

# Climate Change Readiness (Coastal Planning and Protection) Bill 2013

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Western Australia

LEGISLATIVE COUNCIL

*(Introduced by the Hon. Lynn MacLaren MLC)*

**Climate Change Readiness (Coastal Planning  
and Protection) Bill 2013**

**A Bill for**

**An Act about planning and development in the coastal zone, the  
management of the coastal zone, and for related purposes.**

The Parliament of Western Australia enacts as follows:

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## Part 1 — Preliminary

### 1. Short title

This is the *Climate Change Readiness (Coastal Planning and Protection) Act 2013*.

### 2. Commencement

This Act comes into operation as follows:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) section 19 — on the day on which the WA coastal plan first comes into operation under section 16(4);
- (c) the rest of the Act — on the day after the day on which this Act receives the Royal Assent.

### 3. Objects of Act

(1) The main object of this Act is to provide for the regulation of —

- (a) planning and development in the coastal zone; and
- (b) the management of the coastal zone,

taking into account the current and projected impact of climate change.

(2) The other objects of this Act are, so far as is consistent with its main object, as follows —

- (a) to make decisions and take actions that will promote sustainability in the coastal zone;
- (b) to ensure that planning decisions take account of —
  - (i) the effect of the changing coastal environment on built infrastructure; and
  - (ii) the impact of built infrastructure on the coastal environment;

- 1 (c) to ensure that planning decisions take account of the  
2 following —
- 3 (i) the vulnerable parts of the coastal zone and its  
4 associated ecosystems, ecological processes and  
5 biological diversity;
- 6 (ii) the integrity of coastal land systems;
- 7 (iii) beach amenity and public access to beaches;
- 8 (iv) recreation, tourism and commercial activities  
9 which are consistent with sustainability;
- 10 (v) coastal values and a sense of place;
- 11 (d) to ensure that the State's planning systems and strategies  
12 are based on up-to-date climate science and projections;
- 13 (e) to apply the precautionary principle in planning  
14 decisions that affect the coastal zone;
- 15 (f) to ensure the highest standards of environmentally  
16 sensitive design are applied in coastal engineering and  
17 infrastructure works;
- 18 (g) to involve Aboriginal traditional owners and the broader  
19 community in decision-making at all stages of the  
20 planning and development process;
- 21 (h) to protect and preserve historical and cultural sites on  
22 the coast that are of Aboriginal or non-Aboriginal  
23 significance.
- 24 (3) Any action, decision or exercise of discretion under this Act  
25 must be consistent with the objects of this Act and taken or  
26 made as expeditiously as is practicable.

27 **4. Terms used**

- 28 (1) In this Act, unless the contrary intention appears —
- 29 *approval*, in relation to development, means approval of  
30 development under a scheme or interim development order or in  
31 a planning control area;

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- 1            **coastal compartment** means a component of the geological  
2            framework of the coast comprising primary coastal  
3            compartments, secondary coastal compartments and tertiary  
4            coastal compartments;
- 5            **coastal hazard** means a coastal process that will, or is likely to,  
6            significantly affect the environment or safety of people (for  
7            example, erosion, accretion and inundation);
- 8            **Coastal Planning and Coordination Council** means the body  
9            established under the PAD Act Schedule 2 clause 7;
- 10          **coastal processes** means the natural processes of the coast  
11          including the following —
- 12            (a) sediment transport including erosion and accretion;
- 13            (b) inundation;
- 14            (c) fluctuations in the location and form of the foreshore;
- 15            (d) dune systems;
- 16            (e) tides;
- 17            (f) change in mean sea level;
- 18            (g) ecological processes (for example, migration of plant  
19            and animal species);
- 20            (h) applicable geomorphological processes;
- 21            (i) the natural water cycle (for example, the role of coastal  
22            wetlands in nutrient filtration and flood mitigation);
- 23          **coastal protection notice** has the meaning given by  
24          section 66(2);
- 25          **coastal zone** means the area identified in the coastal plan as the  
26          coastal zone;
- 27          **controlling body** has the meaning given in section 32;
- 28          **development** means —
- 29            (a) development for which approval under a scheme is  
30            required; and
- 31            (b) the subdivision of a lot or the amalgamation of a lot with  
32            any other lot;



1           **EPA** means the Environmental Protection Authority continued  
2           in existence under the EP Act;  
3           **EP Act** means the *Environmental Protection Act 1986*;  
4           **exempt development** has the meaning given in section 51(5);  
5           **geomorphic** means of or pertaining to the forms of the surface  
6           of the earth;  
7           **geomorphological processes** means the natural mechanisms of  
8           weathering, erosion and deposition that result in the  
9           modification of the surficial materials and landforms at the  
10          earth's surface;  
11          **landform** means a natural feature of the earth's surface;  
12          **landform pattern** means several recurring landforms;  
13          **land surrender condition** has the meaning given in  
14          section 60(1);  
15          **land system** means an area of characteristic landform patterns  
16          suitable for mapping at regional scales of 1:50 000 to  
17          1:1 000 000;  
18          **local coastal adaptation plan** means a local coastal adaptation  
19          plan, as amended from time to time, in operation under  
20          section 43;  
21          **local coastal management plan** means a local coastal  
22          management plan, as amended from time to time, in operation  
23          under section 43;  
24          **maritime infrastructure** means —  
25               (a) a jetty; or  
26               (b) a breakwater, groyne or seawall; or  
27               (c) a dredged channel; or  
28               (d) a boat pen or vessel mooring,  
29          that is necessary in relation to port activities or the  
30          administration of a port;  
31          **owner** has the meaning given in section 5;  
32          **PAD Act** means the *Planning and Development Act 2005*;

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- 1           ***precautionary principle*** means the principle that lack of full  
2           scientific certainty should not be used as a reason for  
3           postponing a measure to prevent degradation of the environment  
4           where there are threats of serious or irreversible environmental  
5           damage;
- 6           ***prescribed*** means prescribed by regulation;
- 7           ***primary coastal compartment*** means a component of the  
8           geological framework of the coast bounded alongshore by large  
9           geologic structures, changes in geology or geomorphic features  
10          exerting structural control on the platform of the coast, and  
11          containing a particular land system;
- 12          ***public authority*** means any of the following —
- 13           (a) a Minister of the State;
- 14           (b) a department of the Public Service, a State  
15           instrumentality or a State public utility;
- 16           (c) any other person or body, whether corporate or not, who  
17           or which, under the authority of a written law,  
18           administers or carries on for the benefit of the State a  
19           social service or public utility;
- 20           (d) a local government;
- 21          ***register***, in relation to a memorial, means to register under the  
22          *Registration of Deeds Act 1856* or the *Transfer of Land*  
23          *Act 1893*, as the case requires;
- 24          ***Registrar*** means the Registrar of Titles under the *Transfer of*  
25          *Land Act 1893* or the Registrar of Deeds and Transfers under  
26          the *Registration of Deeds Act 1856*, as the case requires;
- 27          ***responsible authority*** means —
- 28           (a) in relation to a local planning scheme or local interim  
29           development order, or the approval of development  
30           under the scheme or order, the local government  
31           responsible for the enforcement of the observance of the  
32           scheme or order, or the execution of any works which  
33           under the scheme or order, or this Act, are to be  
34           executed by a local government;

- 1 (b) in relation to a region planning scheme, regional interim  
2 development order or planning control area, or the  
3 approval of development under the scheme or order or  
4 in the control area, the WAPC or a local government  
5 exercising the powers of the WAPC;
- 6 (c) in relation to an improvement scheme or the approval of  
7 development under the scheme, the WAPC;
- 8 (d) in relation to a scheme prepared under the *Metropolitan*  
9 *Redevelopment Authority Act 2011* or the approval of  
10 development under the scheme, the Metropolitan  
11 Redevelopment Authority established under section 4 of  
12 that Act;
- 13 (e) in relation to development to which the *Swan and*  
14 *Canning Rivers Management Act 2006* Part 5 applies,  
15 the Swan River Trust established under section 16 of  
16 that Act;
- 17 (f) in relation to an approval under the PAD Act  
18 section 135 or 136, the WAPC;

19 **scheme** has the meaning given in the EP Act section 3(1);

20 **secondary coastal compartment** means a compartment of the  
21 geological framework of the coast identified by contemporary  
22 sediment movement on the shoreface and potential interdecadal  
23 landform response;

24 **short-term development** has the meaning given in section 51(4);

25 **sustainability** means meeting the needs of current and future  
26 generations through an integration of environmental protection,  
27 social advancement and economic prosperity;

28 **tertiary coastal compartment** means a component of the  
29 geological framework of the coast identified by the reworking  
30 and movement of sediment in the nearshore and potential  
31 seasonal and interannual response;

32 **transition zone** means the transition zone identified in the WA  
33 coastal plan;

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1            **vulnerability assessment** means an assessment of the  
2            vulnerability of land systems to climate and other environmental  
3            change prepared or adopted under section 18 and included in the  
4            WA coastal plan;

5            **WA coastal plan** means the WA coastal plan, as amended from  
6            time to time, in operation under section 16;

7            **WAPC** means the Western Australian Planning Commission  
8            established under the PAD Act section 7.

9            (2) In this Act, each of the following terms has the meaning given  
10           in the PAD Act —

11           **artificial waterway**

12           **improvement scheme**

13           **interim development order**

14           **local interim development order**

15           **local planning scheme**

16           **lot**

17           **planning control area**

18           **region planning scheme**

19           **regional interim development order**

20           **State planning policy**

21           **5. Term used: owner**

22           (1) In this Act —

23           **owner** means —

24           (a) in relation to freehold land —

25                  (i) a holder of the freehold; and

26                  (ii) a mortgagee in possession;

27           (b) in relation to Crown land —

28                  (i) the care, control and management of which has  
29                     been placed in a management body, that  
30                     management body; and

- 1 (ii) which is reserved, set apart or vested for, or  
2 dedicated to, the purposes of another written law,  
3 the person who is responsible for the  
4 administration of that Crown land while it is so  
5 reserved, set apart, vested or dedicated; and  
6 (iii) other than land referred to in paragraph (b)(i)  
7 or (ii), the Minister for Lands, as referred to in  
8 the *Land Administration Act 1997* section 7(1).

9 (2) In this section each of the following terms has the meaning  
10 given in the *Land Administration Act 1997* —

11 ***Crown land***  
12 ***management body***

13 **6. Crown bound**

14 This Act binds the State and, so far as the legislative power of  
15 the State permits, the Crown in all its other capacities.

16 **7. Inconsistency with other Acts**

17 If a provision of this Act is in conflict or inconsistent with a  
18 provision of another Act, the provision of this Act prevails to  
19 the extent to which it is in conflict or inconsistent.

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**Part 2 — WA coastal plan**

**Division 1 — Making of WA coastal plan**

**8. Draft WA coastal plan**

- (1) The WAPC must, not later than 3 years after this section comes into operation, prepare a draft WA coastal plan.
- (2) The draft WA coastal plan must —
  - (a) identify the coastal zone; and
  - (b) include a vulnerability assessment of the coastal zone prepared in accordance with section 18; and
  - (c) identify the natural management framework of the coast comprising the coastal zone including the coastal compartments identified and scaled in the vulnerability assessment referred to in paragraph (b); and
  - (d) identify the transition zone in accordance with Division 3; and
  - (e) include adaptation principles, guidelines and measures for the coastal zone which give direction to the following —
    - (i) the hierarchy of planning measures for coastal hazard risk management, giving preference to the sequence of avoidance, planned or managed retreat, accommodation and protection;
    - (ii) the protection and expansion of coastal foreshore reserves;
    - (iii) disaster and emergency management;
    - (iv) the protection of coastal processes from marina or artificial waterway developments other than maritime infrastructure;
    - (v) the protection of areas of ecological significance and the creation of ecological corridors for biodiversity preservation;

- 1 (vi) the protection and preservation of areas of  
2 Aboriginal or non-Aboriginal historical or  
3 cultural significance;
- 4 (vii) the regular monitoring, reporting and review of  
5 adaptation strategies and measures;
- 6 and
- 7 (f) include management principles, guidelines and measures  
8 for the coastal zone which give direction to the  
9 following —
- 10 (i) management and use of land within the coastal  
11 zone;
- 12 (ii) allowing natural current and likely future coastal  
13 processes to occur without interruption;
- 14 (iii) the design, location and management of  
15 buildings, infrastructure and other structures in  
16 the transition zone;
- 17 (iv) avoiding or minimising the impact on the current  
18 or likely future coastal processes by giving  
19 preference to the sequence of avoidance, planned  
20 or managed retreat, accommodation and  
21 protection;
- 22 (v) the protection and maintenance of dunes and  
23 dune vegetation;
- 24 (vi) the protection and conservation of areas with  
25 high natural value and ecological significance;
- 26 (vii) maintaining the living culture of Aboriginal  
27 traditional owners and their connection with  
28 cultural resources within the coastal zone;
- 29 (viii) maintaining public access to and use of the  
30 coastal zone for current and future generations;
- 31 (ix) buildings, infrastructure and other structures  
32 being established on public land within the  
33 coastal zone only where they are essential,

- 1 provide a public service and cannot be feasibly  
2 located elsewhere;
- 3 (x) the restriction of driving on beaches except for  
4 essential access or in an emergency or where low  
5 impact controlled access exists;
- 6 (xi) keeping the community, including Aboriginal  
7 traditional owners, informed and provided with  
8 opportunities to participate in decision making  
9 related to the management of the coastal zone;
- 10 (xii) building resilience and adaptive management  
11 into the planning and management of the coastal  
12 zone;
- 13 (xiii) the integration and coordination of policies and  
14 activities of the various levels of government and  
15 public authorities relating to the coastal zone.
- 16 (3) In preparing the draft WA coastal plan the WAPC —
- 17 (a) must —
- 18 (i) work with relevant public authorities and federal  
19 agencies on relevant aspects of the development  
20 of the plan and incorporate their advice to the  
21 maximum extent practicable; and
- 22 (ii) work with, and provide feedback to, relevant  
23 Aboriginal traditional owners, natural resource  
24 management groups, environmental advocacy  
25 groups and local coastcare community groups on  
26 relevant aspects of the development of the plan;  
27 and
- 28 (iii) seek comments from, and provide feedback to,  
29 any other person that the WAPC considers would  
30 be likely to be affected by the plan if it were  
31 approved;
- 32 and



1           (b) may seek comments from, and provide feedback to, any  
2           other public authority or person that the WAPC  
3           considers appropriate.

4           (4) In preparing the draft WA coastal plan the WAPC must have  
5           regard to —

6           (a) the views of any public authority or person consulted  
7           under subsection (3)(a); and

8           (b) the latest scientific projections available as at the date of  
9           preparation as advised by the EPA under section 73(b).

10   **9. Draft WA coastal plan must be referred to EPA**

11           (1) The WAPC must refer any draft WA coastal plan to the EPA,  
12           together with any written information about it as is sufficient to  
13           enable the EPA to comply with the EP Act section 48A in  
14           relation to it.

15           (2) If, under the EP Act section 48A(1)(b)(i), the EPA informs the  
16           WAPC that the draft should be assessed by the EPA under the  
17           EP Act Part IV Division 3, the WAPC must —

18           (a) within 7 days after the last day on which submissions  
19           may be made to the WAPC under section 12, send the  
20           EPA a copy of each submission made under section 12  
21           that relates wholly or in part to any environmental issue  
22           raised by the draft; and

23           (b) within 42 days after that last day, or such longer period  
24           as the Minister allows, advise the EPA of the WAPC's  
25           views on and response to each environmental issue to  
26           which any such submission relates.

27           (3) If, under the EP Act section 48C(1)(a), the EPA requires the  
28           WAPC to undertake an environmental review of the draft, the  
29           WAPC must —

30           (a) undertake the review in accordance with the instructions  
31           issued under that section; and

32           (b) report to the EPA on the review.

- 1 (4) If the EPA advises the WAPC that the environmental review  
2 has not been undertaken in accordance with the instructions  
3 issued under the EP Act section 48C(1)(a), the WAPC may —
- 4 (a) ask the Minister to consult with the Environment  
5 Minister and, if possible, agree with him or her on  
6 whether or not the review has been undertaken in  
7 accordance with those instructions; or
- 8 (b) comply with subsection (3).
- 9 (5) If pursuant to a request made under subsection (4)(a) the  
10 Minister and the Environment Minister consult then —
- 11 (a) if they agree whether or not the review has been  
12 undertaken in accordance with the instructions issued  
13 under the EP Act section 48C(1)(a), their decision is  
14 final and cannot be appealed;
- 15 (b) if they cannot agree, the EP Act section 48J applies.
- 16 (6) If the Minister and the Environment Minister agree that the  
17 review has not been undertaken in accordance with the  
18 instructions issued under the EP Act section 48C(1)(a), the  
19 WAPC must undertake a further review in accordance with  
20 those instructions.
- 21 **10. Draft WA coastal plan to be submitted to Minister for**  
22 **publication approval**
- 23 (1) After the WAPC prepares a draft WA coastal plan, the WAPC  
24 must submit the draft to the Minister.
- 25 (2) If under section 9(3) the WAPC is required to undertake an  
26 environmental review, the draft redevelopment scheme must not  
27 be submitted to the Minister before the WAPC has sent the  
28 review to the EPA and —
- 29 (a) either —
- 30 (i) the EPA has advised the WAPC; or
- 31 (ii) under section 9(5)(a) it is agreed; or

- 1                   (iii) under the EP Act section 48J it is decided,  
2                   that the review has been undertaken in accordance with  
3                   the instructions issued under the EP Act  
4                   section 48C(1)(a); or  
5                   (b) 30 days have elapsed since the day on which the review  
6                   was sent to the EPA and the EPA has not advised  
7                   whether or not the review has been undertaken in  
8                   accordance with those instructions,  
9                   whichever occurs first.
- 10           (3) Having considered the draft WA coastal plan the Minister —  
11               (a) may consent to the public notification of the draft; or  
12               (b) may refuse to consent and may require the WAPC to  
13               prepare another or an amended draft in accordance with  
14               the instructions given by the Minister.
- 15           (4) The Minister must act under subsection (3)(a) if the Minister is  
16           of the opinion that the draft WA coastal plan complies with the  
17           objects and provisions of this Act.
- 18           (5) If the Minister does not act under subsection (3) within 60 days  
19           after receiving the draft WA coastal plan, the Minister is taken  
20           to have consented to the public notification of the draft.

21   **11. Public notification of draft WA coastal plan**

- 22           (1) If under section 10(3)(a) the Minister consents to the public  
23           notification of the draft WA coastal plan, the WAPC must  
24           publish a notice stating the following —  
25               (a) where and when a copy of the draft can be inspected;  
26               (b) where and when a copy of the draft can be obtained;  
27               (c) the effect of section 12;  
28               (d) the period within which submissions about the draft can  
29               be made, set under subsection (3).

- 1 (2) The notice must be published —  
2 (a) in the *Gazette*; and  
3 (b) in 2 issues of a newspaper circulating throughout the  
4 State; and  
5 (c) in 2 issues of any local or regional newspaper the  
6 WAPC considers appropriate; and  
7 (d) on the public comment section of the WAPC website.
- 8 (3) The period within which submissions about the draft can be  
9 made must be set by the WAPC, and must not be less than  
10 60 days after the day on which the notice is published in the  
11 *Gazette*.
- 12 (4) The draft WA coastal plan must be made available by the  
13 WAPC for inspection by the public during office hours free of  
14 charge.
- 15 (5) The draft WA coastal plan must be made available for  
16 inspection by the public on a website maintained by the WAPC.
- 17 (6) Regulations made under this Act may prescribe a fee for  
18 obtaining a copy of the draft WA coastal plan.

19 **12. Public submissions on draft WA coastal plan**

- 20 (1) Any person may, within the period set under section 11(3),  
21 make a written submission to the WAPC about the draft WA  
22 coastal plan.
- 23 (2) The WAPC must publish any submission made under  
24 subsection (1) —  
25 (a) on its website; and  
26 (b) by making it available to the public during office hours  
27 at the WAPC's office.

- 1     **13.     Draft WA coastal plan to be submitted to Minister for final**  
2     **approval**
- 3     (1)     After section 11 has been complied with and the period within  
4     which submissions about the draft WA coastal plan can be made  
5     has elapsed, the WAPC must submit the draft to the Minister.
- 6     (2)     The draft may include amendments that take account of any  
7     submission made under section 12.
- 8     (3)     The draft must be accompanied by —
- 9             (a)     a summary of all the submissions made under  
10            section 12; and
- 11            (b)     a report by the WAPC on the merits of those  
12            submissions.
- 13     **14.     Minister’s functions in deciding final approval**
- 14     (1)     After considering a draft WA coastal plan submitted to him or  
15     her under section 13, the Minister must —
- 16             (a)     approve the plan; or
- 17             (b)     refuse to approve the plan; or
- 18             (c)     approve the plan subject to amendments being made to  
19             it, as directed by the Minister.
- 20     (2)     The Minister must not act under subsection (1) —
- 21             (a)     until —
- 22                 (i)     under the EP Act section 48A(1)(a), the EPA has  
23                 informed the WAPC that the EPA considers that  
24                 the draft should not be assessed by the EPA  
25                 under the EP Act Part IV Division 3; or
- 26                 (ii)    the 28 day period referred to in the EP Act  
27                 section 48A(1)(b)(i) has expired without the EPA  
28                 having, under that section, informed the WAPC;  
29                 or
- 30                 (iii)   if a statement has been delivered under the EP  
31                 Act section 48F(2) setting out the conditions, if  
32                 any, to which the draft should be subject — the

- 1 Minister is satisfied the submitted draft meets  
2 those conditions; or  
3 (iv) if a decision has been made under the EP Act  
4 section 48J on the conditions, if any, to which  
5 the draft should be subject — the Minister is  
6 satisfied the submitted draft meets those  
7 conditions,  
8 whichever occurs first; or  
9 (b) if, under the EP Act section 48A(2)(b), the Minister and  
10 the Environment Minister have made an agreement.  
11 (3) The Minister must act under subsection (1)(a) if the Minister is  
12 of the opinion that the draft WA coastal plan complies with the  
13 objects and provisions of this Act.  
14 (4) If the Minister refuses to approve a draft WA coastal plan, the  
15 Minister may give directions to the WAPC as to the preparation  
16 of a further plan and as to the submission of the plan under  
17 section 10 or 13 as the Minister may specify.

18 **15. Gazettal of WA coastal plan**

19 If under section 14 the Minister approves the WA draft coastal  
20 plan the WAPC must publish in the *Gazette* a notice of —

- 21 (a) the approval; and  
22 (b) where and when a copy of the approved WA coastal  
23 plan can be inspected; and  
24 (c) where and when a copy of the plan can be obtained.

25 **16. Parliament may disallow WA coastal plan**

- 26 (1) A copy of the WA coastal plan approved under section 14 must  
27 be laid before each House of Parliament within 6 sitting days of  
28 that House next following the date on which the plan is  
29 published in the *Gazette*.  
30 (2) Either House of Parliament, by resolution of which notice has  
31 been given within 12 sitting days of that House after the WA

- 1 coastal plan has been laid before it under subsection (1), may  
2 pass a resolution disallowing the plan.
- 3 (3) Notice of the disallowance must be published in the *Gazette*  
4 within 21 days of the passing of the resolution.
- 5 (4) If neither House of Parliament passes a resolution in accordance  
6 with subsection (2) disallowing the WA coastal plan laid before  
7 it, the plan comes into operation immediately following the last  
8 day upon which a resolution disallowing it could have been  
9 passed or on such later day as is specified or provided for in the  
10 plan.
- 11 (5) If before the expiration of 12 sitting days of a House of  
12 Parliament after the WA coastal plan has been laid before that  
13 House —
- 14 (a) that House, being the Legislative Assembly, is dissolved  
15 or expires, or the Parliament is prorogued; and
- 16 (b) a resolution for the disallowance of the plan has not  
17 been passed by that House,
- 18 the WA coastal plan is, for the purposes of this section, taken to  
19 have been laid before that House on the first sitting day of that  
20 House after the dissolution, expiry or prorogation, as the case  
21 may be.

22 **17. Availability of WA coastal plan**

- 23 (1) The WA coastal plan must be made available by the WAPC for  
24 inspection by the public during office hours free of charge.
- 25 (2) Regulations made under this Act may prescribe a fee for  
26 obtaining a copy of the WA coastal plan.
- 27 (3) The WA coastal plan must be made available for inspection by  
28 the public on a website maintained by the WAPC.

**Division 2 — Vulnerability assessment**

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**18. Vulnerability assessment of Western Australian coast**

- (1) The WAPC must —
- (a) cause a vulnerability assessment of any part of the Western Australian coast that has been developed before the coming into operation of this section or that, in the opinion of the WAPC, is likely to be developed within 5 years of the coming into operation of this section to be prepared; or
  - (b) adopt an assessment of that part of the Western Australian coast that, in the opinion of the WAPC, conforms with the guidelines prepared under subsection (6).
- (2) The first WA coastal plan must include the vulnerability assessment prepared or adopted under subsection (1).
- (3) The WAPC must cause a vulnerability assessment of the whole of the Western Australian coast to be completed and included in the WA coastal plan not later than 3 years after the coming into operation of this section.
- (4) Any vulnerability assessment must be prepared in relation to coastal compartments according to whether the components of the coastal compartments are scaled by the WAPC as one or more of the following —
- (a) primary coastal compartments;
  - (b) secondary coastal compartments;
  - (c) tertiary coastal compartments.
- (5) In preparing the vulnerability assessment and determining the scales under subsection (4) the WAPC must have regard to the vulnerability assessment guidelines prepared under subsection (6).



- 1 (6) The WAPC must prepare vulnerability assessment guidelines  
2 that address the following —
- 3 (a) the identification of risk factors associated with social,  
4 cultural and ecological values;
- 5 (b) the identification of risk factors associated with  
6 development;
- 7 (c) the consideration of climate change impacts and  
8 projections including —
- 9 (i) projected mean sea level rise; and  
10 (ii) projected increases in storm high tides resulting  
11 from increased mean sea level; and  
12 (iii) projected changes in severity and frequency of  
13 storm events and cyclones; and  
14 (iv) projected increases in estuarine flooding;
- 15 (d) the consideration of likely future coastal hazards based  
16 on the matters set out in paragraph (c) and on —
- 17 (i) the geomorphology of the Western Australian  
18 coast, identifying coastal land systems and the  
19 current and likely future coastal processes that  
20 affect them; and  
21 (ii) existing coastal infrastructure and facilities (both  
22 how current or likely future coastal processes  
23 may impact on them, and how they may impact  
24 on current or likely future coastal processes); and  
25 (iii) coastal infrastructure and facilities that have been  
26 approved but are not yet constructed (both how  
27 current and likely future coastal processes may  
28 impact them, and how they may impact on  
29 current or likely future coastal processes);
- 30 (e) the determination of appropriate mechanisms for  
31 managing coastal hazards, for example determining  
32 setbacks or actively managing sediment transport, based  
33 on the matters set out in paragraphs (c) and (d);

- 1 (f) the identification of coastal buffers, including whether a  
2 buffer zone needs to be established on the landward side  
3 of the transition zone for ecological processes,  
4 connectivity of habitat and public access to beach  
5 amenity, or any of those matters;
- 6 (g) the monitoring and review of the vulnerability  
7 assessment;
- 8 (h) any other matter the WAPC considers relevant.
- 9 (7) The precautionary principle must be applied in preparing the  
10 vulnerability assessment.
- 11 (8) In preparing the vulnerability assessment the WAPC is to have  
12 regard to the latest scientific projections available as at the date  
13 of preparation as advised by the EPA under section 73(b).
- 14 (9) The vulnerability assessment may be amended from time to  
15 time in accordance with Division 5 and this section applies to  
16 the amendment as if it were a vulnerability assessment.

17 **19. Restrictions on development in areas without vulnerability**  
18 **assessment**

19 A person must not commence or carry out development on land  
20 within the coastal zone unless —

- 21 (a) a vulnerability assessment of the land has been included  
22 in the WA coastal plan; or
- 23 (b) the development is short-term development or exempt  
24 development and is authorised under this Act and any  
25 relevant scheme.

26 **Division 3 — Transition zone**

27 **20. Identification of transition zone**

- 28 (1) The transition zone is the area of the coastal zone which, in the  
29 opinion of the WAPC, is likely to be vulnerable to adverse  
30 impacts of a coastal hazard, either current or future under the

1 latest scientific projections available as advised by the EPA  
2 under section 73(b).

3 (2) The WAPC must have regard to the vulnerability assessment  
4 when identifying any part of the coastal zone as the transition  
5 zone in the WA coastal plan.

6 **21. Memorial must be lodged if land included in transition zone**

7 (1) The WAPC must cause a memorial to be lodged with the  
8 Registrar in respect of land that is included in the transition zone  
9 as soon as practicable after the land is included.

10 (2) On the lodging of a memorial under subsection (1), the  
11 Registrar must register the memorial against the relevant land.

12 (3) If the land is removed from the transition zone, the WAPC must  
13 give notice to the Registrar that the memorial is to be withdrawn  
14 and the Registrar must register the withdrawal of the memorial  
15 in the appropriate manner.

16 **22. Notice of memorial to be given**

17 As soon as practicable after a memorial is registered or  
18 withdrawn under section 21, written notice that the memorial is  
19 registered or withdrawn, with a copy of the memorial or notice  
20 to withdraw the memorial attached, as is relevant, must be given  
21 by the WAPC to —

22 (a) each owner of the relevant land; and

23 (b) each local government which has located within its  
24 district all, or part, of the relevant land; and

25 (c) each responsible authority a scheme of which applies to  
26 all, or part, of the relevant land.

27 **23. Amendment of transition zone on request of responsible  
28 authority or owner**

29 (1) In this section —  
30 *change criteria* has the meaning given in section 28;



1   **26.    WA coastal plan has legislative effect**

- 2       (1) The WA coastal plan has legislative effect.
- 3       (2) For the purposes of the *Interpretation Act 1984*, the WA coastal  
4       plan is subsidiary legislation made under this Act.
- 5       (3) The *Interpretation Act 1984* section 41 does not apply to the  
6       WA coastal plan.

7                           **Division 5 — Review and amendment**

8   **27.    General review**

- 9       (1) The WAPC must carry out a review of the WA coastal plan as  
10       soon as is practicable after —
- 11           (a) the 5<sup>th</sup> anniversary of the plan coming into operation;  
12           and
- 13           (b) the expiry of each 5 yearly interval after the plan was  
14           last reviewed.
- 15       (2) The purpose of the review is to reassess the suitability of the  
16       provisions of the WA coastal plan to achieve the objects of this  
17       Act.

18   **28.    Change criteria review**

- 19       (1) In this section —
- 20       *change criteria*, in relation to the WA coastal plan, means any  
21       of the following —
- 22           (a) the actual rise in sea level has occurred sooner than, or  
23           varies significantly from, the rise projected in the  
24           vulnerability assessment;
- 25           (b) the actual frequency and severity of extreme weather  
26           events are significantly different from those projected in  
27           the vulnerability assessment;
- 28           (c) more recent coastal climate change science has become  
29           available in which there are projections that are

- 1 significantly different to projections in the vulnerability  
2 assessment;
- 3 (d) more recent, detailed or up-to-date geomorphological  
4 work on a part of the Western Australian coast has  
5 become available that leads to significantly different  
6 conclusions regarding vulnerability from those projected  
7 in the vulnerability assessment;
- 8 (e) unforeseen events or consequences of the impact of  
9 coastal processes have arisen;
- 10 (f) the harm from human settlements to hydrological,  
11 ecological and coastal processes, or to biodiversity in  
12 the coastal zone, is greater than projected in the  
13 vulnerability assessment;
- 14 (g) any other factor which in the opinion of the Coastal  
15 Planning and Coordination Council warrants a review of  
16 the WA coastal plan.
- 17 (2) The WAPC must carry out a review of the WA coastal plan as  
18 soon as is practicable after being advised by the Coastal  
19 Planning and Coordination Council that changes are necessary  
20 as the result of the occurrence of one of more of the change  
21 criteria.
- 22 (3) In carrying out the review, and in any amendment prepared as a  
23 consequence of the review, the WAPC is to have regard to the  
24 latest scientific projections available as at the date of the review  
25 or amendment as advised by the EPA under section 73(b).

26 **29. Review report**

- 27 (1) The WAPC must —
- 28 (a) prepare a report based on a review carried out under  
29 section 27 or 28; and
- 30 (b) submit the report to the Minister.

- 1 (2) The Minister must cause a copy of the report to be laid before  
2 each House of Parliament within 7 days after receiving a copy  
3 of the report.
- 4 (3) If —
- 5 (a) at the time the report is submitted to the Minister a  
6 House of Parliament is not sitting; and
- 7 (b) the Minister is of the opinion the House will not sit  
8 before the end of the period referred to in subsection (2),
- 9 the Minister must transmit a copy of the report to the Clerk of  
10 that House and make the report available to the public.
- 11 (4) A copy of a report transmitted to the Clerk of a House is to be  
12 regarded as having been laid before that House.
- 13 (5) The laying of a copy of a report that is regarded as having  
14 occurred under subsection (4) must be recorded in the Minutes,  
15 or Votes and Proceedings, of the House on the first sitting day  
16 of the House after the Clerk received the copy.

17 **30. Amendment following review**

- 18 (1) If a review report under section 29 recommends amendments to  
19 the WA coastal plan, the WAPC must prepare draft  
20 amendments in accordance with the recommendations.
- 21 (2) Sections 8 to 16, with necessary changes, apply to a draft  
22 amendment or an amendment as if —
- 23 (a) any references in those sections to the draft WA coastal  
24 plan were references to the draft amendment; and
- 25 (b) in section 10(3)(b) the words “and may require” were  
26 substituted for “and require”; and
- 27 (c) the reference in section 14(4) to a further plan were a  
28 reference to a further draft amendment; and
- 29 (d) any reference in section 15 or 16 to the WA coastal plan  
30 were a reference to an approved amendment.

1 **31. Replacement of WA coastal plan**

2 (1) If a review report under section 29 recommends the making of a  
3 new WA coastal plan, the WAPC must prepare a new draft WA  
4 coastal plan in accordance with the recommendation.

5 (2) Sections 8 to 16 apply to the making of a new WA coastal plan.

6 (3) The new plan replaces the existing plan on and from the day the  
7 new plan comes into operation under section 16.



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**Part 3 — Adaptation and management plans**

**32. Terms used**

In this Part —

***controlling body*** means —

- (a) in relation to land that is in a coastal compartment within the district of a local government, the local government;
- (b) in relation to any other land that is in a coastal compartment, the person that has the care, control and management of the land or, if there is no such person, the WAPC;

***local coastal plan*** means —

- (a) a local coastal adaptation plan; or
- (b) a local coastal management plan.

**33. Draft local coastal adaptation plans and draft local coastal management plans**

- (1) A local government of a district in which is land in a coastal compartment must prepare in accordance with this Part —
  - (a) a draft local coastal adaptation plan for the land; and
  - (b) a draft local coastal management plan for the land.
- (2) If the land in a coastal compartment is in 2 or more local government districts, the local governments for those districts must jointly prepare in accordance with this Part —
  - (a) a draft local coastal adaptation plan for the land; and
  - (b) a draft local coastal management plan for the land.
- (3) If, under subsection (2), 2 or more local governments are required to prepare a draft local coastal adaptation plan or draft local coastal management plan jointly, a reference in this Part to a local government includes a reference to those local governments.

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- 1 (4) If land in a coastal compartment is not in a local government  
2 district, the controlling body in relation to the land must prepare  
3 in accordance with this Part —
- 4 (a) a draft local coastal adaptation plan for the land; and  
5 (b) a draft local coastal management plan for the land.
- 6 (5) In preparing a draft local coastal plan the controlling body —
- 7 (a) must —
- 8 (i) work with relevant public authorities and federal  
9 agencies on relevant aspects of the development  
10 of the plan and incorporate their advice to the  
11 maximum extent practicable; and
- 12 (ii) work with, and provide feedback to, relevant  
13 Aboriginal traditional owners, natural resource  
14 management groups, environmental advocacy  
15 groups and local coastcare community groups on  
16 relevant aspects of the development of the plan;  
17 and
- 18 (iii) seek comments from, and provide feedback to,  
19 any other person that the controlling body  
20 considers would be likely to be affected by the  
21 plan if it were approved;
- 22 and
- 23 (b) may consult any other public authority or person that the  
24 controlling body considers appropriate.
- 25 (6) In preparing a draft local coastal plan the controlling body must  
26 have regard to —
- 27 (a) the views of any public authority or person consulted  
28 under subsection (5)(a); and
- 29 (b) the latest scientific projections available as at the date of  
30 preparation as advised by the EPA under section 73(b).

1   **34.   Principles, guidelines and measures for preparation**

2       A controlling body must prepare a draft local coastal plan —

- 3           (a) in accordance with the principles, guidelines and  
4           measures referred to in section 8(2)(e) and (f) and  
5           included in the WA coastal plan; and  
6           (b) according to whether the land is scaled under  
7           section 18(4) in the relevant vulnerability assessment as  
8           a primary coastal compartment, secondary coastal  
9           compartment or tertiary coastal compartment.

10   **35.   Matters to be provided for in draft local coastal adaptation**  
11    **plan**

12       (1) A draft local coastal adaptation plan must provide for the  
13       following matters in relation to the coastal compartment to  
14       which it applies —

- 15           (a) land use planning that will supplement development  
16           controls;  
17           (b) dune management and revegetation to contain or reverse  
18           erosion;  
19           (c) planned retreat and buffers;  
20           (d) a statement of performance indicators, monitoring and  
21           reporting arrangements.

22       (2) Regulations may prescribe other matters that are to be provided  
23       for in a draft local coastal adaptation plan.

24       (3) The projection used for a draft local coastal adaptation plan  
25       must be 30 years from the date of preparation.

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- 1 **36. Matters to be provided for in draft local coastal**  
2 **management plan**
- 3 (1) A draft local coastal management plan must provide for the  
4 following matters in relation to the coastal compartment to  
5 which it applies —
- 6 (a) a description of the physical natural processes of the  
7 area and a statement of integrated management practices  
8 and actions required to maintain these processes;
- 9 (b) an integrated management strategy detailing how the  
10 hierarchy of planning measures set out in  
11 section 8(2)(e)(i) must be applied if coastal erosion is  
12 posing a threat to structures and infrastructure that  
13 cannot be relocated or removed or where a public beach  
14 may be lost;
- 15 (c) a description of the natural coastal resources of the area  
16 and a statement of integrated management practices and  
17 actions for their conservation or rehabilitation;
- 18 (d) a description of the recreation, public access and scenic  
19 values of the area and a statement of the integrated  
20 management practices and actions required to manage  
21 those values;
- 22 (e) a management plan in relation to driving on beaches;
- 23 (f) a statement of performance indicators, monitoring and  
24 reporting arrangements;
- 25 (g) a programme of annual works and maintenance.
- 26 (2) Regulations may prescribe other matters that are to be provided  
27 for in a draft local coastal management plan.
- 28 (3) The projection used for a draft local coastal management plan  
29 must be 30 years from the date of preparation.

1   **37.     Draft local coastal plan may adopt codes or other documents**

- 2       (1) A draft local coastal plan may adopt the text of —
- 3           (a) an approved local coastal plan of any other controlling
- 4                 body; or
- 5           (b) any code, rules, specifications or standard issued by
- 6                 Standards Australia or by another body specified in the
- 7                 plan.
- 8       (2) The text may be adopted —
- 9           (a) wholly or in part or as modified by the draft plan; and
- 10          (b) as it exists at a particular date or as amended from time
- 11          to time.

12   **38.     Consultation with other controlling bodies**

- 13       (1) Before submitting a draft local coastal plan in respect of a
- 14         coastal compartment to the Minister under section 40, the
- 15         controlling body which prepared the draft (the *responsible*
- 16         *body*) must submit it to the controlling body of any land
- 17         adjoining the coastal compartment.
- 18       (2) At any time before a draft local coastal plan is submitted to the
- 19         Minister under section 40 —
- 20           (a) a controlling body to which the draft was submitted
- 21                 under subsection (1) may give the responsible body
- 22                 written submissions about the draft; and
- 23           (b) the responsible body may amend the draft to take
- 24                 account of those submissions.

25   **39.     Draft local coastal plan must be referred to EPA**

- 26       (1) After a controlling body prepares a draft local coastal plan, it
- 27         must refer the draft to the EPA, together with any written
- 28         information about it as is sufficient to enable the EPA to comply
- 29         with the EP Act section 48A in relation to it.

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- 1           (2) If, under the EP Act section 48A(1)(b)(i), the EPA informs the  
2           controlling body that the draft should be assessed by the EPA  
3           under the EP Act Part IV Division 3, the controlling body  
4           must —
- 5               (a) within 7 days after the last day on which submissions  
6               may be made to the controlling body under  
7               section 40(3), send the EPA a copy of each submission  
8               made under section 38 that relates wholly or in part to  
9               any environmental issue raised by the draft; and
- 10              (b) within 42 days after that last day, or such longer period  
11              as the Minister allows, advise the EPA of the controlling  
12              body’s views on and response to each environmental  
13              issue to which any such submission relates.
- 14           (3) If, under the EP Act section 48C(1)(a), the EPA requires the  
15           controlling body to undertake an environmental review of the  
16           draft, the controlling body must —
- 17               (a) undertake the review in accordance with the instructions  
18               issued under that section; and
- 19               (b) report to the EPA on the review.
- 20           (4) If the EPA advises the controlling body that the environmental  
21           review has not been undertaken in accordance with the  
22           instructions issued under the EP Act section 48C(1)(a), the  
23           controlling body may —
- 24               (a) ask the Minister to consult with the Environment  
25               Minister and, if possible, agree with him or her on  
26               whether or not the review has been undertaken in  
27               accordance with those instructions; or
- 28               (b) comply with subsection (3).
- 29           (5) If pursuant to a request made under subsection (4)(a) the  
30           Minister and the Environment Minister consult then —
- 31               (a) if they agree whether or not the review has been  
32               undertaken in accordance with the instructions issued  
33               under the EP Act section 48C(1)(a), their decision is  
34               final and cannot be appealed;

- 1           (b) if they cannot agree, the EP Act section 48J applies.
- 2       (6) If the Minister and the Environment Minister agree that the  
3       review has not been undertaken in accordance with the  
4       instructions issued under the EP Act section 48C(1)(a), the  
5       WAPC must undertake a further review in accordance with  
6       those instructions.
- 7       **40. Draft local coastal plan must be submitted to Minister for**  
8       **approval**
- 9       (1) After a controlling body prepares a draft local coastal plan, the  
10      controlling body must submit to the Minister —
- 11           (a) the draft; and
- 12           (b) any submissions made under section 38(2).
- 13      (2) The draft must be accompanied by a report of the controlling  
14      body on the merits of submissions made under section 38(2).
- 15      (3) The draft must not be submitted to the Minister before —
- 16           (a) each controlling body to which the draft was submitted  
17           under section 38(1) has made final submissions under  
18           section 38(2) in respect of the draft; or
- 19           (b) 42 days have elapsed since the controlling body which  
20           prepared the draft complied with section 38(1) in respect  
21           of the draft,
- 22      whichever occurs first.
- 23      (4) If under section 39(3) the controlling body is required to  
24      undertake an environmental review, the draft must not be  
25      submitted to the Minister before the controlling body has sent  
26      the review to the EPA and —
- 27           (a) either —
- 28               (i) the EPA has advised the controlling body; or
- 29               (ii) under section 39(5)(a) it is agreed; or

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- 1                      (iii) under the EP Act section 48J it is decided,  
2                      that the review has been undertaken in accordance with  
3                      the instructions issued under the EP Act  
4                      section 48C(1)(a); or  
5                      (b) 30 days have elapsed since the day on which the review  
6                      was sent to the EPA and the EPA has not advised  
7                      whether or not the review has been undertaken in  
8                      accordance with those instructions,  
9                      whichever occurs first.
- 10                    (5) Each controlling body that, at the time this section comes into  
11                    operation, is required to prepare a draft local coastal adaptation  
12                    plan and a draft local coastal management plan must submit the  
13                    draft plans to the Minister within 5 years of the coming into  
14                    operation of this Act.
- 15                    **41. Minister's functions as to draft local coastal plan**
- 16                    (1) After considering a draft local coastal plan submitted under  
17                    section 40, the Minister must —  
18                    (a) approve the draft local coastal plan; or  
19                    (b) refuse to approve the draft local coastal plan; or  
20                    (c) approve the plan subject to amendments being made to  
21                    it, as directed by the Minister.
- 22                    (2) The Minister must not act under subsection (1) —  
23                    (a) until —  
24                    (i) under the EP Act section 48A(1)(a), the EPA has  
25                    informed the controlling body that the EPA  
26                    considers that the draft should not be assessed by  
27                    the EPA under the EP Act Part IV Division 3; or  
28                    (ii) the 28 day period referred to in the EP Act  
29                    section 48A(1)(b)(i) has expired without the EPA  
30                    having, under that section, informed the  
31                    controlling body; or



- 1 (iii) if a statement has been delivered under the EP  
2 Act section 48F(2) setting out the conditions, if  
3 any, to which the draft should be subject — the  
4 Minister is satisfied the submitted draft meets  
5 those conditions; or  
6 (iv) if a decision has been made under the EP Act  
7 section 48J on the conditions, if any, to which  
8 the draft should be subject — the Minister is  
9 satisfied the submitted draft meets those  
10 conditions,  
11 whichever occurs first; or  
12 (b) if, under the EP Act section 48A(2)(b), the Minister and  
13 the Environment Minister have made an agreement.
- 14 (3) The Minister must act under subsection (1)(a) if the Minister is  
15 of the opinion that the draft complies with the objects and  
16 provisions of this Act and the WA coastal plan.

17 **42. Gazettal and operation of local coastal plan**

- 18 (1) If under section 41 the Minister approves a draft local coastal  
19 plan prepared by a controlling body, the controlling body must  
20 publish in the *Gazette* a notice of —  
21 (a) the approval; and  
22 (b) where and when a copy of the plan can be inspected;  
23 and  
24 (c) where and when a copy of the plan can be obtained.
- 25 (2) A local coastal plan must be made available by the controlling  
26 body that prepared the plan during office hours free of charge.
- 27 (3) Regulations made under this Act may prescribe a fee for  
28 obtaining a copy of the local coastal plan.

29 **43. Parliament may disallow local coastal plan**

- 30 (1) A copy of a local coastal plan approved under section 41 must  
31 be laid before each House of Parliament within 6 sitting days of

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- 1                      that House next following the date on which the plan is  
2                      published in the *Gazette*.
- 3                      (2) Either House of Parliament, by resolution of which notice has  
4                      been given within 12 sitting days of that House after the WA  
5                      coastal plan has been laid before it under subsection (1), may  
6                      pass a resolution disallowing the plan.
- 7                      (3) Notice of the disallowance must be published in the *Gazette*  
8                      within 21 days of the passing of the resolution.
- 9                      (4) If neither House of Parliament passes a resolution in accordance  
10                     with subsection (2) disallowing the local coastal plan laid before  
11                     it, the plan comes into operation immediately following the last  
12                     day upon which a resolution disallowing it could have been  
13                     passed or on such later day as is specified or provided for in the  
14                     plan.
- 15                    (5) If before the expiration of 12 sitting days of a House of  
16                    Parliament after the local coastal plan has been laid before that  
17                    House —
- 18                           (a) that House, being the Legislative Assembly, is dissolved  
19                           or expires, or the Parliament is prorogued; and
- 20                           (b) a resolution for the disallowance of the plan has not  
21                           been passed by that House,
- 22                    the local coastal plan is, for the purposes of this section, taken to  
23                    have been laid before that House on the first sitting day of that  
24                    House after the dissolution, expiry or prorogation, as the case  
25                    may be.

26                    **44.        Review and revision of local coastal plans**

- 27                    (1) A controlling body must —
- 28                           (a) review any local coastal plan prepared by it and  
29                           approved by the Minister —
- 30                                   (i) not later than 10 years after the local coastal plan  
31                                   comes into operation; and

- 1 (ii) not later than 10 years after the last review under  
2 this section;  
3 and  
4 (b) if it considers that circumstances so require, prepare  
5 amendments to that plan or a revised plan.  
6 (2) The projection used for a review must be 30 years from the date  
7 of the review.

8 **45. Amendment of local coastal plan**

- 9 (1) A controlling body which prepared a local coastal plan may  
10 prepare a draft amendment to the plan.  
11 (2) Sections 38 to 43, with necessary changes, apply to a draft  
12 amendment or amendment as if —  
13 (a) any reference in those sections to a draft plan were a  
14 reference to the draft amendment; and  
15 (b) any reference in section 42 or 43 to a local coastal plan  
16 were a reference to an approved amendment.

17 **46. Repeal of local coastal plan**

18 A local coastal plan may be repealed by a subsequent local  
19 coastal plan.

20 **47. Inconsistency with other instruments**

- 21 (1) A local coastal plan is inoperative to the extent that it is  
22 inconsistent with —  
23 (a) this Act; or  
24 (b) subject to subsection (2), any other written law; or  
25 (c) the WA coastal plan.  
26 (2) If a local coastal plan is inconsistent with a local law or a  
27 scheme, the plan prevails to the extent of the inconsistency.

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1    **48.        Functions to be carried out in accordance with local coastal**  
2                    **plans**

3                    A controlling body carrying out functions in relation to a coastal  
4                    compartment must comply with any local coastal plan that  
5                    applies to the carrying out of those functions.

6    **49.        Offences and penalties**

7                    (1) A local coastal plan may provide that contravention of a  
8                    provision of the plan is an offence, and may provide for the  
9                    offence to be punishable on conviction by a penalty not  
10                    exceeding \$200 000.

11                    (2) If the offence is of a continuing nature, the local coastal plan  
12                    may make the person liable to a further penalty not exceeding a  
13                    fine of \$25 000 in respect of each day or part of a day during  
14                    which the offence has continued.

15                    (3) The local coastal plan may provide for the imposition of a  
16                    minimum penalty for the offence.

17                    (4) The regulations may specify the method and the means by  
18                    which any fines imposed under a local coastal plan are to be  
19                    paid and collected, or recovered.

1           **Part 4 — Development control in transition zone**

2                   **Division 1 — Development in transition zone**

3   **50.       Development principles in transition zone**

- 4       (1) A responsible authority —
- 5           (a) must comply with this Division when making a decision
- 6               about the approval of development in the transition
- 7               zone; and
- 8           (b) must not grant an approval that conflicts with the
- 9               provisions of this Division.
- 10       (2) Subsection (1) applies in relation to approval of development
- 11           whether subdivision approval for the land on which
- 12           development is proposed was given before or after the coming
- 13           into operation of this section.

14   **51.       What development can be carried out in transition zone**

- 15       (1) A responsible authority must not grant approval for
- 16           development in the transition zone unless —
- 17           (a) the development is —
- 18               (i) short-term development other than short-term
- 19               development to which section 53 applies; or
- 20               (ii) exempt development;
- 21               and
- 22           (b) the responsible authority has complied with section 55.
- 23       (2) Nothing in subsection (1) affects the power of a responsible
- 24           authority to refuse to grant approval for development.
- 25       (3) A public authority must not carry out development in the
- 26           transition zone unless the development is —
- 27           (a) short-term development other than short-term
- 28               development to which section 53 applies; or
- 29           (b) exempt development.

- 1 (4) Short-term development is development that —  
2 (a) is for public use or public enjoyment; and  
3 (b) by its nature, must be carried out in the transition zone  
4 despite the risk of impact from a present or likely future  
5 coastal hazard; and  
6 (c) is capable of being abandoned, if necessary, without  
7 significant adverse impact on the transition zone,  
8 but does not include an artificial waterway or a canal  
9 development.
- 10 (5) Exempt development is development that is —  
11 (a) a minor renovation or change to an existing  
12 development that does not have an adverse impact on  
13 present or likely future coastal processes; or  
14 (b) essential services infrastructure —  
15 (i) prescribed to be exempt development; or  
16 (ii) in an area prescribed as a cyclone prone area.
- 17 (6) Regulations made for the purposes of subsection (5) must not  
18 prescribe a marina or artificial waterway development, other  
19 than maritime infrastructure, as exempt development.

20 **52. Accommodating sea level rises**

- 21 (1) If development in the transition zone is exempt development,  
22 the responsible authority must prioritise the accommodation of  
23 sea level rise rather than protecting against sea level rise with  
24 hard defences that may have an adverse effect on adjacent areas.
- 25 (2) Development approval for hard defences must not be granted  
26 unless there is no reasonable alternative available.

27 **53. Certain short-term development must not be approved**

28 A responsible authority must not grant approval for short-term  
29 development in the transition zone if the development poses a  
30 significant risk to coastal processes unless the responsible

1 authority is satisfied that the impact of the development will not  
2 endure beyond the useful life of the development.

3 **54. Certain exempt development must not be approved**

4 A responsible authority must not grant approval for exempt  
5 development in the transition zone if —

- 6 (a) the development is at significant risk of being harmed  
7 by a coastal hazard; or  
8 (b) the development poses a significant risk to coastal  
9 processes,

10 unless the responsible authority is satisfied that the development  
11 will meet the prescribed standards for reasonable resistance to  
12 damage from coastal hazards for the duration of its expected  
13 useful life.

14 **55. Responsible authority must advise of effect of Act**

15 Before a responsible authority grants approval for short-term  
16 development or exempt development in the transition zone, the  
17 responsible authority must give the applicant for approval notice  
18 of the provisions of this Act that will apply to the development,  
19 including that the development may have to be removed or  
20 abandoned under regulations made under section 56(1)(d) or in  
21 accordance with a coastal protection notice.

22 **56. Regulations about development in transition zone**

23 (1) The Governor may make regulations for the following  
24 purposes —

- 25 (a) to prescribe criteria to be applied by responsible  
26 authorities when determining whether development is  
27 short-term development or exempt development;  
28 (b) to regulate, restrict or prohibit any specified class of  
29 development in the transition zone;  
30 (c) to prescribe conditions that apply to approval of  
31 development in the transition zone;

- 1 (d) to prescribe circumstances in which a responsible  
2 authority may order, or is required to order, the removal  
3 or abandonment of a short-term development or exempt  
4 development from the transition zone and make  
5 provision in relation to the following —
- 6 (i) the making of the order;  
7 (ii) requirements for compliance with the order;  
8 (iii) remediation requirements that may be imposed  
9 under the order;  
10 (iv) the enforcement of the order;  
11 (v) the recovery of any costs incurred by the  
12 responsible authority in enforcing the order.
- 13 (2) No compensation is payable in relation to the removal or  
14 abandonment of short-term development or exempt  
15 development from the transition zone pursuant to an order made  
16 under regulations referred to in subsection (1)(d).
- 17 (3) A regulation may impose a penalty not exceeding a fine of  
18 \$200 000 and, in the case of a continuing offence, a further fine  
19 of \$25 000 for each day during which the breach continues, for  
20 a breach of the regulation.
- 21 (4) If the regulations are in conflict or inconsistent with a scheme or  
22 local law, the regulations prevail to the extent to which they are  
23 in conflict or inconsistent.
- 24 (5) Before regulations are made under this section, the Minister  
25 must, as far as is appropriate and reasonably practicable, consult  
26 with the following —
- 27 (a) the WAPC;  
28 (b) local governments;  
29 (c) communities which appear to the Minister to be likely to  
30 be affected by, or interested in, the regulations.



1     **Division 2 — Transactions relating to short-term development**

2     **57.     Maximum term for lease or licence**

3         (1)    In this section —

4             *licence to use or occupy* does not include an easement.

5         (2)    A person must not —

6             (a)   lease to any person land on which a short-term  
7                 development has been carried out; or

8             (b)   grant a licence to use or occupy land on which a  
9                 short-term development has been carried out,

10            for a term or period exceeding 5 years.

11         (3)    A lease or licence referred to in subsection (2) may include an  
12             option to renew or extend the term or period of the lease or  
13             licence for a term or period, or successive terms or periods, not  
14             exceeding 5 years but must provide that the option is not  
15             exercisable if the lessor or grantor gives the lessee or grantee  
16             written notice that the option is not to be exercised because the  
17             land or premises on the land are at risk from coastal hazards.

18         (4)    A person who contravenes subsection (2) commits an offence.

19             Penalty: a fine of \$200 000 and, in the case of a continuing  
20             offence, a further fine of \$25 000 for each day during  
21             which the offence continues.

22         (5)    The Registrar must not register a lease if the lessor has  
23             contravened subsection (2) in respect of the lease.

24     **58.     Acknowledgment in lease or licence**

25         (1)    This section applies to a lease or licence to use or occupy land  
26             in the transition zone on which short-term development has  
27             been carried out if the lease or licence is entered into after the  
28             coming into operation of this section.

29         (2)    Every lease or licence to which this section applies must  
30             contain, and is subject to, an acknowledgment by the parties to

1 the lease or licence that any short-term development on the land  
2 may be required by a responsible authority to be removed or  
3 abandoned.

4 **Division 3 — Land surrender**

5 **59. Application**

6 This Division applies to an approval under the PAD Act  
7 section 135 to —

- 8 (a) subdivide a lot situated completely or partly within the  
9 transition zone; or  
10 (b) amalgamate a lot with any other lot if any of the lots are  
11 situated completely or partly within the transition zone.

12 **60. Minister may approve inclusion of land surrender condition**

- 13 (1) Subject to subsection (2) and section 64, the WAPC may  
14 include in an approval to which this Division applies a condition  
15 (***land surrender condition***) that a part of the lot (the ***land***) in the  
16 transition zone must be surrendered to the State for coastal  
17 management.  
18 (2) The land must not be required to be surrendered under  
19 subsection (1) unless the Minister approves the inclusion of the  
20 land surrender condition.

21 **61. Notice of condition about land surrender**

- 22 (1) Before including a land surrender condition under section 60,  
23 the WAPC must give written notice to the applicant.  
24 (2) The notice must —  
25 (a) state that the WAPC is considering including a land  
26 surrender condition; and  
27 (b) include details of the land to be surrendered.  
28 (3) The period within which the WAPC must make a decision  
29 under the PAD Act section 143 stops on the day the notice is

1 given to the applicant and starts again on the day the WAPC  
2 gives the applicant a notice under section 63.

3 **62. Criteria for decision**

4 In deciding whether to include a land surrender condition, and  
5 the land to be surrendered, the WAPC must consider how the  
6 surrender of the land would avoid or minimise detrimental  
7 impact on coastal management and coastal processes.

8 **63. Notice of decision about land surrender**

9 (1) After making a decision about whether or not to include a land  
10 surrender condition, the WAPC must give written notice to the  
11 applicant.

12 (2) The notice must —

13 (a) state the decision and the date it was made; and

14 (b) if the decision is to include a land surrender condition —

15 (i) state the day the Minister approved the inclusion  
16 of the land surrender condition; and

17 (ii) include details of the land to be surrendered.

18 **64. When land surrender condition may not be included**

19 The WAPC must not include a land surrender condition on the  
20 approval if —

21 (a) a lot relating to the application for approval was part of  
22 another lot that has been the subject of an application  
23 under the PAD Act section 135; and

24 (b) a part of the other lot was surrendered to the State under  
25 a land surrender condition.

26 **65. Surrendered land to be dedicated for coastal management  
27 purposes**

28 (1) If the WAPC has approved the subdivision or amalgamation of  
29 a lot subject to a land surrender condition in relation to one or  
30 more portions of land shown on a diagram or plan of survey

- 1 relating to the subdivision or amalgamation, then the land  
2 subject to the condition vests in the State by force of this section  
3 without any conveyance, transfer or assignment or the payment  
4 of any fee.
- 5 (2) Land vested under subsection (1) is vested at the time the new  
6 certificate, or if more than one, all the new certificates for the  
7 land the subject of the diagram or plan of survey has or have  
8 been registered under the *Transfer of Land Act 1893*.
- 9 (3) Land vested under subsection (1) —
- 10 (a) is Crown land; and
- 11 (b) is to be taken to be reserved under the *Land*  
12 *Administration Act 1997* for the purpose of coastal  
13 management; and
- 14 (c) may be dealt with in accordance with the *Land*  
15 *Administration Act 1997*; and
- 16 (d) is to be reserved under any applicable local planning  
17 scheme for the public purpose of coastal management.
- 18 (4) The Registrar must do all things necessary to give effect to this  
19 section.

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**Part 5 — Coastal protection notices**

**66. Coastal protection notice**

(1) In this section —

*specified* means specified by the WAPC in the coastal protection notice concerned.

(2) If short-term development on land in the transition zone is damaged by the impact of a coastal hazard, the WAPC may cause a notice (a *coastal protection notice*) to be given requiring a person to —

(a) remove the development; and

(b) restore that land to a condition as near as possible to the condition of the land before the development occurred,

within a specified period.

(3) A coastal protection notice may be given to one or more of the following —

(a) the owner of the land;

(b) the occupier of the land;

(c) a person other than the owner or occupier of the land, if the WAPC considers that it is practicable for that person to comply with and give effect to the coastal protection notice.

(4) A coastal protection notice is to specify the following —

(a) the name and address of the person to whom it is given;

(b) the reason for which it is given;

(c) a description of the relevant development and the location of the development sufficient to identify both.

(5) A coastal protection notice —

(a) while it subsists, binds each person to whom it is given; and

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1 (b) if it is, and while it remains, registered under section 69,  
2 binds each successive owner or occupier of the land to  
3 which it relates.

4 (6) A person who is bound by a coastal protection notice and who  
5 does not comply with a requirement contained in the notice  
6 commits an offence.

7 Penalty: a fine of \$200 000 and, in the case of a continuing  
8 offence, a further fine of \$25 000 for each day during  
9 which the offence continues.

10 **67. Amendment of coastal protection notice**

11 The WAPC may by notice in writing served on every person  
12 bound by a coastal protection notice revoke the notice or amend  
13 it —

14 (a) by extending the period within which a requirement  
15 contained in the notice must be complied with if the  
16 WAPC is satisfied that the circumstances of the case  
17 justify the extension; or

18 (b) by revoking or amending any requirement contained in  
19 the notice.

20 **68. Review of coastal protection notice or amendment to, or**  
21 **revocation of, coastal protection notice**

22 (1) A person to whom a coastal protection notice has been given  
23 may apply to the State Administrative Tribunal for a review of  
24 the decision of the WAPC.

25 (2) A person to whom a notice revoking or amending a coastal  
26 protection notice has been given may apply to the State  
27 Administrative Tribunal for a review of the decision of the  
28 WAPC.

- 1    **69.     Registration of coastal protection notice on land title**
- 2       (1)   When a coastal protection notice is given under section 66, the
- 3       WAPC must give a copy of the notice —
- 4           (a)   in the case of a notice relating to land which is under the
- 5           operation of the *Transfer of Land Act 1893* or *Land*
- 6           *Administration Act 1997*, to the Registrar of Titles; or
- 7           (b)   in the case of a notice relating to land which is alienated
- 8           from the Crown but which is not under the operation of
- 9           the *Transfer of Land Act 1893*, to the Registrar of Deeds
- 10          and Transfers.
- 11       (2)   On receiving a copy of a coastal protection notice given under
- 12       subsection (1), the Registrar must, without payment of a fee,
- 13       register the notice and endorse or note accordingly the
- 14       appropriate register or record in respect of the land to which that
- 15       notice relates.
- 16       (3)   If a coastal protection notice is revoked under section 67, the
- 17       Registrar must give the Registrar a certificate signed by the
- 18       WAPC and certifying that revocation took place on a date
- 19       specified in the certificate.
- 20       (4)   On receiving a certificate given under subsection (3), the
- 21       Registrar must cancel the registration of the relevant coastal
- 22       protection notice and endorse or note accordingly the
- 23       appropriate register or record in respect of the land to which that
- 24       certificate relates.
- 25    **70.     Duties of person ceasing to be owner etc. of land subject to**
- 26    **registered notice**
- 27       (1)   This section applies if the person, or at least one of the persons,
- 28       to whom a coastal protection notice is given is the owner or
- 29       occupier of the land.
- 30       (2)   While a coastal protection notice remains registered under
- 31       section 69, each owner or occupier of the land to which the

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- 1 coastal protection notice relates must, when that person ceases  
2 to be the owner or occupier of the land, notify in writing —
- 3 (a) the WAPC of that fact and of the name and address of  
4 each person who succeeds in the ownership or  
5 occupation or both, as the case requires, of the land; and
- 6 (b) each person who succeeds in the ownership or  
7 occupation, or both, as the case requires, of that land of  
8 the content of the coastal protection notice and of the  
9 fact that the coastal protection notice is binding on that  
10 person.
- 11 Penalty: a fine of \$5 000.

12 **71. WAPC to keep and publish record of orders**

- 13 (1) The WAPC must keep a record of the prescribed particulars of a  
14 coastal protection notice.
- 15 (2) The WAPC must publish from time to time in a prescribed  
16 manner prescribed particulars of the record.

17 **72. Action by WAPC**

- 18 (1) If action required by a coastal protection notice to be taken has  
19 not been taken, the WAPC may —
- 20 (a) cause that action to be taken; and  
21 (b) recover the cost of the taking of that action from any  
22 person bound by the notice in a court of competent  
23 jurisdiction as a debt due to the Crown.
- 24 (2) Any cost recovered under subsection (1)(b) must be paid into  
25 the Consolidated Account.



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**Part 6 — Miscellaneous**

**73. Role of EPA**

The EPA must —

- (a) keep itself informed of changes to coastal climate science and the impact of those changes on projections in relation to the transition zone, having regard to the most up-to-date research by relevant State, national and international scientific bodies; and
- (b) advise relevant public authorities of those changes.

**74. Protection from liability**

(1) In this section —

*coastal management works* includes the placement and management of emergency coastal protection works;

*protected person* means any of the following —

- (a) a public authority;
- (b) a member or employee of a public authority;
- (c) a public service officer;
- (d) a person acting under the direction of a public authority or the State;
- (e) a member of the council, or of a committee of the council, of a local government.

(2) In this section a reference to the doing of anything includes a reference to the omission to do anything.

(3) A civil action does not lie against a protected person for —

- (a) anything that the protected person has done, in good faith, in the performance or purported performance of a function under this Act; or
- (b) any advice furnished in good faith by the protected person relating to the likelihood of any land in the

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- 1 coastal zone being adversely affected by a coastal  
2 hazard or the nature or extent of a coastal hazard; or
- 3 (c) anything that the protected person has done, in good  
4 faith, insofar as it relates to the likelihood of land in the  
5 coastal zone being adversely affected by coastal  
6 processes.
- 7 (4) The State and the Minister are also relieved of any liability that  
8 either of them might otherwise have had for another person  
9 having done anything as described in subsection (3).
- 10 (5) Without limiting subsection (3), that subsection applies to the  
11 following —
- 12 (a) the preparation or making of a scheme;  
13 (b) the grant or refusal of approval of development;  
14 (c) the imposition of a condition in relation to an approval  
15 of development;  
16 (d) the preparation or making of the WA coastal plan;  
17 (e) the giving of a coastal protection notice;  
18 (f) the carrying out of coastal management works in the  
19 coastal zone;  
20 (g) the failure to upgrade coastal management works in the  
21 coastal zone in response to projected or apparent actual  
22 impact of climate change;  
23 (h) anything done regarding beach erosion or shoreline  
24 recession;  
25 (i) the failure to take action to enforce the removal of  
26 illegal or unauthorised structures in the coastal zone that  
27 results in erosion of a beach or land adjacent to a beach;  
28 (j) the provision of information relating to projected  
29 impacts of climate change, including mean sea level  
30 rise.
- 31 (6) Without limiting any other circumstances in which a protected  
32 person may have acted in good faith, a protected person is,

1 unless the contrary is proved, taken to have acted in good faith  
2 for the purposes of this section if the advice was furnished, or  
3 the thing was done, substantially in accordance with the WA  
4 coastal plan and any local coastal adaptation plan or local  
5 coastal management plan for the relevant area.

6 (7) The protection given by this section applies even though the  
7 thing done as described in subsection (3) may have been  
8 capable of being done whether or not this Act had been enacted.

9 **75. No compensation for injurious affection**

10 (1) Compensation is not payable in respect of land that is  
11 injuriously affected by the making or amendment of the  
12 WA coastal plan or a local coastal plan.

13 (2) Compensation is not payable under the PAD Act Part 11  
14 Division 2, or under any Act that applies that Division, in  
15 respect of land that is injuriously affected by the making or  
16 amendment of a scheme that applies to any part of the coastal  
17 zone if the relevant provisions of the scheme are consistent with  
18 the WA coastal plan.

19 **76. Regulations**

20 The Governor may make regulations prescribing all matters that  
21 are required or permitted by this Act to be prescribed, or are  
22 necessary or convenient to be prescribed, for giving effect to the  
23 purposes of this Act.

24 **77. Review of Act**

25 (1) The Minister must cause a review of the operation and  
26 effectiveness of this Act, and the need for its continuation, to be  
27 carried out as soon as is practicable after the 5<sup>th</sup> anniversary of  
28 the day on which this section comes into operation.

29 (2) The Minister must cause a report based on that review to be  
30 prepared and, as soon as is practicable after the report is  
31 prepared, cause it to be laid before each House of Parliament.

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1 **Part 7 — Consequential amendments to *Environmental***  
2 ***Protection Act 1986***

3 **78. Act amended**

4 This Part amends the *Environmental Protection Act 1986*.

5 **79. Section 3 amended**

6 (1) In section 3(1) in the definition of ***final approval***:

7 (a) in paragraph (g) delete “section;” and insert:

8

9 section; or

10

11 (b) after paragraph (g) insert:

12

13 (h) the WA coastal plan, or an amendment to the  
14 WA coastal plan, prepared under the *Climate*  
15 *Change Readiness (Coastal Planning and*  
16 *Protection) Act 2013*, means an approval given  
17 under section 14 of that Act, or under  
18 section 30 of that Act as read with section 14 of  
19 that Act; or

20 (i) a local coastal adaptation plan or a local coastal  
21 management plan prepared under the *Climate*  
22 *Change Readiness (Coastal Planning and*  
23 *Protection) Act 2013*, or an amendment to such  
24 a plan, means an approval given under  
25 section 41 of that Act, or under section 45 of  
26 that Act as read with section 41 of that Act;

27

- 1           (2) In section 3(1) in the definition of *period of public review*:
- 2                   (a) in paragraph (g) delete “section;” and insert:
- 3
- 4                               section; or
- 5
- 6                   (b) after paragraph (g) insert:
- 7
- 8                               (h) the WA coastal plan, or an amendment to the
- 9                                       WA coastal plan, prepared under the *Climate*
- 10                                       *Change Readiness (Coastal Planning and*
- 11                                       *Protection) Act 2013*, means the period set and
- 12                                       notified under section 11 of that Act, or under
- 13                                       section 30 of that Act as read with section 11 of
- 14                                       that Act; or
- 15                               (i) a local coastal adaptation plan or a local coastal
- 16                                       management plan prepared under the *Climate*
- 17                                       *Change Readiness (Coastal Planning and*
- 18                                       *Protection) Act 2013*, or an amendment to such
- 19                                       a plan, means the period referred to in
- 20                                       section 40(3);
- 21
- 22           (3) In section 3(1) in the definition of *responsible authority*:
- 23                   (a) in paragraph (a)(x) delete “Act;” and insert:
- 24
- 25                               Act; or
- 26
- 27                   (b) after paragraph (a)(x) insert:
- 28
- 29                               (xi) the WA coastal plan, or an amendment
- 30                                       to the WA coastal plan, prepared under
- 31                                       the *Climate Change Readiness (Coastal*
- 32                                       *Planning and Protection) Act 2013*,
- 33                                       means the Western Australian Planning
- 34                                       Commission; or

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- 1 (xii) a local coastal adaptation plan or a local  
2 coastal management plan prepared  
3 under the *Climate Change Readiness*  
4 *(Coastal Planning and Protection)*  
5 *Act 2013*, or an amendment to such a  
6 plan, means the controlling body that is  
7 responsible for the plan or amendment;  
8
- 9 (4) In section 3(1) in the definition of *scheme*:
- 10 (a) in paragraph (j) delete “scheme;” and insert:  
11  
12 scheme; or  
13
- 14 (b) after paragraph (j) insert:
- 15
- 16 (k) the WA coastal plan, or an amendment to  
17 the WA coastal plan, prepared under the  
18 *Climate Change Readiness (Coastal*  
19 *Planning and Protection) Act 2013*; or
- 20 (l) a local coastal adaptation plan or a local coastal  
21 management plan prepared under the *Climate*  
22 *Change Readiness (Coastal Planning and*  
23 *Protection) Act 2013*, or an amendment to such  
24 a plan;  
25
- 26 (5) In section 3(1) in the definition of *scheme Act* after  
27 paragraph (c) insert:
- 28
- 29 (d) the *Climate Change Readiness (Coastal*  
30 *Planning and Protection) Act 2013*;  
31

1     **80.     Section 48A amended**

2           (1)   In section 48A(1)(b)(ii) delete “scheme;” and insert:

3

4                   scheme or the matters referred to in subsection (2A), as the case  
5                   requires;

6

7           (2)   After section 48A(1) insert:

8

9           (2A)   In the case of the assessment of the WA coastal plan, a  
10                   local coastal adaptation plan or a local coastal  
11                   management plan, prepared under the *Climate Change*  
12                   *Readiness (Coastal Planning and Protection) Act 2013*  
13                   or an amendment to such a plan, the Authority must  
14                   assess under this Division —

15                   (a)   any provisions of the plan that will affect  
16                   development in the coastal zone or reservation  
17                   or zoning under any scheme; and

18                   (b)   the climate assumptions and modelling used in  
19                   the plan.

20

21     **81.     Section 48C amended**

22           In section 48C(7) in the definition of *public review*:

23                   (a)   in paragraph (g) delete “sections.” and insert:

24

25                               sections; or

26

27                   (b)   after paragraph (g) insert:

28

29                   (h)   the WA coastal plan, or an amendment to the  
30                   WA coastal plan, prepared under the *Climate*  
31                   *Change Readiness (Coastal Planning and*  
32                   *Protection) Act 2013*, means the procedure

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1 referred to in sections 11 and 12 of that Act, or  
2 in section 30 of that Act as read with those  
3 sections; or  
4 (i) a local coastal adaptation plan or local coastal  
5 management plan, prepared under the *Climate*  
6 *Change Readiness (Coastal Planning and*  
7 *Protection) Act 2013*, means the procedure  
8 referred to in sections 38 and 40 of that Act, or  
9 in section 45 of that Act as read with those  
10 sections.  
11



1 **Part 8 — Consequential amendments to *Planning and***  
2 ***Development Act 2005***

3 **82. Act amended**

4 This Part amends the *Planning and Development Act 2005*.

5 **83. Schedule 2 amended**

6 Delete Schedule 2 clause 7(3) and insert:

- 7
- 8 (3) The Coastal Planning and Coordination Council is to —
- 9 (a) advise the Commission on matters relating to
  - 10 coastal planning and coordination throughout the
  - 11 State; and
  - 12 (b) for the purposes of the *Climate Change Readiness*
  - 13 *(Coastal Planning and Protection) Act 2013*
  - 14 section 28, monitor change criteria and advise the
  - 15 Commission when changes are required to the
  - 16 WA coastal plan under that Act; and
  - 17 (c) perform such of the functions of the Commission
  - 18 under this Act, or any other written law, as are
  - 19 delegated to the Coastal Planning and Coordination
  - 20 Council under section 16.

21  
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**Defined terms**

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

| <b>Defined term</b>                            | <b>Provision(s)</b> |
|--|---------------------|
| approval .....                                 | 4(1)                |
| change criteria.....                           | 23(1), 28(1)        |
| coastal compartment .....                      | 4(1)                |
| coastal hazard.....                            | 4(1)                |
| coastal management works .....                 | 74(1)               |
| Coastal Planning and Coordination Council..... | 4(1)                |
| coastal processes .....                        | 4(1)                |
| coastal protection notice .....                | 4(1), 66(2)         |
| coastal zone.....                              | 4(1)                |
| controlling body.....                          | 4(1), 32            |
| development.....                               | 4(1)                |
| EP Act.....                                    | 4(1)                |
| EPA.....                                       | 4(1)                |
| exempt development .....                       | 4(1)                |
| geomorphic .....                               | 4(1)                |
| geomorphological processes .....               | 4(1)                |
| land .....                                     | 60(1)               |
| land surrender condition .....                 | 4(1), 60(1)         |
| land system .....                              | 4(1)                |
| landform.....                                  | 4(1)                |
| landform pattern.....                          | 4(1)                |
| licence to use or occupy .....                 | 57(1)               |
| local coastal adaptation plan .....            | 4(1)                |
| local coastal management plan .....            | 4(1)                |
| local coastal plan.....                        | 32                  |
| maritime infrastructure .....                  | 4(1)                |
| owner .....                                    | 4(1), 5(1)          |
| PAD Act.....                                   | 4(1)                |
| precautionary principle .....                  | 4(1)                |
| prescribed.....                                | 4(1)                |
| primary coastal compartment.....               | 4(1)                |
| protected person.....                          | 74(1)               |
| public authority .....                         | 4(1)                |
| register .....                                 | 4(1)                |
| Registrar .....                                | 4(1)                |
| responsible authority.....                     | 4(1), 23(1)         |
| responsible body .....                         | 38(1)               |
| scheme .....                                   | 4(1)                |
| secondary coastal compartment .....            | 4(1)                |

**Defined terms**

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|                                    |       |
|------------------------------------|-------|
| short-term development .....       | 4(1)  |
| specified .....                    | 66(1) |
| sustainability .....               | 4(1)  |
| tertiary coastal compartment ..... | 4(1)  |
| transition zone .....              | 4(1)  |
| vulnerability assessment .....     | 4(1)  |
| WA coastal plan .....              | 4(1)  |
| WAPC .....                         | 4(1)  |