### Local Government Roles and Responsibilities

#### Local Government Act 2020

The Local Government Act 2020 strengthened the mandate for councils to act on climate change.

- The role of a Council is to provide good governance for the benefit and wellbeing of their community.
  - “Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.”

Other relevant overarching principles include:
- Councils are required to give priority to achieving the best outcomes for the municipal community, including future generations.
- Regional, state, and national plans and policies are to be taken into account during council’s strategic planning.
- Council must ensure its decisions, actions, and information are transparent.

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.

#### Victorian Climate Change Act 2017

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.

**Six guiding principles** for decision making provide criteria for ‘assessing the suitability of council decision-making’ and a way to demonstrate due process.

- **Informed decision-making:** Decisions 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.
- **Integrated decision-making:** 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.
- **Risk Management:** 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.
- **Compatibility:** 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.
- **Equity:** 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.
- **Community Engagement:** Responses should: actively involve the community in setting policy directions and priorities; and value and response the knowledge and perspectives of Traditional Owner groups and Aboriginal Victorians.

#### Municipal Public Health and Wellbeing Plans

The Public Health and Wellbeing Act 2008 requires councils to prepare a four-year municipal health and wellbeing plan following each council election.

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:
- a. the potential impacts of climate change relevant to the decision or action (adaptation) and
- b. the potential contribution to the State’s greenhouse gas emissions of the decision or action (mitigation)

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.

The state government has produced guidance for councils on how to tackle climate change through their health and wellbeing plans.

The guidance steps through the planning cycle and includes internal and external engagement, implementation and evaluation.


#### The Victorian Planning System

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’.

It establishes broad objectives for planning in Victoria that are relevant to climate change responses, including:
- sustainable land use and development
- the protection of biodiversity and natural resources, and
- the maintenance of ecological processes.

There are also a range of clauses focused on planning responses to hazards such as bushfire, flood, erosion and heat.

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.

Planners must take into account:
- Climate change impacts (natural hazards, coastal inundation and erosion)
- Planning for places (greenfield planning to respond to climate change)
- Agriculture (adaptation to climate change).
- Energy and resource efficiency
- Integrated water management

The roles and responsibilities guidance suggests ways to incorporate climate change adaptation decisions into planning, via:
- being pre-emptive and precautionary in responding to climate change
- communicating climate change adaptation within your community
- incorporating climate change adaptation across all aspects of planning.

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.