Update of the LGA Coastal Adaptation Guidelines

Mark Siebentritt 11 April 2019









COASTAL ADAPTATION DECISION SUPPORT PATHWAYS PROJECT

Climate change decision support framework and software for coastal Councils

August 2012

Prepared by: LGA South Australia University of South Australia Jacqueline Balston & Associates





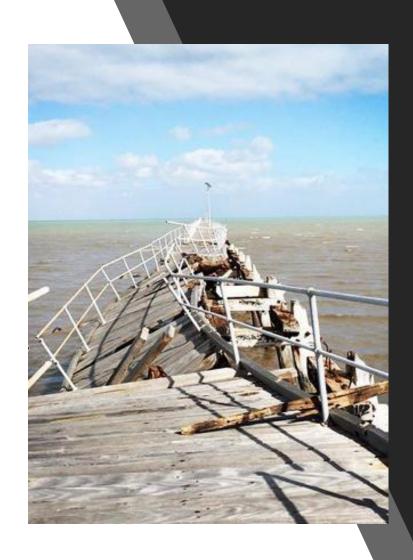






Why are the guidelines being updated?

- 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 infrastructu re

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



