

Inquiry into the Coast Protection Board and Legislation

LGA submission

March 2021

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Summary of recommendations

In conducting and reporting on this inquiry the Local Government Association of South Australia (LGA) asks that the Environment, Resources and Development Committee (“the Committee”) forms findings and recommendations that:

1. recognise that increased State Government financial support for coastal councils is necessary to ensure the future protection and management of South Australia’s coastline;
2. recommend that the core function of the Board be to provide high level strategic state-wide leadership in coastal matters that ensures an appropriate and consistent direction for coastal planning, mitigation and management occurs across South Australia;
3. recommend the Coast Protection Board be an expert-based board consisting of not less than 6 other members appointed by the Minister, two of whom with contemporary local government experience are to be appointed on the nomination of the LGA;
4. recommend the formalisation of a local government advisory committee, with a terms of reference, that can provide the Coast Protection Board with expert local government advice on matters pertinent to the protection, restoration, or development of the coast;
5. encourage the Coast Protection Board to work in collaboration with regional landscape boards and Green Adelaide to align and support regional coastal management objectives with broader state-wide objectives;
6. recommend that the Coast Protection Board move away from more operational functions, like providing advice for referrals for development applications, towards a role in providing strategic advice on policy direction relating to coastal development and risk management as being developed by the State Planning Commission and being applied through the State based Planning and Design Code;
7. recommend that the Coast Protection Board advocate and support state government to develop transparent state-wide sea level rise estimations that are based on up-to-date localised scientific observations and models;
8. encourage the Coast Protection Board to adopt a “monitor and respond” model of adaptation where sea level rise estimations are transparent and based on up-to-date localised, scientific observations and models; and
9. support the inclusion of a legislative mechanism that requires frequent and transparent monitoring and review of sea level rise policy as informed by the most up to date, localised data.

Introduction

About the Local Government Association of South Australia

The Local Government Association of South Australia (LGA) is the voice of local government in South Australia, representing all councils across the state and the Anangu Pitjantjatjara Yankunytjatjara.

The South Australian *Local Government Act 1999 (SA)* recognises the LGA as a public authority for the purpose of promoting and advancing the interests of local government. The LGA is also recognised in and has prescribed functions in 29 other South Australian Acts of Parliament. The LGA provides leadership, support, representation and advocacy relevant to the needs of our member councils.

The LGA is a strong advocate for policies that achieve better outcomes for councils and the communities they represent. As such the LGA welcomes the opportunity to provide a submission to this inquiry into the Coast Protection Board and legislation.

This submission has been informed by consultation with the LGA membership, existing policy positions developed through consultation with our membership and recent consultation in other relevant areas of planning, jetties and climate change that align and fall within the scope of this inquiry. Finally, data gathered by the Local Government Grants Commission has been considered to formulate this submission.

Background

South Australia has more than 5000km of coastline,¹ with more than 90% of South Australian's living within 50km of the coast.² Adelaide's beaches are the most visited public land in South Australia.³

South Australia's coast is an invaluable natural asset, subject to the cumulative impact of pressures including pollution, resource use, habitat modification, pests and diseases and climate change.

Half of South Australia's 68 councils have a coastline. Eight are located along the 80km metropolitan Adelaide coastline, from Sellicks Beach to St Kilda, with the remaining 26 spread around the regional coastline, from Eyre Peninsula, Spencer Gulf, Yorke Peninsula, Fleurieu Peninsula, Kangaroo Island and the Limestone Coast.

Local government manages assets and delivers services across the South Australian coastline. This includes:

- Constructing and maintaining facilities like jetties and boat ramps
- Building defensive structures like breakwaters, rock walls
- Assessing proposed land uses including private residential and commercial developments
- Maintaining areas of open space to support sport and recreation
- Conserving natural assets such as dunes and beaches
- Cliff and coastal management and protection
- Tourism facilities – caravan parks and campgrounds

¹ <https://www.environment.sa.gov.au/topics/coasts>

² <https://www.epa.sa.gov.au/soe-2018/coast/describing-the-coast>

³ <https://www.environment.sa.gov.au/topics/coasts>

Given current and projected impacts along the coastline, councils are actively planning for future asset management and service delivery to help address the effects of climate change in local communities.

Significant expenditure is associated with managing coastal assets as listed above. For example, between 2005 and 2015 South Australian councils collectively spent more than \$6.6 million on both state and council owned jetties.⁴ This expenditure is a significant impost on impacted councils, many with a small ratepayer base.

Jetties are important to the economic and social future of South Australia, as well as having significant landmark and heritage value. Jetties are popular drawcards for residents and visitors alike, and their retention, enhancement and promotion is important to all South Australians.

Analysis of Local Government Grants Commission data⁵ reveals that in 2018/19 coastal council's expenditure in relation to jetties, boat landings, wharves, boat ramps, marinas and other recreational facilities was \$5,411,471.00. The same councils in 2018/19 only received \$533,000, or around 9.8% in grants or payments to support these works from the state government.⁶

The above analysis of Local Government Grants Commission data does not capture costs borne by coastal councils in relation to:

- Building defensive structures like breakwaters, rock walls
- Assessing proposed land uses including private residential and commercial developments
- Maintaining areas of open space to support sport and recreation
- Conserving natural assets such as dunes and beaches
- Cliff and coastal management and protection
- Tourism facilities – caravan parks and campgrounds

Over the next ten years, the cost of managing the coast is forecast to grow exponentially. Councils in South Australia have conservatively identified capital works and operating expenses in excess of \$200 million.⁷

The Coast Protection Board provides \$1 million annually (\$4million total from 2019 until 2022-23) in grant funding for councils. Councils can also access grant funding for coastal management through:

- Boating Facilities Fund \$2.1 million (2018/19 to 2021/22)
- Landscape boards and Green Adelaide
- Other periodic state government commitments (often in the wake of extreme events, for example, following the 2016 storms)
- Periodic federal government funding through programs like CoastCare or the National Disaster Resilience Grant Scheme

⁴ Local Government Association Mutual Liability Scheme, Risk Management Update 2019.

⁵ *Local Government Grants Commission, GIR Other Information 2018-19 "Jetties, Wharves and Airports"*.

Data was sorted into coastal councils and then data sorted to capture data only relating to jetties, boat ramps and landings, marinas, recreational and total council expenditure and total state government grants or payments received for this extracted.

⁶ Ibid.

⁷ South Australia Coastal Alliance, *LGA Showcase Presentation* (April 2019)

<https://upperspencergulf.com.au/download/initiatives_and_priorities/coastal_councils/Presentation-for-LGA-AGM.pdf>.

The state government is also leveraging funds raised through the solid waste levy to undertake sand carting and other Adelaide beach works to the value of \$48.4 million.⁸

Even considering the Adelaide beach works undertaken by state government, there is a considerable funding gap. Coastal councils and communities require a significant increase in financial support to protect and manage the coastline in the coming years.

Given that South Australia's coastline is enjoyed by the broader community, as well as visitors to the state, funding and upkeep of coastal areas and assets must be a shared responsibility.

The task of protecting and maintaining South Australia's coastal assets is beyond the funding capacity of coastal councils who currently bear the brunt of funding coastal infrastructure, adaptation and remediation works. Increased financial support for coastal councils in protecting and managing coastlines is necessary to ensure these areas can continued to be used and enjoyed by South Australians and tourists alike.

Local government would like to see equitable funding from Federal and State Government for coastal management works across South Australia. The LGA consistently advocates for an increase in the funding available through coastal protection grants programs administered by the Coast Protection Board on an ongoing basis to leverage council investment in priority projects that will help protect our natural coastal assets.

Recommendation 1: recognise that increased State Government financial support for coastal councils is necessary to ensure the future protection and management of South Australia's coastline.

LGA Submission

The LGA has used the Committee's Terms of Reference to structure this submission.

LGA policy positions

The following LGA policy positions underpin this submission:

LGA Policy manual: 4.1.7 Coasts and Marine

It is accepted that sea level rise and storm surges will have significant impacts on coastal settlements and that it is a shared responsibility of all tiers of government to tackle these impacts. Local government shall continue to rigorously lobby federal and state governments to acknowledge their responsibilities and to provide the equitable and significant resources.

LGA Policy manual: 2.2.4 Infrastructure

Local government recognises the significant responsibilities of federal/state government to invest in infrastructure that supports economic development and that current investment levels are not adequate. Councils and the LGA will continue to lobby governments for an increase in funding to meet local economic objectives.

⁸ <https://www.environment.sa.gov.au/topics/coasts>

LGA Policy manual: 4.1.1 Research and Development

Local government recognises that there are significant data gaps for undertaking risk management processes to identify solutions to environmental impacts. Councils should share their research and development data with stakeholders based on mutually agreeable terms, on the understanding that stakeholders will also share their data with councils.

LGA Policy manual: 4.4.1 Partnership

Local government accepts that negative impacts from climate change are inevitable, and that building resilience to these impacts is a joint responsibility. Councils shall continue to be key partners in delivering a strategic response to climate risks, recognising obligations of other parties.

LGA Policy manual: 4.4.4 Decision making

Local government understands that decisions made by councils must take account of all currently available climate data. Councils shall expand their knowledge base (such as development, tree management, coastal management) to ensure they are 'best informed to make well rounded decisions' (LGMLS).

Coast Protection Board

The structure, functions and powers of the Coast Protection Board in accordance with the *Coast Protection Act 1972*

Functions of the Coast Protection Board

The *Coast Protection Act 1972* (SA) ("Act") is almost 50 years old and was drafted well before the *Landscape South Australia Act 2019* (SA), and indeed before the now superseded *Natural Resources Management Act 2004* (SA). At the time, the Board was the sole body responsible for the protection, restoration, development, management, research and other key functions relating to South Australia's coast.

Now regional landscape boards are also responsible for sustainably managing their region's landscapes, including coastal landscapes.

This inquiry presents South Australia with the opportunity to redefine the role of the Board to better utilise its 50 years of knowledge, experience and expertise. The Board is well placed to deliver a more strategic whole of state policy direction and specific strategic advice relating to coasts. It is suggested that the Board be the high-level strategic leader, responsible for setting state-wide directions, priorities and best practice management techniques.

A holistic strategic coastal policy approach that aligns with state government climate change action, the Planning and Design Code and other state government policies may open opportunities for increased funding from State Government for coastal management.

An overseeing role to a whole of state approach to coastal management would be unique to South Australia and the LGA believes it could be extremely beneficial for the state given that actions undertaken on one part of the coast could potentially impact another part.

The Board would still be in a position to manage and distribute grants to councils and community groups for projects that strategically align with this policy direction.

Recommendation 2: recommend that the core function of the Board be to provide high level strategic state-wide leadership in coastal matters that ensures an appropriate and consistent direction for coastal planning, mitigation and management occurs across South Australia.

Structure of the Coast Protection Board

The current membership of the Board consists of six members of whom:

- one will be the chief executive, or the nominee of the chief executive, of the administrative unit of the Public Service that is, under the Minister, responsible for the administration of this Act; and
- one will be the chief executive, or the nominee of the chief executive, of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the Harbors and Navigation Act 1993; and
- one will be the Chief Executive Officer, or the nominee of the Chief Executive Officer, of the South Australian Tourism Commission; and
- three will be persons appointed by the Minister—
 - one being a person who is qualified for membership of the Board by reason of extensive knowledge of, and experience in, local government; and
 - one being a person who is qualified for membership of the Board by reason of extensive knowledge of, and experience in, the technical problems of coast protection
 - one being a person who is qualified for membership of the Board by reason of extensive knowledge of, and experience in, biological sciences and environmental protection.

To fulfill the recommendation that the core function of the Board be to provide high level strategic state-wide leadership in coastal matters, it is suggested that the Coast Protection Board should comprise of individuals with the requisite skills, knowledge, expertise, and qualifications to develop and provide holistic state-wide advice on coastal matters.

This could include skill sets relating to financial and asset management, risk assessment, coastal adaptation and planning, technical coastal matters, biological sciences and environmental protection.

Given local government's role in coastal management, strategy and investment it is recommended that this expert based board consist of two members, with contemporary local government experience as recommended by the LGA. It is advised that one member will have a more metropolitan focus and one with a regional focus.

Recommendation 3: recommend the Coast Protection Board be an expert-based board consisting of not less than 6 other members appointed by the Minister, two of whom with contemporary local government experience are to be appointed on the nomination of the LGA.

Local government advisory committee

Section 18 of the *Coast Protection Act 1972* (SA) establishes advisory committees to provide “the Board with expert advice on matters pertinent to the protection, restoration or development of the coast”.⁹

⁹ *Coast Protection Act 1972* (SA) s 18(1).

The current Advisory Committee to the Coast Protection Board comprises attendees from the LGA, council networks, and a regional council as follows:

- Local Government Association, secretariat
- SA Coastal Council Alliance, executive officer
- Metropolitan Seaside Council Committee, chairperson
- Regional Coastal Local Government- director Wattle Range Council

Given local government's significant role in coastal issues, it is recommended that the Board formalise a local government advisory committee to provide strategic advice to support the Board's strategic policy setting. The establishment of a local government advisory committee, with a term of reference, would further facilitate two-way communication in an informed, ongoing and regular manner. Encouraging collaboration and cooperation through the formalisation of a local government advisory committee facilitates best practice knowledge sharing at a state-wide management level.

Recommendation 4: recommend the formalisation of a local government advisory committee, with a terms of reference, that can provide the Coast Protection Board with expert local government advice on matters pertinent to the protection, restoration, or development of the coast.

Interaction with local landscapes boards and Green Adelaide

Many councils have established strong local partnerships with their regional landscape boards. Coastal regional landscape boards often have key actions and policy relating to coastal management. The Board has an opportunity to work in collaboration and through the existing landscape boards to connect with communities to best align and implement the recommended overarching state-wide strategic approach.

Strengthening the relationship with landscape boards will enable the Board to better understand strategic regional directions and holistic environmental management approaches that could impact on coastal management endeavours. This interaction will further develop the relationship with the local community which could encourage greater levels of community engagement.

Given the recommended strategic leadership for the Board, collaboration with landscape boards will enable the required operational aspects of the strategy can occur.

Recommendation 5: encourage the Coast Protection Board to work in collaboration with regional landscape boards and Green Adelaide to align and support regional coastal management objectives with broader state-wide objectives.

Planning and development approvals

The authority of the Coast Protection Board in accordance with Schedule 9 of the *Planning, Development and Infrastructure (General) Regulations 2017*, and criteria or triggers for referral

This submission has recommended that the Board is best placed to develop and provide high level, state-wide advice for coastal management through the development of a state-wide strategy as informed by the most up to date, local data.

The Board has a role in providing advice on policy direction relating to coastal development and risk management as being developed by the State Planning Commission and being applied through the State based Planning and Design Code.

Providing advice for referrals for development applications is considered more of an operational function. For this reason, it is recommended that this operational function should not sit with the Board, rather regional landscape boards or another environmental body would be better placed to undertake this operational function.

The Board's role in this process will be in providing the overarching state-wide policy, guidance, data and evidence base to support the policy incorporated within the Planning and Design Code.

Recommendation 6: recommend that the Coast Protection Board move away from more operational functions, like providing advice for referrals for development applications, towards a role in providing strategic advice on policy direction relating to coastal development and risk management as being developed by the State Planning Commission and being applied through the State based Planning and Design Code.

Future management

How protection and development in coastal areas should be managed in the future:

- a. **Managing community and stakeholder expectations (ie. communications and community engagement, and handling of complaints)**
- b. **Evidence-based decision making; and**
- c. **Managing review or appeal of decisions**

Climate change sea level and coastal erosion data and evidence base

It is recognised that the data around sea level rise is updating and evolving. The State government in its *Climate Change Science and Knowledge Plan for South Australia* identifies key actions required for South Australia to respond to the changing climate.

Coastal management and planning is highlighted as an area of focus for the state government, with key actions relating to coastal inundation and erosion risk mapping identified as necessary to inform future planning, development regulations and infrastructure management.

It is well established that the structure and condition of the coast is influenced by a range of natural processes. The underlying geology of the coast influences the erodibility and hence the topography of the shore. This means that although the sea level will rise uniformly across a region, the way in which the rise will be experienced along the coastline will not be uniform.

The LGA is supportive of the state government's *Climate Change Science and Knowledge Plan for South Australia* as it intends to develop an evidence base of critical data sets for use in climate change modelling.

The LGA membership recognises¹⁰ the importance of good, up to date and localised data that can support councils, business, and communities in making well informed decisions based on sound evidence. Local and accurate data is of strategic importance for local government as this data can be utilised to support future/diversified economies, which is key to sustainable economic development.¹¹ Sound data promotes investment attractiveness and can strategically support maintenance of a range of community assets to a high standard of safety and efficiency.¹²

¹⁰ LGA Annual General Meeting, draft Minutes (29 October 2020) < <https://www.lga.sa.gov.au/about-lga/lga-meetings/ogmaqm> >.

¹¹ LGA of SA, *Policy Manual*, 4.2.4 Community Assets (Maintenance) – Data.

¹² Ibid 4.2.5 Community Assets

From a climate risk perspective, local, up to date sea level rise information is necessary to inform decision making and to ensure the best outcomes for the entirety of South Australia's coast.

A key strategic role that the Coast Protection Board could take part in, in collaboration with the state government through its *Climate Change Science and Knowledge Plan*, is to develop transparent state-wide sea level rise estimations that are based on up to date localised, scientific observations and models.

This information than can be utilised by the Board in adopting a "monitor and respond" approach to coastal adaptation and to inform the setting of state-wide policy.

A mechanism could be included in the Coast Protection legislation to require frequent monitoring/review of sea level rise policy assumptions as more localised and updated data becomes available. The legislation could also require for this information to be made available to the public to increase transparency and to increase knowledge and understanding in the community.

Recommendation 7: recommend that the Coast Protection Board advocate and support state government to develop transparent state-wide sea level rise estimations that are based on up-to-date localised scientific observations and models.

Recommendation 8: encourage the Coast Protection Board to adopt a "monitor and respond" model of adaptation where sea level rise estimations are transparent and based on up-to-date localised, scientific observations and models.

Recommendation 9: support the inclusion of a legislative mechanism that requires frequent and transparent monitoring and review of sea level rise policy as informed by the most up to date, localised data.



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