

CLIMATE CHANGE READINESS (COASTAL PLANNING AND PROTECTION) BILL 2012

Introduction and First Reading

Bill introduced, on motion by **Hon Lynn MacLaren**, and read a first time.

Second Reading

HON LYNN MacLAREN (South Metropolitan) [10.10 am]: I move —

That the bill be now read a second time.

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 laws throughout the commonwealth.

The PRESIDENT: Order, members! There are lots of very audible conversations and lots of movement around the chamber. Members should give their attention to the business before the house, which could be important.

Hon LYNN MacLAREN: Thank you, Mr President.

The coastal region of Western Australia is home to approximately 80 per cent 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 agenda of the Greens (WA) for many years. My 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 the shortcomings of our planning system at that time. Subsequently, I have keenly observed the legislative responses of other Australian states to climate change and realised that Western Australia is lagging behind.

About 18 months ago, as the Greens' planning spokesperson, I released a discussion paper on this matter to a diverse group of stakeholders—geomorphologists, consultants, academics, non-government organisations, planners, local governments and even 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, on 29 March 2012 I moved, in this house, 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 rounds. 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 has been incorporated in the bill. I note that while it was suggested that we might pursue these changes by amending the Planning and Development Act 2005, time constraints have dictated that we introduce the bill in this stand-alone form.

The time to act is now. Scientific evidence is clearly telling us 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. We can pretend it is not happening or that it is 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 four 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, and 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; and, 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 0.9 metres 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. Regular reviews are embedded in the bill to accommodate updated climate science projections. Only this week we have heard that those projections are being updated today in Doha.

SPP 2.6 and the associated policy guidelines are largely consistent with the bill's requirements to provide guidelines for the development of the Western Australian coastal plan and local coastal plans. The fundamental difference is that the bill's provisions will 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 will plug that gap by providing that over a specified period, a vulnerability assessment must be carried out—firstly for developed areas on 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 will set out adaptation and management principles, guidelines and measures for the coastal zone which will 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 earlier this month entitled “Turn Down the Heat: Why a 4°C Warmer World Must be Avoided”. The report reminds us that scientists are nearly unanimous in predicting a 4°C 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 members this small contribution we can make here in Western Australia to the serious policy changes needed to avoid the consequences of doing nothing, as so clearly outlined in the World Bank report.

In closing, I want to express my appreciation to those who assisted in preparing this bill: my research officer Dinny Laurence, whose complete dedication to this task has brought it to this point; and, for their research and assistance with consultation, thanks to Cameron Poustie, Carolyn Hoffmeister, and Professor Laura Stocker. There are many others who participated, and I thank them too. I commend the bill to the house.

The PRESIDENT: Hon Lynn MacLaren, do you wish to table an explanatory memorandum with that bill?

Hon LYNN MacLAREN: Yes, Mr President; I table the explanatory memorandum at this time.

[See paper 5436.]

Debate adjourned, pursuant to standing orders.