presumptions.

- (a) the constitution of the Coastal Council;
- (b) any resolution of the Coastal Council;
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Coastal Council.

DIVISION 3.—*Functions of the Coastal Council.*

27. (1) The Coastal Council shall have and may exercise the General functions conferred on it by or under this or any other Act.

Coastal Protection.

(2) The Coastal Council shall, in the exercise of its functions (except in relation to the contents of any advice, report or recommendation made by it), be subject to the control and direction of the Minister.

Functions
of the
Coastal
Council.

28. (1) The principal functions of the Coastal Council are to give advice and make reports and recommendations to the Minister for the purpose of encouraging, promoting or securing—

- (a) the protection and maintenance and, where practicable, the enhancement and restoration of the environment of the coastal region and its natural and man-made resources; and
- (b) the orderly and balanced utilisation and conservation of the coastal region and its resources, having regard to the financial resources of the State and the social and economic needs of the people of the State.

(2) Without affecting the generality of subsection (1), the principal functions of the Coastal Council include the giving of advice and the making of reports and recommendations to the Minister with respect to—

- (a) policies that may or should be adopted by the Government and public authorities concerning the planning and management of the coastal region;
- (b) the co-ordination of the policies and activities of the Government and public authorities relating to the coastal region; and
- (c) the lands that should be acquired in the coastal region by or on behalf of the State or any public authority, whether for the purpose of coastal protection, access or enjoyment or for other purposes.

Coastal Protection.

(3) For the purpose of exercising its principal functions, the Coastal Council may—

- (a) enter into an arrangement or agreement with any person on such terms and conditions as may be agreed upon between the Coastal Council and the person with respect to the conduct of any investigation, study, research or inquiry relating to the coastal region;
- (b) carry out such investigations, studies, research and inquiries as it considers relevant; and
- (c) record and evaluate such information respecting the natural and man-made resources of the environment of the coastal region as it considers relevant.

(4) The Coastal Council may also—

- (a) arrange and co-ordinate consultations, discussions, seminars and conferences relating to the matters referred to in any of the foregoing provisions of this section; and
- (b) provide information and publicity concerning its functions and activities.

29. (1) The Coastal Council may establish standing or special Committees. committees for the purpose of advising the Coastal Council in the exercise of its functions under this Act and may appoint as a member of any such committee any person who, in its opinion, appears to be qualified to be a member of that committee, whether or not he is a member of the Coastal Council.

(2) The Coastal Council shall appoint one of the members of a committee established under subsection (1) to be chairman of the committee and any such committee may, subject to subsection (3) and to any directions of the Coastal Council, regulate its procedure in such manner as it thinks fit.

Coastal Protection.

(3) The Coastal Council may specify the number of persons who shall constitute a quorum of a committee established under this section.

DIVISION 4.—*Finance.*

Coastal
Protection
Fund.

30. There shall be established in the Special Deposits Account in the Treasury an account to be called the "Coastal Protection Fund".

Payment
into the
Fund.

31. There shall be paid into the Coastal Protection Fund—

- (a) any money appropriated by Parliament for the purposes of the Fund; and
- (b) any other money received in connection with the administration of this Part, other than money received in such circumstances as may be prescribed.

Payments
out of
the Fund.

32. There may be paid out of the Coastal Protection Fund—

- (a) all charges, costs and expenses incurred in the administration of this Part; and
- (b) the remuneration payable to any member of the Coastal Council or of a committee under this Part.

DIVISION 5.—*Miscellaneous.*

Annual
report.

33. (1) The Coastal Council shall, as soon as practicable after 30th June in each year, prepare and forward to the Minister a report of its work and activities for the year ending on that date.

Coastal Protection.

(2) The report shall, in respect of the year for which it is prepared, include—

- (a) a summary of all recommendations made by the Coastal Council to the Minister during that year; and
- (b) particulars of payments made out of the Coastal Protection Fund during that year.

(3) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

34. A public authority—

- (a) shall, if requested to do so by the Coastal Council, furnish such information and provide such assistance as may reasonably be required by the Coastal Council in the exercise of its functions; and
- (b) shall notify the Coastal Council of any information or any actual or proposed activity or work that, in the opinion of the public authority, is relevant to the exercise by the Coastal Council of its functions.

Information
from
public
authorities.

35. The Governor may make regulations, not inconsistent with this Part, for or with respect to any matter that by this Part is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Part and, in particular, for or with respect to—

- (a) the procedure for the calling of, and for the conduct of business at, meetings of the Coastal Council; and
- (b) the remuneration (including travelling and subsistence allowances) to be paid to members, not being members of the Coastal Council, of a committee established under section 29.

Regulations:
Pt. II.

Coastal Protection.

PART III.**USE OF THE COASTAL ZONE.**

**Adminis-
tration
of Pt. III.**

36. This Part shall be administered by the Minister for Public Works.

**Interpre-
tation:
Pt. III.**

37. (1) In this Part—

“building” includes a structure;

“consent” includes approval or permission;

“development”, in relation to the coastal zone, means—

- (a) the erection of a building within or the removal of a building from the coastal zone;
- (b) the carrying out of a work within the coastal zone;
- (c) a change of the purpose for which any part of the coastal zone or any building or work within any such part is used;
- (d) the subdivision of land within the coastal zone;
- (e) the clearing or propagation of vegetation including marine vegetation; or
- (f) any prescribed activity or any activity of a prescribed class or description;

“dune” includes a sandhill.

(2) A reference in this Part to—

- (a) the erection of a building includes a reference to the rebuilding of, the making of structural alterations to, and the enlargement or extension of, a building and the placing or relocating of a building within the coastal zone;

Coastal Protection.

- (b) the carrying out of a work includes a reference to the rebuilding of, the making of alterations to, and the enlargement or extension of, a work;

- (c) the subdivision of land within the coastal zone is a reference to—
 - (i) the subdivision of land within the meaning of the Local Government Act, 1919, where the land is situated within the coastal zone;
 - (ii) any other division of land within the coastal zone into 2 or more parts which, after the division, would be obviously adapted for separate occupation; or
 - (iii) the redivision of land within the coastal zone, by such a subdivision or by any other division, into different parts which, after the redivision, would be obviously adapted for separate occupation,

but does not include a reference to a subdivision effected under Division 1 of Part II of the Strata Titles Act, 1973; and

- (d) the sea, an arm of the sea, or a bay, inlet, lagoon, lake, body of water, river, stream, watercourse, beach, dune, bed, bank, shoreline, margin or flood plain includes a reference to any part thereof.

38. (1) A public authority shall not, without the concurrence of the Minister—

- (a) carry out any development in the coastal zone; or

- (b) grant any right or consent to a person—
 - (i) to use or occupy any part of the coastal zone; or
 - (ii) to carry out any development in the coastal zone,

General supervision of coastal zone.

Coastal Protection.

if, in the opinion of the Minister, as advised from time to time by the Minister to the public authority, the development or the use or occupation may, in any way—

- (c) adversely affect the behaviour or be adversely affected by the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse; or
- (d) adversely affect any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse.

(2) The Governor may, by order published in the Gazette, declare that subsection (1) does not, to the extent specified in the order, apply to such area within the coastal zone as is specified or described in the order, and subsection (1) ceases to apply accordingly.

Special provisions respecting coastal development.

39. (1) The Governor, on the recommendation of the Minister, may, by order published in the Gazette, in respect of such area within the coastal zone as is specified or described in the order, provide that a public authority so specified shall not, without the concurrence of the Minister—

- (a) carry out in the area development or development of such class or description as is so specified or described; or
- (b) grant any right or consent to a person to use or occupy the whole or any part of the area or to carry out in the area any development or development of such class or description as is so specified or described.

Coastal Protection.

(2) The Governor, on the recommendation of the Minister, may, by regulation, in respect of such area within the coastal zone as is specified or described in the regulation, make provisions (whether by reference to the functions of a public authority or otherwise) regulating, controlling or prohibiting the use or occupation of the area or the carrying out of development in the area.

(3) The provisions of a regulation made pursuant to subsection (2) do not apply to or in respect of an area that is subject to a prescribed scheme within the meaning of Part XIII A of the Local Government Act, 1919, an interim development order within the meaning of section 342r (1) of that Act or Ordinance No. 105 made under that Act.

(4) The Minister shall not make a recommendation for the purposes of this section unless he certifies to the Governor that he is satisfied that the order or regulation relates only to development, or the use or occupation of an area that may, in any way—

- (a) adversely affect the behaviour or be adversely affected by the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse; or
- (b) adversely affect any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse.

40. (1) Where provision is made by or under this or any other Act that a public authority shall not, without the concurrence of the Minister, carry out development in the coastal zone and the public authority proposes to carry out the development, it shall, unless the concurrence of the Minister may be assumed under section 43, notify the Minister, in writing, of the proposal.

Seeking
concurrence
of Minister.

Coastal Protection.

(2) Where provision is made by or under this or any other Act that a public authority shall not, without the concurrence of the Minister, grant any right or consent to a person to use or occupy any part of the coastal zone or to carry out any development in the coastal zone, the public authority shall, unless the concurrence of the Minister may be assumed under section 43—

- (a) forward a copy of any application made for the grant of the right or consent to the Minister; and
- (b) notify the applicant of the action taken by it under paragraph (a).

Granting
or refusal
of con-
currence.

41. The Minister may, in respect of a proposal of which he has been notified under section 40 (1) or an application of which a copy has been forwarded to him under section 40 (2)—

- (a) give concurrence, either unconditionally or subject to conditions; or
- (b) refuse concurrence.

Period for
considera-
tion by
Minister of
proposal or
application.

42. (1) The Minister shall inform a public authority which has, under section 40 (1), notified him of a proposal or which has, under section 40 (2), forwarded to him a copy of an application of his decision with respect to the proposal or application—

- (a) except as provided by paragraph (b)—within a period of 40 days after being notified of the proposal or receiving a copy of the application; or
- (b) where, within the period referred to in paragraph (a), the Minister sends by post to the public authority and, in the case of an application, to the applicant, a notice informing it or it and him, as the case may be, that the Minister is unable to deal with the proposal or application within that period and specifies in that notice a longer period within which the Minister will deal with the proposal or application—within the longer period.

Coastal Protection.

(2) Where the Minister does not inform a public authority referred to in subsection (1) of his decision with respect to a proposal or application within the period referred to in subsection (1) (a), or the longer period referred to in subsection (1) (b), as the case may be, the public authority may carry out the development or grant the right or consent the subject of the proposal or application, as the case may be, without the concurrence of the Minister.

43. (1) Where provision is made by or under this or any other Act that a public authority shall not, without the concurrence of the Minister, carry out development in the coastal zone or grant any right or consent to a person to use or occupy any part of the coastal zone or to carry out any development in the coastal zone, the Minister may inform the public authority, by notification in writing, that his concurrence may be assumed subject to the conditions, if any, specified in the notification with respect to the use or occupation, the class or description of use or occupation to which the use or occupation belongs, the development or the class or description of development to which the development belongs, as the case may be.

Circumstances in which concurrence may be assumed.

(2) The Minister may, by notification in writing given to a public authority, amend or revoke a notification given by him to the public authority under subsection (1).

(3) Where, in accordance with a notification given to it under this section, a public authority carries out development or grants any right or consent, the carrying out of the development or the granting of the right or consent is as valid and effective as if the public authority had obtained the concurrence of the Minister in accordance with sections 40, 41 and 42.

Coastal Protection.

Matters for consideration in relation to concurrence.

44. In determining any matter relating to the granting or refusal of a concurrence required by or under this or any other Act, the Minister shall have regard only to whether or not the development or the use or occupation of the coastal zone in respect of which the concurrence is required may, in any way—

- (a) adversely affect the behaviour or be adversely affected by the behaviour of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse; or
- (b) adversely affect any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or an arm of the sea or any bay, inlet, lagoon, lake, body of water, river, stream or watercourse.

Implementation of concurrence.

45. (1) Where a public authority grants, with the concurrence of the Minister, any right or consent to a person to use or occupy any part of the coastal zone or to carry out any development in the coastal zone, the grant of the right or consent shall be—

- (a) in respect of a concurrence given under section 41 (a) —subject to the conditions, if any, of the concurrence; and
- (b) in respect of a concurrence given pursuant to a notification under section 43—subject to the conditions, if any, specified pursuant to section 43 (1) in the notification.

(2) Nothing in subsection (1) affects the right of a public authority to impose conditions, not inconsistent with the conditions referred to in that subsection, in granting a right or consent so referred to.

Coastal Protection.

46. Except where the concurrence of the Minister in accordance with this Part is given unconditionally, the Minister shall inform a public authority of the reasons for his decision with respect to—

- (a) a proposal of which he has been notified by the public authority under section 40 (1);
- (b) an application a copy of which has been forwarded to him by the public authority under section 40 (2); or
- (c) a notification given to the public authority under section 43,

and the public authority shall inform any applicant for a grant of a right or consent in respect of which the reasons are given of those reasons.

47. (1) In this section, “appeal” includes objection, reference or review.

Rights of
Minister
on appeal.

(2) Where, under any law, a right of appeal is exercised by any person with respect to the determination by a public authority of an application for the grant of any right or consent to use or occupy any part of the coastal zone or to carry out any development in the coastal zone in respect of which the concurrence of the Minister is required by or under this Part, the Minister may appear and be heard on the hearing of the appeal as if he were a party to the appeal.

48. (1) The Minister may authorise a person, in writing, to carry out inspections, for the purposes of this Act, of the whole of any part of the coastal zone or any development within the coastal zone.

Entry,
inspection,
testing,
etc.

Coastal Protection.

(2) A person authorised under subsection (1) may enter any part of or development within the coastal zone and may carry out thereon (whether or not with the assistance of vehicles, vessels or equipment) such inspections, tests, investigations, surveys, experiments, boring, drilling and exploration and take such samples and measurements and record such information and do all such other things as he considers necessary in connection with the administration of this Act.

(3) A person authorised under subsection (1) shall not, in relation to any part of or development within the coastal zone, exercise any of the functions conferred by subsection (2) unless reasonable notice has been given to the owner or occupier of the part, or the part on which the development is situated or is being carried out, as the case may be, of the intention to exercise those functions.

(4) In the exercise of a function conferred by subsection (2), the Minister shall ensure that no more damage than may be necessary in the circumstances is inflicted and shall fully compensate any person who sustains damage in the course of the exercise of that function.

(5) A person authorised under subsection (1), in exercising a function conferred by subsection (2) in relation to any part of or development within the coastal zone, shall, if so required by a person apparently in charge of the part or development, produce the instrument of his authority to that person.

Obstruction of authorised person.

49. A person shall not obstruct, hinder or interfere with a person authorised under section 48 (1) in the exercise of his functions under section 48.

Interference, etc., with vehicle, vessel or equipment.

50. A person shall not interfere with, damage or destroy or do any act which may tend to interfere with, damage or destroy any vehicle, vessel or equipment which is used in relation to the exercise of a function under section 48.

Coastal Protection.

51. (1) Without derogating from the rights of the Minister under any other law, where a person does any thing without or otherwise than in accordance with a concurrence of the Minister required by or under this or any other Act, the Minister may serve a notice on that person requiring him—

Enforce-
ment by
notice.

- (a) to refrain from doing that thing;
- (b) to do that thing in such manner specified in the notice as, in the opinion of the Minister, is necessary to ensure that the coastal zone or any part of the coastal zone is not adversely affected thereby; or
- (c) to do such other things specified in the notice in such manner and within such time, if any, as may be so specified as, in the opinion of the Minister, is necessary to ensure that the coastal zone or any part of the coastal zone is restored to the condition it was in before that thing was done.

(2) A notice under subsection (1) may require the demolition or removal of a building or work in whole or part.

(3) A person shall comply with a notice served on him under subsection (1).

(4) If a person on whom a notice under subsection (1) is served fails to comply with the notice, the Minister may do all such things as are required by the notice and may recover the costs and expenses of so doing from the person as a debt in any court of competent jurisdiction.

(5) A notice under subsection (1) may be served—

- (a) in the case of an individual—
 - (i) by delivering it to him; or
 - (ii) by sending it by prepaid post addressed to him at his usual or last known place of abode or his last known place of business; or

Coastal Protection.

(b) in the case of a person not being an individual—

- (i) by leaving it at the person's place of business, or, if the person is a corporation, at the registered office of the corporation, with a person apparently in the service of the person on whom the notice is to be served and apparently not less than 16 years of age; or
- (ii) by sending it by prepaid post to the person at the person's last known place of business.

(6) Notice shall, in respect of a notice sent by prepaid post in accordance with subsection (5) (a) (ii) or (b) (ii), be deemed to have been given at the time at which the notice would be delivered in the ordinary course of post.

Enforce-
ment by
direction
to public
authority.

52. (1) Without affecting or derogating from any function of the Minister under any law, the Minister may direct a public authority having functions under any Act in respect of the implementation or enforcement of any law relating to the use or occupation or the carrying out of development in the coastal zone to exercise those functions at such time and in such manner (not inconsistent with any provision made by or under the Act by which the function is conferred or imposed) as may be specified in the direction where any part of the coastal zone is used or occupied or development in any part of the coastal zone is carried out without or otherwise than in accordance with a concurrence of the Minister required by or under this or any other Act.

(2) The Minister shall not give a direction to a public authority under subsection (1) to exercise a function conferred or imposed under a provision of an Act without first having obtained the consent of the Minister administering that provision.

(3) A public authority shall comply with a direction given to it under subsection (1) in accordance with the terms of the direction.

Coastal Protection.

53. The Governor may make regulations, not inconsistent with this Part, for or with respect to any matter that by this Part is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Part. Regulations:
Pt. III.

PART IV.

**CARRYING OUT OF WORKS IN THE COASTAL ZONE BY THE
MINISTER.**

54. This Part shall be administered by the Minister for Public Works. Adminis-
tration
of Pt. IV.

55. (1) Where the Minister is of the opinion that a work for the preservation, protection, maintenance, restoration or improvement of the coastal zone or any part of the coastal zone should be carried out— Carrying
out of
certain
works.

- (a) the Minister in respect of a work the estimated cost of which does not exceed \$1,000,000; or
- (b) the Governor in respect of a work the estimated cost of which exceeds \$1,000,000,

may direct that the work be carried out under the Public Works Act, 1912.

(2) A work in respect of which a direction has been given under subsection (1) shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912.

Coastal Protection.

(3) For the purpose of a work in respect of which a direction has been given under subsection (1), the Minister shall be the Constructing Authority within the meaning of the Public Works Act, 1912.

(4) The provisions of the Public Works Act, 1912, other than section 34, 35, 36 and 37, shall apply to and in respect of a work in respect of which a direction has been given under subsection (1).

(5) Without prejudice to the generality of the other provisions of this section, the provisions of section 38 of the Public Works Act, 1912, shall apply to or in respect of a contract for the carrying out of a work in respect of which a direction has been given under subsection (1).

(6) In applying the provisions of section 98 of the Public Works Act, 1912, the Minister shall not be required, notwithstanding those provisions, to obtain the approval of the Governor to lease lands referred to in that section and which are within the coastal zone where the lease of those lands is for a term not exceeding 3 years without option of renewal.

PART V.
GENERAL.

Amendment
of
Schedule 1.

56. (1) The Governor may, by proclamation published in the Gazette, amend Schedule 1—

- (a) by omitting therefrom the name and number of a map;
- (b) by inserting therein the name and number of a map of the catalogue of New South Wales maps of the Central Mapping Authority of New South Wales; or
- (c) by altering the name or number of a map appearing in Schedule 1.

Coastal Protection.

(2) The Governor may, by proclamation published in the Gazette, amend this Act by omitting Schedule 1 and by inserting instead a Schedule containing the names and numbers of maps of the catalogue of New South Wales maps of the Central Mapping Authority of New South Wales.

57. (1) Where any matter or thing is by or under this Act, other than by or under the regulations, directed or forbidden to be done, or where a Minister or other person or body is authorised by or under this Act, other than by or under the regulations, to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direction or prohibition shall be guilty of an offence against this Act. Offences against this Act and the regulations.

(2) Where any matter or thing is by or under the regulations directed or forbidden to be done, or where a Minister or any other person or body is authorised by the regulations to direct any matter or thing to be done, or to forbid any matter or thing to be done, and that matter or thing if so directed to be done remains undone, or if so forbidden to be done is done, a person offending against that direction or prohibition shall be guilty of an offence against the regulations.

58. (1) A person guilty of an offence against this Act shall be liable to a penalty not exceeding \$1,000. Penalties.

(2) A person guilty of an offence against the regulations shall be liable to a penalty not exceeding \$200.

59. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone. Proceedings for offences.

Coastal Protection.

Regulations: **60.** The Governor may make regulations, not inconsistent with Pts. I, IV and V. Part I or IV or this Part, for or with respect to any matter that by Part I or IV or this Part is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to Part I or IV or this Part.

Regulations **61.** A provision of a regulation may—
—generally.

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

SCHEDULE 1.

Sec. 4 (1),
defn. of
"coastal
zone".

Map Name	Map No.
Bilambil	9541 - I - S
Murwillumbah	9541 - II - N
Tweed Heads	9641 - IV - S
Cudgen	9641 - III - N
Pottsville	9641 - III - S
Brunswick Heads	9640 - IV - N
Byron Bay	9640 - IV - S
Huonbrook	9540 - I - N
Ballina	9640 - III - N

*Coastal Protection.*SCHEDULE 1—*continued.*

Map Name	Map No.
Empire Vale	9640 - III - S
Casino	9540 - III - N
Lismore	9540 - II - N
Tatham	9540 - III - S
Wardell	9540 - II - S
Ellangowan	9539 - IV - N
Woodburn	9539 - I - N
Tabbimoble	9539 - I - S
Banyabba	9539 - III - N
Woombah	9539 - II - N
Maclean	9539 - III - S
Yamba	9539 - II - S
Copmanhurst	9438 - I - N
Grafton	9438 - I - S
Tyndale	9538 - IV - N
Brooms Head	9538 - I - N
Tucabia	9538 - IV - S
Sandon	9538 - I - S
Pillar Valley	9538 - III - N
Bare Point	9538 - II - N
Red Rock	9538 - III - S
North Solitary Island	9538 - II - S
Woolgoolga	9537 - IV - N
Moonee Beach	9537 - IV - S
Coffs Harbour	9537 - III - N
Raleigh	9537 - III - S
Repton	9437 - II - S

Act No. 13, 1979.

*Coastal Protection.*SCHEDULE 1—*continued.*

Map Name	Map No.
Bellingen	9437 - II - S
Missabotti	9436 - I - N
Macksville	9436 - I - S
Eungai	9436 - II - N
Clybucca	9436 - II - S
South West Rocks	9536 - III - S
Korogoro Point	9535 - IV - N
Kempsey	9435 - I - N
Kundabung	9435 - I - S
Ballengarra	9435 - III - N
Telegraph Point	9435 - II - N
Wauchope	9435 - III - S
Port Macquarie	9435 - II - S
Byabarra	9434 - IV - N
Grants Head	9434 - I - N
Crowdy Head	9434 - II - N
Lorne	9434 - IV - S
Laurieton	9434 - I - S
Cooperook	9434 - III - N
Cundletown	9434 - III - S
Wingham	9334 - II - N
Taree	9334 - II - S
Nabiac	9333 - I - N
Minimbah	9333 - I - S
Wootton	9333 - II - N
Bulahdelah	9333 - III - S
Myall Lake	9333 - II - S

*Coastal Protection.*SCHEDULE 1—*continued.*

Map Name	Map No.
Hallidays Point	9433 - IV - N
Forster	9433 - IV - S
Pacific Palms	9433 - III - N
Seal Rocks	9433 - III - S
Paterson	9232 - IV - N
Clarence Town	9232 - I - N
Greta	9132 - I - S
Maitland	9232 - IV - S
Karuah	9232 - I - S
Cessnock	9132 - II - N
Beresfield	9232 - III - N
William Town	9232 - II - N
Wallsend	9232 - III - S
Newcastle	9232 - II - S
The Branch	9332 - IV - N
Bombah Point	9332 - I - N
Port Stephens	9332 - IV - S
Morna Point	9332 - III - N
Morisset	9131 - I - N
Dooralong	9131 - I - S
Mangrove	9131 - III - N
Wyong	9131 - II - N
Gunderman	9131 - III - S
Gosford	9131 - II - S
Swansea	9231 - IV - N
Catherine Hill Bay	9231 - IV - S
Toukley	9231 - III - N

*Coastal Protection.***SCHEDULE 1—continued.**

Map Name	Map No.
St. Albans	9031 - II - N
Lower Portland	9031 - II - S
Kurrajong	9030 - IV - N
Wilberforce	9030 - I - N
Liverpool	9030 - II - S
Cowan	9130 - IV - N
Broken Bay	9130 - I - N
Hornsby	9130 - IV - S
Mona Vale	9130 - I - S
Parramatta River	9130 - III - N
Sydney Heads	9130 - II - N
Botany Bay	9130 - III - S
Appin	9029 - I - S
Bulli	9029 - II - N
Wollongong	9029 - II - S
Port Hacking	9129 - IV - N
Otford	9129 - IV - S
Albion Park	9028 - I - N
Kiama	9028 - I - S
Berry	9028 - III - N
Gerroa	9028 - II - N
Nowra	9028 - III - S
Crookhaven	9028 - II - S
Burrier	8928 - II - N
Yalwal	8928 - II - S
Huskisson	9027 - IV - N
Currarong	9027 - I - N

*Coastal Protection.*SCHEDULE 1—*continued.*

Map Name	Map No.
Sussex Inlet	9027 - IV - S
Tianjara	8927 - I - S
Milton	8927 - II - N
Toubouree	8927 - II - S
Currowan	8926 - IV - N
Kioloa	8926 - I - N
Nelligen	8926 - IV - S
Durras	8926 - I - S
Mogo	8926 - III - N
Moruya	8926 - III - S
Bodalla	8925 - IV - N
Narooma	8925 - IV - S
Wandella	8825 - II - N
Central Tilba	8925 - III - N
Bermagui	8925 - III - S
Murrah	8924 - IV - N
Brogo	8824 - I - N
Bega	8824 - I - S
Wolumla	8824 - II - N
Pambula	8824 - II - S
Eden	8823 - I - N
Kiah	8823 - I - S
Narrabarba	8823 - II - N
Nadgee	8823 - II - S