



31 March 2016

Our Ref: MB/
File No.:

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To Whom It May Concern,

Tasmania's Draft Climate Change Action Plan 2016-2021

The Local Government Association of Tasmania (LGAT) welcomes the opportunity to comment on Tasmania's Draft Climate Change Action Plan 2016-2021 ("the Plan"). LGAT broadly supports the key actions identified within the Plan, and offers the following further comments for consideration.

Context

LGAT is the representative body of Local Government in Tasmania and incorporated under the Local Government Act 1993, with membership comprising all 29 Tasmanian councils.

The Association recognises the importance of climate change issues to the community and to Local Government. Tasmanian councils have been responding to the challenges posed by climate change for a number of years with both mitigation and adaptation strategies being implemented in and across municipal areas within the State. The Association supports these activities through coordinating the sharing of information, identification of priority areas, and the development of partnerships across government and industry.

The Local Government Association of Tasmania ('LGAT') is aware that some councils have made direct submissions in relation to the Plan; any omission in this submission of comments that councils have made directly should not be viewed as lack of support by the Association for that specific issue.

General Comments

The LGAT broadly welcomes and supports the Plan and the actions outlined within the document, acknowledging that these proposed measures are geared towards supporting Tasmanian industries, businesses and communities to respond constructively to the likely effects of climate change. The Plan articulates the need to identify both opportunities and challenges in order to enhance prosperity and resilience; this is seen as an important measure in bringing stakeholders along in what is a complex and sometimes confronting conversation and this focus within the document is well regarded.

The LGAT supports an integrated, collaborative approach to addressing climate change associated risks. Feedback from the sector has included a suggestion that the Plan could be improved by strengthening references to linkages and support mechanisms for Local

Government. As articulated within the document, Local Government plays a critical role in supporting liveability in cities and towns, and preparing the community for future change. It is widely accepted that climate change will be experienced largely at a local level and as a result councils will continue to play a significant role in assisting communities to act in response to climate change. Local planners, resource managers, and emergency managers are familiar with the risks posed by climate change. Council operations, systems and processes are continually evolving and developing to deal with aspects of council business that may be affected by climate change events and trends.

Whilst acknowledging that the Plan essentially steps out the State Government's proposed high level actions for addressing climate change over the next five years, it is imperative that State and Local Governments continue to work together to plan for and manage climate related risks, and to show leadership and direction to communities and the private sector. We welcome the Government's stated intent to work in partnership with Local Government to develop a joint climate work program to ensure action is coordinated and complementary across both levels of government. The LGAT looks forward to engaging and assisting with the progression of this action as appropriate.

Specific Responses

What practical actions should we prioritise over the next five years in our response to the issue of climate change?

- Provision of relevant, high quality information

A driver of effective planning and decision-making is the availability of relevant data-sources and tools. Local Government needs a central point of contact to be able to access hazard information and to assure the quality and applicability of that information, and is certainly not in a position to adequately resource the research and analysis of such information within the sector itself. The provision of such information is considered to be the responsibility of Commonwealth and State Governments. In the context of the Plan, it is anticipated that the Tasmanian Government will provide the appropriate jurisdictional policy framework and necessary underpinning information with which good decisions can be made.

The centralised coordination of hazard data and consistency of methodologies and communication will facilitate improved application at the Local Government level and provide greater confidence within communities that the responses from government to climate change risks are appropriate. Such information needs to be of a detail and scale that is capable of supporting decision-making at the local level.

In Tasmania, Local Government has benefitted from the work conducted through the Climate Futures for Tasmania (CFT) project, which provides detailed climate change projections at a local scale. Continued support of programs of this nature, and advocacy for the scientific organisations responsible for such work e.g. the CSIRO, NCCARF, will be invaluable to ensuring that governments are in a position to execute good decision making in the future, particularly in the context of undertaking a risk management approach to future climate impacts.

- Collaborating with and supporting Local Government

There is a strong history of collaboration between State and Local Governments in this State, with significant and successful recent climate change projects including the

Tasmanian Coastal Adaptation Decision Pathways Project (TCAP) and the Regional Climate Change Adaptation Project (RCCAP). These projects evidence the progress that can be made when levels of government work together to achieve mutually agreed outcomes.

Whilst the collective efforts to date are applauded, further resourcing is required to support councils and enable them to implement appropriate corporate strategies, plans and governance structures to address climate risks, as well as to support their communities to come to terms with the likely impacts of climate change and to implement and necessary adaptation and mitigation measures. To this end, LGAT members have expressed strong support for proposed actions that enable progression in this space, including:

- assessing the latest policy projections;
- preparing for climate extremes and managing emergency responses; and
- managing climate impacts to enhance liveability.

Local Government needs to be supported in its adaptation role and councils require sufficient resources and capacity to carry out their obligations; in this regard greater guidance and support in the form of funding and information is required from both the State and Federal Governments.

It is important to acknowledge the variation of capacity within the Local Government sector to apply resources to the adaptation and mitigation agendas. The disparity between larger and smaller, urban and rural councils has been cited on numerous occasions previously as a rationale for seeking assistance from other levels of governments towards climate change planning and action at the Local Government level.

What targets, both legislated and policy driven, should Tasmania adopt in pursuing our greenhouse gas abatement effort?

Councils have for a considerable time now been actively working to reduce organisational carbon footprints through a range of measures including energy efficiency initiatives and renewable energy projects. Mitigation has been a key focus alongside adaptation and the sector is continually improving in this regard.

The LGAT supports continued legislative and policy driven objectives, noting that through the *Climate Change (State Action) Act 2008*, Tasmania is the only State that has legislated targets for emissions reduction. This support is provided in the context that these measures are developed and informed by science and account for social, economic and environmental considerations.

How can our natural advantages best be used to maximise Tasmania's contribution in the effort to combat climate change?

Tasmania is renowned for its 'clean, green' image. The State does indeed have numerous natural advantages that should be capitalised upon in order to combat climate change. However the recent disruption to the Basslink power cable and the low water storage levels in the State's dams have led to a significant level of concern regarding energy security. In acknowledging our inherent advantage in terms of natural renewable energy resources, it is important to also recognise the volatility and uncertain weather patterns that will continue to occur as a result of climate change and to seek to identify actions across the State that will increase long term resilience.

It is acknowledged that Tasmania's cool climate will provide a level of buffering to the more severe climate impacts that are likely to be experienced in other parts of Australia. The State has considerable potential around its wind, solar, tidal and geothermal resources that could provide a diversified energy portfolio and a broader level of energy security. Exploration of the opportunities afforded in these areas is supported.

Tasmania's relatively compact geographical size, its smaller population and the inherent accessibility this affords between governments, businesses and communities is another key advantage that must not be underestimated. Local Governments in particular have linkages and established networks to their communities and can play a key role, with appropriate resourcing, in assisting them to understand and develop community wide adaptation responses and resilience to climate change.

What amendments or enhancements would you propose to the Climate Change (State Action) Act 2008 to ensure that Tasmania is responding effectively to the issue of climate change?

➤ Clarification of roles and responsibilities

The need to clarify the 'roles and responsibilities of governments' has previously been highlighted as a key issue to be resolved, both within Tasmania and nationally, particularly in relation to climate adaptation. At the national level, the Australian Local Government Association has noted that a key difficulty for the Local Government sector in adapting to a changing climate is that a considerable element of the work being done by councils falls under the control of state governments. This has led to a situation where roles and responsibilities, legal protections and regulatory requirements are inconsistent across the jurisdictions. At the State level this was recently highlighted through the work undertaken in the TCAP and RCCAP Projects.

Governments need to be contextually clear about where they fit within the larger adaptation governance framework in order to be effective. Tasmania has an opportunity to be proactive in this area and the proposed review of the *Climate Change (State Action) Act 2008* offers an appropriate avenue through which to explore the issue.

➤ Legislative Protection for Local Government Decision-Making

It has long been the position of the Local Government sector that legal liability concerns are hindering decision-making and action for councils. While there is no way to avoid frivolous or strategic litigation from developers, having greater clarity and comfort with the arrangements provided by state governments would assist councils in their activities.

Councils have historically been unclear as to their obligations when making land-use planning decisions relating to land that is subject to future climate change risks, and can be reluctant to release information on the potential susceptibility of properties to climatic events because they are concerned that this could decrease affected property values and leave the council vulnerable to litigation.

The uncertainty extends to situations where councils must consider whether or not to install protective structures to combat the effects of natural hazards which will no doubt be exacerbated by climate change; the knowledge that a council will have a continuing legal obligation to maintain these structures then raises the issue of their resource capacity to finance such ongoing, and likely increasing, costs.

At the national level, it is understood that the Australian Local Government Association (ALGA) has been asked by the Adaptation Working Group under the auspices of the Meeting of Environment Ministers (MEM) to lead work on the legal liability of councils and to explore possible avenues for national consistency and reform to ensure good-faith and best-evidence planning decisions are protected from litigation. The ALGA Secretariat is proposed to prepare a paper for the working group, following discussions with State Local Government Associations later in 2016.

It is understood that the work currently being undertaken by the State Government through the Office of Security and Emergency Management, specifically the consideration of natural hazard risks in land use planning and building control is geared towards providing a more appropriate level of guidance for both State and Local Government decisions makers and will form the basis for a 'common approach'. However this work will only apply to new development and will not address the legacy issues associated with existing development and the broader imperative of strategically shaping climate change adaptation responses.

LGAT members continue to raise the New South Wales legislative approach which limits legal liability for Local Government decision-making in relation to climate change, provided the responsible council is acting in good faith, consistent with State policy and best available information. There have been legal research reports commissioned within Tasmania both at the local and regional level that endorse further consideration of the current legislative framework in place within NSW, as well as raising the possibility of amendment of the *Local Government Act (Tas) 1993* to insert a section equivalent to s733 of the *Local Government Act (NSW) 1993*.

Contact Details

LGAT appreciates the opportunity to provide feedback and welcomes the opportunity to continue to work with the Tasmanian Climate Change Office and other key agencies in relation to this matter. If you wish to discuss or have any questions then please contact Melanie Brown, Senior Policy Officer, Local Government Association on 6233 5961 or melanie.brown@lgat.tas.gov.au

Yours sincerely



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CHIEF EXECUTIVE OFFICER