

Barriers to Effective Climate Change Adaptation
Productivity Commission
LB2 Collins Street East
MELBOURNE VIC 8003

Dear Sir/Madam,

Barriers To Effective Climate Change Adaptation Draft Report April 2012

I refer to your call for submissions to the public inquiry into the Barriers to Effective Climate Change Adaptation. Moreton Bay Regional Council thanks you for the opportunity to comment and supports the Productivity Commission in initiating research into the barriers to effective climate change adaptation.

Moreton Bay Regional Council Context

Moreton Bay Regional Council is located just north of the Queensland capital, Brisbane and immediately south of the Sunshine Coast. It is bordered by mountains to the west and Moreton Bay to the east.

In 2009, Moreton Bay Regional Council commissioned a report *Scoping Climate Change Risk for the Moreton Bay Regional Council* that scoped the climate change risks for its corporate operations (<http://www.moretonbay.qld.gov.au/environment.aspx?id=17145>). The report informed a number of documents including a Corporate Climate Change Policy. Council is moving towards sophisticated flood modelling which incorporates sea level rise, storm tide and future high tide levels that will assist with risk assessments and planning for adaptation.

Legislative Requirements

Moreton Bay Regional Council (MBRC) recognises its obligation to progress adaptation strategy plans as required under the Queensland State Planning Policy SPP 3/11 Coastal Protection (SPP3/11). SPP 3/11 identifies risks and mitigation measures to guide future development in High Risk Coastal Hazard Areas within the next five years, after which time permanent or non-coastal dependent development which results in intensification within the Coastal Hazard Areas is not permitted. Accordingly, the integration of adaptation strategy plans into the Council's forthcoming planning scheme will need to be a key focus.

MBRC will examine the several approaches to the development of these adaptation strategies including 'retreat, avoidance and defence' under the SPP, taking into account long-term social, financial and environmental factors. Adaptation measures need to be customised to particular circumstances, taking into consideration both the instruments

and resources available. In implementing these adaptation strategy options, MBRC will need to address the substantial cost, resourcing and capacity implications.

In this context, MBRC will also maintain its responsibility for aspects of disaster management and land use planning as core functions of the Council. Given growing concerns about the impacts of climate change, MBRC recognise that there are new imperatives for linking land use planning, disaster management and climate change as part of an integrated package to address disaster management issues in a holistic manner.

MBRC identifies that an Australian-wide framework and implementation of a national incentive program are also fundamental to reduce barriers to effective adaptation to climate change.

COMMENTS ON DRAFT REPORT APRIL 2012

- Item 1.** *Reference P125/293 - With regard to the effects of climate change on specific regions or sectors a 'report card' may be a useful device for conveying information in a manner that is easy to understand and can be regularly updated. This approach is used in Queensland to convey information about the health of waterways and the Great Barrier Reef but could be applied more broadly.*

MBRC supports a broad scale regional report card on the risk of climate change to certain areas, prepared by the Australian or Queensland Government. A regional report card is a useful tool in conveying broad level information. However this tool is limited due to inherent risks of generalising certain areas given risks may be substantially different on an individual property basis.

- Item 2.** *Reference P125/293 - In order to take adaptation actions, decision makers may need more than just information on climate change impacts. They may also need information on options to adapt and tools to help inform their decisions and choose between options.*

Providing decision makers with adaptation options and decision support tools may be particularly fruitful for motivating adaptation, as behavioural research has shown that information provision tends to be more effective when accompanied by details on how to take action. The most appropriate approach to adaptation could vary significantly from one individual or business to the next reflecting differences in circumstances and personal preferences. Governments are unlikely to be able to provide highly customised information, and should not attempt to. Precisely because such information is specific, the benefits are likely to accrue privately and should be purchased privately.

MBRC supports a standardised decision-making tool to inform available options of adaptation and provide information on how to take action. There are inherent risks of generalisation and variances in adaptation strategies within individual areas so information should be limited to broad options only. Into the future, greater consideration should be given to an interactive decision-making tool to refine site specific issues to give greater certainty to decision-makers.

- Item 3.** *P130/293. In order to make effective adaptation decisions, local governments require data that are at a detailed local level. There could be a case for a base level of information to be provided by the Australian, state or territory governments (incorporating consistent information on scenarios and assumptions to use), which could then be built on or extended by local governments to obtain the finer-grain data that they require.*

MBRC supports a call for refined local level base data from the Australian or Queensland Government to assist local government adaptation strategies. Such data could in turn be built upon by local governments to produce finer-grained data. Current climate change data and mapping is provided at a regional level and presents a barrier to localised adaptation strategies.

- Item 4.** *Reference P133/293 - Clearly defined roles and responsibilities are necessary to ensure that the most appropriate level of government or the community is responsible for managing the risks of climate change. Without appropriately defined roles and responsibilities for adaptation, some local governments may fail to take action to manage the risks of climate change due to uncertainty about whether and how they should act. Councils reported that roles and responsibilities are not well defined in respect to climate change adaptation in general, and also in relation to some specific areas.*

MBRC supports the clarification of roles and responsibilities of all tiers of government in climate change adaptation, especially relating to coastal protection. Local governments may be unwilling to take action without clearly defined roles and responsibilities, including any roles and responsibilities of the wider community.

- Item 5.** *Reference P135/293 - In some cases, it may be perceptions about legal liability that are hindering effective adaptation and not simply the legal arrangements themselves. If this is the case, state or Australian government leadership to clarify where legal liability lies and provision of information to councils about this could effectively address this barrier.*

Council supports greater clarity of the legal liability of local governments on climate change adaptation matters and the required processes. Coastal local governments of Queensland are concerned about 'injurious affection' from their land use planning decisions. Until local governments receive advice/direction from the State, local governments will be unwilling to take significant steps on adaptation, unless there is community pressure to do so. Policy direction is required on adaptation at the Federal and State level. Further work needs to be undertaken to determine the responsibility of funding for adaptation works, for example, as developer contributions are currently capped in Queensland by the State with funds allocated to specific 'business as usual' projects, funding would be required to be obtained from existing internal budgets or external sources. MBRC is concerned that if the costs are passed on to developers for new developments, it will impact on affordability of housing in the region.

COMMENTS ON INFORMATION REQUESTS

Information Request Item 6.1 - How useful are property title documents, property certificates, rates notices and rental contracts as means for communicating natural hazard risk information to households and businesses? What alternatives are available? What costs and risks would state and local governments incur in providing such information?

Council currently offers risk hazard information such as flood information, property conditions and town planning zones as part of a 'property search'. A planning and development certificate also provides information and mapping of any potential environmental constraints such as major flood events, bushfire hazard risk and potential landslide areas (planning scheme overlays). Such information may be discarded after the initial purchase and may become obsolete as the effects climate change events become apparent. To include such information on rates notes would have merit, namely quarterly updates of specialised information. To include such information of property titles would be the responsibility of the State Government (titles office).

Information Request 8.1 - To what extent do current state and territory land-use planning frameworks facilitate or impede the use of different land-use planning tools, such as time-limited development approvals or 'triggers'? What changes are required to state and territory planning frameworks to address any impediments?

The Queensland Sustainable Planning Act 2009 (SPA) currently does not allow conditions to be placed on a development that limit the time a development approval has effect. SPA also stipulates that conditions cannot be imposed that require monetary payment for the establishment, operating and maintenance costs of infrastructure. The current arrangement would impede the notion of time-bound/trigger bound approvals and many Councils would be reluctant to inherit specialised external adaptation/mitigation infrastructure that protect individual developments.

Information Request Item 8.3 - The Commission is seeking submissions on gaps or overlaps between land-use planning and building regulations that may act as barriers to adaptation.

Council acknowledges that it may be appropriate (where relevant) to incorporate building controls into either building codes (Queensland Development Code) or into local planning instruments (planning schemes). That is, planning schemes should deal with building design, habitable floor levels and the placement of buildings, whereas structural adequacy, use of flood resistant materials and construction techniques should be regulated by the Queensland Development Code.

Conversely, Council concedes that any overlap between local planning instruments and building codes may create uncertainty for building certifiers and lead to duplication in processes, creating additional costs and delays in the development application process. Moreover, if building design criteria were included in local planning instruments, there would be variation in building requirements and terminology across individual councils. Clear guidance is requested from the State Government.

Yours faithfully,

Chris Warren
Director
Strategic Planning and Direction