



**Conservation Council  
of South Australia Inc**

**CCSA Submission to the  
Environment Resources  
Development Committee  
Coastal Development Enquiry**

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## Introduction

The Conservation Council of South Australia (CCSA) is South Australia's peak non-government community environment organisation. Formed in 1971, it is an umbrella group for around 55 of the state's diverse environment groups, who collectively represent some 60 000 individuals.

CCSA welcomes the opportunity to take part in the public consultation and is pleased to provide the following comments in relation to the Enquiry's terms of reference.

## 1. Adequacy of Planning Legislation and Guidelines

### Comments on Current Legislation

The Conservation Council of SA (CCSA) believes that there are major weaknesses in the current legislation that allow inappropriate developments to receive approval, e.g. building on the dunes on the West coast. This is in part due to the fact that under the *Coast Protection Act 1972*, the Coast Protection Board (CPB) can only control development under very limited circumstances such as sand carting and the building of groynes. In all other cases the CPB can only provide advice, which can, and we believe has, in the majority of cases, been ignored. The Coast Protection Board needs to be given increased and broader powers to control development, particularly where issues such as erosion, flooding, sea level rise, requirements for dredging, stormwater impacts on sensitive marine or coastal ecosystems or the protection of coastal biodiversity are concerned.

The *Coast Protection Act 1972* is clearly inadequate to deal with issues relating to coastal development 35 years on. Despite much talk of reviewing, updating and/or developing new legislation – including a commitment in the Government's Living Coast Strategy of 2004 to develop a Coast and Marine Act – nothing has actually been achieved.

CCSA also has serious concerns regarding the use of Sections 46 and 49 of the *Development Act* (which takes decision making powers on Major Developments out of the hands of local councils and planning authorities). While there are some benefits in terms of environmental assessment, the lack of third-party appeal rights is a major concern, as is the lack of directive powers for specialist state agencies.

With regard to the value of environmental impact assessments, we are concerned that the developer is able to select their own environmental consultant to undertake Environmental Impact Assessments (EIA). The combination of the variation in expertise among consultants, and the fact that they are under commercial pressures to produce findings that are pro-development, considerably weakens the value of EIAs.

## **Comments on Marine Planning**

A key initiative of the Living Coast Strategy for South Australia was to develop and then apply a Marine Planning Framework to strengthen coastal and marine planning for sustainable use of marine resources and other activities. Much money and time has been spent on collecting, collating and mapping information, developing performance assessment criteria, and consulting with stakeholders. More than 5 years after federal funding was provided to progress the Marine Plan project, the first Marine Plan, for Upper Spencer Gulf, was released in mid-2006 for consultation. However, nothing has happened since then, and there has been no mention of them at all since that public consultation finished. This is puzzling as at one stage Marine Plans were so embedded in our consciousness that they were even referred to in the "Consistency" section of aquaculture zone policy reports (eg see Cape D'Estrees Policy Report p16, PIRSA Aquaculture website – this section explains how any new policy is consistent with existing policies, legislation, strategy and plans). CCSA has noticed that in more recent aquaculture zone policy reports, Marine Plans no longer appear in the consistency section (eg the Draft Coffin Bay Policy Report p41).

CCSA initially supported the concept of Marine Plans, as they were to provide an overarching, scientifically rigorous, spatially-based planning instrument, which would evaluate the marine and coastal areas and rank them according to their environmental values. Marine Plans were intended to provide a tool for making decisions about what activity should go where. One of the major drawbacks of the fact that so little progress has been made, is that aquaculture zone plans – and other coastal developments - have forged ahead, with minimal concern for the environment (and ahead of any consideration of environmental values). Despite calls from CCSA and other conservation groups for a moratorium on aquaculture until Marine Plans and locations for Marine Protected Areas were released, aquaculture has continued to expand at a huge rate. Marine Planning, and Marine Protected Areas must be rolled out as a matter of urgency before there is nothing left to protect!

Further, we believe that Marine Plans should be written into development plans and given legislative protection, as proposed in the Living Coast Strategy. At present planning authorities only have to "have regard" for advice on environmental issues in the large majority of cases, and this means habitats continue to be degraded and biodiversity lost.

**Recommendations:**

- Immediate development of a new *Coast and Marine Act* that gives greater powers to the Coast Protection Board, that will reinforce integrated planning and sustainable use of coastal, estuarine and marine environments through a framework that ensures their use and development is consistent with the principles of Ecologically Sustainable Development (ESD) (as stated in the Living Coast Strategy, page 17).
- Power of direction by state agencies and 3<sup>rd</sup> party appeal rights should be maintained under S.46 and S.49 of the *Development Act*.
- A register of environmental consultants should be established by the state government, as has been proposed for NSW.
- Immediate release of the Spencer Gulf Marine Plan, with its values given legislative protection. This could be written into the revision of the *Coast Protection Act*.
- Progression of the currently stalled SA Marine Planning process, including release of Marine Plans covering all of South Australia, as drafts for public consultation as a matter of urgency.

**b). Visual Impact and c). Built Form**

Visual impact seems to have been completely ignored in coastal planning. 'McMansions' with no eaves and large windows are approved, sometimes right on dune systems themselves. Poor design and a lack of regard for energy efficiency then requires air-conditioning for these houses to be comfortable - adding to greenhouse gas emissions and exacerbating global warming. Having seen the *Viewscapes* project that the Coastal Protection Branch carried out, CCSA believe "Scenic Assessment" should be incorporated into Development plans. There should be more planning around viewscapes and visual impact, and emphasis put in planning on maintaining the sense of place that most coastal communities have. This particularly applies to so-called 'shack' development, where huge suburban homes are inappropriately built on 'shack' sites.

**Recommendations:**

- Development Plans should take more consideration of the protection of views into account, along the lines of DEH's *Viewscapes* work.
- Developments on the coast should blend into their surroundings, be ecologically sensitive and foster a sense of place.

## **d). Environmental Impacts**

The environmental impacts of developments are CCSA's primary concern in relation to housing developments, and aquaculture in particular.

### **Housing developments**

CCSA is particularly concerned by two aspects of coastal housing development – location, and discharges of sewage and stormwater. With regard to the former, all developments should be subject to thorough assessment of their environmental impacts. As stated previously, this should include increased powers of direction for the Coast Protection Board.

The discharge of sewage and stormwater into coastal waters, leading to the damage of seagrasses and reef communities in particular, has been well documented. Despite this, both continue to occur. CCSA believe it is inappropriate and ecologically unsustainable for treated sewage and stormwater not to be harvested and re-used, particularly given the state of SA's water resources.

### **Aquaculture**

The Productivity Commission in its inquiry into aquaculture recommended that there should be a separation between the body responsible for regulating aquaculture, and the body for promoting it. They are critical of arrangements that do not separate roles. In theory in South Australia, PIRSA Rural Solutions is the commercial arm of PIRSA Aquaculture, and hence there is some separation – although the small degree of separation was specifically criticised by the Productivity Commission. In practice there does not appear to be any separation at all. PIRSA Aquaculture is the body developing policies, zoning for aquaculture (which is very much about streamlining and favouring aquaculture), regulating and theoretically addressing environmental impact, although CCSA do not feel that PIRSA Aquaculture do this, as discussed below. CCSA believe it is imperative there be more transparency and a clear separation between the regulation and promotion, and industry development of aquaculture in SA.

There are no monitoring data or summaries of monitoring programs (other than for the oyster reporting pro-forma) on the PIRSA website. Public submissions on Aquaculture Zone policies are not provided either on the website, or in the public register, nor are summaries provided. This demonstrates a lack of transparency. Aquaculture developments within Aquaculture Zones have now been decided to be 'Category 1' developments, and hence the public loses the right of appeal. There was little consultation about this.

In addition, Planning SA has been located within PIRSA. We believe that this represents a clear conflict of interest, given that PIRSA is, because of its interests in mining and

aquaculture, a pro-development agency. How can the body that makes planning decisions be placed within an agency that oversees applications for development?

In the past, Aquaculture Zone plans were underpinned by extensive habitat mapping. However, recent Zone Policies (e.g. Anxious Bay, Coffin Bay) have not had technical investigations underpinning the zoning; for instance the areas north of Longnose Point in Coffin Bay where two large abalone zones were proposed have no technical data at all presented in the Policy Report. Indeed, a note in the Policy Report refers to us to navigational charts for habitat information. As most people are aware, navigational charts are rarely updated, and indeed in South Australia much of the information on navigational charts was in fact collected by Matthew Flinders, and have not been updated since! To suggest that navigational charts are in any way appropriate for habitat maps is ridiculous!

### **Aquaculture monitoring:**

CCSA has grave concerns about the type of monitoring that is being carried out by the aquaculture industry under the guidelines developed by PIRSA. For example, oyster farming requires no environmental monitoring at all! The grower must report on issues like feral oysters, disease and entanglements; but there is no requirement for them to monitor any other environmental issues like seagrass density, or the impacts of trampling. Indeed, it is our understanding that only one 'representative' farm in each 'region' have any monitoring carried out (by PIRSA Aquaculture). (This was set out in one of the Aquaculture policies released for public consultation recently). The terms are not defined (e.g. no information on how one 'representative' farm is chosen, let alone how one farm can possibly be representative of a region; moreover 'region' itself is not defined - one farm in a region is hardly rigorous); and the monitoring is restricted to video surveys.

The monitoring technique used by PIRSA is a video transect. However, no data is collected (apart from some short videos somewhere on the 20-40 ha lease site) before the structures have been built and stocked for a year. No "control" data is collected. Application of standard tools in ecological monitoring incorporating Before-After and Control-Impact monitoring (widely known as a BACI design) should be mandatory. If we don't know what was there before a development is put in, how can anyone talk about impacts? If we don't know what is happening in the area away from the cages, it is also impossible to know what the impact is from a specific development. For tuna, a novel DNA probe technology has been developed for use in monitoring, and has been shown to be very effective, however CCSA understands that it has never been used for compliance monitoring.

## **Recommendations**

- As recommended by the Productivity Commission, there should be a complete separation of the promotion of aquaculture from regulation and control.
- Adequate technical investigations should be carried out to underpin aquaculture zoning plans.
- Monitoring data should be placed on the website, as set out in the *Aquaculture Act*, and should include a summary of each sector.
- Public submissions should be available on the website, and a summary of submissions made available.
- Any erosion of the public's right to comment should not be considered without extensive public consultation.
- Monitoring should be rigorous and use standard ecological tools such as Before vs. After; Control vs. Impact design.
- Re-establish Planning SA as an independent entity.

## **e). Ownership of Coastal Land**

Coastal land should be kept in public hands as much as possible, and access for the general public maintained.

## **f). Preservation of Coastal Land**

There is a need for a broader definition of coastal land to be adopted that incorporates all land influenced by coastal processes (often extending significantly inland). Such a definition should also take into account the anticipated sea level rise as a result of climate change and allow for future changes in the location of the high water mark and associated coastal processes. In particular allowance must be made for the retreat of critical coastal habitat types such as mangrove, dune and samphire communities as sea levels rise.

Future developments on such land should be prevented.

**g). Infrastructure and h). Any Other Relevant Matter.**

CCSA is particularly concerned about developments such as marinas that require dredging operations. Dredging is a particularly threatening process with potential for both short and long term impacts on marine environments. Issues such as changed flow regimes, increased turbidity, smothering of sensitive local marine communities (e.g. reef, sea-grass) and disturbance of acid sulphate soils make any development requiring dredging particularly risky in environmental terms.

Specific guidelines for developments requiring dredging should discourage such practices and ensure that new dredging operations are not undertaken in South Australian waters. Developments that require initial, and especially ongoing maintenance dredging, are poorly located and are not environmentally appropriate for South Australia's world class coastal and marine environs.