

Coastal Protection and Other Legislation Amendment Act 2010 No 78

[2010-78]



New South Wales

Status Information

Currency of version

Repealed version for 2 January 2011 to 25 February 2011 (accessed 19 December 2024 at 16:05)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 26.2.2011.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Coastal Protection and Other Legislation Amendment Act 2010 No 78



New South Wales

An Act to amend the *Coastal Protection Act 1979* and other legislation to deal with coastal erosion and projected sea level rise; and for other purposes.

1 Name of Act

This Act is the *Coastal Protection and Other Legislation Amendment Act 2010*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Coastal Protection Act 1979* No 13

[1]-[25] (Repealed)

[26] Parts 4C and 4D

Insert after Part 4B:

Part 4C Emergency coastal protection works

Division 1 Preliminary

550 Regulatory approvals not required for authorised emergency coastal protection works

A person does not require regulatory approval under this Act or any other law for emergency coastal protection works if the works are authorised by a certificate under Division 2.

Note—

This means that planning and associated approvals are not required for the placement and maintenance of authorised emergency coastal protection works—see section 55W.

55P Meaning of “emergency coastal protection works”

- (1) **General meaning** In this Act, **emergency coastal protection works** means works comprising the placement of the following material, in compliance with the requirements of this section, on a beach, or a sand dune adjacent to a beach, to mitigate the effects of wave erosion on land:
- (a) sand, or fabric bags filled with sand, (other than sand taken from a beach or a sand dune adjacent to a beach),
 - (b) other objects or material prescribed by the regulations (other than rocks, concrete, construction waste or other debris).
- (2) **Requirements relating to emergency coastal protection works** The requirements for the placement of material as emergency coastal protection works are as follows:
- (a) the material must be placed in accordance with a certificate under Division 2 that authorises the works,
 - (b) the material must be placed by or on behalf of a landowner to reduce the impact or likely impact from the erosion on a building being lawfully used for residential, commercial or community purposes,
 - (c) the material must be placed when:
 - (i) beach erosion is occurring, or
 - (ii) beach erosion is imminent, or
 - (iii) it is reasonably foreseeable (because of proximity to the erosion escarpment) that beach erosion is likely to impact on a building being lawfully used for residential, commercial or community purposes,
 - (d) the material must be placed by or on behalf of the landowner in accordance with any emergency action subplan that applies to the land concerned,
 - (e) in relation to material placed before 1 September 2011—the material must be placed by or on behalf of the landowner in accordance with any requirements adopted by the Minister and published in the Gazette for the purposes of this section before 1 January 2011,
 - (f) the material must be placed by or on behalf of the landowner in accordance with any requirements specified in the regulations for the purposes of this section.
- (3) A requirement in an emergency action subplan or a requirement otherwise adopted or specified under subsection (2) may:
- (a) apply generally or be limited in its application by reference to specified

factors or exceptions, and

- (b) apply differently according to different factors of a specified kind.
- (4) For the avoidance of doubt, a requirement in an emergency action subplan or a requirement otherwise adopted or specified under subsection (2) may specify locations where emergency coastal protection works may be placed and must not be placed.
- (5) In the event of an inconsistency between:
 - (a) the regulations and an emergency action subplan or a requirement adopted by the Minister (as referred to in subsection (2) (e)), the regulations prevail to the extent of the inconsistency, and
 - (b) an emergency action subplan and a requirement adopted by the Minister (as referred to in subsection (2) (e)), the emergency action subplan prevails to the extent of the inconsistency.

55Q Maximum period allowed for emergency coastal protection works

- (1) The maximum period allowed for emergency coastal protection works is 12 months commencing on the placement of the works.
- (2) Despite subsection (1), if at the expiry of the 12-month period referred to in that subsection, a development application is pending under the *Environmental Planning and Assessment Act 1979* for consent to development for the purposes of coastal protection works on the same land, the maximum period allowed for the works ends:
 - (a) where, on the final determination of that development application (including any appeals relating to that application), the application is refused—21 days after that final determination, or
 - (b) where, on the final determination of that development application (including any appeals relating to that application), the application is granted—such further period as is specified in the consent.
- (3) Works cease to be emergency coastal protection works for the purposes of this Act if the works remain in place for longer than the maximum period allowed for emergency coastal protection works under this section.

55R Maintenance requirements for emergency coastal protection works

- (1) Emergency coastal protection works must be maintained by or on behalf of the landowner in accordance with the following requirements:
 - (a) any requirements of the certificate under Division 2 that authorises the

works,

- (b) any requirements of an emergency action subplan that applies to the land concerned,
 - (c) in relation to works placed before 1 September 2011—any requirements adopted by the Minister and published in the Gazette for the purposes of this section before 1 January 2011,
 - (d) any requirements specified in the regulations for the purposes of this section.
- (2) Works cease to be emergency coastal protection works if they are not maintained as required by this section.
- (3) A requirement in an emergency action subplan or a requirement otherwise adopted or specified under subsection (1) may:
- (a) apply generally or be limited in its application by reference to specified factors or exceptions, and
 - (b) apply differently according to different factors of a specified kind.

55S Emergency coastal protection works may be placed only once

- (1) Works are not emergency coastal protection works for the purposes of this Act if the works are placed on a parcel of land (other than public land) on which other emergency coastal protection works had at any time previously been placed (other than works placed by an owner of adjacent land in accordance with section 55Z (2)).
- (2) Nothing in subsection (1) prevents the repair of emergency coastal protection works (including the replacement of components of the works) during the period allowed for the works.

Division 2 Certificate for emergency coastal protection works

55T Applications for and issue of certificate relating to emergency coastal protection works

- (1) An owner of land (or a person acting on behalf of, and with the written authority of, the owner of land) may apply to the relevant local council or to the Director-General for a certificate authorising the placement of emergency coastal protection works on the land.
- (2) The function of issuing a certificate must be delegated to an emergency works

authorised officer.

- (3) A certificate under this Division may be issued unconditionally or subject to conditions.
- (4) An application for a certificate is to be accompanied by the fee determined by the Minister.
- (5) A certificate under this Division issued to an owner of land extends to authorise the placement of emergency coastal protection works by or on behalf of a successor in title to the land concerned.

Note—

See also section 55ZH for more specific provisions relating to successors in title to land.

- (6) For the avoidance of doubt, works are not or cease to be emergency coastal protection works for the purposes of this Act if the works are not placed or maintained, respectively, in accordance with the requirements set out in the conditions of a certificate issued under this Division.

Note—

See also section 55P (2) (a) and 55R (1) (a).

- (7) 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.

- (8) 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.

55U Duration of certificates

A certificate under this Division does not authorise the placement of emergency coastal protection works more than 2 years after it was issued.

55V Notification of other issuing authority

As soon as practicable after the issue of a certificate under this Division, the emergency works authorised officer who issued the certificate must cause a copy of the certificate to be sent to the following:

- (a) the relevant council—if the officer was appointed by the Director-General,
- (b) the Director-General—if the officer was appointed by a council,
- (c) the Chief Executive of the Land and Property Management Authority—if the emergency coastal protection works are to be placed on Crown land (within the meaning of the *Crown Lands Act 1989*) or the placement or maintenance of those works requires the use or occupation of Crown land.

Division 3 General

55W Placing and maintaining emergency coastal protection works not restricted by certain legislation

If a person does not require regulatory approval under this Act or any other law for emergency coastal protection works (as provided by section 55O), the following provisions apply to the works:

- (a) placing and maintaining the works is not development for the purposes of the *Environmental Planning and Assessment Act 1979* and is not an activity for the purposes of Part 5 of that Act,
- (b) Division 3 of Part 7 of the *Fisheries Management Act 1994* does not apply to reclamation work that is carried out for the purpose of the works,
- (c) the placement or maintenance of the works does not, despite any regulation under the *Marine Parks Act 1997*, require the consent of the relevant Ministers within the meaning of that Act,
- (d) the works may be placed and maintained on community land (within the meaning of the *Local Government Act 1993*) despite the provisions of any plan of management under that Act applying to that land,
- (e) section 138 (Works and structures) of the *Roads Act 1993* does not apply in relation to emergency coastal protection works placed by a person on a public road, but only if:
 - (i) there are no road works on the public road, and
 - (ii) the public road is not used by vehicular traffic, and
 - (iii) the person took all practical measures to avoid placing those emergency

coastal protection works on the public road.

55X Notice to council and others of placement of emergency coastal protection works

- (1) An owner of land must, at or about the time the emergency coastal protection works are to be placed on land, notify the following of the placing of the works:
 - (a) the relevant local council,
 - (b) if the works are or are about to be placed on public land in reliance on section 55Z—the public authority that is the owner of, or has the care, control or management of, the land.

Note—

After placement of emergency coastal protection works Coastal Authorities may exercise powers under Part 4D to make orders relating to such works. Those orders include, where justified, orders to remove, alter or repair the works concerned.

- (2) The notification under subsection (1) is to be made:
 - (a) in the manner and to the person or persons specified in the certificate issued under Division 2 for the works, or
 - (b) if no such manner or person is specified—to the person or persons identified in accordance with the requirements adopted by the Minister and published in the Gazette for the purposes of section 55P.

Maximum penalty:

- (a) in the case of a corporation—100 penalty units, or
 - (b) in any other case—50 penalty units.
- (3) For the purposes of subsection (1) (b), public land that is Crown land within the meaning of the *Crown Lands Act 1989* or land within a reserve as defined in Part 5 of that Act is taken to be owned by, or under the care, control or management of, the Minister administering that Act.

55Y Removal of emergency coastal protection works

- (1) A person who has placed emergency coastal protection works (or caused such works to be placed) on land must, before the expiry of the maximum period allowed for emergency coastal protection works, remove the works and restore the land in accordance with:
 - (a) in relation to works placed before 1 September 2011—any requirements adopted by the Minister and published in the Gazette for the purposes of this subsection before 1 January 2011, and

- (b) any requirements specified in the regulations for the purposes of this subsection.

Maximum penalty:

- (a) in the case of a corporation—4,500 penalty units and 400 penalty units for each day the offence continues, or
 - (b) in any other case—2,250 penalty units and 200 penalty units for each day the offence continues.
- (2) A person may not be found guilty both of an offence under subsection (1) and an offence for a failure to comply with an order under Part 4D in relation to the same failure to remove works or restore land.
 - (3) If a person does not comply with subsection (1) (whether that person has been convicted of an offence in respect of the subsection or not), the Coastal Authority concerned may remove the works and restore the land. Any costs reasonably incurred by the Coastal Authority under this subsection may be recovered in a court of competent jurisdiction from the person as a debt due to the Coastal Authority.
 - (4) This section does not apply to material deposited on a beach, or a structure erected, as part of development for which consent has been granted or that is exempt development or development that does not need consent under the [Environmental Planning and Assessment Act 1979](#) or is an approved project within the meaning of Part 3A of that Act.
 - (5) The removal of works and the restoration of land under subsection (3) is not an activity for the purposes of Part 5 of the [Environmental Planning and Assessment Act 1979](#).

55Z Use and occupation of other land for emergency coastal protection works

- (1) **Use and occupation of public land without permission** A certificate under Division 2 that authorises a person to place and maintain emergency coastal protection works on land owned by the person extends to authorising the person to use and occupy public land for the placing and maintaining of the works (without obtaining a lease, licence or permit in respect of, or an easement or right-of-way in relation to, the land), but only if the person takes all reasonable measures:
 - (a) to avoid using or occupying the public land for the placing and maintaining of the works, and
 - (b) to avoid damage to assets and vegetation on the public land, and

- (c) to minimise risks to the public on the public land, and
 - (d) to maintain reasonable public access (including access for local and public authorities) to and through the beach concerned, and
 - (e) to minimise disruption of the public use of the beach concerned.
- (2) **Use and occupation of adjacent private land with permission** A certificate under Division 2 that authorises a person to place and maintain emergency coastal protection works on land owned by the person extends to authorising the person to use and occupy adjacent land (other than public land) for the placing, maintaining and removal of the works, but only if the person has obtained a lease, easement, right-of-way or other interest in land from the owner of the adjacent land to use and occupy that land for that purpose.
- (3) **Public authorities not to unreasonably refuse access to public land** A public authority must not unreasonably refuse a person access to the public authority's public land to enable the person to lawfully place emergency coastal protection works on land (whether public or private).

Part 4D Powers with respect to material and structures on beaches

55ZA Order to remove certain materials and structures unlawfully placed on beaches (other than emergency coastal protection works)

- (1) A Coastal Authority may, in respect of a beach on land for which it is a designated authority, order a person to remove material deposited by or on behalf of the person on the beach that, in the opinion of the Coastal Authority:
- (a) causes or is likely to cause increased erosion of a beach or land adjacent to a beach, or
 - (b) unreasonably limits or is likely to unreasonably limit public access to a beach or headland, or
 - (c) poses or is likely to pose a threat to public safety.
- (2) A Coastal Authority may order a person who is the owner or occupier of land that is on or has a frontage to a beach for which it is a designated authority:
- (a) to refrain from erecting a structure on the beach or on or near the boundary of the land and the beach, or
 - (b) to remove a structure erected by or on behalf of the person on the beach or on or near the boundary of the land and the beach (not being a structure lawfully erected before the commencement of this section),

if the structure, in the opinion of the Coastal Authority:

- (c) causes or is likely to cause increased erosion of a beach or land adjacent to a beach, or
 - (d) unreasonably limits or is likely to unreasonably limit public access to a beach or headland, or
 - (e) poses or is likely to pose a threat to public safety.
- (3) An order under this section that requires a person to remove material or a structure from land may, if the Coastal Authority that made the order is of the opinion that the material or structure has caused increased erosion of a beach, or land adjacent to a beach, include a requirement that the person restore the eroded beach or land concerned in accordance with:
- (a) in relation to an order made before 1 September 2011—any requirements adopted by the Minister and published in the Gazette for the purposes of this subsection before 1 January 2011, and
 - (b) any requirements specified in the regulations for the purposes of this subsection.
- (4) A person who carries out work in compliance with a requirement of an order given under this section by a Coastal Authority is not subject to Part 5 of the *Environmental Planning and Assessment Act 1979* in carrying out the work.
- (5) Before giving an order under this section that relates to Crown land within the meaning of the *Crown Lands Act 1989* or land within a reserve as defined in Part 5 of that Act, a Coastal Authority must consult the Minister administering that Act.
- (6) This section does not apply to material deposited on a beach, or a structure erected, as part of development for which consent has been granted or that is exempt development or development that does not need consent under the *Environmental Planning and Assessment Act 1979* or is an approved project within the meaning of Part 3A of that Act.
- (7) This section does not apply in relation to emergency coastal protection works.
- (8) A council may not give an order under this section to a Minister or another public authority.

55ZB Stop work orders relating to materials and structures unlawfully being placed on beaches (other than emergency coastal protection works)

- (1) A Coastal Authority that is a designated authority for land may order a person not to carry out an activity on a beach on the land that the person is carrying

out, or is about to carry out, if the Coastal Authority is of the opinion that the activity:

- (a) causes or is likely to cause increased erosion of a beach or land adjacent to a beach, or
 - (b) unreasonably limits or is likely to unreasonably limit public access to a beach or headland, or
 - (c) poses or is likely to pose a threat to public safety.
- (2) This section does not apply to an activity in the course of development for which consent has been granted or that is exempt development or development that does not need consent under the *Environmental Planning and Assessment Act 1979* or is an approved project within the meaning of Part 3A of that Act.
- (3) This section does not apply if the activity comprises the placement or maintenance of emergency coastal protection works.
- (4) A council may not give an order under this section to a Minister or another public authority.

55ZC Orders relating to emergency coastal protection works

- (1) 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 remove, alter or repair the works and restore the land if the Coastal Authority is of the opinion that:
- (a) the works are causing increased erosion of a beach or land adjacent to a beach, or
 - (b) the works unreasonably limit public access to a beach or headland, or
 - (c) the works pose a threat to public safety, or
 - (d) the works have ceased to be emergency coastal protection works (for example, the works have been in place for longer than the maximum period allowed for emergency coastal protection works or the works are not being maintained as required by Part 4C or this Part or the requirements of the certificate under Division 2 of Part 4C that authorises the works).
- (2) 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 (whether public or private land) may order the person to restore any assets or vegetation on public land that have been damaged in the course of the placement of the works.

- (3) A Coastal Authority that is a designated authority for public land on which a person has placed (or caused to be placed) emergency coastal protection works may order the person to move, alter or remove the works and restore the land if the Coastal Authority is of the opinion that the person did not take all reasonable measures:
- (a) to avoid placing those works on the public land, or
 - (b) to avoid damage to assets or vegetation on the public land, or
 - (c) to minimise risks to the public on the public land, or
 - (d) to maintain reasonable public access (including access for local and public authorities) to and through the beach concerned.
- (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.
- (5) An order under this section that requires a person to restore land may include a requirement that the person restore the land concerned in accordance with:
- (a) in relation to an order made before 1 September 2011—any requirements adopted by the Minister and published in the Gazette for the purposes of this subsection before 1 January 2011, and
 - (b) any requirements specified in the regulations for the purposes of this subsection.
- (6) Before giving an order under this section relating to emergency coastal protection works, a Coastal Authority must ensure that the person or body that issued the certificate under Division 2 of Part 4C for the works is aware of the intention to make the order.

Note—

Certificates under Division 2 of Part 4C for emergency coastal protection works are issued by emergency works authorised officers as delegates of councils or of the Director-General of the Department of Environment, Climate Change and Water.

If an emergency works authorised officer who issued such a certificate was appointed by a council, any other Coastal Authority intending to make an order under this section relating to the works must ensure that the council is aware of the proposal to make the order.

If an emergency works authorised officer who issued such a certificate was appointed by the

Director-General, any Coastal Authority intending to make an order under this section relating to the works must ensure that the Director-General is aware of the proposal to make the order.

See section 55ZG for resolution of disputes between Coastal Authorities.

- (7) Before making an order under this section that relates to Crown land within the meaning of the *Crown Lands Act 1989* or land within a reserve as defined in Part 5 of that Act, the Coastal Authority must consult the Minister administering that Act.
- (8) A council may not give an order under this section to a Minister or another public authority.

55ZD General provisions relating to orders

- (1) An order under this Part may be given to a person by notice in writing or orally.
- (2) An order under this Part:
 - (a) takes effect immediately (or from a later date specified in the written notice or at the time the order is given orally), and
 - (b) is subject to such conditions as the Coastal Authority may specify in the written notice or at the time the order is given orally, and
 - (c) may require a person to cease doing, or causing or permitting to be done, the relevant activity for a specified time, and
 - (d) may require a person to do, or cause or permit to be done, the relevant activity within a specified time.
- (3) The Coastal Authority concerned may vary or revoke the order or the conditions of the order by further notice in writing or further oral order given to the person subject to the order.
- (4) An order given orally to a person ceases to have effect on the expiration of 72 hours from the time it was given unless confirmed by the Coastal Authority who gave the order by a notice in writing given to the person.
- (5) Subject to subsection (4), an order under this Part remains in force until whichever of the following happens first:
 - (a) the order is revoked by the Coastal Authority concerned,
 - (b) the activity to which the order relates obtains planning permission and evidence of the planning permission is provided to the Coastal Authority concerned.
- (6) A Coastal Authority is not required, before making an order under this Part, to

notify any person who may be affected by the order.

- (7) A Coastal Authority (other than a council) that makes an order under this Part must notify the relevant local council of the following:
 - (a) the making of the order,
 - (b) full compliance with the order.
- (8) A council must keep a record of the following:
 - (a) all orders under this Part made by it or notified to it under subsection (7) (a),
 - (b) full compliance with an order under this Part made by it,
 - (c) full compliance (notified to it by another Coastal Authority) with an order under this Part made by the other Coastal Authority.
- (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.
- (10) In this section, **evidence of planning permission** means evidence that:
 - (a) development consent or approval under the [Environmental Planning and Assessment Act 1979](#) has been granted, or
 - (b) the development concerned has become exempt development under that Act.

55ZE Fee

- (1) The purpose of this section is to enable a Coastal Authority to recover the administrative costs of preparing and giving orders under this Part.
- (2) A person who is given an order under this Part by a Coastal Authority must within 30 days pay a fee of \$444 (or such higher fee as may be prescribed by the regulations) to the Coastal Authority.
- (3) The Coastal Authority may:
 - (a) extend the time for payment of the fee, on the application of the person required to pay the fee, or
 - (b) waive payment of the whole or any part of the fee, on the Coastal Authority's own initiative or on the application of the person required to pay the fee.
- (4) A fee is not payable for the variation of an order made under this Part.
- (5) A person who does not pay the fee within the time provided under this section is

guilty of an offence.

Maximum penalty: 200 penalty units.

55ZF Failure to comply with order

- (1) A person who does not comply with an order under this Part is guilty of an offence.

Maximum penalty:

- (a) in the case of a corporation—4,500 penalty units and 400 penalty units for each day the offence continues, or
- (b) in any other case—2,250 penalty units and 200 penalty units for each day the offence continues.
- (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.
- (3) If a person does not comply with the requirements of an order under this Part within the time specified (whether that person has been convicted of an offence in respect of the order or not), the Coastal Authority concerned may, where the order required the doing of any act or thing, do the act or thing.
- (4) Any costs reasonably incurred by the Coastal Authority under subsection (3) may be recovered in a court of competent jurisdiction from the person who is the subject of the order as a debt due to the Coastal Authority.
- (5) An authorised officer of a Coastal Authority may, for the purposes of doing the act or thing referred to in subsection (3), enter any premises at any reasonable time. However, this section does not empower an authorised officer to enter any part of a building used only for residential purposes without the permission of the occupier.
- (6) Before an authorised officer enters premises under this section, the Coastal Authority concerned must give the occupier of the premises oral or written notice of the intention to enter the occupier's premises on a day or within a period of days specified in the notice.
- (7) The day or any day within the period of days specified must not be the day on which the notice is given.
- (8) This section does not require notice to be given if entry to the premises is made with the consent of the occupier of the premises.

55ZG Resolution of disputes under Part 4C and this Part

- (1) If a dispute arises between a council and a Coastal Authority that is a Minister in relation to the exercise of a function under Part 4C or this Part, the Minister may direct the council as to the exercise of the function.
- (2) If a dispute arises between two Coastal Authorities in relation to the exercise of a function under Part 4C or this Part (other than a dispute between a council and a Minister), the dispute may be referred to the Premier for resolution:
 - (a) by a party to the dispute, if that party is a Minister, or
 - (b) by the Minister responsible for a party to the dispute, if that party is not a Minister.
- (3) The Premier may give directions as the Premier sees fit to resolve the dispute.
- (4) A Coastal Authority is to comply with a direction under this section.
- (5) This section applies to the Director-General in the same way as it applies to a Minister.

55ZH Successors in title and emergency coastal protection works

- (1) If an original owner of land to whom a certificate under Division 2 of Part 4C has been issued ceases, before placing the authorised emergency coastal protection works on that land, to be the owner of that land, a successor in title is taken for the purposes of this Act to be the original owner. Such a successor in title may place and maintain those authorised emergency coastal protection works in accordance with that certificate.

Note—

A person who places emergency coastal protection works may be made the subject of an order under this Part—see section 55ZC.

- (2) If an original owner of land to whom a certificate under Division 2 of Part 4C has been issued ceases, after placing the authorised emergency coastal protection works on that land, but before the works are removed and the land restored in accordance with this Act, to be the owner of that land, a successor in title is taken for the purposes of this Act to be the original owner. Such a successor in title may be made the subject of an order under this Part as if the successor in title were the original owner.
- (3) If an order is made under this Part requiring an original owner of land who has placed emergency coastal protection works in accordance with a certificate under Division 2 of Part 4C to carry out work in relation to the works and the original owner ceases, before the work is carried out, to be the owner of the land, a successor in title:

- (a) is required to carry out that work, and
 - (b) to that extent, is bound by the order in the same way as the original owner (except as provided by this section).
- (4) A successor in title is bound by the order under subsection (3) only if the Coastal Authority that made the order:
- (a) before the land concerned was transferred—notified the relevant local council under section 55ZD (7), and
 - (b) has given a copy of the order to the successor in title.
- (5) For the purposes of subsection (3), the specified period within which the work is required to be carried out under the order is taken to commence from the date on which the copy of the order is given to the successor in title.

[27]-[38] (Repealed)

Schedule 2 (Repealed)

Schedule 3 Amendment of other legislation

3.1, 3.2

(Repealed)

3.3 Environmental Planning and Assessment Regulation 2000

[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.

[2] (Repealed)

[3] Schedule 4 Planning certificates

Insert after clause 4:

4A Certain information relating to beaches and coasts

- (1) In relation to a coastal council—whether an order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to emergency coastal protection

works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

(2) In relation to a coastal council:

(a) whether the council has been notified under section 55X of the *Coastal Protection Act 1979* that emergency coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and

(b) if works have been so placed—whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

(3) In relation to a coastal council—such information (if any) as is required by the regulations under section 56B of the *Coastal Protection Act 1979* to be included in the planning certificate and of which the council has been notified pursuant to those regulations.

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*.

3.4

(Repealed)