



30 March 2009

Draft Sea Level Rise Policy Consultation  
Urban And Coastal Water Reform Branch  
Department of Environment and Climate Change NSW  
P O Box A290  
Sydney South, NSW 1232  
By email: [andrew.baron@environment.nsw.gov.au](mailto:andrew.baron@environment.nsw.gov.au)

Dear Sir/Madam,

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

Thank you for the opportunity to contribute to this consultation. The Southern Sydney Regional Organisation of Councils (SSROC) supports the establishment of a Sea Level Rise Policy and the benchmarks that it contains, and offers the following comments on the draft statement.

1. Sea Level Rise Benchmarks

It is very helpful to have benchmarks identified, as they will enable Councils to adopt a reasonably consistent planning approach.

SSROC agrees that it will be necessary to review the benchmarks periodically, as more evidence of the accuracy of predictions is gathered, and more sophisticated and robust models are developed. Although changing the benchmarks would be undesirable, SSROC agrees that revisions should be made if the benchmarks prove to be inappropriate in the future.

2. Issues Needing Clarification

- a) Councils have in the past played a major role in development and associated approvals, regulation and planning. They have led local communities in activities that have contributed to climate change, and played a key role in activities and works that it now appears likely will be affected by climate change and sea level rise. It seems that decisions made in the past might now be open to review and challenge on the basis that the effects of climate change, including sea level rise, should have been taken into account e.g. *Gray v Minister for Planning*.

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Issues such as the appropriateness of zoning in coastal or flood-prone areas, the adequacy of structures such as sea-walls, boat ramps and jetties, and the responsibility to preserve natural coastal and estuarine environments could be open to challenge in the future. The establishment of benchmarks for future use in this planning context, while welcome, also signals that sea level rise is now “real” and a consideration that must be taken into account. Clarification is therefore needed as to:

- the point in time at which it became “real” and from which it should have been considered in planning processes
  - the nature of councils’ liabilities in respect of failure to consider, or inadequate consideration of sea level rise in the past and in the future, including in the event of any future change to the benchmarks
  - obligations of councils and State Government to mitigate the global warming that is driving sea level rise by reducing their carbon emissions or achieving carbon neutrality in their operations and/or LGAs
  - the process for accommodating any future changes to the benchmarks.
- b) The draft technical note that outlines the scientific basis of the benchmark is helpful in explaining how the levels have been set. Similar material in relation to mechanisms for monitoring the appropriateness of the benchmarks in future would be useful. For example, the sea level is not expected to rise equally around the world, or around the country: are there plans to monitor local variations and perhaps to accept local feedback as to actual rises? Will local government have a role in this?
- c) Further clarity as to the role of the State Government in detailed assessment of specific local threats would be welcome. The effects of rising sea levels are complex, with variables including the tides, coastline, climate and weather. The modelling required to assess the impacts with any degree of scientific rigour is consequently also complex, as well as time-consuming and beyond the capacity of most councils to deliver. Will the NSW Government take on detailed modelling of changing sea levels and the impacts, or will this be the responsibility of councils?
- d) The policy is explicit in its rejection of future obligations to reduce the impacts of coastal hazards and flooding caused by sea level rise on private property. Can councils assume the same lack of obligation in this regard?
- e) The policy indicates that funding assistance will be provided to councils to identify areas at risk from “coastal flooding and coastal hazards”. The term “coastal” needs precise definition in this context. For example, if it refers to the area 1 km landwards from the western boundary of the State and excludes Botany Bay and Sydney Harbour, then it is far from adequate for the SSROC region, which borders on both the Bay and the Harbour and includes rivers with tidal zones that extend far further inland than 1km. For the purposes of this policy, “coastal” needs to embrace the whole area that will be directly affected by rising sea levels.

### 3. Guidance Needed

- a) SSROC supports the adaptive approach based on managing risk, which the policy promotes. Guidance would be needed as to the conditions under which it would be acceptable for a council to retreat from rising sea levels rather than attempt to adapt. For example, a coastal environmental reserve that relies upon periodic inundation would require expensive defences that would not guarantee success: it might be preferable to surrender the reserve and deploy the time and money saved elsewhere. At what point could a risk be considered unmanageable, and the loss of an asset acceptable?

- b) Modelling sea level rise in order to assess risk is probably the most robust technique that is available for planning, and the difficulty for Councils developing such models has been noted. But any model is only a representation of a scenario, and the usefulness of the model depends upon the accurate and consistent interpretation of variables. It would be helpful for Councils if guidance included some means of assessing the reliability of modelling – this would assist Councils planning to execute their own models, to commission a model, or to make use of an existing model.
- c) Guidance will be required as to the extent of the area to which the policy and the benchmarks apply. The policy refers to the coastal zone in the context of the NSW Coastal Policy 1997, but is not explicit in applying that definition to the Sea Level Rise Policy itself. In any case, the definition of “coastal zone” in the Coastal Policy is limited, and may well be inappropriate as rising sea levels change the western boundary of our coastal waters.
- d) Sea level rise will also affect rivers to some extent. The tidal zones of the Georges River and Cooks River, for example, extend 50 km and 11 km respectively inland. Guidance as to how sea level rise affects these and other rivers will be required.

#### 4. General Observations

Councils need support to conduct their own adaptation planning exercises, as well as guidance. Support could be in the form of expertise and advisory services, as well as in the form of funding to enable Councils to obtain the requisite expertise. Some aspects of planning for climate change – such as modelling the effects of sea level rise – are highly technical tasks that require specialist skills, knowledge and tools, which are not available within Councils.

From the perspective of Councils, planning for sea level rise is not a standalone exercise. The Sea Level Rise Policy Statement will provide very valuable input to Councils’ planning processes, and the setting of the benchmarks in particular is key. However, sea level rise is but one input to planning, so the policy should not assume that plans will be developed to address this change exclusively. Other factors that influence planning processes include the State Plan and the Metropolitan Strategy, the day-to-day needs of our communities, and the financial sustainability of councils as well as other aspects of climate change such as rising temperatures and the increasing frequency and severity of extreme weather events. While SSROC understands the need for the Sea Level Rise Policy, it suggests that the policy should acknowledge the broader planning context within which rising sea levels have to be accommodated.

Modelling is critical in assessing the risks of rising sea levels, and is a complex and potentially expensive exercise and additional funding will be required. Adaptation actions based on risk assessments will only be effective if the risks are accurately assessed and then reassessed as influencing factors change or more information becomes available. Failure to develop robust modelling will result in inadequate and possibly flawed planning for adaptation.

The draft policy states that funding would be provided for coastal protection for works prioritised by public safety, protecting valuable publicly owned assets and then public land. SSROC broadly supports these priorities assuming that the term “coastal” is sufficiently broad (see 2 e) above), and that

- public safety includes public health
- publicly owned assets includes biodiversity/environmental assets as well as built infrastructure.

## Conclusion

SSROC appreciates the opportunity to comment on the draft Sea Level Rise Policy Statement, and hopes that the above comments will be useful to the next revision and the development of supporting guidelines. We would ask for a further consultation on the policy to be conducted when the guidelines are in development or drafted.

Yours sincerely,

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Southern Sydney Regional Organisation of Councils