

# Local Government Roles and Responsibilities

A summary

Local Government Act 2020	Victorian Climate Change Act 2017
<p>The Local Government Act 2020 strengthened the mandate for councils to act on climate change.</p> <p>The role of a Council is to provide good governance for the benefit and wellbeing of their community.</p> <p><i>“Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.”</i></p> <p>Other relevant overarching principles include:</p> <ul style="list-style-type: none"> <li>• Councils are required to give priority to achieving the best outcomes for the municipal community, including future generations.</li> <li>• Regional, state, and national plans and policies are to be taken into account during council’s strategic planning.</li> <li>• Council must ensure its decisions, actions, and information are transparent.</li> </ul> <p>There is now a clear expectation that decision-making is supported by robust and transparent practices, and that the long-term adverse consequences of climate change for future generations are incorporated into council planning, decisions and actions</p> <p><small>DELWP (2020), Local Government Climate Change Adaptation Roles and Responsibilities under Victorian Legislation: Guidance for local government decision-makers, Victorian Government, Melbourne.</small></p>	<p>The Climate Change Act 2017 provides Victoria with a world-leading legislative foundation to manage climate change risks, maximise the opportunities that arise from decisive action, and drive Victoria’s transition to a net zero emissions, climate resilient community and economy.</p> <p><b>Six guiding principles</b> for decision making provide criteria for ‘assessing the suitability of council decision-making’ and a way to demonstrate due process.</p> <p><b>Informed decision-making:</b> Responses should be based on the best available evidence in the context of uncertainty; and be flexible and iterative, allowing for adjustments as circumstance change and new information is made available.</p> <p><b>Integrated decision-making:</b> Decision-makers should give priority to responses that are most likely to provide the greatest net social, economic and environmental benefit for Victoria; and consider the cost of climate change, including externalities and long-term costs.</p> <p><b>Risk Management:</b> Responses should ensure that risks are addressed by those who are best placed to manage them; avoid unintended consequences; not undermine our ability to adapt to climate change over the long-term and consider the trade-offs and understand and recognise the costs of and limits to adaptation.</p> <p><b>Compatibility:</b> Responses should: build on the experiences of regions sectors, communities and industry; complement existing and planned work; and contribute to and be compatible with efforts to reduce emissions as well as adapt to climate change.</p> <p><b>Equity:</b> Responses should: be equitable and fair; consider both the present and the short, medium and long-term future; and adhere to principles of intra and intergenerational equity.</p> <p><b>Community Engagement:</b> Responses should: actively involve the community in setting policy directions and priorities; and value and respond to the knowledge and perspectives of Traditional Owner groups and Aboriginal Victorians</p>
Municipal Public Health and Wellbeing Plans	The Victorian Planning System
<p>The <b>Public Health and Wellbeing Act 2008</b> requires councils to prepare a four-year municipal health and wellbeing plan following each council election.</p> <p>According to the Climate Change Act 2017, local governments must consider climate change when preparing their municipal public health and wellbeing plan. They must consider:</p> <ol style="list-style-type: none"> <li>a. the potential impacts of climate change relevant to the decision or action (adaptation) and</li> <li>b. the potential contribution to the State’s greenhouse gas emissions of the decision or action (mitigation)</li> </ol> <p>Local governments must also have regard for the Victorian public health and wellbeing plan, which lists ‘tackling climate change and its impact on health’ as a priority.</p> <p>The state government has produced guidance for councils on how to tackle climate change through their health and wellbeing plans.</p> <p>The guidance steps through the planning cycle and includes internal and external engagement, implementation and evaluation.</p> <p>Refer to: DHHS (2019), Victorian public health and wellbeing plan 2019-2023, Victorian Government, Melbourne.</p> <p>Tackling climate change and its impacts on health through municipal public health and wellbeing planning. Guidance for local government, 2020.</p>	<p>The purpose of the Planning and Environment Act 1987 is for the planning framework to support decisions in the ‘long-term interests of all Victorians’.</p> <p>It establishes broad objectives for planning in Victoria that are relevant to climate change responses, including:</p> <ul style="list-style-type: none"> <li>• sustainable land use and development</li> <li>• the protection of biodiversity and natural resources, and</li> <li>• the maintenance of ecological processes.</li> </ul> <p>There are also a range of clauses focused on planning responses to hazards such as bushfire, flood, erosion and heat.</p> <p>Through Local Planning Schemes, councils can incorporate climate change adaptation through their Municipal Strategic Statement, Local Planning Policy and specific planning controls such as a schedule to a zone or an overlay.</p> <p>Planners must take into account:</p> <ul style="list-style-type: none"> <li>• Climate change impacts (natural hazards, coastal inundation and erosion)</li> <li>• Planning for places (greenfield planning to respond to climate change)</li> <li>• Agriculture (adaptation to climate change).</li> <li>• Energy and resource efficiency</li> <li>• Integrated water management</li> </ul> <p>The roles and responsibilities guidance suggests ways to incorporate climate change adaptation decisions into planning, via:</p> <ul style="list-style-type: none"> <li>• being pre-emptive and precautionary in responding to climate change</li> <li>• communicating climate change adaptation within your community</li> <li>• incorporating climate change adaptation across all aspects of planning.</li> </ul> <p><small>Planning and Environment Act 1987 (Vic)</small></p> <p><small>DELWP (2020), Local Government Climate Change Adaptation Roles and Responsibilities under Victorian Legislation: Guidance for local government decision-makers, Victorian Government, Melbourne.</small></p>

**DISCLAIMER:** While this summary of *Local Government roles and responsibilities* refers to legislative and other legal frameworks, it is intended as general guidance only and does not constitute legal advice.