



# Environmental Defenders Office

8 April 2021

Adelaide office: Level 1, 182 Victoria Square

Adelaide SA 5000

Environment, Resources and Development Committee

Via email [ERDC.Assembly@parliament.sa.gov.au](mailto:ERDC.Assembly@parliament.sa.gov.au)

## **Re: Inquiry into the Coast Protection Board and Legislation**

The Environmental Defenders Office (EDO) is an independent community legal centre specialising in public interest environmental and planning law. The EDO provides advice, representation and education on environmental matters and engages in law reform activities. The EDO appreciates this opportunity to submit to this Inquiry.

The *Coast Protection Act 1972* (the Act) is long overdue for amendment in order to modernise and improve its operation. The EDO's recommendations are as follows:

1. Purpose – the Act does not have objects. New objects could be modelled on those found in the *Landscape South Australia Act 2019* (s7). The NSW and Victorian equivalent legislation could also be referred to especially in relation to ecologically sustainable development principles. The objects must cover a number of matters including the important issues of climate change and the cumulative impacts of developments in and around coastal areas.
2. Scope -the current scope is narrow – the Act should cover all State waters and offshore islands especially marine areas adjacent to coastal land including the Gulfs. The land boundary could be determined by significant coastal ecosystems or other landmarks. This could then include areas such as the St Kilda mangroves currently under great threat from mining activities.
3. Overall coastal planning needs to be more comprehensive and integrated especially in the face of climate change impacts. Again, interstate legislation could provide a useful guide. The Act should include more details as to the objects of planning and what should be contained in local plans. In addition, the preparation of plans should involve updated methods of community consultation and a formal response to representations.
4. Membership of the Coast Protection Board and advisory committees would be improved through a requirement that the majority of members are qualified and experienced experts in the management of coastal environments.
5. Duties of the Coast Protection Board should closely reflect the objects and could be based on similar provisions interstate. The duties could also include responsibility for localised issues such as sand management.
6. Offence and Penalty provisions – the Act should be amended to increase the range of types of penalties. Consideration could also be given to a modern suite of enforcement measures including civil penalties.

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7. Review or Appeal of Coast Protection Board decisions- there are no review or appeal provisions. If the Board is given more powers, then appeal rights are appropriate and could reflect those in other comparable legislation such as the Planning, Development and

A final matter concerns the interaction between the Act and the planning system. The new planning regulations provide that the Coast Protection Board has a power of direction in relation to certain development proposals. Under the previous regulations all development on coastal land other than a number of listed exceptions had to be referred to the Board. The new regulations change this process. There is now a specified list of developments that have to be referred. This process has the potential to reduce the number of referrals. The EDO recommends that the previous system be reinstated particularly given the evolving threats and impacts caused by climate change.

Should you have any questions on the above, please do not hesitate to contact Melissa Ballantyne via email [melissa.ballantyne@edo.org.au](mailto:melissa.ballantyne@edo.org.au)

Yours sincerely

Environmental Defenders Office

A handwritten signature in cursive script that reads "mBallantyne". The signature is written in black ink on a light-colored background.

Melissa Ballantyne  
Managing Lawyer – South Australia