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RE: Draft Planning Circular – Section 149 Planning Certificates

The following comments concerning the Draft Planning Circular in relation to Section 149 Planning Certificates are submitted by the National Sea Change Taskforce Inc. The Taskforce is an incorporated association of local government authorities in coastal areas of NSW and other states that was formed in 2004 to assist coastal councils and their communities deal with coastal pressures such as rapid population growth, increasing tourism demand and coastal erosion.

The proposed guidance in relation to Section 149(5) Planning Certificates states that *‘if information is not sufficiently accurate, complete and reliable, as supported by a competent process of assessment, then the information should not be included in a Section 149(5) planning certificate’*. Several questions that arise in relation to this proposed guidance are outlined as follows:

- What information concerning exposure to future coastal hazards would be considered to be sufficiently reliable for a council to apply?
- What process of assessment is to be applied to test whether such information is sufficiently reliable?

The proposed guidance in the circular goes on to state that *‘if the information is considered to be sufficiently reliable then information should be included that alerts the reader to the known information’*. The questions that arise in relation to this proposed guidance are as follows:

- What process is proposed to be put in place to enable a council to check whether the information concerning the exposure of the land to future coastal hazards is sufficiently reliable?
- Will councils be expected to make such determination concerning whether the information is sufficiently reliable? If so, on what basis and by whom is that determination to be assessed to check whether it is sufficiently reliable?

In the media release concerning the Draft Planning Circular, issued on Thursday 30 January, the Minister for Environment, Robyn Parker MP, is quoted as stating that:

“The NSW Government has also invested in a Climate Change Adaptation Research Hub, which includes a Coastal Processes and Responses node.”

“The Coastal Processes and Responses node is charged with providing the best and most up-to-date scientific information on a range of coastal issues that will help local communities and councils in coastal zones to undertake risk management and adaptation responses in the coastal zone.”

The Climate Change page on the Climate Change Adaptation Research Hub url (accessed on 26 February 2014) provides the following guidance concerning projected future sea level rise:

Projected future sea level rise

The Intergovernmental Panel on Climate Change (IPCC) has developed a range of sea level rise projections, with the lowest projection effectively being a continuation of the current rate of observed sea level rise.

Further information on sea level rise projections is available from:

The IPCC fourth assessment report

The CSIRO Centre for Marine and Atmospheric Research

Antarctic Climate and Ecosystems Cooperative Research Centre

We therefore seek confirmation that these sources represent the ‘*best and most up-to-date scientific information*’ for councils seeking information on projected sea level rise when ‘*examining the science involved in coastal hazards*’.

If these sources are not considered to represent information that is *sufficiently accurate, complete and reliable* in relation to this matter, what other sources are considered to be *sufficiently accurate, complete and reliable* for the purposes of assessing the risk of exposure to future coastal hazards?

Summary

It is clear from the guidance provided by the Climate Change Adaptation Research Hub that the information on projected future sea level rise in the IPCC fourth assessment report is the *best and most up-to-date scientific information* on this matter currently available.

On behalf of our NSW member councils we therefore seek to confirm that this information is considered the most relevant scientific information currently available on projected sea level rise and is appropriate to be used by coastal councils for considering Section 149(5) Planning Certificates when dealing with land that may have an exposure to future coastal hazards.

If so, councils could base their assessment of the land’s exposure to future coastal hazard on the IPCC fourth assessment report, having made any adjustment for local land characteristics that may be required. This approach would provide coastal councils with

a cost effective means of complying with the requirements of the planning circular on Section 149 planning certificates.

If the information in the IPCC fourth assessment report is not considered sufficiently reliable then NSW coastal councils request guidance from the State government on what source of scientific information on projected future sea level rise is considered sufficiently, complete and reliable.

In the absence of any such guidance the proposal in the Draft Planning Circular that councils distinguish between 'current and future hazards' on Section 149 certificates has the potential to result in relevant information about future risks affecting the land being withheld from prospective purchasers, placing them at potential risk of financial loss and physical injury.