



3 September 2014

Submission to the Draft Climate Change Adaptation Memorandum of Understanding

The purpose of the draft Memorandum of Understanding (MoU) is to provide a framework for ongoing engagement between Victorian and local government on roles and responsibilities in climate change adaptation.

Hobsons Bay City Council acknowledges and supports the Victorian Government's efforts to address this complex issue and, in principle, the intention to clarify those roles and responsibilities. This clarity is essential for a sound response to climate change risks.

1. Clarity of roles and responsibilities

The existing lack of clarity around roles and responsibilities is one of the most serious barriers to adaptation, as the Productivity Commission raised in its 2012 report, *Barriers to Effective Climate Change Adaptation*.

The Victorian Climate Change Adaptation Plan (Adaptation Plan) commits the Victorian Government to develop a MoU 'with the local government sector, outlining the respective and shared climate change adaptation roles and responsibilities, by the end of 2014'. Unfortunately, while the MoU outlines a number of principles and areas for future work, it does not outline roles and responsibilities or commit the Victorian Government to any outcome with the exception of the work plan for 2015-2016.

Furthermore, as the MoU does not include councils as signatories, it is unclear whether or how local government support will be sought. There is no provision in the MoU for the experience of any of the parties to be taken into account in its operation or for the MoU to be amended, except via an assessment of priority areas at the end of 2016.

Council would welcome this issue being addressed as it would provide further opportunity for collaboration over the life of the MoU. In addition, it would ensure that Council support for the MoU is not eroded in the meantime, undermining good will and diminishing the considerable benefits of the Victorian Adaptation and Sustainability Partnership (VASP).

2. The 'Agreed principles' and 'Priority areas for future work'

Council commends the work completed thus far to identify and develop the 'Agreed principles' and 'Priority areas for future work'. Council recommends that elements of the 'Agreed principles' and 'Priority areas for future work' be improved to ensure that the MoU can be used more effectively to resolve barriers to adaptation. These areas of improvement are explained further below.



2.1. The 'Agreed principles'

a) Acknowledgement of shared responsibilities

The 'Agreed principles' in the MoU include 'Mutual respect'. The statement implies that each tier of government has operational autonomy with respect to climate change and declares that 'local government is accountable to local communities'. It should be acknowledged, however, that 'the people of Victoria' are not separate from 'local communities' and that there is in fact no operational autonomy when dealing with climate change impacts.

Similarly, the principle of 'Integrated decision-making' is included with the statement that adaptation planning should 'acknowledge that risks are often best managed by those closest to the risk to allow local values and knowledge to be incorporated into decision making'. Without qualification, this statement can be used to infer that management, and accordingly funding for management, of risks should generally devolve to local government. While local knowledge is indeed important, the statement does not acknowledge that the risks under consideration apply to assets and values that are open for use and enjoyment by all Victorians, are never exclusively the property or responsibility of local beneficiaries, and in many cases actually occur on Victorian Crown land.

It is recommended that both of these principles should be modified accordingly and a further principle added to acknowledge that the beneficiaries of assets and values at risk are Victorians in general as well as local residents. Therefore, management of risks is a responsibility to be shared by Victorian and local governments.

b) Acknowledgement of local government's limited capacity to cover costs and liabilities

'Vulnerability' is included as a principle in the MoU on the basis that some local government areas 'may require greater attention' than others if they are more socially and economically vulnerable and therefore have less capacity to respond. This principle infers that at least some councils will not be able to respond adequately to local impacts without assistance.

Firstly, it should be acknowledged that it is the ultimate responsibility of both Victorian and Australian Government to provide direction and support to vulnerable populations. Furthermore, the principle as currently expressed does not take into account that climate change risks lead to unequal vulnerability for many reasons. For instance, it is obvious that coastal areas such as Hobsons Bay are particularly vulnerable to sea level rise. In fact, many local government areas are vulnerable to significant climate change impacts and associated liabilities and costs, which their councils will probably not be able to fund without assistance.

Therefore, similarly to the general principle of shared responsibility, it is recommended that the MoU should include a principle to the effect that costs should be shared. The costs of meeting legal liability for impacts should be explicitly mentioned, as this is one of the greatest cost barriers to adaptation for local government, as acknowledged in the Productivity Commission's 2012 report.

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c) Provision of adequate resources for information sharing and research

'Community empowerment' is included as an 'Agreed principle' and a 'Priority area for future work'. Council agrees that engaging and empowering the community is a critical factor in effective adaptation, and that this necessarily involves information provision and sharing. In addition, that 'guidance on interpretation of highly technical research', should occur not only with the community but within and between relevant government departments. Innovative and adaptive management is only possible when it is underpinned by accurate, targeted and up-to-date information. This requirement is set to increase as climate change risks intensify over time.

Council's sustainability and risk management departments do not have capacity to provide this type of information to the extent required, particularly as the knowledge needs to be continuously updated. While Council is an active member in the Western Alliance for Greenhouse Action (WAGA), it is ultimately outside of its scope to coordinate, and ensure access to regional information, which is necessary to understand and manage climate change risks that usually cross municipal borders.

The complex task of information provision and research is currently carried out by Victorian Government agencies councils and their alliances and non-government researchers, such as the Victorian Centre for Climate Change Adaptation Research (VCCCAR).

Examples of this work include Melbourne Water's flood level measurement and development benchmarks, the Department of Environment and Primary Industries' (DEPI) research on biodiversity and agriculture and the Association of Bayside Municipalities (ABM) local hazards and risk assessment for Port Phillip Bay.

In particular, alliances such as WAGA and the ABM perform an important function in helping member councils fill their knowledge gaps, coordinating and sharing regional information, which is crucial for regional planning, and providing forums to build internal capacity and expertise.

Council therefore recommends that the Government acknowledge this key role of regional alliances and commit funding to them to be able to deliver robust and efficient adaptation responses. It also recommends that consideration be given to refunding VCCCAR to provide background and technical research for adaptation across Victoria.

d) The precautionary principle and sustainable development

The principle of 'Uncertainty' implies that it is appropriate to apply the precautionary principle. Council recommends that this should be more explicit in the MoU.

Similarly, the principle of 'Integrated decision making' should reflect the requirement of sustainable development that does not compromise the ability of future generations to meet their needs. Accordingly, it is recommended that the statement that priorities should be for 'options that deliver benefits at least cost to the community under a wide range of climate change scenarios' should be amended to 'options that deliver maximum benefits to the community under a range of climate change scenarios and over an extended time period'.

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2.2. The 'Priority areas for future work'

a) Sea level rise

Council strongly agrees that 'Sea level rise' is a priority area for future work. The MoU should acknowledge that the Australian Government maps of vulnerable areas already show a low (0.5 metre), medium (0.8 metre) and high (1.1 metre) sea level rise scenario for the period around the year 2100. It is recommended that the MoU acknowledge these agreed levels should be the basis on which all future coastal land-use planning decisions are made in Victoria.

b) Agricultural productivity and economic development

The priority area of 'Agricultural productivity' identifies that work could be undertaken to identify information and capacity gaps and clarify roles to support regional economic development. There are other economic development opportunities that could lead to useful adaptation outcomes across Victoria, not only in regional areas, which should be considered. For example, removing regulatory barriers to renewable energy such as wind power could lead to direct investment and energy security. Also, a commitment to provide support for energy efficient retrofits, through mechanisms such as Environmental Upgrade Agreements, could improve the resilience of Victoria's building stock and create more than \$4.5 billion of investment and more than 18,000 new jobs (2013, WAGA and EAGA, EUAs for the Regions Report).

c) Improved land-use planning

Under the priority area of 'Resilience to extreme weather events', improved land-use planning is envisaged as a way to increase resilience of assets. A specific measure that would lead to tangible outcomes is the introduction of more stringent standards on building design, and this should be mentioned in the MoU.

3. Conclusion

To reiterate, Council acknowledges the complexity of addressing this issue and appreciates the collaborative approach of the Victorian Government to date.

Council looks forward to the outcomes of consultation on the draft MoU and working with the Victorian Government to implement a sound response to climate change risks.

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