

Barriers to Effective Climate Change Adaptation
Productivity Commission
LB2 Collins Street East
MELBOURNE VIC 3003

Dear Commissioners

Please find below a submission from agencies of the Western Australian Government on the *Barriers to Effective Climate Change Adaptation* draft report (April 2012).

GENERAL COMMENTS

Agencies consider that the framing of adaptation as a risk management strategy is a useful approach and supports flexibility in legislative and policy frameworks.

Agencies note that there are a number of areas where the Australian Government could promote cooperation across jurisdictions and fund climate change adaptation initiatives which may lead to greater efficiencies and effectiveness. There is insufficient recognition of this in the draft report beyond emergency management and addressing national scale barriers to adaptation ('There is no apparent broad coordinating role for the Australian Government.' (cf page18))

COMMENTS ON DRAFT REPORT RECOMMENDATIONS

Draft Recommendation 4.1 Current climate variability verses future climate trends

The distinction made in the draft report and recommendation 4.1 between current climate and future climate trends is not always useful.

This can be illustrated with the example of rainfall in the south-west Western Australia, and its impact on the public water supply for Perth. A specific example of successful climate change adaptation has been the early response of the Western Australian Government to reduced rainfall in south-west Western Australia after a sequence of drought years commencing in 2001. The Government invested in a range of responses, including bringing forward investment in water source developments that had been planned for the longer term; diversifying water supply sources (including investment in two seawater desalination plants that are rainwater independent sources, and purchasing water from irrigation systems); and communication campaigns to promote cooperation with water restrictions and voluntary water efficiency measures.

These and other measures have ensured that despite a substantial decline in average inflow into dams supplying the South West Integrated System, complete water and sprinkler bans have not been required. The decisions to invest in this response were not made solely in response to the current climate variability, but because of the known risk that future rainfall projections were for further reductions. Without this knowledge, a different mix of investments and responses would have been made from 2001 onwards, assuming that rainfall trends would return to historically average (much higher) levels. The last 10 years has demonstrated the success of taking longer term climate change projections into account in decisions for managing the public water supply.

It is therefore important to not overemphasise uncertainty as a reason to avoid taking account of scientific projections and assessments of future risks as part of good decision-making. Governments make decisions in the face of uncertainty all the time in many policy areas.

It is suggested that recommendation 4.1 needs to be more nuanced. While it may sometimes be the case that it is best to defer high cost adaptation options (especially upfront costs) until better information is available as the recommendation suggests, this will not always be so. The need for case by case analyses before drawing conclusions should be included in this recommendation.

Western Australian Government agencies support the following recommendations, for which work is already being undertaken:

Information provision (Draft Recommendation 6.1)

The provision of better information to communities would help resilient communities to adapt to climate change. The completion of vulnerability assessments for local governments would be of benefit in two ways, firstly contributing to scientific knowledge and secondly increasing community understanding of climate change impacts. A number of local governments in Western Australia have already commenced vulnerability assessments, including the City of Mandurah, Town of Cottesloe, City of Bunbury and City of Busselton.

Planning and building regulation (Draft Recommendations 8.1, 8.2 and 8.3)

The draft report states that “there is no well-established policy response to this issue [addressing climate change risks for existing areas of human settlement]” (page 17). The Western Australian Department of Planning is currently undertaking a review of State Planning Policy 2.6 - *State Coastal Planning Policy* (SPP 2.6), which will address this issue in relation to coastal planning. On 14 February 2012 the Western Australian Planning Commission (WAPC) released the revised draft SPP 2.6 and associated draft policy guidelines, which incorporate risk management with particular regard to coastal hazards, infill development and coastal protection works. These are matters that local governments need to plan for and manage.

Coastal hazard risk management and adaptation planning are intended to ensure that risk assessment and management planning are incorporated into decision-making. The revised draft SPP 2.6 promotes the development of long-term adaptive capacity for managing coastal hazard risk, and incorporates a revised sea level rise value of 0.9 metres by 2110. The policy advises that communities should be included in consultation, and provided with sufficient information to understand the risks with coastal processes and hazards in a changing environment. The draft revised SPP 2.6 and the associated draft guidelines are available at <http://www.planning.wa.gov.au/publications/6231.asp>.

Emergency Management Draft Recommendation 10.1

The recommendation for an independent public review of the Natural Disaster Relief and Recovery Arrangements is supported. Preparation and response to climate related natural disasters, such as fire, flood and tropical cyclones, is a high priority for Western Australia, which has been constrained by the lack of long-term consistent and appropriate levels of financial support from the Australian Government.

REPORT INFORMATION REQUESTS

Hazard risk information (Information Request 6.1)

The revised draft SPP 2.6 advocates the use of notifications on certificates of title as a means to communicate natural hazard risk information to current and future property owners. Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for development, lot owners should be advised of the coastal hazard risk through a notification on the certificate of title “VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years”.

Local governments’ legal liability (Information Request 7.1)

Significant work has already been done that indicates legal liability cannot be fully removed and local government must exercise a duty of care in its decision-making. This reinforces the need for local governments to have access to the best available information.

Planning and building regulation (Information Request 8.1)

The planning framework in Western Australia is established under the *Planning and Development Act 2005* (PD Act). The making and administration of planning schemes by local government is a central part of the framework. Such schemes, being statutory, may be difficult and time consuming to amend and review, are largely predicated on land use zoning based on land use intentions, and allow conforming land uses. By contrast, performance or risk-based zoning approaches may be more appropriate but are not well established or recognised.

The planning framework in WA currently separates consideration and approval of subdivision and development proposals. An integrated approach may provide more clarity for assessment purposes and more certain outcomes.

The WAPC is created by the PD Act as an independent statutory authority. It is advised by the Department of Planning, and has a membership of representatives of government agencies as well as industry, professional and community representatives. While the Minister for Planning retains strong powers in the system, the operation of the WAPC ensures a measure of continuity, coordination and decision-making that may be difficult to achieve with a government department. For example, the WAPC has powers to acquire land for planning purposes.

Planning and building regulation (Information Request 8.2)

The request asks *‘[i]n what circumstances should governments use ‘protect’, ‘accommodate’ or ‘retreat’ options for managing climate change risks to existing settlements?’*

This issue is currently being investigated as part of the Coastal Adaptation Decisions Pathway Program and the Peron Naturaliste Partnership Project. This information could be provided when these are completed (due in September 2012).

RECOMMENDED CORRECTIONS TO DRAFT REPORT

Box 9.4

This statement infers that the Australian Energy Regulator regulates electricity and transmission and distribution in Western Australia, which is incorrect. Electricity transmission and distribution is governed by legislation administered by the Economic Regulation Authority.

Chapter 8

Chapter 8 does not take into account recent changes to climate change and coastal planning by the Western Australian Government.

1st paragraph (page 142) following the last sentence should also include:

“Western Australia's draft policy requires an allowance for storm inundation based on a tropical cyclone storm event, or mid-latitude depression or extra-tropical low storm event depending on location, plus the predicted sea level rise. Consideration is to be given to the ocean forces and coastal processes that have a 1:500 probability of being equaled or exceeded in any given year over the planning timeframe.”

Sea level rise benchmarks in Table 8.1 do not take into account the WAPC Position Statement for sea level rise in WA. This statement outlines the change in sea level rise for a 100 year planning timeframe (to 2110) increasing from 0.38m to 0.9m. The revised draft SPP 2.6 uses a sea level rise value to 0.9m. Specific changes to Table 8.1 are:

- Change benchmark to 0.90m;
- Change footnote **a** to: base year to 2010;
- Add footnote **c**: WA benchmark of 0.90m by 2110 as planning position and revised draft policy; and
- Change sources to WAPC (2010) and (2012).

Change bullet point 2 to read as follows:

“Western Australia's draft policy for new development ('Greenfield') requires the identification of a foreshore reserve which is to accommodate the potential impacts of coastal hazards including erosion and inundation and maintain a foreshore reserve at the end of the planning timeframe. Infill development ('Brownfield') is to be in accordance with a coastal hazard risk management and adaptation plan, to ensure the likely impacts of coastal hazards within the planning timeframe are appropriately planned for”.

If you require any further clarification in regard to these WA planning matters, or copies of the listed reference material, please contact Tia Byrd on (08) 6551 9081 or at tia.byrd@planning.wa.gov.au.

Box 11.2

The Australian Government does not “manage” ecosystems of national significance through the Environment Protection and Biodiversity Conservation Act. Management is carried out by state and territory governments and by individual landowners and managers. Also, regional natural resource management groups in Western Australia are non-statutory and do not have the responsibilities listed in any statutory or controlling/binding sense.

ADDITIONAL COMMENTS

Delivering climate science as a public good

Western Australian Government agencies agree that the provision of climate change science research and associated climate change projections and materials to support evidence-based climate change adaptation is a public good which is underproduced by the private sector. Because of this market failure, there is a strong case for government to invest in climate science research.

Western Australia has invested in the Indian Ocean Climate Initiative (IOCI) as a research partnership between the Western Australian Government, CSIRO and the Bureau of Meteorology since 1998. IOCI has been a proven and valued source of information for climate change policy and related adaptation planning in Western Australia.

Note on regulatory barriers

The potential implications of regulatory barriers will need ongoing review as new policy and regulation are developed. Regulatory impacts may directly prohibit an adaptation solution, particularly for new technologies or techniques related to products or standards. Similarly, a regulation on products or standards can force adaptation by the market. For example, new lighting energy efficiency ratings saw the phasing out of most incandescent globes and their replacement by fluorescent or LED lights. If a new insulated roofing material was invented that performed in a superior way to existing roofing material, there may be barriers to its use if it does not conform to very specific building standards.