

Update of the LGA Coastal Adaptation Guidelines

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Why are the guidelines being updated?

COASTAL ADAPTATION DECISION SUPPORT PATHWAYS PROJECT

Climate change decision support framework and
software for coastal Councils

August 2012

Prepared by:
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University of South Australia
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- Purpose
 - Background information
 - Consistent process
 - Understand impacts and responses for public and private
- Process
 - Review leading practice
 - Seek feedback from council staff
 - Refine recommended changes
 - End user testing

What has changed since 2012?



Risk at a
local/settlement
scale

Projections

Greater focus
on engagement

Experience

Liability and
insurance
concerns

Legal risks

The Hutley-Hartford-Davis Opinion summarised its conclusions as follows:

- *‘climate change risks’ would be regarded by a Court as being foreseeable at the present time;*
- *such risks are relevant to a director's duty of due care and diligence...;*
- *it is conceivable that directors who fail to consider the impacts of climate change risk ... could be found liable for breaching their statutory duty of due care and diligence ...*

“Public authority directors likely have duties of care and diligence to consider climate risk in their activities, which are at least as stringent as the duties of private corporation directors”

Legal risks



Concerns about the release of hazard risk information

Correct information
Incorrect information

Failure to release hazard information

Government does not have risk information
Government has risk information, but fails to release it

Protective infrastructure

A government is not obliged to provide protection infrastructure
Where a government does have control of a hazard, liability in negligence or nuisance may arise.

What issues are most important to cover in the revised Guideline?

Updated information on climate change and sea level rise projections



General process for developing a coastal adaptation strategy

Options for undertaking stakeholder and community engagement

Description of tools available for impact assessment

Legal liability considerations for councils seeking to release information on coastal hazards



Data requirements

Summary

- Revising the Guidelines to incorporate changes since 2012
- More than just a process guide. It needs to:
 - address current and emerging issues
 - reflect current experience and best practice

