

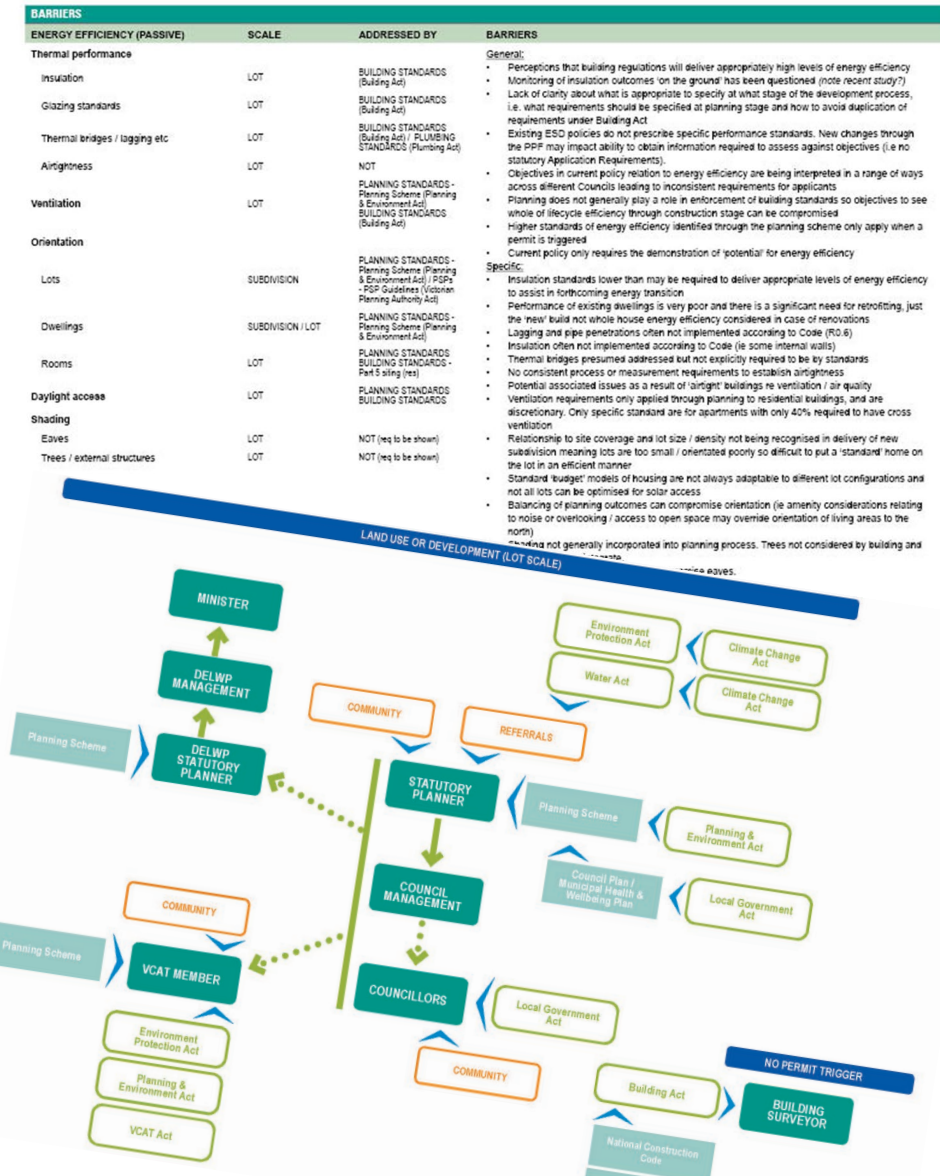
BRIEFING ON REPORT FINDINGS



NOVEMBER 2021

Background & Process

- The work undertaken by Hansen was intended to establish the 'background' and rationale behind advocacy to be undertaken by the group in a later stage of work.
- Covers all aspects and scales – from lot scale mitigation to regional adaptation.
- Project was focused on:
 - The planning system - Covers all aspects and scales – from lot scale mitigation to regional adaptation.
 - The legislation, policy and mechanisms which underpin decision-making in this space.
- Undertaken in three key stages and on answering key questions
 - What decisions are made through the relevant systems that relate to climate change? (it's a lot!)*
 - What are some of the issues that can compromise optimal outcomes?*
 - Who makes decisions about those?*
 - What underpins their decisions?*
 - What options are there for improvement?*



Key Issues & Barriers

- Clarity in the overarching role of climate change in driving planning decisions and the 'balancing' of decisions
- Transformational vs incremental change
- Misalignment of ambition and scientific evidence
- Urban structure
- Lack of specificity in existing ESD policies and significant variation in implementation
- issues with VPPs and available tools
- Council access to resources / expertise to confirm delivery of best practice
- Significant reliance on the building stage to deliver outcomes, and continuing lack of clarity as to what is appropriate to identify at planning stage
- Gaps in policy and siloed decision-making
- Awareness and education



CLIMATE CHANGE PLANNING RESPONSES

Key Findings

- For statutory decision-making, Planning Scheme content is critical
- For strategic decision-making, the role of 'non-statutory' State documents and internal practice is more influential
- The role of the VPA could be significantly strengthened in regard to climate change. But other actors in the precinct planning space also need to be recognised.
- Recommendations formed around:
 - A 'long list' in tabular form
 - A 'short list' of key recommendations
 - Opportunities for shorter term actions leveraging existing programs
 - Complementary actions

CLIMATE CHANGE & PLANNING IN VICTORIA		
INITIATIVE	FOCUS	COMMENTS
LEGISLATIVE CHANGE		
1. Seek an amendment to Schedule One of the Climate Change Act 2017 to include reference to decisions made in regard to amendments or the issue of permits under the Planning & Environment Act 1987.	Shifting the balance of decision-making	Updates to the Climate Change Act 2017 (CCA) are needed to impose a legislative obligation on decision-makers to consider climate change in planning decisions to establish the high level support for net zero climate change. It therefore follows that amendments under the PSE Act should be referenced in Schedule One of the CCA. Exceptions may be needed for administrative amendments.
2. Seek an amendment to the Planning & Environment Act 1987 to provide clearer direction on the consideration of climate change in assessment and decision-making.	Shifting the balance of decision-making	Amendments to Planning Schemes (PSAs) under the Planning & Environment Act 1987 (PSE Act) represent (generally) strategic decisions which should be aligned with responses to climate change. It therefore follows that amendments under the PSE Act should be referenced in Schedule One of the CCA. Exceptions may be needed for administrative amendments. Further investigations would be required to establish whether there are specific types of PSAs that are sufficient. One issue may be that without reference to specific development applications the nexus with the CCA would only be established where a PSA is proposed and not to any development under a planning scheme. The key mechanisms for implementing change under the PSE Act are Planning Schemes and change within these remain the priority. However, the inclusion of a specific reference to climate change considerations within the Objectives of the Act, similar to the recent change relating to affordable housing, would be a logical step that would give the climate change considerations a higher status in decision-making. This would be a logical step that would give the climate change considerations a higher status in decision-making. This would be a logical step that would give the climate change considerations a higher status in decision-making.
CLIMATE CHANGE & PLANNING IN VICTORIA		
INITIATIVE	FOCUS	COMMENTS
LEGISLATIVE CHANGE		
3. Provide opportunities for additional 'greening' in established urban areas through broadening definitions of Public Open Space under the Subdivision Act 1959.	Supporting strategic decisions	Urban greening is widely recognised as a key response to increasing temperature and as critical to maintaining liveability. Throughout COVID-19 the importance of open spaces and access to nature has been highlighted – and these open spaces take many forms. For most councils, the majority of funding for green infrastructure is acquired through developer contributions to open space. This is a requirement of the Subdivision Act and can be in the form of land or a monetary contribution. The amount is set within the Planning Scheme of each council at CI 63.01 Public Open Space Contributions. However, the definition of open space within the Subdivision Act is quite narrow (a land has to be zoned or set aside for public recreation in order for funds to be utilised). This restricts the ability of councils, in particular those who may have trouble acquiring the large parcels of land needed to deliver 'traditional' parks, from increasing the amount of green space. This is frequently the case in densely settled urban areas where the need is greatest. Broadening the definition of what can be funded using public open space contributions contained within the Subdivision Act would assist in urban cooling.
4. Seek an amendment to the 'Object' of the Victorian Planning Authority Act 2017 to reference need to deliver net zero and climate resilient communities.	Planning for climate resilient communities	The Victorian Planning Authority (VPA) is the main decision-maker in relation to the urban structure and overarching principles of development in both greenfield areas, and increasingly, in renewal precincts. They are guided by a separate piece of legislation which outlines their obligations to the State Government. While their primary object is to provide advice and assistance to the government in line with the Objectives of planning in Victoria (see page 6), there are no further specific responsibilities outlined. One of these is 'to encourage land development that is sustainable and that takes into account natural and other hazards' but there is no specific reference to the role that growth and renewal are planning can, and should, play in delivering net zero emissions and climate resilient neighbourhoods. Precincts are a key focus in the delivery of net zero outcomes worldwide and an explicit reference to this in the VPA's role and authority in the organisations role in delivering the net zero outcomes would be a logical step that would give the climate change considerations a higher status in decision-making.
CLIMATE CHANGE & PLANNING IN VICTORIA		
INITIATIVE	FOCUS	COMMENTS
STATE GOVERNMENT PROCESSES		
6. Update Minister's Direction No. 11 – Strategic Assessment of Amendments and Practice Notes 40 – Strategic Assessment Guidelines for Planning Scheme amendments to ensure that explanatory reports prepared for every amendment include an explicit assessment against relevant climate change targets over the life of any potential development, and any relevant adaptation measures.	Making climate change considerations explicit	When a Planning Scheme Amendment is proposed, there is a requirement to assess this against a range of measures outlined in a Ministerial Direction. In a practical sense, this provides a clear signal that changes to current climate policy or legislative measures targets towards the delivery of climate change responses.
6. Document preferred practice for the delivery of climate responsive planning through new or amended Practice Notes.	Supporting strategic decisions	In undertaking both strategic planning, and in the assessment of developments, planners rely heavily on Practice Notes produced by the State Government. The integration of climate change considerations into these Practice Notes is currently poor, and in many cases, non-existent. Key areas that could benefit from new or updated Practice Notes include: <ul style="list-style-type: none"> How to manage coastal hazards, with regard to relevant benchmarks. The consideration of climate change in the application of rural zones. The integration of climate change responses in the preparation of Structure Plans. How to apply ESD policy in practice, with particular reference to the role of external tools in demonstrating delivery of best practice.
7. Establish principles, processes and the most appropriate mechanisms (e.g. Public Acquisition Overlay, land use) to ensure there is a sound basis for equitable and strategic allocation in areas of unmitigated risk, and to allow this process to begin early.	Supporting statutory decision-making	The recent draft Built Environment Adaptation Action Plan touched on the need to begin to consider areas which may be identified under adaptation planning as being susceptible to unacceptable high-intensity risks under climate change scenarios. This is a very sensitive issue and the future to use any meaningful change in settlement patterns should be highlighted as the relevant or retention of these at-risk areas and settlements will be a long process, and one which must be undertaken in a robust, equitable and strategic manner. State-led framework for managing these areas, it is impossible for individual decision-makers to address this aspect of any climate change response.

Key Recommendations

- Recognise the fundamental role the Planning Scheme plays in guiding decision-makers, and its weight as statutory law. Focus attention on ensuring the planning scheme is reformed in a number of key areas:
 - Making the importance of considering climate change in decision-making explicit, rather than relying on generic references to sustainability.
 - Filling gaps where there is a policy void in key areas.
 - Introducing mandatory development standards in targeted areas
- Ensure that the scheme and its application of controls is consistent with the scientific evidence base and best practice
- Focus on changes that will assist in getting the fundamentals of future development areas right.



Focus areas for change

- Amend the Planning & Environment Act, Climate Change Act and Victorian Planning Authority Act
- Amend Ministerial Directions and Planning Practice Notes
- Ensure greater recognition and prioritisation of climate change responses in updated PSP Guidelines
- Require climate change planning to be integrated into all precinct planning
- Update State planning policy to fill key gaps, reflect latest science and include appropriate benchmarks
- Prioritise spatial mapping of hazards and the integration of this with the application of overlays to trigger consideration of hazards



Focus areas for change (cont.)

- Set up the frameworks and processes required to support transition
- Embed net zero ambitions in policy
- Update data sources and establish processes for future updates
- Establish some mandatory minimum standards within the VPPs
- Update the Regional Growth Plans to meaningfully consider climate change impacts on regional settlement and economic development
- I • Introduce a Green Infrastructure Clause to the VPPs

COMPLEMENTARY ACTIONS

- Information & Education
- Resourcing & funding
- Approaches to post-approval monitoring
- Managing planning reforms
- Alignment with other sectors of the built environment
- Governance & external tools