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Submission on Draft Sea Level Rise Policy Statement by the NSW Government

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Climate Change Australia was formed as a local community group to respond to climate change issues. We aim to raise community awareness and responsibility about climate change issues and impacts, to encourage everyone to conserve energy and water, to promote the increased use of renewable energy and to lobby all tiers of government to implement genuine and effective mitigation and adaptation measures to address climate change.

Thank you for the opportunity to comment on the NSW Government's Draft Sea Level Rise Policy Statement. The sea level rise benchmark and this statement on the Government's objectives and commitments to sea level rise have been long awaited.

Introduction

As recognised in the statement and accompanying technical note, global warming will result in significant impacts on low-lying coastal communities through:

- Sea level rise resulting from melting polar and glacial ice, and expansion of warming sea water.
- Increased flood levels resulting from those higher sea levels, and predicted increase in extreme weather events.
- Increased severity and frequency of storm surges associated with extreme weather events.

We believe that a strong policy setting must be put in place to meet this emerging crisis.

Unfortunately the Draft Sea Level Rise Policy Statement fails in this respect because it will not result in the introduction of strong, definitive measures (with the necessary supporting legislative backup) to protect low-lying areas from inappropriate development. Instead the statement only commits the Government to providing guidance and assistance to local authorities (which are then under no obligation to follow any advice) and relies on existing measures and volunteers to fix up the resulting mess.

The policy therefore does not assist in improving sustainability, particularly the consequences of today's planning decisions on future generations.

With this failure noted, we assess the Draft Policy Statement as it stands.

1 Projected Sea Level Rises

We have several reservations regarding the adopted future sea levels as presented in the Statement (page 1):

- The figures use the 2007 IPCC predictions as a starting point, although with added

consideration of accelerated polar ice melt and regional effects. The 2007 IPCC predictions are now largely considered to be overly conservative, compromised as they were by the influence of the Bush administration on US scientists. Ocean surface water is reportedly heating at a rate 50% greater than previously thought, and sea level rises are accelerating. Latest reports indicate that even the IPCC's upper projection of 59 cm is too low.

- Linear extrapolation of regional variations is used to extend existing models to 2100. Updated reports from around the world suggest that the phenomenon of sea level rise is occurring at an increasing rate, and so linear extrapolations are likely to conservatively predict levels below reality.
- While it is acknowledged that there remains significant uncertainty, the rounding down of the 2100 benchmark from 93 cm to 90 cm seems to be another misleading compromise to make the problem seem less serious.

The planning timeframe should be extended beyond 2100. As the Statement admits, "There is no scientific evidence to suggest that sea levels will stop rising beyond 2100 or that the current trends will be reversed". In fact, it is widely accepted that sea level rise may continue for centuries. The consequences of this are ignored in the Statement. Why has the Draft Statement not accepted the precautionary principle, and taken a longer term approach to coastal development?

2 Related NSW Government Initiatives

The list of related initiatives (page 2) includes outdated documents such as the 1997 *NSW Coastal Policy* (which reportedly remains current) explaining that it "aims to facilitate the development of the coastal zone in a way that protects and conserves its values".

We strongly believe that much of the coastal development currently being carried out cannot claim to be following "an approach to minimise risks based on ecologically sustainable development principles". Ecological sustainability and conservation of natural values, both mentioned as aims in the Statement, cannot be achieved by replacing natural coastal vegetation with resorts and urban residential developments, and allowing further in fill of low-lying flood-labile lands.

Further, ecological sustainability requires consideration of intergenerational equity. It is clear however from the Statement that the Government will not take a strong leadership role to minimise costs to future generations, resulting from current inappropriate developments.

Reference is also made to the *NSW Flood Prone Land Policy*, which is designed (we are told) to "reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property".

This policy requires urgent revision and replacement as it is application of this policy that has permitted the rezoning of land in West Yamba to be approved by Clarence Valley Council and then referred to the Minister for Planning. If approved by the Minister, this rezoning will allow urban and rural residential development to accommodate approximately 1100 homes on land that is barely one metre above sea level and currently floods on a regular basis.

In clear contradiction to what should be the intent of this Statement, but consistent with the *NSW Flood Prone Land Policy*, DECC has accepted the Floodplain Risk Management Plan which recommends filling the site to 50cm above the projected 1 in 100 year flood levels in 2090, and constructing a levee wall to Yamba Hill to allow evacuation.

The Statement is clear that "planning and investment decisions should ... consider the range of sea level rise projections over the life of the asset" (page 3). If the asset is a new suburb, housing between 2500 and 3000 individuals, what is its life? Is the history of the built environment in Australia a useful gauge or should we look to elsewhere on the planet where

houses and streets remain in use for many centuries? In the case of the West Yamba LEP amendment, the Floodplain Risk Management Plan has given the suburb a predicted life expectancy of less than 90 years, as if a community can somehow have a use-by date.

3 Supporting 'Appropriate' Coastal Development

The Statement tells us: "The *NSW Coastal Policy* and coastal regional strategies also require consideration of sea level rise", and presumably the benchmark of projected sea level rise that forms part of the Statement.

But how relevant is this consideration going to be when the Statement also asserts that "the benchmark is not intended to be used to exclude development of land projected to be affected by sea level rise"?

We are fundamentally opposed to the third principle stated on page 2 of the Statement. To be meaningful, the Statement should not be seen to 'encourage' any form of development without very clear guidance on what is 'appropriate'. We would prefer the Statement to state that inappropriate development will be prohibited on all land projected to be at risk from sea level rise, with a clear description of what may be appropriate (e.g. raising floor levels in existing houses and other flood mitigation works).

Governments should also be constructively working with councils to identify all land that is unsuitable for development.

Neither councils nor the Minister for Planning can be trusted to comply with the Statement's goal of ensuring that developments recognise and can appropriately accommodate the projected impacts of sea level rise. We doubt this would be feasible if attempted on a serious scale. Even the limited level of fill required for West Yamba's 90 year life has been estimated to be millions of tons, and there has been no consideration of where such a large amount of fill can be sourced or delivered in an environmentally acceptable manner. Ongoing filling of the floodplain has to be considered socially as well as environmentally unacceptable.

4 Emergency Support

Section 4 of the Statement explains that Government will continue to provide management support and that this support will continue to be coordinated by the State Emergency Service (SES). The Statement should recognise that this 'business as usual' approach may not be feasible, given the likely increase in the number of emergencies in the future and the reliance of the SES on volunteers to deliver the support on the ground. The SES is already lacking sufficient resources and trained personnel to address emerging problems from new development (this is understood to be the reason why the West Yamba Flood Plain Risk Management Plan has not been supported by a SES evacuation plan^{*}).

The fact that the Statement ignores that this will be an increasingly common problem into the future does not engender any confidence in the Statement's longevity.

5 Liability Issues

The Statement is clear in removing the Government from any financial liability for the loss of private property or damage to assets associated with sea level rise, even where assistance had been provided to reduce these impacts.

The question that naturally follows is: Who IS liable? Is it the developer (who won't be around in 90 years' time) or is it the determining authority that approves the development (which

^{*} When asked what strategies were in place to provide support in the event of a major flood of West Yamba, one SES worker is reported as to have said "We'll stand on the edge of Yamba Hill and toss life jackets to people as they float by".

probably would be the State Government, given that large scale developments in the coastal zone require the approval of the Minister for Planning). While it is agreed that coastal erosion and flooding are natural hazards, permitting the construction of new houses and other developments on lands subject to these hazards is a conscious decision by those in authority, and these bodies must be held responsible.

Levees and other structures built to reduce the impacts of sea level rise can also have impacts that must be acknowledged by those responsible for their design and construction. Often communities protected by these works become complacent about the hazards that are mitigated. The opposition of much of the Grafton community to evacuation attempts as the 2001 flood indicates how this level of complacency can reduce a community's preparedness to respond appropriately and quickly in emergencies. The State Government that permitted Grafton City Council to declare much of Grafton 'flood-free' – despite the levee's failure in the 1974 floods – should carry some responsibility for allowing this complacency to develop.

If the Government takes a strict stance on *caveat emptor*, then the information on how a property stands in relation to these hazards and the sea level benchmark – in the event of the failure of any levee banks or erosion barriers – MUST be included as part of any title search.

6 Assisted and Planned Retreat

The Statement fails to address one important issue of key concern to climate scientists, raised at the recent conference in Perth. Councils and communities need some leadership and support to provide for planned retreat in certain areas. The Statement admits that "the risks from coastal hazards are significant and are projected to increase with sea level rise". It is therefore worrying that the Statement does not clearly state that retreat may be necessary, list appropriate criteria as to when it should commence, and give direction as to how it may be achieved in a planned and orderly manner.

In Conclusion

While supporting the Statement's goal of assisting existing floodplain residents to adapt to sea level rise, Climate Change Australia cannot support a Policy Statement that effectively puts thousands, possibly hundreds of thousands, more lives at risk in the future by its ongoing support for what can only be described as inappropriate coastal and floodplain development.

We regret that we could not be more positive in our response to the Statement, but feel climate change impacts, particularly sea level rise, must be taken seriously. The Policy Statement's acknowledgment that sea levels may continue to rise beyond 2100 should trigger the precautionary principle, and ensure that current plans for coastal and floodplain development take a long term view, not assume that life expectancy of new communities and urban developments is less than 100 years. This Policy Statement should also clearly state the need for strong enforceable legislation to prevent inappropriate development that fails to meet ecologically sustainable principles.

Thank you again for the opportunity to comment.

Yours sincerely

John Edwards
Chairperson, Clarence Branch
30 March 2009