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Coastal Reforms Team
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cc: Mr Geoff Provest,
Member for Tweed

Re: Draft Coastal Management Bill – Proposals for Improvement

I generally concur with the objective of simplifying the legislation pertaining to the management of the NSW coastal environment and the proposed amalgamation of disparate but related legislation is a good start. Accordingly, the proposed Coastal Management Bill bringing together in one Bill matters presently covered in the current:

- Coastal Protection Act,
- NSW Coastal Policy, and
- The State Environment Planning Policies:
 - SEPP 14 – Coastal Wetlands,
 - SEPP 26 – Littoral Rainforests, and
 - SEPP 71 – Coastal Management,

is generally supported.

There are, however, a number significant deficiencies in the Draft Coastal Management Bill as presently drafted that need to be addressed:

1. The absence of an approved Coastal Management Program, or current Coastal Maps, gives Local Councils a relatively free hand in the consideration of coastal land use and development. This is not acceptable as Local Councils can simply delay, or willfully not prepare, such a Program to avoid meeting the requirement of the draft Bill that developments within the Coastal Area conform to a Coastal Management Program. This deficiency can be addressed by making it mandatory within the Bill that a Coastal Management Program must be prepared and approved before a Local Council approves any change in the existing land use from the effective date of proposed Coastal Management Bill.
2. The composition of the proposed NSW Coastal Council to be appointed by the Minister is inadequately defined. The Bill should clearly set out the number, qualifications and expertise of the Council Members. Such Council should include a number of Members with an extensive diversity of coastal environmental and engineering expertise.
3. The proposed NSW Coastal Council must have the powers and authority to audit Local Councils and issue appropriate sanctions for failure to comply with the Coastal Management Bill. The requirement to prepare an Audit Report on a Local Council should be from the NSW Coastal Council's own initiative, or from a substantiated request from the public. All such

Audit Reports prepared must be released publicly for consideration and comment during the drafting thereof, with the Final Report to be issued simultaneously to Parliament and the general public. All recommendations within the Audit Report pertaining to the actions of the Local Council being mandatory upon the audited Local Council and to be implemented within the periods specified within the Audit Report, and if none are specified with 12 month of final report issue. Recommendations not mandatory on Local Council to be considered and determined by Parliament.

There are many technical issues within the Draft Coastal Management Bill that are beyond my knowledge and experience which will undoubtedly be addressed by those with the appropriate qualifications. That said, it seems incongruous to me that an arbitrary 1km inland from ocean high water or coastal lake edge be the determinant for a coastal area boundary. Topography and environmental conservation should also be considered in determining the boundary, with 1km being the minimum distance from water to a coastal area boundary. These aspects require expert determination and suitable provisions therefor, including compulsory public consultation, should specified in the Coastal Management Bill.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Trevor R Bird', written in a cursive style.

Trevor R Bird