

3 April 2009

Mr Simon A Y Smith  
Deputy Director General  
Draft Sea Level Rise Policy Consultation  
Urban and Coastal Water Reform Branch  
Department of Environment and Climate Change  
PO Box A290  
SYDNEY SOUTH NSW 1232

By e-mail: [andrew.baron@environment.nsw.gov.au](mailto:andrew.baron@environment.nsw.gov.au)

Dear Mr Smith

## **Re: Draft Sea Level Rise Policy Statement**

The Urban Taskforce is a non-profit organisation representing Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

The Urban Taskforce has reviewed the *Draft Sea Level Rise Policy Statement* and identified some issues of concern. These issues are outlined below for your consideration.

### **1. Variability of sea level rise benchmarks**

It is apparent that other states have adopted sea level rise benchmarks that are different to those proposed in NSW. The argument is that these differing levels are to take into account "regional sea level rise". A review of the literature quoted in the draft policy statement to support such variation in benchmarks does in fact suggest that there are likely to be global variations in sea level rise. However, **the literature does not properly support a variation in sea level rise between states along the eastern seaboard of Australia.** Furthermore, it is noted that the study referred to in the draft policy statement, found that

predictions for the two locations, which are located on the far north coast and south coast of NSW respectively, do not significantly differ from each other, it is likely that similar ranges of changes of swell and storm wave parameters may be applicable to coastal locations that lie between Wooli and Batemans Bay.<sup>1</sup>

This raises some significant questions on the variation of benchmarks between states and definitely between local government areas. **It seems that while there may be global variation, local variation may not be as significant as we have been lead to believe.** The literature referred to within the draft Sea Level Rise Policy Statement certainly does not explain why Victoria is able to adopt a benchmark of 80 cm to 2100 as opposed to NSW's suggested benchmark of 90 cm to 2100. Nor does it explain why South Australia has a 30 cm benchmark by 2050, but a 40 cm benchmark is proposed for NSW.

In Queensland the Gold Coast City Council engaged the CSIRO to develop a sea level rise benchmark for its local area. This Council now requires developers to make an allowance for a sea level rise of 27 centimetres over the next 50 years.

We are alarmed that NSW's proposed benchmarks are well in excess of comparable measures set by other Australian jurisdictions. In the absence of a clear and unambiguous explanation to support significant variation in benchmark **NSW's 2100 should be set at 80 cm and the 2050**

<sup>1</sup> McInnes, K.L., Abbs, D.J., O'Farrell, S.P., Macadam, I., O'Grady, J. & Ranasinghe, R., 2007, Projected changes in climatological forcing for coastal erosion in NSW. A project undertaken for the Department of Environment and Climate Change NSW, CSIRO Marine and Atmospheric Research, Victoria.

**benchmark should be set at 27 cm.** However it would be preferable for the NSW Government to make available to stakeholders peer reviewed scientific information which justifies *any* proposed benchmarks relative to the benchmarks adopted by Australian jurisdictions outside of NSW. The Urban Taskforce may also make a further submission on this point.

## **2. Application of sea level benchmarks must be linked to the life of the asset.**

If the predictions are correct, sea level rise will likely have a gradual impact on coastal areas over the next century. While the impacts in some locations may be significant, the impact will nevertheless occur gradually over time. The timeframes being considered far exceed the effective operational life of the asset protected. This means a balanced and measured approach to setting benchmarks is essential. It is important to set a benchmark that reflects the life of the asset. For instance, it would be a grave mistake to consider a sea level rise as an immediate impact requiring the sterilisation of vast tracts of coastal land today even though the actual impact will not be felt for many years in the future.

**The most appropriate means of achieving a balanced approach to setting a benchmark applicable to the asset life is to set a medium term sea level rise benchmark** (for instance - year 2050 – 40cm rise). This approach would be commensurate with the general life of assets in these locations, including infrastructure and housing servicing coastal communities.

This benchmark could be reviewed periodically and adjusted as the need arises.

We understand that in the absence of state and/or national guidance, some local governments are considering adopting the worst case, long term predictions (year 2100 – 90cm rise) and using these as a means to severely restrict and in some cases serialise coastal land. This is a clear example of short-sighted planning which shows little regard to a strategic, risk management approach to coastal development.

## **3. Clear guidelines for local government are urgently needed**

Because there are no, adopted state or national guidelines applicable to development potentially affected by sea level rise, some well intentioned, but poorly advised and misguided local councils have set about developing their own policies. Individual councils, if permitted to act on their own, the result could be policy inconsistency between local government areas.

Of greater concern is that local councils are applying their own benchmarks to strategic planning and to the assessment of development proposals without adopting a risk management approach and/or little regard to the economic impact of their decisions.

Even the Planning Institute of Australia (PIA) acknowledges that

the planning professions did not readily incorporate risk assessment methodology into their work and generally worked with minimal or no risk assessment.<sup>2</sup>

Local Councils, such as Lake Macquarie Council, provides a good example of the need for uniform and consistent policy. In the absence of national or state policy, the Council has taken it upon itself to use available information to develop its own sea level rise benchmark. This Council has seen fit, whilst “erring on the side of reasonable caution” to adopt a 0.91m rise by the year 2100 and based on this prediction has set about preparing local planning policy.<sup>3</sup> Council's policy has the ability to significantly restrict the development potential of land and shows that a risk management philosophy has not been adopted. Furthermore, the economic impact of Council's policy has not been properly considered.

It is interesting to note that Council's approach to this complex matter seems to be driven mostly by the desire to limit Council's liability and exposure to claims for compensation, than strategically responding to an environmental risk.

<sup>2</sup> Planning Institute of Australia, 2008. *Submission to the House of Representatives Inquiry into Climate Change and Environmental Impacts on Coastal Communities*. 2 June 2008. pp. 11

<sup>3</sup> Lake Macquarie Council, 2008. *Planning Levels and other adaptation responses to Sea Level Rise and Climate Change*. Report to Council by Coordinator Floodplain Management and Climate Change Adaptation -Greg D Jones & Strategic Planner - Trevor Prior. Folder No: F2007/00650.

To avoid poor planning policy and unwarranted restriction on development, including the sterilisation of coastal land, **government must develop consistent policy based on a foundation of risk management to guide local planning.**

**4. Land currently supporting urban development or land identified for future urban development must not be sterilised**

Adaptation to the impact of climate change such as sea level rise must be robustly investigated and **industry should be offered some flexibility in how it responds to anticipated sea level rises.** In this regard, local councils must not be permitted to demand adaptation strategies without consideration of the project viability. For instance, it is not satisfactory for a local council to place a blanket ban on land filling in low lying areas. In some instances this may be an appropriate means of protecting residential development from flood and/or removing developable land from the 1 in 100 year flood level.

In cases such as this, by prohibiting land filling, Council is effectively sterilising land that is zoned for urban development or already identified for future urban development. It is understood that Lake Macquarie Council may be moving towards the adoption of such a policy.

Council's resistance to land filling as an adaptation strategy prevents economically responsible use of developable land. **There should be no blanket ban on land filling in low lying areas.**

These comments are offered to encourage constructive dialogue between government and the development industry and we ask that you accept these comments as our contribution to the policy process. We ask that you carefully consider the contents of this correspondence and make amendments to the draft policy as appropriate.

We are always able to provide a development industry perspective on planning policy and we would welcome the opportunity to meet and discuss these issues in more detail.

Yours sincerely

**Urban Taskforce Australia**

A handwritten signature in black ink that reads "Aaron Gadiel". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the bottom of the name.

Aarón Gadiel  
Chief Executive Officer