

House of Assembly—No 42

As laid on the table and read a first time, 29 April 2020

South Australia

**Coast Protection (Significant Works) Amendment
Bill 2020**

A BILL FOR

An Act to amend the *Coast Protection Act 1972*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Coast Protection (Significant Works) Amendment Act 2020*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Coast Protection Act 1972*

10 3—Amendment of section 4—Interpretation

- (1) Section 4—after the definition of *council* insert:

EIS—see subsection (2);

- (2) Section 4—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

- 15 (2) A reference in this Act to an EIS is a reference to an environmental impact statement, being a document that includes a detailed description and analysis of a wide range of issues relevant to works undertaken, or proposed to be undertaken, by the Board and incorporates significant information to assist in an assessment of
- 20 environmental, social and economic effects associated with the works and the means by which those effects can be managed.

4—Insertion of Part 5

After section 25 insert:

Part 5—Significant Works

26—Application of Part

5 This Part applies in respect of works authorised to be undertaken by
the Board under section 21(1) or 21A.

27—Assessment of social, economic and environmental importance of works

10 If the Minister is of the opinion that works to which this Part applies,
or the anticipated effects of such works, are of significant social,
economic or environmental importance, the Minister must direct the
Board to—

- 15 (a) prepare an EIS in respect of the works or any specified part
of the works; and
- (b) cease, or refrain from commencing, the works or any
specified part of the works pending a determination of the
Minister under section 28A.

28—EIS process

- 20 (1) An EIS must include a statement of—
 - (a) the expected environmental, social and economic effects of
the works and the means by which those effects can be
managed; and
 - 25 (b) if the works are within or relate to a specially protected area
or resource—the extent to which the manner of undertaking
the works and the expected effects of the works are
consistent with the management and preservation of the
specially protected area or resource; and
 - 30 (c) the Board's commitments to meet conditions (if any) that
should be observed in order to avoid, mitigate or
satisfactorily manage and control any potentially adverse
effects of the works on the environment or any matter that
may be directly relevant to a specially protected area or
resource; and
 - 35 (d) any other particulars in relation to the works required by the
Minister.
- (2) After the EIS has been prepared, the Minister must refer the EIS to
each of the following for comment and report within the time
specified by the Minister (the *consultation period*) which must not
be less than 2 weeks:
 - 40 (a) each council within whose area the proposed works are
situated;

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- (b) any other council whose area is likely to be affected by the works;
- (c) if the works are within or relate to a specially protected area or resource—the relevant Minister for the specially
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- (d) any prescribed authority or body.
- (3) The Minister may also refer the EIS to such other authorities or bodies as the Minister thinks fit for comment and report within the consultation period.
- (4) On referring an EIS under subsection (2), the Minister must—
- (a) ensure that copies of the EIS are available, for the duration of the consultation period—
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- (i) on a website determined by the Minister; and
- (ii) for public inspection and purchase (during normal office hours); and
- (b) give public notice in a newspaper circulating generally in the State of the availability of copies of the EIS and invite interested persons to make written submissions to the Minister on the EIS within the consultation period.
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- (5) The Minister must give to the Board copies of all submissions made to the Minister under subsections (2), (3) and (4) and give the Board opportunity to respond to the Minister about those submissions.

28A—Minister may take action in respect of works

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The Minister may, on completion of an EIS process under section 28 in respect of certain works and taking into account all submissions made to the Minister under that section, direct the Board to take such action in respect of the works as the Minister considers appropriate in the circumstances which may, without limitation, include a

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direction to refrain from undertaking the works (or part of the works), to modify the scope or manner of undertaking the works or to take such precautionary or remedial action relating to the works as the Minister considers appropriate.

Schedule 1—Transitional provision

1—Transitional provision

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The amendments to the *Coast Protection Act 1972* made by the *Coast Protection (Significant Works) Amendment Act 2019* apply to works authorised under section 21(1) or 21A of the *Coast Protection Act 1972* whether those works were commenced before or after the commencement of the *Coast Protection (Significant Works) Amendment Act 2019*, but those amendments do not apply to works that had been, at

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that commencement, completed.