

CLIMATE CHANGE READINESS (COASTAL PLANNING AND PROTECTION) BILL 2013

Hon Lynn MacLaren MLC

Second Reading

I move that the Bill now be read a second time.

The coastal region of Western Australia is home to approximately 80% of the State's population, and much of it is highly vulnerable to the impacts of climate change. The Bill provides for the regulation of planning, development and management in the coastal zone in readiness for the impacts of climate change.

The question of what may be the most effective method of regulating state coastal planning in readiness for the impacts of climate change has been on the Greens' agenda for many years. My own experience as an activist campaigning for better planning outcomes following the sale of the railway marshalling yards for urban development at Leighton Beach in 2001 taught me firsthand of the shortcomings of our planning system at that time. Subsequently, I have keenly observed the legislative responses to climate change of the other states in Australia and realised that Western Australia is lagging behind.

About 18 months ago as the GreensWA spokesperson for planning, I released a discussion paper on this matter to a diverse group of stakeholders – geomorphologists, consultants, academics, NGO groups, planners, local governments and lawyers – who have an interest in the forward planning and management of the coastal zone. On the basis of the invaluable feedback provided in response to the discussion paper a draft bill was produced that was subjected to further consultation. Further amendments were made and finally, during the [38th] session of Parliament on 29 March 2012, in this House I moved that the *Climate Change Readiness (Coastal Planning and Protection) Bill 2012*, being a Bill for an Act to provide for planning and development in the coastal zone, the management of the coastal zone, and for related purposes, be introduced and read a first time.

That was the Green Bill, a draft for a third round of consultation that was even more rigorous than the first two. I am pleased to say that most of the stakeholders with whom I consulted were generally supportive of the Bill, and made numerous constructive suggestions. A substantial amount of the feedback we received was incorporated into the Bill and it was introduced and read for the first time on 29 November 2012.

Since then we have of course had a state election and entered a new session of Parliament. I was therefore pleased to introduce the *Climate Change Readiness (Coastal Planning and Protection) Bill 2013*. There are some minor but important changes that have been made to the Bill that is now before you for consideration, and these are covered in detail in the explanatory memorandum.

The most significant change is to the definition of ***coastal compartment***. In coastal geomorphology, a coastal compartment is a component of the geological framework of the coast. The definition of ***coastal compartment*** in the bill now recognises that coastal compartments occur at different scales and accordingly it provides definitions of primary, secondary and tertiary coastal compartments.

This distinction is important because the bill provides that a vulnerability assessment must, in due course, be prepared for the whole of the WA coast, but not every assessment needs to be at the same scale. So for example, in the Perth area where the coast is heavily developed, the vulnerability assessment needs to be prepared in greater detail (that is, at the tertiary level) than in a remote area where development is sparse or non-existent, where an assessment at the larger scale (primary level) may be appropriate. The level at which the vulnerability assessment is prepared will then guide local governments as to the level at which local management and local adaptation plans should be prepared for coastal zones within their jurisdiction. This change was introduced in response to feedback provided by a local government through WALGA.

The time to act is now. Scientific evidence is telling us clearly that the climate is changing, and the impacts of climate change at a local level are well documented. Scientific predictions for Australia over the coming decades indicate that our most populous regions will be affected by fluctuating temperatures, rising sea levels, more frequent and intense storms, increased aridity and flooding.

The Climate Commission, established specifically to provide all Australians with an independent and reliable source of information about the science of climate change, has provided very clear analyses of how climate change is playing out in Western Australia. On June 17th 2013 they launched their 26th report 'Critical Decade 2013 It states that many consequences of climate change are already evident. The risks of further climate change are also better understood.

While extreme weather events have always occurred naturally, the global climate system is hotter and wetter than it was 50 years ago. In Australia, the influence of climate change on extreme weather events is clear. More intense weather events pose serious risks to our societies and natural ecosystems.

Quoting directly from Critical Decade report updated this year:

Northwest Australia has experienced a significant increase in the frequency of heavy rainfall events.

Sea-level rise poses serious risks to Australia's coastal infrastructure by increasing the risk of flooding from storm surges and high tides (Figure 1). The combined value of commercial, light industrial, transport and residential buildings at risk from a sea-level rise of 1.1 m was valued at approximately \$226 billion (2008 replacement value), with exposure highest in Queensland in terms of both replacement value and total number of properties and infrastructure.

The Climate Commission's presentation, *Impacts on Western Australia*, listed eight direct threats. Four of these – bleaching of iconic reefs, beaches eroding, rising sea levels and coastal flooding – directly concern the mitigation efforts we must put in place for our coastal regions. The other four – higher temperatures, declining rainfall in the south west, water supply risks and threats to rare species – would all benefit from mitigation efforts aimed at reducing our carbon footprint.

We can pretend it's not happening or that it's not our problem, or we can act now to mitigate and adapt to these impacts. This Bill is the Greens' response to that pressing call to act now.

The Bill seeks to codify 4 important principles:

- planning decisions should be based on the most up-to-date climate science to protect vulnerable biodiversity hotspots, natural environments and recreational values of the coast;
- planning decisions should be able to accommodate the effects of the changing coastal environment on our urban infrastructure and the impacts of our urban infrastructure on the coastal environment, in order to protect both;
- local governments are fundamental to the implementation of good planning decisions. They need to have in place proactive adaptation and management strategies that adopt principles of adaptive management to be flexible enough to accommodate updated climate projections;
- planning decisions must reflect the precautionary principle, that the avoidance of future risk is the most cost effective adaptation response, particularly where development has not yet occurred.

The Bill is intended to work in conjunction with an updated *State Coastal Planning Policy 2.6 and Guidelines*, drafts of which were recently released for public comment. The Bill provides the contemporary planning law that is needed to address climate change, and SPP 2.6 will provide the policy foundation and framework that will support the Bill. In line with SPP 2.6, a projected rise in global mean sea level of 0.9m by 2110 has been adopted for the purposes of the Bill. The Environmental Protection Authority has the responsibility for keeping climate science up to date and to notify relevant public authorities of changes. There are regular reviews embedded in the Bill to accommodate updated climate science projections.

SPP 2.6 and the associated policy guidelines are largely consistent with the Bill's requirements to provide guidelines for the development of the WA coastal plan and local coastal plans. The fundamental difference is that the Bill's provisions would have legislative effect, while most of the policy measures in SPP 2.6 promote good practice but are not mandatory. In many respects the Bill also goes further than SPP 2.6, in guiding coastal climate change adaptation and management by local governments, and giving clear legislative direction to important planning decisions that protect human settlements and ecological communities from coastal hazards that are being exacerbated by climate change.

There is a planning gap in the existing planning regime as it applies to WA's coastal zone. The Metropolitan Region Scheme is the predominant planning scheme for land use in Perth and sets the framework for land use and development in the metropolitan area. The Peel Region Scheme is the key planning scheme that guides land use in the Peel Region, including the local government boundaries of the City of Mandurah and the shires of Murray and Waroona. The Greater Bunbury Region Scheme covers the City of Bunbury and the shires of Harvey, Dardanup and Capel. Neither the region schemes, nor the statutes mentioned, specifically contemplate the vulnerability of the Western Australian coast to the impacts of climate change.

The Bill plugs that gap by providing that over a specified period, a vulnerability assessment must be carried out, firstly for developed areas of the coast, but ultimately for the whole coast. Based on the vulnerability assessment, a WA coastal plan will be prepared. The plan will identify the coastal zone and include a map showing the coastal compartments and sediment cells comprising the coastal zone. It will also identify the "transition zone", which is the area of the coastal zone most likely to be vulnerable to adverse impacts of a coastal hazard, either current or future.

Under the Bill, each local government (or other controlling body) of land in the coastal zone must prepare an adaptation plan and a management plan (each a “local coastal plan”) to ensure integrated management for the protection of the environmental, social, cultural and economic values of the coast. The WA coastal plan sets out adaptation and management principles, guidelines and measures for the coastal zone which give direction to the local coastal plans that must be prepared by local governments.

The WA coastal plan must be developed in consultation with the public and have regard to Aboriginal Traditional Owners’ distinct cultures, identities and connections to land and sea.

The Bill regulates development in the transition zone. The only development permitted in the transition zone is:

- **exempt development**, which is essentially minor changes to existing developments or essential services infrastructure; and
- **short term development**, which is essentially development for public use that by its nature needs to be close to the coast and is capable of being abandoned, if necessary, without significant impact on the transition zone.

Under the Bill it may be possible to obtain development approval for marinas but significant canal developments such as that proposed at Point Peron would be prohibited.

The remainder of the Bill includes the following provisions:

- Memorials on title must be placed on land within the transition zone;
- Where development in the transition zone is damaged by the impact of a coastal hazard, the WAPC may cause a coastal protection notice to be given requiring the owner, occupier or other person to remove the development and restore the land to its previous condition;
- A land surrender condition for coastal management purposes may be applied to approvals for subdivision or amalgamation of lots within the transition zone;
- The Bill affords protection to **protected persons** (as defined) for anything done in good faith in the performance or purported performance of a function under the Bill;
- no compensation is payable in respect of land that is injuriously affected by the making or amendment of the WA coastal plan or a local coastal plan; and
- the Coastal Planning and Coordination Council will be reactivated to advise the WAPC on matters relating to coastal planning and coordination throughout the State and to fulfil certain functions as set out in the Bill.

In conclusion I would like very briefly to refer to the World Bank report released last year entitled *Turn Down the Heat: why a 4% warmer world must be avoided*. The report reminds us that scientists are nearly unanimous in predicting a 4% warmer world by the end of the century, without serious policy changes. I can do no better than to quote a few cautionary words from the report:

“The 4°C scenarios are devastating: the inundation of coastal cities; increasing risks for food production potentially leading to higher malnutrition rates; many dry regions becoming dryer, wet regions wetter; unprecedented heat waves in many regions,

especially in the tropics; substantially exacerbated water scarcity in many regions; increased frequency of high-intensity tropical cyclones; and irreversible loss of biodiversity, including coral reef systems.

And most importantly, a 4°C world is so different from the current one that it comes with high uncertainty and new risks that threaten our ability to anticipate and plan for future adaptation needs.

The lack of action on climate change not only risks putting prosperity out of reach of millions of people in the developing world, it threatens to roll back decades of sustainable development.”

I commend to you this small contribution that we can make, here in Western Australia, to the serious policy changes needed to avoid the consequences of doing nothing, so clearly outlined in the World Bank report.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It will not ratify or give effect to an intergovernmental or multilateral agreement to which the government is a party, nor will it, by reason of its subject matter, introduce a uniform scheme or uniform law throughout the commonwealth.

I hereby table the Explanatory Memorandum and commend the Bill to the House.