



Our Ref:

Your Ref:

Enquiries: Yvette Goss

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8 December 2011

Barriers to Effective Climate Change Adaptation
Productivity Commission
LB2 Collins Street East
MELBOURNE VIC 8003

Attn: Yvette Goss

Dear Sir/Madam

SUBMISSION – BARRIERS TO EFFECTIVE CLIMATE CHANGE ADAPTATION

The Shire of Busselton has been working with the National Sea Change Taskforce which is supporting a national push for greater legal protection for councils currently at risk when advice is provided, or a decision made in good faith, relating to coastal planning and the impacts of climate change. The National Sea Change Taskforce has provided the Shire a copy of its submission to the Productivity Commission Public Inquiry into Barriers to Effective Climate Change Adaptation. The Shire of Busselton is in agreement with the recommendations of the National Sea Change Taskforce response, however, there is one additional issue that is considered pertinent to Western Australia.

Within the WA planning system there are generally no third party appeal rights in relation to planning determinations. As such the Council when dealing with issues of sea level rise potential impacts on a development and how much weight to give to particular matters is generally only faced with the prospect of an appeal if the matter is refused or conditions unacceptable to the applicant are imposed. The consequence of this is a different dynamic to that prevailing in other jurisdictions where a Council will need to weigh various facts and issues in the context of a potential appeal both from an applicant and potentially from opponents to a development depending on the determination made. While, with all due respect to Councils in WA, it is apparent that some planning decisions in the past where uncertainties inherent in taking into account the risk of sea level rise are involved decisions have been made in the context that an approval is unlikely to result in a higher level review. The status of private land ownership with regard to compensation for development refusal due to coastal planning constraints and the impacts of climate change is also an area which

is considered to require further legislative clarification if local government is to have the confidence to move into the area of climate change adaptation.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nigel Bancroft', with a stylized flourish at the end.

Nigel Bancroft
DIRECTOR, PLANNING & DEVELOPMENT SERVICES

Enc.