

Progress to date

After a period of stakeholder feedback, a revised *Climate Change Readiness Bill (Coastal Planning and Protection)* was introduced to the Legislative Council in late 2012. It received its second reading on 29 November.

There has been no further progress of the Bill since then, and none is scheduled. However, in recognition of the important rationale for the Bill, the WAPC released the '*Status of Coastal Planning in Western Australia*' Report in December of 2012.

It is a comprehensive planning document which describes the plans and strategies applicable to local government. Planners and regulators should refer to the report in identifying which plans and strategies apply to specific coastal areas, and the further studies and plans that will need to be completed in those areas prior to development. The report also identifies areas that may be subject to new plans and strategies currently in preparation phase.

It is intended that the Bill would operate in conjunction with State Planning Policy 2.6 '*State Coastal Planning*'. The time for public comment elapsed in May 2012, but the policy remains in its draft stages.

However, if approved, there will be modified policy measures for:

- building height limits;
- coastal foreshore reserves;
- public interest;
- coastal strategies and management plans; and
- guidelines for determining physical processes impacts on the coastal types within Western Australia.

What does this mean?

Under the provisions of the Bill, the WAPC is required to create a state wide coastal plan. Local authorities will be required to reflect the principles of this coastal plan in their own local plans.

The state-wide coastal plan is to:

- identify the 'coastal zone';
- outline a 'transition zone' through a vulnerability assessment;
- provide for a natural management framework of the Western Australian coast; and
- outline adaption and management principles, guidelines and measure which give direction to the content of local coastal adaptation and management plans prepared by the coastal councils.

Restrictions on development

The Bill will significantly restrict the type of development permitted in the 'coastal zone'. Development may only be carried out in the coastal zone if a vulnerability assessment of the land has been included in the state wide coastal plan or the development is short-term or exempt and is authorised under the Act and any relevant local planning scheme. Only short-term or exempt development is permitted in the transition zone. Also, a land surrender condition for coastal management purposes may be imposed by the WAPC to approvals for subdivision or amalgamation of lots in the transition zone.

No compensation is available for land that is injuriously affected by the making of the WA coastal plan or a local coastal plan.

If there is progression with the Bill, coastal councils will be required to draft an adaptation plan and a management plan for any land that falls within a coastal compartment. In preparing these plans, the local authority must consult with the public, Aboriginal traditional owners and relevant public authorities and federal agencies. The following issues will need to be addressed in the draft plans:

- dune management and revegetation to contain or reverse erosion;
- land use planning to supplement development controls;
- planned retreat and buffers;
- a statement of performance indicators, monitoring and reporting arrangements, and
- other matters that are prescribed by regulation.

What should local government be considering now?

At this stage, there is limited indication that the Bill will be progressed in the near future. However, affected local governments should be adopting strategic preparation, as a prudent approach to these anticipated major changes to coastal planning.

If you have any queries about how any of these changes may affect you, please contact us.



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"Key individual" by Chambers Asia Pacific 2013,
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