**COAST PROTECTION BILL 1972**

**House of Assembly, 28 March 1972, pages 4346-9**

Second reading

**The Hon. G. R. BROOMHILL (Minister of Environment and Conservation)** obtained leave and introduced a Bill for an Act to make provision for the conservation and protection of the beaches and coast of this State and of adjacent islands; and for other purposes. Read a first time.

The Hon. G. R. BROOMHILL: I move: That this Bill be now read a second time. It provides for the conservation and protection of the foreshore and beaches of this State. It is in accordance with the Government’s expressed intention to give special assistance to seaside councils. There has been public concern for many years regarding the condition of many of our foreshores and beaches. The responsibility for protection and maintenance has been primarily the task of local government but councils invariably have looked to the State Government for financial assistance for carrying out works of any significance. There has been no accepted formula upon which financial assistance could be given and there has been a lack of unified approach to problems associated with the coast due to the many local government authorities involved.

The Seaside Councils Committee was formed in February, 1953, to discuss common problems associated with the metropolitan coastline. In early 1960, following a period of storm damage, this committee approached the Civil Engineering Department of the Adelaide University seeking advice on a programme of investigation of the metropolitan coastline. A five-year study sponsored by the committee and the State Government eventually began in 1966. Its findings were published in December, 1970. The Adelaide University report known as the Beach Erosion Assessment Study is one of the most comprehensive of its kind. It stressed the need for protective and restorative works to be carried out, for continuous research and for the necessary administrative and financial machinery to be established. The Government took immediate action. A committee known as the Foreshore and Beaches Committee was established under the chairmanship of the Director of Planning to advise the Government on any matters relating to foreshore and beaches throughout the State.

The committee’s first assignment was to examine the foreshore and beaches within the Metropolitan Planning Area, for example, from Port Gawler in the north to Sellick Beach in the south, and to report on appropriate uses of the coast, measures necessary for coast protection and facilities needed for use by the public. The committee first met in January, 1971, and submitted a report in May, 1971, listing urgent protection and restoration works. The Government allocated $250,000 for these works during the current financial year. Works are in progress and a sand source survey has been undertaken. A storm of major intensity in April, 1971, also caused substantial damage to the metropolitan coast involving the committee in more investigations and the Government in the allocation of more funds. The committee was fortunate in having the Adelaide University Beach Erosion Assessment Study as a basis for many of its investigations, but the committee quickly became aware that it was severely limited in its task due to lack of powers and technical staff. The committee recommended that a statutory board be established with powers to undertake investigations, to carry out works and to control development detrimental to the protection and use of the coast. The committee considered that the Seaside Councils Committee should be given some form of statutory recognition so that it could advise the board regarding local government opinion on any issue. The committee also recommended that the powers and activities of any new board should apply throughout the State.

Since its inception the Foreshore and Beaches Committee has applied itself to its unusual and difficult task with considerable diligence and enthusiasm. At this stage I wish to pay tribute to the work of the committee members and Secretary. The Bill establishes a Coast Protection Board of five members under the chairmanship of the Director of Planning. Its duties are broadly to protect and restore the coast, develop any part of it for enjoyment by the public and carry out research. Coast protection districts are to be established for any part of the coast and a consultative committee will be formed for each district comprising mainly representatives of the local government authorities concerned. The board may also appoint specialist advisory committees to advise on any particular aspect of its work. It is hoped in this way that the board will receive the best possible advice on any issue before it. There are so many diverse matters likely to come before the board that it would be impracticable to extend the membership of the board to embrace all the specialist fields involved.

Once a coast protection district is established the Bill provides that a management plan has to be prepared setting forth in general terms the measures necessary to protect the coast and secure its most appropriate use. The management plan is to be subject to public scrutiny and finally approved by the Governor. The Coast Protection Board is to have power to carry out works to implement the management plan and any emergency works arising from storm or pollution. The board will also have power to withhold approval to works which are contrary to the approved management plan or which would prejudice the protection, restoration or development of the coast. A right of appeal to the Planning Appeal Board is provided.

The financial provisions enable councils to benefit by up to 80 per cent of the cost of any engineering works, up to 50 per cent of the cost of any coast facilities for use by the public, and up to 100 per cent of the cost of any storm repairs to engineering works. If the board carries out the work, the liability of the council or councils concerned is similar, but the board is given power to recoup the local government contribution.

Clauses 1, 2 and 3 of the Bill are formal. Clause 4 contains the definition of “coast” which means the land between high and lowwater marks plus land 100 m inland from high-water mark and within three nautical miles seaward of low-water mark. Alternative boundaries can be declared by regulation. The definition of “coast facility” is intended to cover such matters as boat ramps, changing sheds, toilets and other facilities used by the public.

Clause 5 provides that the Act binds the Crown. Clauses 6 and 7 establish the Coast Protection Board and place it under Ministerial control. Clause 8 specifies the membership of the board. The Director of Planning is to be Chairman, and two other public servants, the Director of Marine and Harbors and the Director of the Tourist Bureau or their nominees, are members. Two further members are appointed by the Governor, one knowledgeable in local government, the other a specialist in coast protection.

Mr. Mathwin: No member of local government?

The Hon. G. R. BROOMHILL: One member shall be a person with an extensive knowledge of, and experience in, local government. Clauses 8, 9 and 10 deal with the procedures of the board. Clauses 11 and 12 provide for a Secretary to the board to be appointed and for necessary staff. Clause 13 sets out the general duties of the board. These embrace not only the protection and restoration of the coast but also ensure that the coast is put to its most appropriate use. Clause 14 provides that a consultative committee shall be appointed wherever a coast protection district is established. Every council affected is entitled to nominate a person to the committee. Clause 15 provides for the terms and conditions of office of members of consultative committees.

Clause 16 sets out the duties of consultative committees, which are broadly to advise the board and to consider any matters relating to the coast within their coast protection district. Clause 17 enables the board to appoint advisory committees to provide expert advice on any matters relating to the coast. Clause 18 provides that the Governor may, by proclamation, constitute any part of the coast recommended by the board to be a coast protection district. All councils must be consulted by the board, and a report on any representations made must be submitted to the Minister with the board’s recommendation.

Clause 19 provides that a management plan shall be prepared for each coast protection district. All councils within the district must be consulted during the preparation of the plan. The plan must be placed on public exhibition and the opportunity given for the submission of representations. After the board has considered the representations, the plan may be declared by the Governor to be an approved management plan. Clause 20 enables the board to carry out works in accordance with an approved management plan and any emergency works.

Clause 21 gives the board powers of land acquisition. Clauses 22, 23 and 24 provide for powers of entry and temporary occupation of land for the purposes of the Act, and the payments of any compensation arising. Clause 25 provides that no work of a prescribed nature shall be carried out without the approval of the board. Such works are to be declared by regulation. Clearly the board should not be involved in having to approve works of a minor nature, and care will be needed in drawing up the necessary regulations.

Clause 26 deals with the method of applying for the board’s permission, and specifies the grounds upon which the board may withhold its consent. Clause 27 provides a right of appeal to the Planning Appeal Board. Clauses 28, 29 and 30 establish a coast protection fund, and enable the board to borrow and provide for the keeping of accounts.

Clause 31 sets out the contribution which councils can seek from the board towards works performed by a council. The amount of grant varies. For works of a general engineering nature the grant may cover up to fourfifths of the costs incurred by a council. For the provision or repair of coast facilities the grant may cover up to one-half of the cost, and for storm repairs (which by definition do not include repairs to coast facilities) up to the whole of the cost.

Clause 32 provides that, if the board carries out work in a coast protection district, it may recover a contribution from the councils for the work carried out. The amount is to be determined by the board and may be up to one-fifth of the cost of general works and one-half of the cost of coast facilities. Where works are carried out in more than one council area, the contribution to which the board is entitled may be apportioned between the councils in such a manner as the board may determine. Clause 33 enables any part of a coast protection district to be declared a restricted area, with access to the area prohibited or restricted.

Clause 34 provides that the board shall submit an annual report for laying before Parliament. Clause 35 enables the Minister to require the board to make inquiries pertinent to the administration of the Act. Clause 36 provides for the making of regulations under the Act.

Mr. BECKER secured the adjournment of the debate.