



6 April 2021

The Parliamentary Officer
Environment Resources and Development Committee (ERDC)
Via email: ERDC.Assembly@parliament.sa.gov.au

Dear Sir/Madam

Re: SACCA Submission to the Parliament of South Australia ERDC Inquiry into the Coast Protection Board and Legislation

Thank you for the opportunity to be involved in the review of the Coast Protection Board (CPB) and associated legislation.

Since the establishment of the Coast Protection Act 1972 and the first Coast Protection Board (CPB) in 1973 Local Government has worked collaboratively to facilitate the objectives of the Act and with those agencies that have responsibility for coastal management, including the CPB.

This South Australian Coastal Councils Alliance (SACCA) submission to the Parliament of South Australia ERDC Inquiry into the Coast Protection Board and Legislation is based on a willingness from coastal Councils across the State to continue this positive relationship into the future.

If you have any queries regarding this submission, please contact Mr Adam Gray - SACCA Executive Officer as per details below.

Sincerely

A handwritten signature in blue ink, appearing to read 'Keith Parkes', is written over a horizontal line.

Mayor Keith Parkes
Chairperson – SA Coastal Councils Alliance

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ATTACHMENTS;

1. SA Coastal Councils Alliance – Situation Analysis of Coastal Management in South Australia 2019/20
2. Defining the Sea Level Rise Problem In South Australia final report
3. LGA Catchment to Coast Discussion Paper



About the South Australia Coastal Councils Alliance (SACCA) - Background

Based on the mounting challenges facing coastal Councils and strong demand from the local government sector for a more collective approach, the 'South Australia Coastal Councils Alliance' was formally launched in October 2019 with the initial objectives of providing;

1. An informed, coordinated advocacy voice: and,
2. a forum for information sharing and networking on coastal management issues facing Councils across SA.

In 2020 the SACCA committee developed a Strategic and Business Plan 2020-25 and identified the role of SACCA as per below;

- 1. Coordination**
 - Support coastal Councils by coordinating state-wide strategic coastal activities
 - Act as a central point of contact for key stakeholders to engage with SA coastal Councils
- 2. Collaboration**
 - Partner with other key stakeholders to advance the interests of SA coastal Councils
 - Support member Councils in partnering with other stakeholders to advance the interests of SA coastal Councils
- 3. Capacity building**
 - Develop and deliver information, services or projects to build expertise and knowledge within the SA coastal Councils community.
 - Build the capacity of the SACCA to deliver its strategic objectives
- 4. Advocacy**
 - Represent the interests of SA coastal Councils to key stakeholders, including research institutions, industry bodies and State and Commonwealth Governments.
 - Work with key stakeholders to deliver strategic objectives established by the SACCA

SACCAs work program includes the following projects, outcomes and key objectives, many of which are relevant to this Inquiry and are referenced.

- SACCA held its first coastal conference and was formally launched at LGA Annual General Meeting on 31 October 2019.
- SACCA commenced engagement with visits to 34 coastal councils in 2019, meeting with key stakeholders and including Regional Local Government Associations. This has continued during 2020/21.
- Developed the 'SA coastal snapshot' – a 'situation analysis' to identify council expenditure, coast management practices, priorities for each council and emerging issues. This paper has been provided as an attachment for consideration of the Inquiry.
- Leading the Local Government Research & Development Scheme funded project 'Funding the Future – A New Approach for Coastal Management'. Findings from this report will be available during this Inquiry period, SACCA will be pleased to submit this report when available.

- Partnership with coastal stakeholders including the University sector, State Government agencies and the Australian Coastal Councils Alliance (ACCA)
- Engaged with the DEW Crown Lands Office to identify opportunities for a pilot program to assist Councils with public access and off-road vehicles on Crown Land.

SACCA also provides representation on the Coast Protection Board Local Government Advisory Committee.

In preparation of this submission SACCA has engaged directly with the majority of the States 34 coastal Councils, reviewed material previously prepared by SACCA and other key stakeholders and considered preliminary findings from current Research and Development Projects.

SACCA is pleased to provide this submission for consideration of the ERD Committee.



Summary of key recommendations

In preparing its response to this Parliamentary Inquiry SACCA has engaged with a significant number of coastal Councils and other stakeholders to seek feedback and input on the Inquiry terms of reference. What became evident during this process is that feedback provided by Councils today is remarkably similar to those issues represented by Councils over the last decade and that the fundamental principals at the heart of those issues have yet to be addressed.

This SACCA submission and the attachments provided summarise those issues and propose a range of recommendations. Typically, these issues fall into 4 main categories.

- 1. Statewide strategic approach to planning and funding.** Coastal Councils are seeking leadership and support in the development of Statewide (regional scale), strategic, and long-term coastal management planning that takes into account risk-based decision making and includes a significant increase in, and allocation of resources. This requires a coordinated and streamlined approach between Federal, State and Local Governments to plan for and fund coastal management into the future. This initiative should also resolve a clear articulation of roles and responsibilities for all tiers of Government and including private stakeholders.
- 2. Expertise and capacity building.** Coastal Councils are seeking greater capacity within the regions and access to local expertise to support decision making to reduce coastal hazards / risks today, and into the future.
- 3. Slow uptake of reform.** Sea level rise and the associated impacts challenge our current governance, asset management (including natural and built) and funding strategies. This has been recognised by various stakeholders and research reports over many years however implementation of reform has been slow, and in some areas absent.
- 4. Communications and engagement.** The South Australian community should feel confident that regulatory bodies identify and utilise evidence-based decision making. Several leaders within Local Government represent that there exists within their community's scepticism about climate change, its impacts including sea level rise and how State legislation, policies and regulations integrate and apply scientific data. All tiers of Government should actively promote and communicate the scientific premise that underpin on ground decision making.

Background material – supporting information

South Australia Coastal Councils – Situation Analysis of Coastal Management in South Australia - 2019/20

Over many years there have been various attempts in South Australia to review the approach to coastal management with the aim of improving coordination between all levels of governments.

In 2018 the Limestone Coast Local Government Association - in conjunction with Metropolitan Seaside Councils, Eyre Peninsula Local Government Association, Southern & Hills LGA, Spencer Gulf Cities Association, Legatus Group of Councils and the Local Government Association of SA - received funding from the Local Government Research and Development Scheme (LGR&DS) to establish the foundation for a state-wide strategic coastal Councils alliance which aimed to:

1. Establish long-term governance and resourcing arrangements for South Australia Coastal Councils Alliance that supports an informed, coordinated advocacy voice;
2. Develop advocacy documents to highlight priority issues and explore options for more sustainable funding and cost-sharing arrangements.

The project partners, along with representatives from the Local Government Mutual Liability Scheme and Coast Protection Board (CPB) provided oversight and delivery of the initiative, supported by a project coordinator and researcher.

The project coordinator met with representatives from coastal Councils from December 2018 through until February 2019 to collect information and insight into current and emerging issues, barriers, gaps and needs to better manage the coast within their Council areas.

The attached report 'South Australia Coastal Councils – Situation Analysis of Coastal Management in South Australia 2019/20' provides an analysis of data from these meetings and local site visits, consultation workshops and discussion sessions with council groups and regional local government associations, supplemented by information from literature reviews, government reports and various online sources.

The outcome from this initial project provides a sound and common understanding of issues impacting on coastal Councils in South Australia. It also identifies priorities for further investigation, along with opportunities where councils can work together and with the State to manage the coast collaboratively and more effectively. In particular,

1. Clarification of roles and resourcing responsibilities from all tiers of Government
2. The need for a more strategic, long-term forward program of works to be funded
3. More streamlined funding mechanisms are required to encourage and facilitate multiple outcomes for our coast, including protection, tourism, health, recreational and environmental benefits and minimise unintended or cumulative impacts
4. The need for appropriate cost-sharing arrangements between public and private interests to be explored.

Defining the Sea Level Rise Problem in South Australia Issues Paper - 2014

Following a Sea Level Rise forum hosted by the Premier's Climate Change Council in April 2013 the Department for Water, Environment and Natural Resources, the Coast Protection Board and the Local Government Association of South Australia commissioned the development of an Issues paper titled 'Defining the Sea Level Rise Problem in South Australia'.



The aim of this Issues Paper was to identify opportunities for improvement of current arrangements for management of South Australia's coastal zone, and more specifically a model management framework, to facilitate effective adaptation to the impacts of sea level rise.

This paper is attached as an appendix to the SACCA submission as the findings of this 2014 Issues paper are still largely supported and relevant to this inquiry. The findings include the need for;

- A national approach to the challenges associated with sea level rise
- A Statewide assessment of the coastline and prioritisation of resources which includes monitoring, evaluation and adjustment.
- Expanded responsibilities and resources of an existing body (CPB) or create a new body to, in addition to current coastal management responsibilities, have explicit responsibility for leadership on sea level rise management
- Greater emphasis on communications, engagement and capacity building particularly to support regional SA
- Planning and development reform to support contemporary coastal management objectives (noting that this report was commissioned prior to the introduction of the new Planning Development and Infrastructure Act 2016)

Catchment to Coast – LGA Discussion Paper 2016

The abovementioned 'Defining the Sea Level Rise Problem in South Australia' issues paper incorporated eleven recommendations that proposed a range of measures to increase capacity in governance, strategy, risk assessment, evaluation, communication and implementation of coastal adaptation actions.

The paper acknowledged that *'existing systems for coastal management do have good policy and system architecture in place to support improved adaptation to sea level rise'*, but that *'there are still clearly identifiable gaps in strategic planning, prioritising and scheduling of investment for adaptation'*. In addition, the paper also stresses that integrated planning and delivery is vital for South Australia moving forward as it not only provides a better framework for managing cumulative climate risk, but it also provides significant regulatory and economic efficiencies.

Consultation with Councils identified an appetite for improvement in the areas of governance and strategy, and that councils are seeking the development of a *'well-informed State Government strategic plan for the management of sea level rise, along with the powers, governance and funding mechanisms to support the plan'*. Priority recommendations from the consultation were:

- Develop a state-wide strategic plan for managing coastal impacts
- Expand the resources of an existing body or create of a new body with legislated powers to manage coastal impacts (and own the strategic plan)
- Develop an appropriately functioning governance, funding and referral process

In response to these recommendations, in 2016 the LGA prepared the attached 'Catchment to Coast' discussion paper for consideration of Councils, State Government and other stakeholders. This paper considered how the proposed new Catchment to Coast Board would operate, and the role of the SMA and CPB. SACCA considers that the example set by the SMA should be considered by the Committee and as a possible approach for reform.



Inquiry Terms of Reference – SACCA response

Terms of reference - 1

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

1. The Structure of the Coast Protection Board is considered appropriate when considering the functions and powers of the Board under the Coast Protection Act 1972 (the Act). Councils however have represented that expansion of the Board to incorporate planning and development, and possibly Environment Protection Authority (EPA), Landscapes SA and Native Vegetation Council expertise would enhance the capacity of the Board in areas that are currently (and most likely future) areas of contention. This may be achieved with the inclusion of an additional CPB 'Advisory Committee' that is made up of key stakeholders and other coastal referral bodies identified under the Planning, Development, and Infrastructure Act 2016 (PDI Act).
2. The functions of the CPB are largely dictated by funding that is made available by the State. Of the \$52.4M allocated over 4 years to coastal initiatives as part of the 2019/20 State budget \$48.4 was allocated to 28 kms of Adelaide metropolitan beaches under the 'Securing the Future of our Coastline' sand pumping/carting regime. Only \$1M per annum over 4 years was allocated to CPB coastal initiatives for the remaining 4,500+ kms of South Australian coastline.
3. While SACCA strongly supports an increase in funding that is made available to coastal Councils via the CPB the capacity of the coast protection branch within the Department of Environment and Water (DEW) must also be enhanced to support not only the functions of the CPB, and Government but all stakeholders. DEW and the coastal protection branch has suffered from continued erosion in Government funding over many years at the expense of a range of functions that support coast protection and management including on ground local support for regional coastal Councils.
4. Regional coastal councils are particularly challenged with the complexity of the impacts from sea level rise due to the significant length of coast in their local government area and their limited resources. Unlike councils in the Adelaide metropolitan coast regional Councils have limited capacity to invest in sand carting or other long term 'soft infrastructure' adaptation measures and are locked in to complex and complicated adaptation responses that requires significant scientific data resources, varied infrastructure requirements, community engagement and adaptation strategies that are multijurisdictional and need to meet social / economic and environmental expectations. SACCA recommends that the CPB takes a lead State role in supporting coastal Councils to address the likely impacts of sea level rise and receives significant increases in resources to provide the necessary support for Councils to meet these objectives.
5. Powers of the CPB as defined under the Act are considered adequate.

6. When considering structure, function and powers of the Coast Protection Board and the potential for reform SACCA would like to bring attention to the similarities between the CPB and its Act and the way in which the Stormwater Management Authority (SMA) was established, how it is governed, plans for works and is funded.

In brief, the SMA is established under Schedule 1A of the Local Government Act 1999. The SMA provides for a long-term strategic planning framework that is underpinned by a 30-year funding commitment by the State. The SMA 'model' while not considered perfect provides a significant example of how State and Local Government can address multijurisdictional social, environmental and infrastructure challenges, establish a long-term strategic planning framework and utilising a long-term funding commitment model.

The comparability between coastal management and stormwater management and their potential alignment was explored by the Local Government Association in 2016. The attached discussion paper titled 'Catchment to Coast' was prepared for consideration of the LGA Board and for engagement with the State and other key stakeholders. This paper was developed in response to the recommendations proposed within the attached 'Defining the Sea Level Rise Problem in South Australia' Issues paper.

SACCA encourages the Committee to consider this paper and its relevance to the Inquiry and coastal management objectives identified by SACCA.

Terms of reference - 2

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

1. SACCA acknowledges that the coastal zone is a contested space with a mosaic of social, economic and environmental interests that operate under a range of regulatory provisions. The nature of this 'challenge' was highlighted in the aforementioned 'Defining the Sea Level Rise Problem' Issues paper.
2. Referral bodies under the PDI Act, such as the EPA, CPB and Native Vegetation Council (NVC) are considered necessary in applying and achieving State (and in some cases national) policy and legislative objectives to local planning and development decisions. However local planning and development authorities reflect frustration in trying to navigate referral bodies, their respective timeframes, how they interact (or don't) and the associated costs. SACCA recommends that the Inquiry consider options to 'streamline' planning and development referral body processes and ultimately whether the State can introduce a 'one stop shop' for referrals.
3. SACCA acknowledges that the application of the PDI Act and the Planning and Design Code is relatively new. Anecdotal evidence suggests that in regional SA this has resulted in positive outcomes regarding the processing of development applications. SACCA will be seeking further evidence from Councils as the sector gains greater experience under these new arrangements. Notwithstanding there was an expectation that increased 'direction' powers provided to the CPB would be offset by more clarity within the coastal overlay thus resulting in less development application referrals, to date this has not been evident.



4. Councils have expressed a desire for the CPB powers of direction to be replicated in relation to those development projects declared as 'major projects'. It is the view of SACCA that the objectives of the Board and its policies in relation to risk and hazard mitigation as well as sustainability should also be applied to those planning processes.
5. In their respective submissions various coastal Councils and their regional Local Government Associations have represented a range of views regarding the authority of the CPB in relation to the PDI Act and Planning and Design Code (and including the coastal overlay). This feedback ranges from an indication of support for the CPB as a referral body, through to suggested substantive reform regarding the CPB 'powers of direction'. SACCA encourages this Inquiry and the State Government to engage with coastal Councils and the wider planning industry to learn from the experiences of the application and implementation of the new Planning and Design Code and coastal overlay and work with these stakeholders to improve and streamline the system.

Terms of reference - 3

How protection and development in coastal areas should be managed in the future; including, but not limited to investigating the Board's processes and procedures for:

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

1. When considering how coastal areas should be managed in the future SACCA refers the Committee to the attached discussion papers and its summary of key recommendations. These specifically relate to;
 - a. Clarification of roles and resourcing responsibilities from all tiers of Government
 - b. The need for a more strategic, long-term forward program of works to be funded
 - c. More streamlined funding mechanisms are required to encourage and facilitate multiple outcomes for our coast, including protection, tourism, health, recreational and environmental benefits and minimise unintended or cumulative impacts
 - d. The need for appropriate cost-sharing arrangements between public and private interests to be explored.
2. In particular where SACCA identifies the need for a strategic and long-term approach to coastal management councils have expressed a strong desire for the re-establishment of coast protection districts (regional planning approach) and the formation of associated management plans. It is proposed that management plans are developed in consultation with regional Local Government Association, Regional Development Australia, Regional Planning and Landscape Boards as well as other coastal zone referral bodies established under the PDI Act. The formation of districts and the actions identified in the management plans must be resourced appropriately and take into account triple bottom line objectives.



3. As mentioned previously the South Australian coastline is a fiercely contested space, with a range of stakeholders with varying objectives. SACCA recommends that those authorities with 'oversight' on the coast invest in coordinated education and awareness programs that clearly articulate the challenges. Much of the discussion provided by SACCA in this submission is aimed at how those authorities work in a coordinated way to support all stakeholders to deliver triple bottom line objectives.
4. Sea level rise estimations and future scenarios are an evolving area of science. It is important that the CPB sea level rise estimations are transparent, refreshed at regular and predictable intervals and based on up-to-date scientific observations and models. It is recommended that there be a mechanism in State policy that requires frequent monitoring/review of sea level rise assumptions, and where required updates to Government policies and strategies may be appropriate. This approach is consistent with a 'monitor and respond' approach to climate change impacts currently being advocated for by Councils.

Terms of reference – 4

Any other relevant matter.

1. During the course of the Covid 19 pandemic regional coastal areas have been promoted by the State and various tourism-based agencies as ideal destinations. Along with limited overseas and interstate travel options has resulted in significant increases in visitation to coastal areas across South Australia. Councils have represented significant challenges associated with coastal zone management, specifically associated with four-wheel drive activity, campers and the resulting rubbish and human waste (excrement). Councils are seeking support and advice from the State and CPB in managing these challenges going forward, and in a way that is consistent across regions. The establishment of regional coastal management plans under coastal districts may provide an opportunity to address this.