



LOCAL GOVERNMENT

COASTAL BOUNDARY REFORM

ISSUES PAPER

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1. EXECUTIVE SUMMARY

This project was undertaken to assess the current status of Council coastal boundary definitions, and to prepare an issues paper addressing the inconsistencies in boundary definitions, the implications of these inconsistencies, and suggesting future options for standardising coastal boundary definitions.

The Issues Paper begins with an introduction that provides information on project funding, consultation undertaken, project outcomes and suggested next steps, and is followed by an examination of the background to the current lack of standardisation in the definition of Local Government coastal boundaries.

There are five options identified as possibilities for Local Government coastal boundaries and the strengths and weaknesses of each option are discussed. The options considered are: First Line of Development, Low Water Mark, High Water Mark, 'x' metres Offshore and State Waters.

As a result of the consultations conducted in the preparation of this Issues Paper, it is suggested that Local Government pursue Low Water Mark (Lowest Astronomical Tide) as the default Local Government Coastal Boundary across the State, as this would provide Councils with a consistent baseline coastal boundary which is in line with both State and Commonwealth Government current policy.

There are several issues regarding the manner in which this matter could be progressed in Local Government in terms of confirming support for the approach and the appropriate mechanism(s) to implement it. A Survey is included in the mailout of the Issues Paper to ascertain the level of Council support for the suggestion and the preferred implementation method if there is widespread support.

The acceptance of Low Water Mark (Lowest Astronomical Tide) as the baseline Local Government coastal boundary would not prevent Councils initiating negotiations with the State Government to extend their seaward boundary to meet individual / regional requirements, but would mean that all Councils would commence boundary negotiations from a readily understood and acknowledged baseline.

2. THE PROJECT

This Project was undertaken to address the anomalies that currently exist in the definition of Local Government coastal boundaries including:

- varied definitions ranging from High Water Mark and Low Water Mark to Sea Coast
- some amalgamated Councils have variable definitions for different sections of their coastal boundaries
- in localities where there are bays, estuaries and/or offshore islands, Council coastal boundaries vary and are sometimes unclear

A funding request was submitted to the Local Government Research & Development Scheme to produce an Issues Paper that identified the range of possible coastal boundary definitions and evaluated the pros and cons of each option.

Funding of \$20,000 was approved from the Local Government Research & Development Scheme, and there was a further LGA and Local Government in kind contribution of \$10,000.

Consultation

The LGA Coastal and Marine Focus Group supplied oversight and input into the project, and further input was contributed during a Workshop attended by representatives from 15 coastal Councils (see **Appendix C** Summary of Workshop Issues and **Appendix D** Issues Identification Checklist). Representatives from the LGA Mutual Liability Scheme and Norman Waterhouse Lawyers have also provided comments.

Outcomes of the Project

The number and nature of definitional and boundary problems relevant to the 34 Councils that have coastal boundaries are identified and information is provided to assist these Councils to identify issues of relevance to their particular circumstances.

The Issues Paper seeks to examine the implications of the current situation and to explore the options for developing a consistent Local Government coastal boundary definition. In addition it also identifies key issues and implications for the sector as a whole to enable Coastal Councils to pursue boundary reform.

Clearly defining Councils' seaward boundaries will have numerous benefits to Local Government including clarifying issues of liability, management and compliance.

3. BACKGROUND

Currently the gazetted boundaries of South Australian Local Government coastlines vary widely with definitions ranging from “Sea Coast” and “High Water Mark” to “Low Water Mark” (see **Appendix A** Coast and Tide Definitions).

Further, many coastal boundaries were defined in gazettals prior to Council amalgamations, with the amalgamation gazettals describing the new Council areas as incorporating all of the previous Council areas. Accordingly, the unsatisfactory position now exists where some amalgamated Councils have variable definitions for different sections of their coastal boundaries (see **Appendix B** Summary of Gazetted Coastal Boundaries)

Adding another level of complexity is the fact that the boundary definitions are non-specific:

- *Sea Coast* has a fairly vague definition of ‘*where the land meets the sea*’ that could translate to a constantly changing boundary from high water mark to low water mark as the tide ebbs and flows.
- *High Water Mark* has four legally recognised interpretations under the broad heading:
 - Highest Astronomical Tide,
 - Mean High Water,
 - Mean High Water Springs,
 - Mean High Water Neaps
- *Low Water Mark* has five legally recognised interpretations under the broad heading:
 - Lowest Astronomical Tide
 - Indian Spring Low Water
 - Mean Low Water
 - Mean Low Water Springs
 - Mean Low Water Neaps

There is also some doubt about Council seaward boundaries in the case of bays, estuaries and where there are offshore islands.

Generally Council boundaries in South Australia have not included bays but there are some exceptions as follows:

- City of Port Lincoln includes Port Lincoln Proper, Boston, Port Lincoln and Porter Bays
- DC Franklin Harbour includes Franklin Harbour

Currently many offshore islands are not included within the adjacent Local Government boundaries, but there are a number of Council areas whose boundaries do encompass offshore islands viz:

- Alexandrina Council
- DC Elliston
- Kangaroo Island Council
- DC Lower Eyre Peninsula
- DC Streaky Bay
- City of Victor Harbor

The coastline is also subject to change over time with receding coastlines caused by erosion and additions to the coastline from natural sand deposition. Erosion particularly can cause the coastline to move landward and this can result in confusion over the exact location of Council boundaries.

Human intervention has also caused changes to the coastline in some areas. Some coastlines have been extended seawards by the dumping of soil and rocks, and the resulting areas or developments are, if they extend beyond the low water mark, outside the proclaimed Council area. Examples of this include groynes constructed beyond the low water mark and marinas.

There are also other boundary variations, for example, some Councils have boundary adjustments in the vicinity of particular jetties. Feedback from Councils with jetties indicates that it appears unnecessary to exclude areas around jetties from Council areas, as jetties are controlled by the Minister for Transport pursuant to the Harbors and Navigation Act and Regulations, and such control overrides any relevant Council By-Laws to the extent of any inconsistency.

As demonstrated above, there has been no standard for defining South Australian Local Government coastal boundaries, and this has resulted in a confusing array of definitions and understandings that has left many Councils unsure of their legal roles and responsibilities for coastal areas.

A fundamental matter to be addressed by coastal Councils is the exact location of coastal boundaries, and the identification of attendant responsibilities that will fulfil obligations to serve communities appropriately.

The Local Government Act 1999 requires that Councils work collaboratively in areas of common interest both on a regional basis, and with State and National Governments. The boundary reform process provides an excellent opportunity for all spheres of government to collaborate in identifying opportunities to enhance service delivery to communities and efficiencies in the management of coastal areas.

4. COASTAL BOUNDARY OPTIONS AND DISCUSSION

The variability of current Local Government coastal boundaries is a source of confusion for both the community and Councils (see **Appendix B** Summary of Gazetted Coastal Boundaries). The responsibilities that Councils currently assume for coastal areas also varies from Council to Council, and there is a need to establish consistency of Council operations along the South Australian coastline.

During consultations conducted to date as part of the project (see **Appendix C** Summary of Workshop Issues and **Appendix D** Issues Identification Checklist), the following options were identified as possibilities for determining Local Government coastal boundaries. Included with each option are some of the issues that would need to be considered if any one option were considered as viable.

4.1 First Line of Development

This option would see the boundaries of the first land sections or hundreds forming the Council coastal boundary. The coastal buffer strip of Crown Land would be removed from the Local Government areas of responsibility.

The State Government would be fully responsible for the Crown Land coastal strip under this option, and there would be a need to duplicate some of the adjacent Council services in this area. These could either be provided across the State by the State Government or provided by the adjacent Councils under an arrangement with the State Government.

The disadvantage of this option is that a First Line of Development boundary would be very difficult to define on the ground due to the fact that the width of the Crown Land buffer zone varies markedly along the length of the South Australian coast, and is in fact non-existent in some areas.

Another problem with this option is that it could be at odds with the generally held public perception that Councils are the relevant authority to Low Water Mark.

4.2 High Water Mark

This option would see the land on the foreshore that is submerged at high tide but exposed at low tide being outside of Local Government areas, and would mean that the State Government would be responsible for providing land based services for this transient strip of land (inter-tidal zone).

The High Water Mark itself will vary from day to day, and month to month, and in the interests of providing a consistent boundary measurement it is necessary to equate High Water Mark with an established measurement technique.

Generally for High Water Mark the choice would be between:

- Highest Astronomical Tide
- Mean High Water
- Mean High Water Springs

- Mean High Water Neaps

(see **Appendix A** Coast and Tide Definitions)

4.3 Low Water Mark

This option would see the land on the foreshore that is submerged at high tide but exposed at low tide being included in Local Government areas, and is currently the generally accepted coastal boundary in most Local Government areas.

The Low Water Mark itself will vary from day to day, and month to month, and in the interests of providing a consistent boundary measurement it is necessary to equate Low Water Mark with an established measurement technique.

Generally for Low Water Mark the choice would be between:

- Lowest Astronomical Tide
- Indian Spring Low Water
- Mean Low Water
- Mean Low Water Springs
- Mean Low Water Neaps

(see **Appendix A** Coast and Tide Definitions).

Both the State and Commonwealth Government have adopted Lowest Astronomical Tide as their measurement for Low Water Mark. This boundary definition is defined under the Seas and Submerged Lands Act 1973 in the Commonwealth of Australia Special Gazette No. S 29 dated Wednesday, 9 February 1983. It states that Low Water Mark = Lowest Astronomical Tide as the baseline from which the breadth of the territorial sea is to be measured (see **Appendix A** Coast and Tide Definitions under 'Baseline ...' for an extract from this proclamation).

4.4 'x' metres Offshore (nominally between 200 and 500 metres)

This option would see the Council boundary encompass the strip of coastal waters close to the foreshore. The exact width of the strip would need to be defined after averaging out jetty lengths and the width of coastal waters generally used for coastal boating, swimming, surfing, fishing and other recreational and commercial activities.

There is also the option that some or all of this extended area could be placed under the care control and management of Council rather than being the subject of a boundary alteration.

The disadvantage of this option is that it would require considerable discussion and negotiation between coastal Councils (to agree to the optimal number of metres offshore that would be acceptable to all Councils with their varied local circumstances), and with the State Government as to the viability of this option for both spheres of government. The implications and complexities of such a boundary change for the State Government would be widespread especially in the areas of legislation and policy.

Discussions and negotiations are likely to be lengthy and require considerable contribution and participation from a variety of State Government departments and all Coastal Councils. The likelihood of this option being acceptable to the State Government is considered doubtful.

4.5 State Waters (3 nautical miles Offshore)

This option would see Council coastal boundaries extended to the full extent of the State limits.

Some or all of this extended area could be placed under the care control and management of Council rather than being the subject of a boundary alteration.

As with the previous option, the disadvantage of this option is that it would require considerable discussion and negotiation with the State Government regarding its viability. The implications and complexities of such a boundary change for the State Government would be widespread especially in the areas of legislation and policy.

It is considered that discussions and negotiations would be lengthy and require considerable contribution and participation from a variety of State Government departments and all Coastal Councils. The likelihood of this option being accepted by the State Government is also considered doubtful.

Other Considerations

Clearly there are a range of other issues that would need to be considered in selecting any one of the above options, for example:

- The impact on Financial Assistance Grants if coastal boundaries are altered
- Adequate recompense for any additional responsibilities for Councils that result from coastal boundary changes
- The possibility of aquaculture rating
- The privatisation of Ports Corp
- Councils may pursue further authority in coastal areas such as delegated authority / wardens under the Coast Protection Act.
- The benefits or constraints of working through the Minister for Local Government's Partnerships Program to achieve appropriate functional and financial reforms
- Process issues for introducing changes ie legislative, voluntary boundary adjustments

Suggested Next Steps

There was general agreement amongst Workshop participants from coastal Councils, that there would be benefits in gaining a consistent approach to determining Local Government coastal boundaries in the manner put forward in Part 5 of this paper.

The LGA will need to formally approach coastal Councils to confirm whether there is support for a consistent approach, and if so, the best method to achieve it. For example there are options to amend the provisions of the Local Government Act, 1999 regarding boundary adjustment and/or for Councils to individually pursue boundary adjustments through the Local Government Boundary Adjustment Facilitation Panel. Part 5 of the paper deals with this issue in more detail.

A Survey is included in the mailout of the Issues Paper to gauge Council support for the suggestions. Please complete and return this survey by 31 December 2001 in order that further action may be considered.

There will also be further opportunities for functional reform and partnering between Local and State Governments should coastal Councils wish to pursue a boundary adjustment and government agencies agree to progressing these issues.

5. SUGGESTIONS

Currently, the majority of South Australian Councils have a coastal boundary definition of Low Water Mark or Sea Coast and, in both cases, are nominally working with a Low Water Mark coastal boundary.

There is also a general community expectation that Councils are the responsible authority to Low Water Mark, and consultations during this project reveal that Workshop participants are seeking a consistent approach for determining coastal Council boundaries.

Suggestion 1

It is suggested that a consistent approach to determining Local Government Coastal boundaries across the State should be pursued.

Suggestion 2

It is suggested that Low Water Mark (Lowest Astronomical Tide) be adopted as the baseline Local Government Coastal Boundary.

Choosing this course of action would:

- clarify and standardise Local Government coastal boundaries across the State, and
- promote consistency across all spheres of government
- expedite an immediate improvement to the current Local Government coastal boundary situation

A common boundary of Low Water Mark (Lowest Astronomical Tide) would achieve a robust, flexible boundary that allowed coastal Councils to identify and standardise their coastal roles and responsibilities across the State and would also encourage a clear definition of State Government coastal roles and responsibilities.

The State Government appears unlikely to seriously oppose the standardisation of Local Government coastal boundaries to Low Water Mark (Lowest Astronomical Tide), as this is currently the generally accepted boundary whether or not it is the gazetted boundary. Further defining Low Water Mark (Lowest Astronomical Tide), would also bring Local Government boundaries in line with State and Commonwealth Government legislation (see **Appendix A** Coast and Tide Definitions, **Appendix E** Summary of Relevant Legislation, **Appendix F** SA Coastal Waters Definition, and **Appendix G** Historic Bay Baseline Definitions).

This would be the first step, and would be followed by the opportunity of negotiating with the State Government on other coastal boundary issues such as offshore islands, bays and estuaries

The acceptance of Low Water Mark (Lowest Astronomical Tide) as the baseline Local Government coastal boundary would not prevent Councils initiating negotiations with the State Government to extend their coastal boundary to meet individual / regional requirements, but would mean that all Councils would commence boundary negotiations from a known and understood baseline.

Three options appear to exist to implement a consistent approach:

1. An amendment to the Local Government Act, 1999 which provide that Council coastal boundaries are to be based on the Low Water Mark (Lowest Astronomical Tide) unless otherwise adjusted by proclamation subsequent to the amendments to the Local Government Act 1999.
2. A Council initiated proposal to the Boundary Adjustment Panel as provided in Section 27 of the Local Government Act, 1999.
3. The Governor making a proclamation affecting all Councils with a coastal boundary, pursuant to an address from both Houses of Parliament

Whatever option is pursued, it will be important to fully assess the impact of these changes on Councils. Key issues to be considered are likely to be:

- The impact on the sector of changes, if any, to the Local Government Financial Assistance Grants for coastal Councils
- Opportunities for functional and financial reform matters being addressed during or following the adoption of a boundary adjustment

However, before pursuing any changes the LGA must consult with Councils to gain a formal view regarding their acceptance or otherwise of pursuing a consistent approach for determining coastal Council boundaries, and if this is supported, the most appropriate definition to adopt.

The Survey included with the mailout of the Issues Paper has been designed to gauge Council support for:

- A consistent approach to determining coastal Council boundaries
- The adoption of Low Water Mark (Lowest Astronomical Tide) as the baseline Local Government Coastal Boundary
- The preferred mechanism for implementing a boundary alteration

Please complete and return this Survey by 1 February 2002 in order that further action may be considered.

APPENDIX A - Coast and Tide Definitions

Term	Meaning
Adjacent Land	<p>(a) land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance); or</p> <p>(b) land extending from the edge of any other navigable waterway or body of water in the State to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser),</p> <p>(but does not include land vested in fee simple in any person other than the Minister or land withdrawn from the Minister under the transitional provisions) (Harbors and Navigation Act, 1993 Interpretation)</p>
Baseline for breadth of Territorial Sea measurements	<p>The baseline from which the breadth of that part of the territorial sea adjacent to the mainland of Australia is to be measured is the line constituted by the following lines:</p> <p>(a) the low-water line along the coast, except where that low-water line is landward of a line referred to in paragraph (b), (c), (d) or (e);</p> <p>(b) in the case of each river that flows directly into the sea on that coast, a straight line drawn across the mouth of the river between points on the respective low-tide lines of its banks, except where the line is landward of a line referred to in paragraph (c), (d) or (e);</p> <p>(c) in the case of each bay (other than an historic bay) on that coast, a straight line drawn between the respective low-water marks of the natural entrance points of the bay, except where the line is landward of, or identical with, a line referred to in paragraph (d) or (e);</p> <p>(d) the straight lines joining each of the points on the low-water line of the coast that are on or closest to the points of latitude and longitude determined by reference to the Australian Geodetic Datum</p> <p>(e) in the case of each bay on that coast specified to be an historic bay -</p> <p>(i) where 2 points of latitude and longitude are specified - the straight line joining each of the points on the low-water line of the coast that are on or closest to those points; or</p> <p>(ii) where more than 2 points of latitude and longitude are specified - the line constituted by each of the straight lines joining, respectively, each of the points on the low-water line of the coast that are on or closest to 2 points specified opposite each other (Proclamations in Commonwealth of Australia Gazettes No. S 29, Wednesday 9 February 1983 p. 3 and No. S 57, Tuesday 31 March 1987 pp. 3-4)</p>
Term	Meaning
Bay	A body of water forming a recess or indentation of the shoreline, smaller than a gulf but larger than a cove (Dictionary of Geology and Geophysics)
Bay vs Indentation	<p>(a) subject to paragraphs (b) and (c), an indentation is a bay if the distance between the low-water marks of the natural entrance points of the indentation does not exceed 24 miles.</p> <p>(b) an indentation having one mouth is not a bay if the area of the indentation is less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation.</p> <p>(c) an indentation which, because of the presence of islands, has more than one mouth is not a bay if the area of the indentation is less than that of the semi-circle drawn on a line as long as the sum total of the lengths of the lines across the different mouths.</p>

	(d) the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points, islands within the indentation being included as if they were part of the water areas of the indentation (Proclamation in Commonwealth of Australia Gazette No. S29, Wednesday 9 February 1983 p. 2)
Chart Datum	A permanently established surface from which tide heights or chart soundings are referenced, usually ISLW, and is the zero level of tide heights (Ports Corp 2000 Tide Book for South Australian Ports)
Coast	<p>The border of land near the sea, seashore (Australian Concise Oxford Dictionary).</p> <p>All land that is:</p> <ul style="list-style-type: none"> (a) within the mean high water mark and the mean low water mark on the seashore at spring tides; or (b) above and within one hundred metres of that mean high water mark; or (c) below and within three nautical miles of that mean low water mark; or (d) within any estuary, inlet, river, creek, bay or lake and subject to the ebb and flow of the tide; or (e) declared by regulation to constitute part of the coast for the purposes of this Act (Coast Protection Act, 1972) <p>The marine boundary is 200 nautical miles seaward of the low water mark and for the landward boundary there are 2 definitions; the existing Local Government administrative areas abutting the coast (to examine the extent of human use and activities); and the natural drainage basins abutting the coast (to describe the extent of physical and biological resources) (Resource Assessment Commissions Coastal Zone Enquiry)</p>
Term	Meaning
Cove	One of the lesser indentations of a coast, often the result of differentiated marine erosions (Dictionary of Geology and Geophysics)
Diurnal	Having a period or cycle of approximately one tidal day. The tide is said to be diurnal when only one high water and one low water occur during a tidal day, and the tidal current is said to be diurnal where there is a single flood and a single ebb period of a reversing current in the tidal day. (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)
Dodge Tide	The period when there is one small tide only, or the level remains constant for approximately one whole day (Ports Corp 2000 Tide Book for South Australian Ports)
Duration	The difference in time between successive high and low waters (Ports Corp 2000 Tide Book for South Australian Ports)
Estuary	Semi-enclosed coastal body of water where salt water from the open sea mixes with freshwater draining from the land. Estuaries can be categorised into three types according to their dominant biophysical processes - tides, waves or river flows. (Australia-wide Estuary Condition Assessment pamphlet, National Land and Water Resources Audit, a program of the National Heritage Trust)

	<p>Semi-enclosed coastal body of water which has a free connection with the open sea and where fresh water, derived from land drainage, is mixed with sea water. Estuaries are often subject to tidal activity (Dictionary of Earth Sciences)</p> <p>A widened mouth of a river valley where fresh water intermixes with sea water, and where tidal effects occur. An elongated portion of a sea that is affected by fresh water is also called an estuary. Estuaries are formed where a deeply cut river mouth is drowned following a land subsidence or a rise in sea level (Dictionary of Geology and Geophysics)</p>
Term	Meaning
Foreshore	<p>The area between the low water mark on the seashore and the nearest boundary of a road, a section, a public reserve or land comprised in a land grant, Crown lease, or Crown licence (Local Government Act, 1934)</p> <p>Lower shore zone that lies between the normal high- and low-water marks. The foreshore may either be a plane slope dipping seawards at a low angle, or be marked by the development of long shore bars (ridge-and-runnel topography) depending on the nature of the wave attack (Dictionary of Earth Sciences)</p> <p>That part of the seashore between ordinary high-water mark and low-water mark, prima facie belongs to the Crown (Manual of Survey Practice Volume 2 Section 12 Page 3)</p> <p>The zone of a shore or beach that is regularly covered with tidal water (Dictionary of Geology and Geophysics)</p> <p>Councils generally have care and control of foreshore to the Low Water Mark under the Harbours & Navigation Act 1993 Section 18 (4).</p> <p>According to riparian law, the strip of land between the high and low water marks that is alternately covered and uncovered by the flow of the tide. The part of the shore lying between the crest of the seaward berm (upper limit of wave action at high tide) and the ordinary low water mark that is ordinarily traversed by the uprush and backrush of the waves as the tides rise and fall (National Integrated Land System (NILS) Survey and Land Glossary)</p>
Highest Astronomical Tide (HAT)	The highest tide level over the duration of approximately 19 years (Metocean Glossary Ifremer Website)
High Water	<p>The highest level reached by the surface of the sea in one oscillation (Ports Corp 2000 Tide Book for South Australian Ports)</p> <p>The maximum height reached by a rising tide. The high water is due to the periodic tidal forces and effects of meteorological, hydrologic and/or oceanographic conditions. For tidal datum computational purposes, the maximum height is not considered a high water unless it contains a tidal high water (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>
High Water Full and Change	The interval of time between the transit (upper or lower) of the moon and the next high water at a given place (Ports Corp 2000 Tide Book for South Australian Ports)

Term	Meaning
High Water Mark	<p>A line or mark left upon tide flats, beach or along shore objects indicating the elevation of the intrusion of high water. The mark may be a line of oil or scum on or along shore objects, or a more or less continuous deposit of fine shell or debris on the fore shore or berm. This mark is physical evidence of the general height reached by wave run up at recent high waters. It should not be confused with the mean high water line (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>
Indian Spring Low Water (ISLW)	<p>The lowest level, for most practical purposes, which the tide falls. Only in exceptional circumstances will the tide fall lower (Ports Corp 2000 Tide Book for South Australian Ports)</p> <p>ISLW is found by obtaining the sum of the semi-ranges of the principal lunar and solar semi-diurnal tides, and of the lunar and luni-solar diurnal tides and subtracting it from the Mean Sea Level. This empirical formula determines the "value to which the tide will seldom fall below" (Ports Corp Tidal Datum presentation)</p> <p>A datum originated by Professor GH Darwin when investigating the tides of India. It is an elevation depressed below mean sea level by an amount equal to the sum of the amplitudes of the harmonic constituents M2, S2, K1 and O1 (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>
Lowest Astronomical Tide (LAT)	<p>The lowest tide level which can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions; for example, the lowest level the tide will reach over a complete tide cycle of 18.7 years. The level of LAT will be reached occasionally in the normal course of events and levels lower than this may be reached with particular metrological conditions (Ports Corp Tidal Datum presentation)</p> <p>In 1983 Proclamation 529 under the Seas and Submerged Lands Act 1973 provided by Sub-Section (7) that for the purposes of proclamation of Australia's territorial Seas that the "Low Water" means Lowest Astronomical Tide (Ports Corp Tidal Datum presentation)</p> <p>In recent times the boundaries of some National Parks have been extended to lowest astronomical tide which is defined as the lowest height of the surface of the sea which can be predicted to occur under average meteorological conditions and under any combination of astronomical conditions (Manual of Survey Practice Volume 2 Section 12 Page 3)</p>
Term	Meaning
Low Water	<p>The lowest level reached by the sea in one oscillation (Ports Corp 2000 Tide Book for South Australian Ports)</p> <p>The minimum height reached by a falling tide. The low water is due to the periodic tidal forces and the effects of meteorological, hydrologic and/or oceanographic conditions. For tidal datum computational purposes, the minimum height is not considered a low water unless it contains a tidal low water (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>

	Low-water means Lowest Astronomical Tide (Proclamation in Commonwealth of Australia Gazette No. S29, Wednesday 9 February 1983 p. 2)
Low Water Mark	The stage to which a river or other inland body of water recedes, under ordinary conditions, at its lowest stage or elevation. Low water mark should not be used in reference to tidal waters (National Integrated Land System (NILS) Survey and Land Glossary)
Mean High Water	The average of the highest astronomical tide heights observed over the duration of approximately 19 years (Metocean Glossary Ifremer Website) The elevation of the water at the margin of the area occupied by the water for the greater portion of each average year, as determined by vegetative or topographic changes. As applied by the US National Ocean Service, the mean of all high waters over a considerable period of time, usually 18.6 or 19 years (National Integrated Land System (NILS) Survey and Land Glossary)
Mean High Water Springs (MHWS)	The level that is the average of all the twice-daily high tides at spring periods. Corresponding levels exist for neap tides (Ports Corp 2000 Tide Book for South Australian Ports) The arithmetic mean of the high water heights at the times of spring tides (Metocean Glossary Ifremer Website)
Mean Low Water	The average of all the low water heights observed over the duration of approximately 19 years (Metocean Glossary Ifremer Website) The mean height of all low waters at a point or particular station over a considerable period of time. For tidal waters, the cycle of change covers a period of about 18.6 years, and the mean low water is the mean of all low waters for that period. For any body of water, it is the mean of all low waters over a period of time of such length that increasing its length does not appreciably change the mean (National Integrated Land System (NILS) Survey and Land Glossary).
Term	Meaning
Mean Low Water Springs (MLWS)	The level that is the average of all the twice-daily low tides at spring periods. Corresponding levels exist for neap tides (Ports Corp 2000 Tide Book for South Australian Ports) The arithmetic mean of the low water heights at the times of spring tides observed over the duration of approximately 19 years (Metocean Glossary Ifremer Website)
Mean Sea Level	The average level of the surface of the sea over a long period of time in all stages of oscillation, or the average level which would exist in the absence of tides (Ports Corp 2000 Tide Book for South Australian Ports)
Mean Tide Level	The average of the levels of all high and low waters (Ports Corp 2000 Tide Book for South Australian Ports)
Neap Tide and Neap Range	The tides which happen near the first and last quarter of the moon, when the difference between high and low water is less than at any other part of the month. They are opposed to Spring tides (Ports Corp 2000 Tide Book for South Australian Ports)

	<p>Tide of small range occurring every 14 days near the times of the first and last quarter of the moon when the moon, earth and sun are at right angles. The neap tidal range is 10%-30% less than the mean tidal range (Dictionary of Earth Sciences)</p> <p>Tides of decreased range or tidal currents of decreased speed occurring semimonthly as the result of the moon being in quadrature. The neap range of the tide is the average range occurring at the time of neap tides and is most conveniently computed from the harmonic constants. It is smaller than the mean range where the type of tide is either semi diurnal or mixed and is of no practical significance where the type of tide is predominantly diurnal. The average height of the high waters of the neap tide is called neap high water or high water neaps (MHWN) and the average height of the corresponding low waters is called neap low water or low water neaps (MLWN) (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>
PCSA (Ports Corp South Australia) Local Datum	An arbitrary datum which is nominally set to 30 metres below chart datum (Ports Corp 2000 Tide Book for South Australian Ports)
Range	The difference between the levels of successive high and low waters (Ports Corp 2000 Tide Book for South Australian Ports)
Term	Meaning
Sea Coast	<p>Where the land meets the sea</p> <p>In relation to Council boundaries the Crown Solicitor (HB 1059/25) advised that: ... the proper interpretation to be placed upon the words "coast", "seacoast", or "seashore" where they, or any of them, are used, without being defined, to fix the seaward boundary ... of a Municipality or a District Council District, is that the boundary extends to low water mark... (Manual of Survey Practice Volume 2 Section 12 Page 3)</p> <p>Coastline is technically, the line that forms the boundary between the coast and the shore and marks the seaward limit of the permanently exposed coast. The US government National Ocean Service uses the words coastline and shoreline synonymously and defines them as being the mean high water line. But in the US Submerged Lands Act the term "coast line" is defined as the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters. When using the term "coastline" the user should specify what line is intended (National Integrated Land System (NILS) Survey and Land Glossary)</p>
Semi Diurnal	Having a period or cycle of approximately one-half of a tidal day. The predominant type of tide throughout the world is semi diurnal, with two high waters and two low waters each tidal day. The tidal current is said to be semi diurnal when there are two flood and two ebb periods each day. A semi diurnal constituent has two maxima and two minima each constituent day (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)
Slack Water	The period of negligible horizontal movement which occurs when the direction of movement is being reversed (Ports Corp 2000 Tide Book for South Australian Ports)
Spring Range	The average range of the tides that occur at the spring tides period (Metocean Glossary Ifremer Website)

	<p>The spring range of tide is the average range occurring at the time of spring tides and is most conveniently computed from the harmonic constants. It is larger than the mean range where the type of tide is either semi diurnal or mixed, and is of no practical significance where the type of tide is predominantly diurnal. The average height of the high waters of the spring tide is called spring high water or mean high water springs (MHWS) and the average height of the corresponding low waters is called spring low water or mean low water springs (MLWS) (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>
Term	Meaning
Spring Tide	<p>The tides which happen at, or soon after, the new or full moon, which rise higher than common tides. Spring tides have the greatest range (Ports Corp 2000 Tide Book for South Australian Ports)</p> <p>A tidal pattern in which the difference in level between high and low tides is a maximum. Spring tides occur twice each month, at full or new moon, when the earth, moon and sun are aligned (Dictionary of Geology and Geophysics)</p> <p>Tides of increased range or tidal currents of increased speed occurring semimonthly as the result of the moon being new or full (Tide and Current Glossary, Center for Operational Oceanographic Products and Services)</p>
Subjacent Land	Land underlying navigable waters within the jurisdiction (Harbors and Navigation Act 1993)
Tides	The periodic vertical oscillations of the sea (Ports Corp 2000 Tide Book for South Australian Ports)
Tidal Streams	The periodic horizontal oscillations of the sea (Ports Corp 2000 Tide Book for South Australian Ports)

APPENDIX B – Summary of Gazetted Coastal Boundaries

LOCAL GOVERNMENT COASTAL BOUNDARIES

Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Alexandrina	-- Sea coast including Pullen Island	27.3.1997 pp. 1336-1337 7.8.1997 PP. 278- 281	Pt Elliot Pt Elliot Pt Elliot Pt Elliot & Goolwa Pt Elliot & Goolwa	Sea-coast and Hindmarsh Island and all other islands in the Hundred of Nangkita Sea coast Whole of Pullen Island -- Sea coast including whole of Pullen Island	28.2.1878 pp. 431-432 11.12.1924 p. 1511 17.3.1966 pp. 1451-1452 22.1.1987 pp. 123-125 17.12.1992 pp. 2190-2192
Barunga West	--	6.2.1997 pp. 822-823	Port Broughton Bute Bute	Sea coast -- Sea coast	9.6.1988 pp. 1868-1869 22.11.1990 p. 1579 2.5.1991 p. 1435
Ceduna	--	25.8.1994 p. 604 renamed	Murat Bay Murat Bay Murat Bay Murat Bay	Adding foreshore between high water mark and low water mark within harbor and placing under Council care, control and management - exclusive of foreshore 50 ft on each side of centre line of jetties and foreshore adjoining Harbours Board reserve Foreshore in Thevenard Harbor Low water mark Seacoast	15.4.1926 p. 1023 22.7.1926 pp. 143-144 15.6.1933 pp. 1005-1006 29.4.1976 pp. 2219-2221
Charles Sturt	--	12.12.1996 pp. 1852-1853	Hindmarsh Henley & Grange Woodville Henley & Grange	Sea coast Low water mark on sea coast exclusive of 50 links wide on each side of the centre line of the jetties -- Low water mark	2.6.1853 pp. 357-358 2.12.1915 pp. 1519-1520 21.5.1932 pp. 864-865 16.9.1948 p. 1070

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Cleve	-- --	4.5.1911 p. 751 16.2.1989 p. 442	County of Jervois	Shore of Spencer's Gulf	24.1.1878 pp. 133-134
Coorong	Sea coast --	13.2.1997 pp. 900-903 2.12.1999 pp. 3092-3093	Meningie Meningie	-- --	5.1.1888 p. 2 1.11.1990 pp. 1340-1341
Copper Coast	Sea coast Wallaroo Ward, Low water mark Moonta and Paskeville Wards	9.2.1997 pp. 825-828	Wallaroo Wallaroo Northern YP Northern YP	Sea-coast Alter harbor boundaries by excluding portion of foreshore in harbor of Port Wallaroo and placing it under care, control and management of Corporate Town of Wallaroo Sea-coast Sea-coast	25.6.1874 p.1118 28.4.1927 pp. 934-935 9.2.1984 pp. 292-294 25.10.1990 pp. 1247-1248
Elliston	-- Northern point Venus Bay Northern point Venus Bay Including all islands in Venus Bay Including all islands in Venus Bay Low water mark Southern Ocean and all islands adjacent to the mainland Including all islands adjacent to the mainland	5.1.1888 p. 2 3.7.1890 pp. 2-3 17.7.1890 pp 119-120 28.4.1966 pp. 1779-1780 20.11.1986 p. 1636 16.2.1989 p. 442 21.10.1999 p. 2070			

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Franklin Harbor	-- Sea coast, entrance to and shores of Franklin Harbour	5.1.1888 p. 2 17.12.1964 p. 1900	County of Jervois Hundred of Playford	Shore of Spencer's Gulf Shore of Spencer's Gulf crossing the entrance to Franklin Harbor	24.1.1878 pp. 133-134 24.1.1878 pp. 132-133
Grant	-- --	27.6.1996 pp. 3104-3105 17.9.1998 pp. 898-900	Port MacDonnell Port MacDonnell Port MacDonnell Port MacDonnell Port MacDonnell	Sea coast -- Low water mark Southern Ocean Sea coast Sea coast	4.2.1869 p. 151 12.5.1932 p. 850 15.12.1988 pp. 2006-2007 1.9.1994 pp. 712-713 22.9.1994 pp. 842-843
Holdfast Bay	Sea coast Sea coast	29.8.1996 pp. 808-810 2.12.1999 p. 3089	Brighton Glenelg Brighton Brighton	Sea coast Low-water mark Low water mark Low water mark	3.11.1853 p. 720 23.8.1855 p. 637 25.11.1858 p. 862 20.2.1969 pp. 521-522
Kangaroo Island	--	28.11.1996 p. 1745	Dudley Kingscote Kingscote Kingscote	Sea-coast Sea coast Sea coast together with all islands adjacent to the District Seacoast together with all islands adjacent to the District	7.6.1888 p. 1323 29.4.1965 pp. 967-968 15.1.1987 p. 55 16.6.1994 pp. 1774-1775
Kingston	--	6.4.2000 p. 2063 renamed	Lacepede Lacepede	Sea-coast --	3.7.1873 pp.1041-1042 19.10.1989 pp. 1208-1209

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Lower Eyre Peninsula	--	21.1.1988 p. 116 renamed	Lincoln Lincoln Lincoln Lincoln Lincoln Lincoln Lincoln Lincoln Lincoln	High watermark including Boston & Grantham Is. Including Boston, Grantham, Thistle, Taylors, Williams, Liguanea, Whidbey, Four Hummocks, Greenley, Rocky, Sir Joseph Banks Group, & Louth Islands Including Boston, Grantham, Thistle, Taylors, Williams, Liguanea Whidbey, Four Hummocks, Greenly, Rocky, Sir Joseph Banks Group & Louth Islands Including Boston, Grantham, Thistle, Taylors, Williams, Liguanea, Whidbey, Four Hummocks, Greenly, Rocky, Sir Joseph Banks Group and Louth Islands Low water mark and all adjacent islands Including Rocky Island Thistle Is. severed Boston Is. severed Reevesby Is. severed Spilsby and Louth Islands severed Including all adjacent islands except those severed above	1.7.1880 pp. 7-8 7.6.1888 pp. 1320-1321 3.7.1890 pp. 2-3 17.7.1890 pp. 119-120 21.3.1935 pp. 867-869 7.4.1938 pp. 792 16.3.1961 p. 564 15.6.1961 pp. 1324-1325 31.5.1962 p. 1431 4.8.1966 pp. 347-348 19.11.1987 pp. 1625-1626

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Mallala	Sea coast Sea coast	12.11.1992 pp. 1526-1527 2.12.1999 p. 3094	Light	Low water mark	21.3.1935 pp. 856-858
Marion	Sea-coast Sea coast Low water mark -- -- --	2.9.1886 p. 504 renamed 30.3.1944 pp. 381-382 20.2.1969 pp. 521-522 22.11.1990 p. 1579 14.11.1996 pp. 1689-1690 1.5.1997 pp. 1666-1667	Brighton		
Mount Remarkable	Low water mark Spencer Gulf -- -- --	24.4.1980 pp. 1062-1065 23.7.1981 pp. 226-227 21.12.1989 pp. 18471848 2.5.1991 p. 1434			
Onkaparinga	Sea coast --	6.3.1997 pp. 1110-1114 22.12.1997 p. 1780 renamed from City of Happy Valley, Noarlunga & Willunga	Willunga Noarlunga Aldinga	Bounded by the sea Sea coast Sea coast	18.8.1853 pp. 542-543 21.8.1856 pp. 732-733 1.1.1857 p. 2
Playford	-- --	13.2.1997 pp. 898-900 16.9.1999 p. 1151	Munno Para East Munno Para East Munno Para Munno Para Munno Para Munno Para	-- Sea coast -- -- Sea coast --	10.11.1853 p. 738 21.4.1955 pp. 902-906 12.1.1978 pp. 51-52 30.10.1986 pp. 1482-1483 16.8.1990 pp. 583-584 19.11.1992 pp. 1602-1603

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Port Adelaide Enfield	-- Low water mark	21.3.1996 pp. 1672-1673 19.9.1996 pp. 1158-1159	Port Adelaide Semaphore Port Adelaide Semaphore Port Adelaide Port Adelaide Port Adelaide Port Adelaide Port Adelaide	-- High-watermark High-watermark Low-water mark Low water mark -- Low water mark, sea coast Gulf St Vincent -- --	27.12.1855 pp. 975-976 17.1.1884 p. 178 9.12.1886 pp. 1084-1085 21.10.1897 p. 1271 12.5.1932 pp. 864-865 15.1.1987 pp. 53-54 30.7.1987 pp. 268-271 11.2.1993 p. 552 2.8.1994 pp. 396-397
Port Augusta	Low water mark Spencer Gulf Low water mark Spencer Gulf	24.4.1980 pp. 1062-1065 2.2.1989 pp. 250-252	Port Augusta Municipality	Low water mark and 25 links each side of centre line of bridge from Port Augusta to Port Augusta West	28.4.1932 p. 745

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Port Lincoln	<p>High water mark on the sea coast including bays, namely Port Lincoln Proper, Porter, Port Lincoln, and Boston</p> <p>High water mark on the sea coast with foreshore added exclusive of areas around jetties</p> <p>Low water mark and high water mark exclusive of areas around jetties</p> <p>Care, control and management of Port Lincoln Harbour between high and low water marks exclusive of 33ft on each side of centre line of jetty</p> <p>Revoke the care, control and management of Port Lincoln Harbor between high and low water marks</p> <p>--</p> <p>Low water mark and high water mark, across Porter Bay, exclusive of areas around jetties</p> <p>--</p> <p>--</p>	<p>18.8.1921 pp. 317-318</p> <p>21.5.1925 p. 946</p> <p>21.3.1935 pp. 867-869</p> <p>1.8.1946 pp. 181-182</p> <p>5.2.1968 p. 453</p> <p>26.3.1981 pp. 788-789</p> <p>26.9.1985 p. 922</p> <p>29.10.1987 pp 1444-1445</p> <p>20.10.1994 pp. 1274-1275</p>			

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Port Pirie	Low water mark Spencer Gulf	27.2.1997 pp. 1042-1045	Port Pirie City Pirie (DC) Port Pirie City Pirie (DC)	High water mark, top of Tidal Embankment -- Low water mark Low water mark	28.9.1876 p. 1916 16.6.1892 pp. 1330-1331 22.10.1981 pp. 1261-1262 22.10.1981 pp. 1261-1262
Robe	Sea-coast Sea coast Low water mark Sea-coast Sea coast Low water mark Southern Ocean and Guichen Bay	28.10.1869 pp. 1564-1565 7.8.1924 pp. 281-282 21.8.1969 p. 551 24.9.1970 p. 1302 22.1.1987 p.126 12.1.1989 p. 52			
Salisbury	-- Sea coast Sea coast Sea coast	22.6.1933 p. 1048-1049 21.4.1955 pp. 902-906 25.6.1964 pp. 1597-1599 12.11.1992 pp. 1523-1524			
Streaky Bay	-- -- Sea coast Sea coast Sea-coast Seaward boundaries and all islands adjacent to the District All islands adjacent to the District	5.1.1888 p. 2 12.5.1898 p. 996 26.6.1919 p. 1094 1.4.1971 p. 1382 25.10.1979 p. 1056 15.1.1987 p. 52 8.9.1994 p. 772			

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Tumby Bay	-- Sea-coast Sea-coast Sea-coast	21.6.1906 p. 1074 6.9.1956 p. 522 28.1.1982 p. 206 26.9.1985 p. 944			
Victor Harbor	Sea coast including Granite, Seal, Wright & West Islands Sea coast	30.10.1975 pp. 2207-2209 15.7.1982 pp. 169-170	Encounter Bay Encounter Bay Encounter Bay Victor Harbor	Sea coast Sea coast Whole of West and Wright Islands Whole of Granite and Seal Islands	18.8.1853 p. 542 20.3.1856 pp. 209-210 17.3.1966 pp. 1451-1452 17.3.1966 pp. 1451-1452
Wakefield Regional	--	27.2.1997 pp. 1045-1046	Port Wakefield Port Wakefield Wakefield Plains Wakefield Plains	High water mark High-water mark Low water mark and high water mark --	28.4.1932 p. 744 1.5.1941 pp. 625-626 2.6.1983 pp. 1570-1571 29.10.1987 pp. 1448-1449
Wattle Range	Sea coast	13.2.1997 pp. 903-905	Beachport Millicent Millicent Beachport	High watermark sea-coast Rivoli Bay Sea coast Sea coast Sea-coast	20.4.1882 p. 1240 4.6.1914 pp. 1223-1224 5.11.1959 p. 1106 22.1.1987 p. 126
West Torrens	--	13.2.1997 pp. 906-909	West Torrens (former)	Sea-coast Sea -coast Low-water mark Low-water mark	14.3.1861 p. 220 13.11.1862 pp 931-932 23.11.1911 p. 1143 9.12.1943 pp.753-754

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Current Council Name	Current Gazetted Coastal Boundary	Current Gazettal Details	Previous Council Names	Previous Gazetted Coastal Boundary	Previous Gazettal Details
Whyalla	Sea coast Sea coast Sea coast	24.8.1978 pp. 614-615 27.3.1980 pp. 680-681 5.12.1985 p. 1694	Whyalla Town Commission City of Whyalla Commission City of Whyalla	Sea coast -- Sea coast	Whyalla Town Commission Act 1944 City of Whyalla Commission Act 11 1961 14.7.1966 pp. 157-158
Yankalilla	-- Sea-coast -- -- --	12.5.1932 p. 853 27.6.1957 p. 1563 22.5.1986 pp. 1315-1316 19.1.1989 pp.110-112 25.11.1999 pp. 2521-2523	Yankalilla and Myponga Rapid Bay Inman Myponga Yankalilla	Sea coast Sea coast Sea coast Sea coast Sea coast	6.4.1854 p. 278 20.3.1856 pp. 208-209 20.3.1856 pp. 209-210 23.10.1856 pp. 928-929 5.3.1868 pp. 312-313
Yorke Peninsula	Sea coast Sea coast	6.2.1997 pp. 823-825 9.12.1999 pp 3306-3307	Melville Dalrymple Edithburgh Warooka Melville Melville Yorketown Minlaton Central YP Central YP Central YP	High-water mark High-water mark High watermark High watermark and sea-coast High-water mark Sea coast Sea coast Sea-coast Low-water mark Lower water mark Spencer Gulf, high and low water mark Gulf St Vincent Sea-coast	2.12.1875 p. 2225 18.10.1877 p. 1027 12.1.1882 pp. 87-88 7.6.1888 p. 1326 3.7.1890 p. 3 25.6.1908 p. 1125 18.5.1967 pp. 1591-1592 22.6.1967 pp. 1849-1850 6.3.1969 pp. 632-633 9.7.1987 pp. 55-57 25.10.1990 pp. 1249-1250

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APPENDIX C – Summary of Workshop Issues

1. FIRST LINE OF DEVELOPMENT

	Strengths	Weaknesses
<p>1.1 Legislation, By Laws, Regulations</p>	<p>Foreshore Native Title issues could be left to the State Government</p> <p>Council not expected to control all marine activities</p> <p>Shifting responsibility back to State frees Council from having to decide foreshore control issues</p> <p>Community Land provisions under Local Government Act not applicable to this boundary</p>	<p>Native Title reference groups lose Local Government membership and expertise</p> <p>Potentially still have liability under Native Title Act even though boundary may shift inshore</p> <p>State regulations may not be appropriate to be applied across the board ie they might not fit every 'local' situation</p> <p>Council By Laws ineffective on foreshore</p> <p>If By Law / Regulatory enforcement not seamless between foreshore and rest of Council area (eg between State Government agencies and Council) then Council will be seen as ineffective. Potential for exploitation by public eg fires on beach. State may simply delegate enforcement authority to Council anyway and this would negate the potential resource savings of the proposed boundary.</p> <p>Local knowledge not available/utilised for By Law / Regulation formulation</p>
<p>1.2 Policies / Plans</p>	<p>Reinforces State Government responsibility for management of foreshore as general community asset ie cross Council use</p> <p>Council would not have to be involved in sand management</p> <p>State Government may not accept the shift of boundary and push the responsibility back to Councils as 'care, control, and management'</p> <p>Council would have no responsibility for offshore activities</p>	<p>Council has no control over what happens on the foreshore - jet skis, recreational diving, artificial reefs, commercial fishing, aquaculture, water tourism, aquatic reserves, dogs, horses, vehicles, trade permits (goods and services) events/functions, dry areas</p> <p>State policies may not be appropriate to be applied across the board ie they might not fit every 'local' situation</p> <p>Local knowledge not available/utilised for Policies / Plans formulation</p>

1. FIRST LINE OF DEVELOPMENT

Strengths	Weaknesses
	<p>Reduced liability and responsibility for Risk Management</p> <p>No control over sand management</p> <p>Community expectation that Council can control or influence at least to Low Water Mark.</p> <p>Community expectation that Council can control water activities close to shore eg jet skis.</p>
<p>1.3 Resources</p>	<p>Councils not required to provide resources for foreshore</p> <p>Frees up resources for other uses</p> <p>State Government may not have adequate local resources for enforcement and regulation on foreshore.</p> <p>Less FAGs, National Heritage Trust and other grants for work on foreshore and coastline.</p> <p>Loss of revenue to Council from permits for vehicles on beach, recreational hire facilities, fires on beach etc.</p> <p>No rates recovery for development on jetty, on foreshore, aquaculture</p> <p>Councils lose access to grants such as Aboriginal Cultural Heritage grants</p>
<p>1.4 Coordination / Cooperation</p>	<p>Hard work to coordinate and cooperate with State Government agencies because boundary highly variable depending on crown land holdings in each location - cooperative relationships are potentially complicated by exclusion of crown land.</p> <p>May not be good coordination internally between State Government agencies</p> <p>If partnership between State and Local Government ineffective then Council will be view as ineffective by community</p> <p>Weakening of existing relationships with government agencies</p>
<p>1.5 Planning Strategy</p>	<p>Consistency of State Government planning strategy for all of SA foreshore</p> <p>Coastal access points may be in conflict with Council requirements</p>

1. FIRST LINE OF DEVELOPMENT

Strengths		Weaknesses
		Local knowledge would not be input into planning strategy
1.6 Development	Consistency in development assessment for all of SA foreshore	<p>Council would not have a say in development approvals that could later be handed over to them for management ie boat ramps.</p> <p>Council would not have a say in approvals for aquaculture</p> <p>Community expectations that Council manages coast may result in Council being caught between the conflicting demands of the pro development lobby, the environmental lobby and the land manager.</p> <p>Some development will straddle boundary and relevant authority in question in that case</p> <p>Council has no control over marinas, restaurants, aquariums past the boundary</p>
1.7 Infrastructure	Councils not required to resource foreshore infrastructure	<p>Council would have little input into coastal tourism issues</p> <p>Coastal recreation / tourism access points may be in conflict with Council requirements</p> <p>Council would not control access to beaches and foreshore areas for recreation and tourism</p>
1.8 Emergency Services	<p>Council no longer responsible for provision of premises and other support services for foreshore emergency services</p> <p>Surf lifesaving no longer a Local Government responsibility</p>	<p>State supplied emergency services may not be appropriate to the needs of the 'local' situation</p> <p>May need to continue to provide premises and other support services for foreshore emergency services even if outside Council boundaries because State agencies cannot easily provide at the local level.</p> <p>Councils would lose link to important community activity of Surf Life Saving and SLS community group would lose Council sponsorship.</p>

1. FIRST LINE OF DEVELOPMENT

Strengths	Weaknesses
<p>1.9 Enforcement / Compliance</p>	<p>Council would have reduced responsibility for inspectorial duties</p> <p>If State issuing permits and enforcing, they may not be consistent with operations of adjacent Council and this could lead to confusion for the public</p> <p>State Government may not accept shift and push responsibility as Council 'care, control, management'</p> <p>Would State Government have the ability to service foreshore?</p>
<p>1.10 Environment Management</p>	<p>Integrated conservation management on whole of SA foreshore</p> <p>Easier for State Government to address regional foreshore issues</p> <p>State could provide more consistent management of foreshore and gain economies of scale</p> <p>Clear State Government responsibility for stormwater, storm damage, maintenance of infrastructure etc.</p> <p>Environmental groups expect Council's involvement on foreshore</p> <p>Would State Government have the ability to service foreshore?</p> <p>Storm water detention basins could be outside of Council's boundary and therefore outside of Council's storm water management infrastructure - in effect separating planning from development</p> <p>Externality issues with work being undertaken on adjacent land that Council has no control over Potential for decline in standard of environmental management</p> <p>Habitat management would be fragmented across boundary - it would be necessary to work hard on coordinating and building relationships</p> <p>State agencies too far removed form operational action eg wasp control</p> <p>Problem with erosion issues on adjacent land which crosses the border</p> <p>Councils respond more quickly to calls for assistance to all pest specie ie Wasps</p> <p>State bodies are more likely to just meet their legal obligations for certain species</p> <p>State Government is more bureaucratic and takes longer to</p>

1. FIRST LINE OF DEVELOPMENT

Strengths		Weaknesses
		respond positively
1.11 Risk Management / Safety	Reduced responsibility for risk management	<p>State provided Navigation Aids currently a problem as maintenance requirements are frequently not responded to quickly and there are public risk issues</p> <p>State Agency or Council has no control over jet skis unless registered under Harbors and Navigation Act</p> <p>Would State Government have the ability to service foreshore?</p>

2. HIGH WATER MARK

Strengths	Weaknesses
<p>2.1 Legislation, By Laws, Regulations</p>	<p>Foreshore Native Title issues could be left to the State Government</p> <p>Council not expected to control all marine activities</p> <p>Shifting responsibility back to State frees Council from having to decide foreshore control issues</p> <p>Community Land provisions under Local Government Act not applicable to this boundary</p>
<p>2.2 Policies / Plans</p>	<p>Native Title reference groups lose Local Government membership and expertise</p> <p>Potentially still have liability under Native Title Act even though boundary may shift inshore</p> <p>State regulations may not be appropriate to be applied across the board ie they might not fit every 'local' situation</p> <p>Council By Laws ineffective on foreshore</p> <p>If By Law / Regulatory enforcement not seamless between foreshore and rest of Council area (eg between State Government agencies and Council) then Council will be seen as ineffective. Potential for exploitation by public eg fires on beach. State may simply delegate enforcement authority to Council anyway and this would negate the potential resource savings of the proposed boundary.</p> <p>Local knowledge not available/utilised for By Law / Regulation formulation</p>
<p>Reinforces State Government responsibility for management of foreshore as general community asset ie cross Council use</p> <p>Council would not have to be involved in sand management</p> <p>State Government may not accept the shift of boundary and push the responsibility back to Councils as 'care, control, and management'</p> <p>Council would have no responsibility for offshore activities</p> <p>Reduced liability and responsibility for Risk Management</p>	<p>State policies may not be appropriate to be applied across the board ie they might not fit every 'local' situation</p> <p>Local knowledge not available/utilised for Policies / Plans formulation</p> <p>No control over sand management</p> <p>Council has no control over what happens on the foreshore - jet skis, recreational diving, artificial reefs, commercial fishing, aquaculture, water tourism, aquatic reserves, dogs, horses, vehicles, trade permits (goods and services) events/functions, dry areas</p> <p>Community expectation that Council can control or influence at least to</p>

2. HIGH WATER MARK

Strengths	Weaknesses
	<p>Low Water Mark.</p> <p>Community expectation that Council can control water activities close to shore eg jet skis.</p>
<p>2.3 Resources</p> <p>Reduced responsibilities = reduced resource costs</p> <p>Frees up resources for other tasks / uses</p>	<p>State Government may not have adequate local resources for enforcement and regulation on foreshore.</p> <p>Less FAGs, National Heritage Trust and other grants for work on foreshore and coastline.</p> <p>Loss of revenue to Council from permits for vehicles on beach, recreational hire facilities, fires on beach etc.</p> <p>No rates recovery for development on jetty, on foreshore, aquaculture Councils lose access to grants such as Aboriginal Cultural Heritage grants</p>
<p>2.4 Coordination / Cooperation</p>	<p>Hard work to coordinate and cooperate with State Government agencies for foreshore strip</p> <p>May not be good coordination internally between State Government agencies</p> <p>If partnership between State and Local Government ineffective then Council will be view as ineffective by community</p> <p>Weakening of existing relationships with government agencies</p>
<p>2.5 Planning Strategy</p> <p>Consistency of State Government planning strategy for all of SA foreshore</p>	<p>Coastal access points may be in conflict with Council requirements</p> <p>Local knowledge would not be input into planning strategy</p>
<p>2.6 Development</p> <p>Consistency in development assessment for all of SA foreshore</p>	<p>Council would not have a say in development approvals that could later be handed over to them for management ie boat ramps.</p> <p>Council would not have a say in approvals for aquaculture</p>

2. HIGH WATER MARK

Strengths	Weaknesses
	<p>Community expectations that Council manages coast may result in Council being caught between the conflicting demands of the pro development lobby, the environmental lobby and the land manager.</p> <p>Some development will straddle boundary and relevant authority in question in that case Council has no control over marinas, restaurants, aquariums past the boundary</p>
2.7 Infrastructure	<p>Councils not required to resource foreshore infrastructure</p> <p>Council would have little input into coastal tourism issues</p> <p>Coastal recreation / tourism access points may be in conflict with Council requirements</p> <p>Council would not control access to beaches and foreshore areas for recreation and tourism</p>
2.8 Emergency Services	<p>Council no longer responsible for provision of premises and other support services for foreshore emergency services</p> <p>Surf lifesaving no longer a Local Government responsibility</p> <p>State supplied emergency services may not be appropriate to the needs of the 'local' situation</p> <p>May need to continue to provide premises and other support services for foreshore emergency services even if outside Council boundaries because State agencies cannot easily provide at the local level.</p> <p>Councils would lose link to important community activity of Surf Life Saving and SLS community group would lose Council sponsorship.</p>
2.9 Enforcement / Compliance	<p>Council would have reduced responsibility for inspectorial duties</p> <p>If State issuing permits and enforcing, they may not be consistent with operations of adjacent Council and this could lead to confusion for the public</p> <p>State Government may not accept shift and push responsibility</p> <p>State Government may not accept shift and push responsibility as Council 'care, control, management'</p>

2. HIGH WATER MARK

Strengths	Weaknesses
	<p>Would State Government have the ability to service foreshore?</p>
<p>2.10 Environment Management</p>	<p>Integrated conservation management on whole of SA foreshore</p> <p>Easier for State Government to address regional foreshore issues</p> <p>State could provide more consistent management of foreshore and gain economies of scale</p> <p>Clear State Government responsibility for stormwater, storm damage, maintenance of infrastructure etc.</p>
	<p>Environmental groups expect Council's involvement on foreshore Would State Government have the ability to service foreshore?</p> <p>Storm water detention basins could be outside of Council's boundary and therefore outside of Council's storm water management infrastructure - in effect separating planning from development</p> <p>Externality issues with work being undertaken on adjacent land that Council has no control over</p> <p>Potential for decline in standard of environmental management</p> <p>Habitat management would be fragmented across boundary - it would be necessary to work hard on coordinating and building relationships</p> <p>State agencies too far removed form operational action eg wasp control Problem with erosion issues on adjacent land which crosses the border</p> <p>Councils respond more quickly to calls for assistance to all pest specie ie Wasps</p> <p>State bodies are more likely to just meet their legal obligations for certain species</p> <p>State Government is more bureaucratic and takes longer to respond positively</p>
<p>2.11 Risk Management / Safety</p>	<p>Reduced responsibility for risk management</p>
	<p>State provided Navigation Aids currently a problem as maintenance requirements are frequently not responded to quickly and there are public risk issues</p> <p>State Agency or Council has no control over jet skis unless</p>

2. HIGH WATER MARK

Strengths		Weaknesses
		registered under Harbors and Navigation Act Would State Government have the ability to service foreshore?

3. LOW WATER MARK

	Strengths	Weaknesses
3.1 Legislation, By Laws, Regulations	<p>Councils are generally familiar with the legal responsibilities for this coastal boundary.</p> <p>Level of control over foreshore activities</p>	<p>Council roles and responsibilities have not always been clear cut and have varied between Council areas depending on local circumstances</p>
3.2 Policies / Plans		<p>In practice there is sometimes a conflict between local plans / strategies and State Government plans / strategies.</p> <p>In dangerous coastal areas such as sheer cliff areas Council could have more liability if it acknowledged prior knowledge of danger by erecting warning signs etc.</p>
3.3 Resources		<p>No specific recognition of ever increasing coastal management costs in FAGs</p> <p>The costs of managing coastlines needs to be better recognised in FAGs grants</p> <p>Need more resources both financial and human to cover liability and public risk aspects of dangerous coastlines.</p> <p>Foreshore infrastructure can consume a lot of Council resources but aquaculture doesn't contribute through rates.</p>
3.4 Coordination / Cooperation	<p>Cooperative relationships already established</p>	<p>Existing cooperative relationships not as strong as they should be</p>
3.5 Planning Strategy	<p>Some control over foreshore / beach developments</p>	<p>Councils don't have direct planning control over crown land section of coast</p>
3.6 Development	<p>Development control over recreation / tourism facilities on foreshore</p> <p>State Government can fix anomalies eg some coastal residential blocks have boundaries beyond LWM either originally defined that way or caused by erosion of coast - State has compulsorily acquired sections beyond LWM in the past</p>	<p>Major projects beyond LWM are assessed by Development Assessment Commission</p> <p>Lack of development assessment control over aquaculture and seaweed mining where seaweed straddles LWM</p> <p>Oyster beds, lobster pots often straddle LWM so problems of who is</p>

3. LOW WATER MARK

Strengths		Weaknesses
		<p>responsible for what</p> <p>Fin fish farms, Atlantic salmon sea cages beyond LWM so Council has no control</p> <p>Boundary adjustments could be required where a new coastal development alters the boundary seaward and there is no longer a LWM</p>
<p>3.7 Infrastructure</p>	<p>Councils have the opportunity to respond to local needs for facilities on foreshore</p> <p>Council has control over access to beach and foreshore</p>	<p>Council responsible for coastal tourism with no extra resources (rates, grants etc) for camping, removal of rubbish etc.</p> <p>Cost of maintenance and provision of facilities on foreshore</p> <p>Water based commercial activities such as aquaculture use Council infrastructure eg boat ramps but don't contribute to their upkeep by paying rates</p> <p>There can be conflicts of infrastructure use between commercial and recreational users</p>
<p>3.8 Emergency Services</p>	<p>Emergency Services are already in place</p>	
<p>3.9 Enforcement / Compliance</p>	<p>Regulatory control over recreation / tourism facilities on foreshore Level of control over foreshore activities</p> <p>DAC Inspectors check whether oyster leases are complying</p> <p>State Government Fisheries have their own inspectors</p> <p>State Government responsible for boat safety</p> <p>Council has control over the foreshore eg interference with sand dunes, fires on beach, driving on beach</p>	<p>Only one DAC Inspector for whole of State so oyster leases not likely to be policed</p> <p>Council has to take responsibility for the foreshore eg litter from shipping containers washed ashore and beached whales</p> <p>Some Councils don't currently have the resources for a General Inspectorial position</p> <p>Some Councils already have to control areas past the LWM even though they are not within their boundaries because the State doesn't have the local resources</p> <p>Lack of control over recreational fishing</p>

3. LOW WATER MARK

Strengths		Weaknesses
3.10 Environment Management	Councils that host a Coast Care Facilitator have ready access to technical expertise	<p>High costs associated with maintaining foreshore</p> <p>Hard to adequately resource (human and financial) the management of long areas of coastline.</p>
3.11 Risk Management / Safety		<p>Council responsibilities unclear in areas of sheer cliffs with no LWM - are Councils responsible for warning signs, monitoring duties etc in dangerous coastal areas</p> <p>Increased risk management responsibilities eg could be responsible for closing beach in the event of a major health problem etc.</p>

4. 'x' METRES OFFSHORE (nominally between 200 and 500 METRES)

	Strengths	Weaknesses
4.1 Legislation, By Laws, Regulations	<p>Puts aquaculture issues within the purview of Council eg Council would have more input into the development of Aquaculture Act</p> <p>By Laws / Regulations for water activities would have connectivity with land based activities</p> <p>Community interest represented in Aquaculture Management Plans will lessen exposure to liability</p> <p>Improved potential for consistent legislation</p> <p>Consistency of definitions for By Laws / Regulations</p>	<p>Widens Council roles and responsibilities</p>
4.2 Policies / Plans	<p>Improved opportunities for Ecologically Sustainable Development Planning</p> <p>Greater input into management of marine resources</p>	<p>Potential for State Government to devolve responsibilities</p>
4.3 Resources	<p>Rating connectivity with land based activities</p> <p>Extra rates from aquaculture - Valuer General to assess the value of exclusive occupation</p> <p>Decentralisation of State Agency roles with funding</p> <p>Opportunity for extra FAGs and NHT funding because of increased responsibilities</p> <p>Cost sharing more possible on a local and regional basis</p> <p>Strengthening power and influence of Local Government</p> <p>Rateability of marinas and boat ramps</p>	<p>Councils would require more resources to adequately control extra area.</p> <p>Aquaculture development assessment would require extra technical expertise - management resource issue</p> <p>Extra resourcing required for extra responsibilities</p> <p>Rise of administrative costs</p> <p>Drain on funding - spreading Local Government too thin</p>
4.4 Coordination / Cooperation	<p>Coastal development decision making would be shared with State Government</p> <p>Potential to develop regional cooperation for consistency in region</p> <p>Potential to develop operational partnerships with State Government</p> <p>Local Government input into management of marine resources</p>	<p>State Government inter-agency competition may reduce local efficiency</p> <p>Extra resourcing required for cooperative partnerships with State Government</p>

4. 'x' METRES OFFSHORE (nominally between 200 and 500 METRES)

	Strengths	Weaknesses
4.5 Planning Strategy		
4.6 Development	<p>Council will be referred to for comment - gives Local Government appeal rights</p> <p>Input of local knowledge and expertise</p> <p>Right of comment for development on/around islands</p> <p>Development control of marinas and boat ramps</p> <p>Development control connectivity with land based activities</p> <p>Council would have development control over aquaculture</p>	<p>Rights of appeal against aquaculture decisions may be time consuming and costly</p>
4.7 Infrastructure	<p>Retention of recreation and tourism infrastructure eg jetties</p> <p>Retention of commercial infrastructure eg jetties</p>	<p>Maintenance costs of tourism, recreation and commercial infrastructure eg jetties</p> <p>Maintenance costs of commercial infrastructure eg jetties</p>
4.8 Emergency Services	<p>Potential for regional coordination and cooperation in delivery of Emergency Services and therefore lower costs</p> <p>Could lead to a review of distribution of Emergency Services funds / fees (currently distributed by politics not need)</p>	
4.9 Enforcement / Compliance	<p>Ease of enforcement</p> <p>Clarity across the State</p>	<p>Potential for inconsistency between Councils</p> <p>Extra resourcing (human and financial) required</p> <p>Compliance and Enforcement for Jet Skis may be a functional responsibility</p>
4.10 Environment Management	<p>Local Government has greater say in marine matters</p>	<p>Cost of infrastructure for improved management of stormwater, effluent</p> <p>More Council responsibilities for marine biodiversity - managing pests - Animal and Plant control boundaries would need to be extended</p>

4. 'x' METRES OFFSHORE (nominally between 200 and 500 METRES)

Strengths		Weaknesses
		Potential conflict with Marine Protected Areas and Marine Conservation Parks
4.11 Risk Management / Safety		<p>Increased cost of risk management</p> <p>Increased cost of risk assessment</p> <p>Increased cost for public liability / insurance</p> <p>Increased duty of care (marine)</p> <p>Risk management of marinas and boat ramps</p> <p>New risk management / public liability responsibilities for swimmers, sharks, life saving, providing navigation aids etc.</p>

5. STATE WATERS (3 nautical miles Offshore)

Strengths	Weaknesses
<p>5.1 Legislation, By Laws, Regulations</p>	<p>Puts aquaculture issues within the purview of Council eg Council would have more input into the development of Aquaculture Act</p> <p>By Laws / Regulations for water activities would have connectivity with land based activities</p> <p>Community interest represented in Aquaculture Management Plans will lessen exposure to liability</p> <p>Improved potential for consistent legislation</p> <p>Consistency of definitions for By Laws / Regulations</p>
<p>5.2 Policies / Plans</p>	<p>Improved opportunities for Ecologically Sustainable Development Planning</p> <p>Greater input into management of marine resources</p>
<p>5.3 Resources</p>	<p>Rating connectivity with land based activities</p> <p>Extra rates from aquaculture - Valuer General to assess the value of exclusive occupation</p> <p>Decentralisation of State Agency roles with funding</p> <p>Opportunity for extra FAGs and NHT funding because of increased responsibilities</p> <p>Cost sharing more possible on a local and regional basis</p> <p>Strengthening power and influence of Local Government</p> <p>Rateability of marinas and boat ramps</p>
<p>5.4 Coordination / Cooperation</p>	<p>Coastal development decision making would be shared with State Government</p> <p>Potential to develop regional cooperation for consistency in region</p> <p>Potential to develop operational</p>

5. STATE WATERS (3 nautical miles Offshore)

	Strengths	Weaknesses
	<p>partnerships with State Government</p> <p>Local Government input into management of marine resources</p>	
5.5 Planning Strategy		
5.6 Development	<p>Council will be referred to for comment - gives Local Government appeal rights</p> <p>Input of local knowledge and expertise Right of comment for development on/around islands</p> <p>Development control of marinas and boat ramps</p> <p>Development control connectivity with land based activities</p> <p>Council would have development control over aquaculture</p>	<p>Rights of appeal against aquaculture decisions may be time consuming and costly</p>
5.7 Infrastructure	<p>Retention of recreation and tourism infrastructure eg jetties</p> <p>Retention of commercial infrastructure eg jetties</p>	<p>Maintenance costs of tourism, recreation and commercial infrastructure eg jetties</p> <p>Maintenance costs of commercial infrastructure eg jetties</p>
5.8 Emergency Services	<p>Potential for regional coordination and cooperation in delivery of Emergency Services and therefore lower costs</p> <p>Could lead to a review of distribution of Emergency Services funds / fees (currently distributed by politics not need)</p>	
5.9 Enforcement / Compliance	<p>Ease of enforcement</p> <p>Clarity across the State</p>	<p>Potential for inconsistency between Councils</p> <p>Extra resourcing (human and financial) required</p> <p>Compliance and Enforcement for Jet Skis may be a functional responsibility</p>
5.10 Environment Management	<p>Local Government has greater say in marine matters</p>	<p>Cost of infrastructure for improved management of stormwater, effluent</p>

5. STATE WATERS (3 nautical miles Offshore)

Strengths	Weaknesses
	<p>More Council responsibilities for marine biodiversity - managing pests - Animal and Plant control boundaries would need to be extended</p> <p>Potential conflict with Marine Protected Areas and Marine Conservation Parks</p>
<p>5.11 Risk Management / Safety</p>	<p>Increased cost of risk management</p> <p>Increased cost of risk assessment</p> <p>Increased cost for public liability / insurance</p> <p>Increased duty of care (marine)</p> <p>Risk management of marinas and boat ramps</p> <p>New risk management / public liability responsibilities for swimmers, sharks, life saving, providing navigation aids etc.</p>

APPENDIX D - Issues Identification Checklist

This Issues Identification Checklist was created to enable a full exploration of all of the issues applicable to each of the five possible Coastal Boundary options in the local context.

The Guide directs the identification of issues under the three main headings of Governance; Planning, Development and Infrastructure; and Operations.

It is recommended that Coastal Councils use this Checklist to ensure that all local issues that are likely to be affected by changes to the coastal boundary are considered.

COASTAL BOUNDARY ISSUES IDENTIFICATION CHECKLIST

Governance	Planning, Development and Infrastructure	Operations
<p>1. <u>Legislation, By Laws, Regulations</u></p> <ul style="list-style-type: none"> - Local Government Act - Community Land - Development Act - Aquaculture Bill - Integrated Natural Resources Management Bill - Review of Coast Protection Act - Native Title Act <p>2. <u>Policies / Plans</u></p> <ul style="list-style-type: none"> - Negotiated Agreement on Coastal Management - Risk Management - Liability Management - Safety Management - Environment Management - Ecologically Sustainable Development Policy - Resource Extraction Management eg sand mining, seaweed harvesting - Rating Policy <p>3. <u>Resources</u></p> <ul style="list-style-type: none"> - Human - Financial <ul style="list-style-type: none"> - Financial Assistance Grants (FAGs) - National Heritage Trust Grants - Other Grants - Rates - Fees and Charges <p>4. <u>Coordination / Cooperation</u></p> <ul style="list-style-type: none"> - Commonwealth Government Agencies - State Government Agencies (eg Partnership Program) - Regional Local Government Cooperation (eg resource sharing) 	<p>5. <u>Planning Strategy</u></p> <p>6. <u>Development</u></p> <ul style="list-style-type: none"> - Development Plans - Zoning Policy - Development Assessment Panels - Regional Development Assessment Panels - Plan Amendment Reports (individual and/or regional) <p>7. <u>Infrastructure</u></p> <ul style="list-style-type: none"> - Recreation / Tourism <ul style="list-style-type: none"> - Facilities eg boat ramps, marinas, walking trails, bar-b-ques, playgrounds - Access Management - Commercial <ul style="list-style-type: none"> - Access Management - Facilities eg boat ramps and marinas - Aquaculture - Residential <ul style="list-style-type: none"> - Access Management - Land Titles 	<p>8. <u>Emergency Services</u></p> <ul style="list-style-type: none"> - Life Saving - Fire - Flood - Storms - Chemical / Oil Spills <p>9. <u>Enforcement / Compliance</u></p> <ul style="list-style-type: none"> - Permits - Dogs - Camping - Driving on beach - Fires - Litter - Water Activities <ul style="list-style-type: none"> - Boating, Jet Skis - Swimming, Diving, Surfing - Fishing - Recreational Hire <p>10. <u>Environment Management</u></p> <ul style="list-style-type: none"> - Access Management - Coastal Stability / Erosion - Beach Protection and Management - Habitat Protection - Maintenance - Health <ul style="list-style-type: none"> - Water Contamination - Cultural / Heritage eg shipwrecks - Waste Management - Stormwater / Effluent Management / Water Quality - Biodiversity Management <ul style="list-style-type: none"> - Exotic Pests - Habitat Management <p>11. <u>Risk Management / Safety</u></p> <ul style="list-style-type: none"> - Warning Signs - Navigation Aids

APPENDIX E – Summary of Relevant Legislation

The following legislation has relevance to coast boundary reform proposals:

3.1 Commonwealth Government Legislation

The **Seas and Submerged Lands Act, 1973**, asserts Australia's sovereignty over a belt of sea adjacent to the coast known as the territorial sea, an exclusive economic zone, the continental shelf and a contiguous zone adjacent to the coast of Australia.

It describes the baseline from which the breadth of the territorial sea is to be measured as the "low-water line along the coast as marked on large-scale charts officially recognized by the coastal State" (Article 5)

It also describes the method of determining the baseline for Reefs (Article 6); Internal Waters (Article 8), Mouths of Rivers (Article 9), Bays (Article 10), Ports (Article 11), Roadsteads (Article 12), Low-tide Elevations (Article 13) and for straight baselines for localities where the coastline is deeply indented and cut into, or where there is a fringe of island along the coast (Article 7)

In subsequent Proclamations made under this Act low-water is defined as Lowest Astronomical Tide. Commonwealth of Australia Special Gazette Proclamations S 29 of 9 February, 1983 and S 57 of 31 March, 1987 provide details of how the baseline for the measurement of the breadth of the Territorial Sea is determined and the difference between a bay and an indentation.

Both of these definitions are included under "b" in the Coast and Tide Definitions attached as **Appendix A**. Historic Bay status has been conferred on Anxious Bay, Encounter Bay, Lacedepe Bay and Rivoli Bay, and separate baselines have been defined for these bays - see **Appendix G**

Under the **Coastal Waters (State Powers) Act, 1980** and the **Coastal Waters (State Title) Act, 1980** the Commonwealth has given the States ownership and the power to control the area of sea between the baseline of the Australian territorial sea and the boundaries of the State, as well as the first three nautical miles beyond the Australian sea baseline.

The area involved would also include an area of three nautical miles from the low water mark of offshore islands such as Flinders Island and the Pearson Islands which are not otherwise enclosed by the territorial sea baseline.

The effect of this legislation is to give all States including South Australia the power to enact legislation which will lawfully operate in the whole of the area enclosed by the baseline of Australia's territorial sea and the three nautical miles beyond the baseline. It does not, however, automatically mean that State legislation will apply in that area.

If South Australian legislation is specifically stated to apply within the whole of the State for example, then such a law would not be applicable in the three nautical miles beyond the territorial sea baseline unless specifically stated.

The **Petroleum (Submerged Lands) Act, 1967** Section 5AAA (5) provides a description of coastal waters as follows

:

"coastal waters, in relation to a State or the Northern Territory, means so much of the area off the coast of the State or Territory that is described in Schedule 2 as is constituted by:

- (a) the first 3 nautical miles of the territorial sea from the baseline; and
- (b) any waters that are within the baseline and not within the limit of the State or Territory."

and fully defines the longitude and latitude of the coastal waters area in respect of South Australia in Schedule 2 using mean low water as the commencement point - see **Appendix F** for full details.

3.2 State Government Legislation

The **1836 Letters of Patent** (Volume 8, South Australian Statutes 1837-1936, p. 830) established the boundaries of the province of South Australia as

"On the North the twenty-sixth degree of South Latitude - On the South the Southern Ocean - On the West the one hundred and thirty-second degree of East Longitude - And on the East the one hundred and forty-first degree of East Longitude including therein all and every the Bays and Gulfs thereof together with the Island called Kangaroo Island and all and every the Islands adjacent to the said last-mentioned Island or to that part of the mainland of the said Province"

These Letters of Patent effectively define the boundaries of the State within which Council boundaries can be proclaimed. They specifically include bays, gulfs and offshore islands.

Whether local Council areas currently contain offshore islands depends on the historical circumstances under which the Councils were created or subsequently when the boundaries of Council were amended by proclamation pursuant to the Local Government Act and its predecessors.

Some Council boundaries currently include "all islands adjacent to the mainland", but the status of some islands which are quite some distance away from the nearest Council may still be in doubt. For example the Neptune Islands are closest to the District Council of Lower Eyre Peninsula but are some 30 kilometres offshore. There is also room for some confusion with islands which are equi-distance between two adjoining Councils.

The question of what constitutes a bay, or the limits of the gulfs has however been a difficult question to resolve over many years. The law in relation to such matters has changed and interpretations by courts have varied.

The **Offshore Waters (Application of Laws) Act, 1976 (South Australia)** in Section 3(1) provides that:

"every law of the State that is not expressly or by necessary implication limited in application to acts or omissions occurring or matters, things or circumstances existing or arising within the State, applies in, over or under off-shore waters".

This legislation could have the effect of extending the area that could be encompassed within a Council boundary to include the coastal waters defined in the Petroleum (Submerged Lands) Act 1967 mentioned above.

Section 18 (4) of the **Harbours and Navigation Act, 1993** has the effect of putting all areas of the foreshore except those within a harbour under the care, control and management of the relevant Council.

Councils are able, with the approval of the relevant authority (the port operator or the Minister), to make by-laws for ports, harbours or adjacent or subjacent land.

The **Coast Protection Act, 1972** is an Act that makes provision for the conservation and protection of the beaches and coast of the State. It establishes a Coast Protection Board and a Coast Protection Fund.

There are Regulations under the Act for the designated Coast Protection Districts of Eyre, Fleurieu, Kangaroo Island, Metropolitan, South East, Spencer and Yorke.

Generally, the land between the mean high water mark and the mean low water mark on the seashore at spring tides, or the coastal land above and within 500 metres of the mean high water mark on the seashore at spring tides, is declared to constitute part of the coast for the purposes of the Coast Protection Act 1972

Councils carrying out works for the protection, restoration or development of the coast can seek a grant from the Coast Protection Board. In the case of storm repairs the grant may cover the whole or any portion of the costs incurred, and for other work may cover up to four-fifths of the costs incurred. Grants of up to one-half of cost may also be made to Councils acquiring land for protection, restoration or development purposes.

The Board may also carry out works, including coastal facilities, for the protection, restoration or development of the coast in Council districts, and may require Councils to make a contribution of up to one-half of the expense incurred for a coast facility and up to one-fifth of the expense incurred in other cases.

Under Section 34 of the **Development Act, 1993** the authority for determining development is, in the normal course of events, a local Council when a development is to be undertaken within the area of a Council. It is possible however, for an area to be within a Council but have the Development Assessment Commission as its development authority by provisions of the Development Regulations (see the specific provisions of schedule 9 of the Development Regulations 1993)

In some areas the Development Plan enacted under the provisions of the Development Act shows a zone boundary that is inconsistent with the gazetted Council coastal boundary. This inconsistency would be further complicated if Regional Development Assessment panels were established under the provisions of the Development Act.

3.3 Local Government Legislation

Section 9 of the **Local Government Act, 1999** states that:

"The Governor may, by proclamation, do one or more of the following:

- (a) constitute a new council;
- (b) amalgamate two or more councils to form a single council or two or more councils (being a lesser number than the number of councils subject to amalgamation);
- (c) define the area of a council;

(d) alter the boundaries of a council; ,,,,"

Provided that the areas involved are within the area of the State of South Australia, then there is no particular restriction on proclaiming areas of the foreshore, bays, and offshore islands as part of Council areas.

The previous Local Government Act, 1934 Section 6(1) stated that "A council may be constituted in relation to any part of the State" and some legal opinion held that this limited the application of the Act to the area defined by the Letters of Patent mentioned below and accordingly precluded the offshore waters as defined in the Offshore Waters (Application of Laws) Act, 1976 (South Australia).

However, the Local Government Act, 1999 does not appear to be limited in its application to the territory of the State and accordingly could potentially also apply to areas in, over or under offshore waters.

Section 11 (1) of the **Local Government Act, 1999** states that:

"The Governor cannot make a proclamation under a preceding section of this Division except-

- (a) in pursuance of an address from both Houses of Parliament; or
- (b) in pursuance of a proposal recommended by the Panel under Part 2: or
- (c) in pursuance of a proposal recommended by the Minister under Part 2."

Accordingly, any proposal for boundary change would need to be considered by one of these relevant bodies.

The Act defines Local Government Land as 'land owned by a Council or under a council's care, control and management' and Section 238 of the Act allows Councils to make by-laws controlling access to, and use of, local government land. Section 200 of the Act also requires Council approval for the use of community land for business purposes.

APPENDIX F - SA Coastal Waters Definition

From Schedule 2 of the Petroleum (Submerged Lands) Act 1967

Area that includes the adjacent area in respect of South Australia

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria and runs thence southerly along the meridian through that point to its intersection by the parallel of Latitude 38° 10' South, thence south-westerly along the geodesic to a point of Latitude 38° 15' South, Longitude 140° 57' East, thence south-westerly along the geodesic to a point of Latitude 38° 26' South, Longitude 140° 53' East, thence south-westerly along the geodesic to a point of Latitude 38° 35' 30'' South, Longitude 140° 44' 37'' East, thence south-westerly along the geodesic to a point of Latitude 38° 40' 48'' South, Longitude 140° 40' 44'' East, thence south-westerly along the geodesic to a point of Latitude 44° South, Longitude 136° 29' East, thence westerly along the parallel of Latitude 44° South to its intersection by the meridian of Longitude 129° East, thence northerly along that meridian to its intersection by the parallel of Latitude 31° 45' South, thence northerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence along the coastline of the State of South Australia at mean low water to the point of commencement.

APPENDIX G – Historic Bay Baseline Definitions

COMMONWEALTH OF AUSTRALIA SPECIAL GAZETTE

No. S 57, Tuesday, 31 March 1987

PROCLAMATION

Commonwealth of Australia
N.M. STEPHEN
Governor General

By His Excellency the
Governor-General of the
Commonwealth of Australia

I, SIR NINIAN MARTIN STEPHEN, Governor General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and pursuant to section 8 of the *Seas and Submerged Lands Act 1973*, being satisfied that each of the following bays, namely, Anxious Bay, Encounter Bay, Lacedpede Bay and Rivoli Bay is an historic bay, hereby-

- (a) declare each of those bays to be an historic bay; and
- (b) define the sea-ward limits of each of those historic bays to be the limits determined in accordance with the Schedule.

THE SCHEDULE

1. In this Schedule -
'low-water' means Lowest Astronomical tide;
'straight line' means geodesic.
2. (1) Where, in relation to the definition of the sea-ward limits of an historic bay for the purposes of this Proclamation, straight lines referred to in clause 4 join 2 different points on the low-water line of the same island, the sea-ward limits of that historic bay between these points are defined by the line constituted by a line following the low-water line of the sea-ward part of the coast of the island between those points.

(2) In sub-clause (1), a reference to the sea-ward part of the coast of an island is a reference to that part of the coast of the island that includes the most sea-ward point of the island.
3. Where, for the purposes of this Schedule, it is necessary to determine the position on the surface of the Earth of a point of reference to the Australian Geodetic Datum -
 - (a) that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6 378 160 metres and flattening of 100/29825 and by reference to the position of the Johnston Geodetic Station in the Northern Territory; and
 - (b) the Johnston Geodetic Station shall be taken to be situated at Latitude 25°56'54.5515" South and Longitude 133°12'30.0771" East and to have a ground level of 571.2 metres above the spheroid referred to in paragraph (a).

- 4.(1) For the purposes of sub-clause (2) -
- (a) items 1, 2 and 3 in the relevant table relate to Anxious Bay;
 - (b) item 4 in the relevant table relates to Encounter Bay;
 - (c) item 5 in the relevant table relates to Lacepede Bay; and
 - (d) items 6 and 7 in the relevant table relate to Rivoli Bay
- (2) Subject to clause 2, the sea-ward limits of a bay declared by this Proclamation to be an historic bay are defined by the straight line, or straight lines, as the case may be, constituted by joining each to each the 2 points on the low-water line of the coast that are on or closest to the points of latitude and longitude specified in Column 2 of the item or each of the items in the relevant table that relate to the bay (being points of latitude and longitude determined by reference to the Australian Geodetic Datum).
- (3) For the purposes of this clause, the following is the relevant table:.

<i>Column 1</i> <i>Item No.</i>	<i>Column 2</i> <i>Points of Latitude (S) and Longitude (E)</i>											
	<i>From</i>						<i>To</i>					
	°	'	"(S)	°	'	"(E)	°	'	"(S)	°	'	"(E)
1	33	12	03	134	19	38	33	35	41	134	45	03
2	33	35	50	134	45	54	33	35	59	134	46	03
3	33	36	43	134	48	20	33	37	28	134	49	40
4	35	35	48	138	36	06	35	35	48	138	57	24
5	36	35	48	139	50	00	36	56	36	139	40	24
6	37	34	01	140	06	20	37	30	03	140	00	48
7	37	29	57	140	00	41	37	29	52	140	00	38

(L.S.) GIVEN under my hand and the
Great Seal of Australia
on 19 March 1987.

By His Excellency's Command,
GARETH EVANS
Minister of State for Resources and Energy

GOD SAVE THE QUEEN!

(Ex. Min. No. 1)