

CITY OF PORT ADELAIDE ENFIELD SUBMISSION

Environment Resources and Development Committee
Parliamentary Inquiry - Coast Protection Board and Legislation

Thank you for the opportunity to participate in this Parliamentary Inquiry into the roles and functions of the Coast Protection Board and Legislation.

Firstly, an acknowledgement of the well-established and productive working relationships Council has with the Board and its supporting agency staff. This has included collaboration in a number of sea level rise and coastal inundation studies for the Port River and Barker Inlet and Lefevre Peninsula and, investments in coastal protection measures to minimise coastal erosion and community impacts.

More recently Council has been proactive in advocating for a beach management program that minimises impacts on the local environment and community, while recognising that our beaches provide an important coastal protection function and need to be managed sensitively as an integrated metropolitan wide system.

However, Council considers that there are a number of areas where the current Coast Protection Act and the prescribed structures, functions and powers of the Coast Protection Board (the Board) require review. These are outlined below against the Inquiry's the terms of reference.

1. Structure, functions and powers of Coast Protection Board

In light of the fact that the *Coast Protection Act 1972* is principally focused on the Board's activities and has not undergone a major review since 1972, the Council recommends the following be reviewed.

a) Integration of marine environments

The Acts stated aim is to '*make provision for the conservation and protection of the beaches and coast of this State; and for other purposes*'. The Coastal Protection Regulations 2015 specify this includes the coastal features landward of the high water mark and State coastal waters (i.e. three nautical miles out to sea).

Given the Act covers both terrestrial and marine environments Council recommends that the marine environment be more explicitly referenced in the Act and in the functions of the Board. This would allow for a more integrated approach to marine and coastal planning and management. This integrated approach is more in keeping with contemporary system based approaches to coastal policy and legislation (see Victoria's and New South Wales recent policy reform and the development of state wide Coastal Strategic Plans).

Council understands that the State Government is currently preparing a state wide Coastal Management Strategy, possibly under the auspices of the Board. It is important that the Strategy integrates marine environment considerations along with the coastal conservation, adaptation and resilience issues discussed below.

b) Coastal conservation

As noted above the Act's stated aim includes coastal conservation. However, much of the Board's focus and funding goes towards coastal protection measures, noting that the Board only has a \$1.6 million annual budget to service state wide needs. It is

acknowledged however that the State Government has recently made substantial investments in seagrass and offshore shellfish reef restoration.

With the establishment of Green Adelaide and the other landscape boards under the *Landscape South Australia Act 2019*, there is a lack of clarity about the respective roles of the Green Adelaide Board and the Coastal Protection Board in coastal conservation matters. Council recommends that a review of the interplay between these two statutes and statutory bodies is needed to ensure that coastal conservation priorities are appropriately addressed and funded and that the work of the two Boards is complementary.

c) Coastal adaptation and resilience

Council considers that the current Act does not adequately reference coastal adaptation and resilience and that this needs to be reviewed, albeit that the Board was a national leader in embedding sea level rise prescriptions in the state's planning system in the 1990s.

The work that Council and the Board has undertaken to model and map sea level rise and coastal inundation highlights the growing need for the Board and legislation to more explicitly reflect the coastal adaptation and climate resilience priorities that the state is facing. This includes the following joint studies:

Port Adelaide Seawater and Stormwater Flooding Study (2005)

https://www.renewalsa.sa.gov.au/wp-content/uploads/2016/11/Port-Adelaide-Seawater-Stormwater-Flooding-Study_Vol-1_Final-Report.pdf

This study identifies potential coastal inundation that would result from the impacts of sea level rise, compromised stormwater flows and land subsidence in the area. The study found that the damages associated with a 100-year ARI tide event would increase dramatically from existing conditions due to sea level rise and potential overtopping of the existing seawall that is in place in some sections of the Port Adelaide River and at Gillman.

Western Adelaide Region Coastal and Inundation Modeling (2017)

This study was undertaken to investigate the potential impact of projected climatic changes on seawater and stormwater inundation in sensitive coastal catchments in the region, including the Gillman Basin.

<https://www.adaptwest.com.au/sites/adaptwest/media/pdf/western-adelaide-region-coastal-inundation-modelling---phase-3-report---final.pdf>

Council has also collaborated with the Board and agency staff in a State Mitigation Exercise in 2019 that explored the use of the University of Adelaide's UNHARMED spatial modelling platform in a flood risk mitigation exercise involving emergency service providers.

Since the completion of above studies, Council has used the information in its development assessments, infrastructure design and stormwater management planning. Council has also advocated to the State and Federal Government for an integrated and coordinated approach to tidal protection in the Port River area.

However, there remains no coordinated effort to plan for and manage the risks associated with these hazards and impacts and, there are substantial risks

associated with Council stepping into the roles and responsibilities that rest with State and Federal Government and other land and asset owners. The area is the location of substantial urban renewal, nationally significant defence related development, strategic energy assets and the state's only ocean freight terminal, all of which need to consider mitigation of these risks.

Research has shown that effective coastal adaptation relies on decision making models that make use of best available knowledge, mitigate current and future risks, engage all stakeholders and are cognisant of roles and responsibilities and adopt an adaptive management model (*Wenger, C. Flood management in a changing climate. ANU. 2016*).

Council successfully applied to the Board for a grant to undertake a series of roundtables with key stakeholders to design an agreed governance model to help progress this work as its applied to the Port River system. This project will be delivered in 2021/22. This is a substantial task and only one of the settings that the Board has to service.

Council considers the Board's existing funding model as a substantial constraint on the Board's ability to meet the existing let alone new funding requirements, particularly given the increasing scale of investment needed to mitigate current and future risks of coastal erosion and inundation. The Local Government Association has recently funded research into new funding models for coastal protection and adaptation. Council recommends that the Inquiry consider the outcomes of this research that was funded through the Local Government Research and Development Fund.

d) Board structure

The Act provides for six members on the Board including; the Presiding Chair; Chief Executives of specified agencies including those responsible for coastal protection, administering the *Harbors and Navigation Act 1993* and the SA Tourism Commission; three appointed by the Minister with experience in local government, coastal protection technical matters and biological sciences/environmental management.

Council recommends that this membership criterion be reviewed in light of the new *Landscape SA Act* Board requirements, and that it includes consideration of representation from First Nation communities and those with expertise in climate adaptation and investment attraction.

d) Communications and engagement

The Board has a key relationship with local government and has established a Local Government Advisory Committee (s. 18). However, there is an apparent a lack of clarity regarding the function of this Advisory Committee and its advice to the Board and communication back to the sector. In this context the Council recommends that the Board needs to review its overall communications and engagement approach. This includes reviewing the public disclosure of the 'evidence based' used in the Board's decision making (including the ongoing monitoring data for the beach replenishment program) so that it can be publically accessible.

e) Strategic planning

The Act provides for the Board's to constitute coastal protection districts and develop district coastal management plans in consultation with councils and other stakeholders (s. 19 – 20). However this is not currently practiced. Council considers it important for the Board to have a clear strategic plan and to engage appropriately with councils and local communities in this strategic planning. This is particularly important for metropolitan Adelaide region as the Living Beaches Strategy is scheduled for review.

2. Authority of Board in accordance with Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017

Council notes the positive shift in the Board having strengthened powers of direction under the Planning and Design Code for development applications that fall within the coastal zone and coastal hazard overlays. Under the previous Development Act, the Board's had only advisory powers when matters were referred to them.

However, under the existing *Coast Protection Act 1972*, the Board is still subject to the control and direction of the Minister (s.7).

Council recommends that this arrangement needs to be review to ensure that the Board has the appropriate independence to meet its statutory responsibilities under the new planning legislation.

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

As noted above Council recommends that the provisions of the Act and functions of the Board be extended to explicitly include coastal adaptation and climate resilience. This would help ensure that the management of our coastal areas considers policy options such as retreat and other non-engineering and soft engineering solutions (i.e. Living Shorelines) to coastal adaptation. South Australia currently lacks this policy articulation and it best fits within an integrated coastal policy setting.

Council also recommends more public disclosure of relevant monitoring and scientific studies that the Board invests in. This allows stakeholders who have an interest in or are beneficiaries of the works undertaken by the Board to better understand the evidence used to inform the Board's decision.

4. Any other matters

Council's above recommendations for review collectively trigger the need for legislative reform in coastal policy at the state level. The reform is an opportunity to extend the scope of the legislation to encompass marine environments, coastal adaptation, conservation and protection. The structure, functions and powers of the Board would then need to be redefined in this context.