



THE LAW SOCIETY
OF NEW SOUTH WALES

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29 February 2016

Coastal Reforms Team
Office of Environment and Heritage
PO Box A290
SYDNEY SOUTH NSW 1232

By email: coastal.reforms@environment.nsw.gov.au

Dear Sirs,

Draft Coastal Management Bill

The Law Society appreciates the opportunity to make a submission on the coastal reform package currently on exhibition, including a draft Coastal Management Bill, an Explanation of Intended Effect for the proposed new Coastal Management State Environmental Planning Policy ("SEPP"), and key elements of a draft Coastal Management Manual.

The Law Society, in principle, welcomes the Government's efforts to develop new coastal protection laws for the integrated management of the coastal environment, in accordance with the principles of ecologically sustainable development and for the long-term public interest. However, we have outlined below a number of concerns about specific details of the proposed new legislation and supporting materials.

The Law Society's key concerns are summarised below.

Definition of "coastal zone"

The proposal to separate the coastal zone into four different "coastal management areas" results in different management objectives and protections for each of the four identified areas. While the Law Society does not necessarily oppose the creation of management areas, it is essential that the creation of these areas takes into account strategic planning and proper assessment of cumulative impacts so as to protect sensitive coastal environments.

Lack of mapping and SEPP text

The Law Society is concerned that key aspects of the coastal management package, including mapping for the coastal zone and the draft text of the proposed SEPP, have not been released as part of the consultation package. These are critical elements of the reforms, and without these documents the ability of stakeholders to properly consider all aspects of the reform package at this stage is limited. It is concerning

that the proposed SEPP has not yet been released, particularly given the link between management objectives for each of the proposed areas and development controls. While the Explanation of Intended Effect contains certain details regarding the development controls that will be contained in the SEPP, the information in this document is general and non-binding.

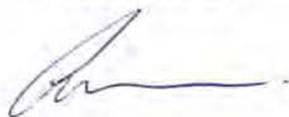
The Law Society acknowledges that the Government has committed to make the mapping of the proposed new coastal zone and full text of a draft SEPP available for public consultation prior to finalisation of the draft Bill. We urge that these documents be made available, with sufficient time for proper consultation, before the Bill is introduced into Parliament.

Objects of the new Act

The Law Society is aware that a number of other organisations are making submissions noting that the objects in the draft Bill represent a significant departure from the current Act's coastal protection objectives. The Law Society urges Government to consult closely with these bodies, to ensure that the concerns expressed about development continuing to have a significant impact on sensitive coastal ecosystems, including littoral rainforests, coastal wetlands, coastal lakes and sand dunes are addressed.

If you have any questions in relation to this submission, please contact Liza Booth, Policy Lawyer, on (02) 9926 0202 or by email to liza.booth@lawsociety.com.au.

Yours sincerely,



Gary Ulman
President