



WELCAN submission - retransmitted in embedded text.

25 June, 2024

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Background of our project

Initially our project (prior to enquiry announcement) was to look at how Wellington Council was gearing up to adapt to climate change in terms of both the built and natural environment. However, this was prior to learning about the Legislative Council of Environment and Planning Committee Inquiry into Climate Resilience: Submissions due June 28, 2024 (Appendix A). As a result, we modified the scope of our project to align with the scope of the Legislative Council inquiry which is focussed on the protection of the built environment and infrastructure from climate change as opposed to considering the natural environment.

Methodology

Our methodology is based on Foucault's understanding of governance and the role of discourse in governance. According to Foucault researchers need to conduct their research at an operational level to identify how governance operates at the lowest levels. Therefore, researchers should not assume that Local Government operations fully reflect the climate adaptation discourse (policies, plans and procedures) prescribed by higher levels of government. For this purpose, we:

Identified the external documents the council needs to respond to in implementing their own climate adaptation policies, plans and processes and the council documents developed to reflect these requirements (Appendix B)

Recorded evidence of compliance with external and internal documents in council reports

Identified gaps in the process of implementation.

As a result, our recommendations re how Wellington Council is preparing for the impact of climate change on the built environment is evidence based.

Complexity of this undertaking ---Governing legislation

Our research indicates we have walked into a minefield. For example, a reading of the current Local Government Act (2020) has had the once myriad detail stripped out and transferred to other State Legislation with helpful Hyperlinks in the parent legislation. For this reason, we have compiled an index document with links to most of the relevant legislation (Appendix A). In addition, there is a helpful Guide from DEECA (Local Government Climate Change Adaptation Roles and Responsibilities under Victorian legislation 2020), advising how Shires need to be cognisant of the linked Legislation as they attempt to address climate adaptation issues.

Approach by Wellington Council re the built environment

Wellington Shire Council's approach to the challenge of climate change will vary between proactively acting to lessen environmental damage, responding to situations and emergencies as they arise, and adapting to a new climate reality (Wellington Council Strategic Plan 2021-2025, p.20).

Actions taken by Wellington Council

The objective of this Policy is to provide the framework for expressing and delivering Council's commitment to the integration of sustainability and climate change principles and practices in its service delivery, operations and community support and advocacy, in line with legislative directions, Wellington 2020 and the Council Plan.

Developed the Climate Change and Sustainability Policy (2023)

This governing policy documents links to other Council related policies, plans and documents as well as statutory references like the Climate Act 2017.

Reviewed climate change related policy and supporting processes

- Internal strategic project commenced to improve consideration of climate change in infrastructure and facilities projects through an ESD policy and supporting processes.
- Council reviewed and commented on Regional Climate Adaption Plan developed by DELWP.

Developed a Training and Community awareness program

- Educate the community to increase understanding of the risks and impacts of climate change and the need for adaptation and sustainable living.
- Climate change training delivered to eight Councillors and four senior managers.
- New Climate Change information page on website developed

Emergency management and resilience actions taken

- In line with revised State Government policy documents, establish and implement a policy position around the impacts of sea level rise, flooding and bushfire on land use planning.
- Build disaster resilience and improve adaptation and recovery in high-risk and vulnerable communities by facilitating community-led emergency management planning and preparedness.
- Ensure municipal emergency management plans are developed collaboratively with lead agencies to achieve better coordination of emergency mitigation to coordinate resources, protect lives, property, and the environment.

(Our Sustainability Impact 2020 – 2024, 27 September 2022)

Developed the Coastal Towns Design Framework (2007)

"The Coastal Towns Design Framework was a joint initiative of Wellington Shire Council and East Gippsland Shire Council to develop Urban Design Frameworks for 18 coastal settlements in eastern Victoria.The Urban Design Frameworks (2007) provide guidance for the future development of urban areas and involved the preparation of realistic design concepts and planning provisions based on community consultation, research and analysis".

Key components of the project are were included in the Wellington Planning Scheme through [Planning Scheme Amendment C50](#).

- [Coastal Towns Background Report](#)
- [Coastal Towns Regional Context Map](#)
- [Coastal Towns Between Settlements Strategic Framework](#)
- [Coastal Towns Figures 2, 3 & 4](#)
- [Golden Beach Urban Design Framework](#)
- [Loch Sport Urban Design Framework](#)
- [Manns Beach Urban Design Framework](#)
- [McLoughlins Beach Urban Design Framework](#)
- [Robertsons Beach Urban Design Framework](#)
- [Seaspray Urban Design Framework](#)
- [The Honeysuckles Urban Design Framework](#)
- [Woodside Beach Urban Design Framework](#)

However, the town planning framework has limitations:

- It is development oriented "An Urban Design Framework provides strategic guidance for the future development of urban areas (which can range from specific sites to small townships and metropolitan suburbs). The vision is realised through tools such as planning scheme changes, capital works projects and guidelines for private development".
- Although the vision intends to provide a "sustainable vision for the future form, image and function of these settlements and give greater certainty to the local communities and investors", the vision emphasizes cultural, social and economic element as opposed to risks of living in a fragile environment subject to riverine flooding and coastal erosion.
- It relies heavily on State and Regional Plans as opposed to shire- based research and local knowledge of the fragility of the Gippsland Lakes and Ninety Mile Beach environment.

Marine and Coastal Strategy and spatial planning framework:

However, in line with the State Government's new Marine and Coastal Strategy and spatial planning framework, "more recent studies have found that development should be reduced further for environmental reasons including bushfire which is reflected in the following documents:

- [Wellington Coast Subdivision Strategy: The Honeysuckles to Paradise Beach, February 2007](#)
- [Implementation of Coastal Strategy Land Capability Assessment, 2008](#)"

As a result "The current situation is different for each category of land within the Ninety Mile Beach area. These categories are:

- Settlements: Golden Beach/Paradise Beach and The Honeysuckles
- Between Settlements of Golden Beach and The Honeysuckles including Glomar Beach
- Beach dune land/Coastal dune lots
- Flood affected land/Flood prone lots"

Wellington Council Policy Plan maps as a result provide other specific details for each area:

- [Golden/Paradise Beach and Flood Land Policy Plan - Sheet 3](#)
- [Between Settlements and Beach Dune Land Policy Plan - Sheet 2](#)
- [Beach Dune Land and The Honeysuckles Policy Plan Sheet 1](#)

Note 1 - Deferment of plans

Plans to take remedial steps to mitigate the impact of coastal inundation have been deferred till "Once the State Government has finalised their position on coastal inundation, Council will proactively work with coastal communities to prepare plans for vulnerable areas conditional on actions of others preceding them" (Wellington Council Strategic Plan 2021-2025 p.21).

Note 2

For land in areas which cannot be developed, Council has concluded the Ninety Mile Beach Plan voluntary acquisition processes that transferred vacant private land into public ownership.

Note 3 – Role of DEECA

In 2024, The Department of Energy, Environment and Climate Action (DEECA) will start acquiring privately owned, vacant land in the Ninety Mile Beach area that was not acquired by the previous acquisition programs run by Council. The process may take several years for all the lots to be acquired.

More information on the Ninety Mile Beach Compulsory Land Acquisition Program is available at: [DEECA Marine and Coasts](#). And through the project team directly at: 90Mile.Beach@delwp.vic.gov.au

Bush fire mitigation action

Council approved the 'Designated Bushfire Prone Areas' on 18 May 2014. This means those building in a Bushfire Prone Area need to comply with the requirements of Australian Standard AS 3959-2009, Construction of Buildings in Bushfire Prone Areas which identifies construction requirements/and advice such as:

- Distance to fire source (vegetation)
- Vegetation type
- Wall and roof materials adopted
- Protection of window and door openings
- Protection of sub-floor area or lower perimeter

The Council Published guidelines on building more resilient homes in bushfire regions i.e. *Building Climate Resilience - Guide to safeguarding your home against climate change and extreme weather*

Evidence of mitigation works undertaken to protect the built environment

Completed the installation of a power generator at the Port of Sale building to ensure business continuity and power security of building and ICT Services during unplanned power outages and to ensure power continuity during emergency events such as fire and floods.

Works at the Port of Sale commenced to provide new sea wall, footpath and jetties.

Landslip rectification works on Jamieson-Licola and Wonnangatta Roads

Rebuilt Upper Dargo Road washed away in 2020 flood

Raised Flood Levies at Seaspray.

Challenges to mitigation works

§ Increasing complexity of state government policy to support rezoning of land § There were a number of roads affected by landslips requiring emergency remediation works which diverted attention and resources from delivering the approved capital works program for 2022/23 delaying those works to the 2023/24 program

§ In addition to our response to emergency works, the cumulative effect of high average rainfalls over the last three years have led to significant resources being directed to key roads. Wellington Shire Council Annual Report 2022/23.

Limitations for Wellington Council preparing for climate change

Council managed vs privately owned built environment.

There is a dichotomy between Council-managed land, facilities and infrastructure, and land in private ownership. The Shire has some control over the land it owns and manages but is restricted to placing conditions on private land-owners as they apply for planning permission to change a land use. Since these decisions are subject to VCAT appeal, the Shire is further restricted by the case-law history of VCAT decisions so there is not much room for innovation at the Shire's discretion! The Shire is effectively reduced to an advocacy role i.e. just asking for the cooperation of the land owner. For example, a recent progress report on the council website indicated that one section of the levee at Seaspray could not be built due to this section being on private land.

These types of impediments may have been overcome historically in responding to freak weather events (resurfacing roads and bridges impacted by floods) but in contrast, they present huge obstacles in mitigating climate change impacts resulting from tidal surges and coastal encroachment. For example, the Shire has Buckley's chance of gaining land-owner cooperation for pre-emptive projects such as constructing hardened buffer zones to limit coastal encroachment. And the financial implications are mind-boggling. Coastal erosion is recognised as a risk but planning stops at 40 cm/Century sea-level rise.

As the Shire probably cannot plan realistically for this type of hazard, it will predictably go on side-stepping the threat and possibly talking about one in a hundred- year event or uttering 'Unprecedented' when it happens. The consequent clean-up will probably be poorly planned, extremely expensive and ineffective.

The role of regional statutory authorities in mitigating climate change impacts on the built environment in Gippsland

In contrast to the Wellington Shire Council, West Gippsland Catchment Authority has adopted a range of strategies for addressing the coastal encroachment threat. These can be accessed at [West Gippsland Regional NRM Climate Change Strategy](#). Part D Section 6.3 Gippsland Lakes & Hinterland (including the Latrobe River System). [Link: Climate Change Strategy – Part D](#)

Future of our Wellington Shire focused project

Therefore, following the submission of this report to the Legislative Council Environment and Planning Committee into Climate Resilience of the Victorian Government (due 28 June, 2024), we intend to:

- extend the scope of our enquiry to cover how Gippsland in general is adapting to the challenges of climate change in terms of not just the built environment but the natural environment as well.
- Identify how external regional/ state agencies and the state are planning to mitigate the impact of climate change on the built environment in Gippsland

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Appendix A

[Legislative Council Environment and Planning Committee](#)

Inquiry into Climate Resilience

Accepting submissions | The LC Environment and Planning Committee is accepting submissions until June 28, 2024.

The Committee will inquire into the main risks facing Victoria's built environment and infrastructure from climate change and the impact these will have on the people of Victoria, including how the Government is preparing for these impacts, the barriers in upgrading infrastructure to become more resilient to the impacts, and the preparedness for future climate disaster events.

- a. the main risks facing Victoria's built environment and infrastructure from climate change and the impact these will have on the people of Victoria;
- b. how the Victorian Government is preparing for and mitigating the impacts of climate change on our built environment and infrastructure.
- c. the barriers facing Victoria in upgrading infrastructure to become more resilient to the impacts of climate change, including barriers in rebuilding or retrofitting infrastructure, including but not limited to, issues relating to insurance and barriers faced by local government;
- d. the adequacy of the current Victorian planning system as it relates to its adaptation to, preparation for, and mitigation of climate change impacts;
- e. what more could be done to better prepare Victoria's built environment and infrastructure, and therefore the community, for future climate disaster events; and
- f. whether further inquiries or investigation may be needed into other aspects of climate change adaptation and climate disaster preparedness in Victoria, noting that climate change will have far-reaching impacts on all aspects of Victorian life, including but not limited to biodiversity, human health, primary production, industry, emergency services and more, and that while these areas may overlap with the matters covered in this inquiry, they may also warrant further investigation in their own inquiries.

Note

We are substituting Wellington Shire for the Victorian Government in the scope of our inquiry.

Appendix B. Links to relevant external and Wellington Shire climate adaptation documents

National Legislation and Plans Environment Protection Biodiversity and Conservation Act

<https://epbcactreview.environment.gov.au/resources/final-report>
Other

Victoria's Climate Science Report 2019

https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0029/442964/Victorias-Climate-Science-Report-2019.pdf
https://assets-global.website-files.com/6021ed7c89cc1c1c01fcc29/65813b10c8a461235ca7feb_4.1.10%20CLIMATE%20CHANGE%20AND%20SUSTAINABILITY%20POLICY.pdf

VICTORIAN LEGAL FRAMEWORK

Climate Change Act 2017 (Vic)

<https://www.climatechange.vic.gov.au/legislation/climate-change-act-2017>

Victorian Land Act

<https://www.legislation.vic.gov.au/in-force/acts/land-act-1958/150>

Local Government Act 2020

<https://www.localgovernment.vic.gov.au/council-governance/acts-and-regulations#:~:text=The%20Local%20Government%20Act%202020%20provides%20a%20framework,establishment%20and%20operation%20of%20councils.&text=The%20Act%20is%20the%20main%20and%20essential%20tier%20of%20government>
https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0019/544312/Local-government-roles-and-responsibilities-summary.pdf

Victorian Government Departmental Guidelines

Local Government Climate Change Adaptation Roles and Responsibility under Victorian legislation - Guidance for local government decision-makers.

DELWP 2020
https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0030/490476/Local-Government-Roles-and-Responsibilities-for-Adaptation-under-Victorian-Legislation-Guidance-Brief.pdf
Purpose:

Local Government Climate Change Adaptation Roles and Responsibilities under Victorian legislation Guidance for local government decision-makers.

Gippsland Climate Projections 2019
https://www.google.com.au/search?q=gippsland+climate+projections+2019+pdf&sa_svs=59018520b3723b92&sxrf=ACQ

PARLIAMENT OF VICTORIA – COMMITTEES

Victorian Government Legislative Council Environment and Planning Committee Inquiry into Climate Resilience (4th October 2023)

Submission close 1st May 2024
Report to Legislative Council 30th June 2024
<https://www.parliament.vic.gov.au/494a47/contentassets/1b39ebc2f5324054958b1870843f5a50/terms-of-reference-attachments/climate-resilience-tor.pdf>

Wellington Shire Local Government documents

Policy, plans, implementation, outcomes (success or failure)

<https://www.wellington.vic.gov.au/publications/2021-25-council-plan>

Wellington Shire- Our Plan of Sustainable Action

<https://www.wellington.vic.gov.au/environment/our-plan-of-sustainable-action>

1. Wellington Climate Change and Sustainability Policy

https://assets-global.website-files.com/6021ed7c89cc1c1c01fcc29/65813b10c8a461235ca7feb_4.1.10%20CLIMATE%20CHANGE%20AND%20SUSTAINABILITY%20POLICY.pdf

1. **Sustainability Strategy 2020-2024**

https://assets-global.website-files.com/6021ed7c89cc1c1c01fccf29/6021ed7c89cc1c84cfc0a8_Sustainability.Strategy.pdf

Purpose:

The strategy sets out priorities and proposed actions for the next four years around 5 key themes:

- Climate Resilient Communities
- Low Carbon Economy
- Protecting Nature
- Towards a Circular Economy
- Environmental Stewardship

2. **Our Sustainability Impact 2020 – 2024**

Prepared by Wellington Shire Council's Waste and Sustainability Team
27 September 2022

<https://storymaps.arcgis.com/stories/8928427901094a23b98976c83b2745ce>

Purpose:

An interactive journey on council progress against local environment and sustainability efforts covering content below:

1. [Virtual Tour](#)
2. [Climate Resilient Communities](#)
3. [Low Carbon Economy](#)
4. [Protecting Nature](#)
5. [Towards a Circular Economy](#)
6. [Environmental Steward](#)

3. **Annual report 22 – 23**

https://assets-global.website-files.com/6021ed7c89cc1c1c01fccf29/65301f56017058fd293c30e7_Annual%20Report%202022-23.pdf