

COASTAL CLIMATE CHANGE ADVISORY COMMITTEE



Response from the Minister for Planning

JUNE 2012

COMMITTEE RECOMMENDATION	RESPONSE	MINISTER'S RESPONSE
<p>1 A new objective be inserted at Section 4(c) of the <i>Planning and Environment Act 1987</i> as follows:</p> <p><i>To identify and plan for the potential impacts of climate change in order to minimise risks to human health and safety and to ecological communities.</i></p>	Not supported	<p>The objectives of planning in Victoria are—</p> <ul style="list-style-type: none"> <i>(a) to provide for the fair, orderly, economic and sustainable use, and development of land;</i> <i>(b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;</i> <i>(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;</i> <i>(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;</i> <i>(e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;</i> <i>(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);</i> <i>(g) to balance the present and future interests of all Victorians.</i> <p>It is considered climate change is covered in objectives B, C & E. To highlight protection specific natural resources, ecological processes or assets puts particular emphasis on environmental issues and planning seeks to balance environmental, social and economic considerations.</p>
<p>2 Subject to further discussion with the Victorian Coastal Council to ensure consistency with the Victorian Coastal Strategy, the State Planning Policy Framework at Clause 13.01-01 be revised to include interim sea level rise planning figures of 0.2m (currently predicted to occur by 2040), 0.5m (currently predicted to occur by 2070) in addition to the existing 0.8m by 2100 figure.</p>	Support in principle	<p>Further clarity is required in addressing sea level rise risks in the planning system. The Advisory Committee's recommendation to change the State Planning Policy Framework to include an interim sea level rise benchmark of 0.2m for urban areas (currently predicted to occur by 2040) is supported.</p>

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		<p>This will provide local decision makers with clarity while further coastal hazard information becomes available and adaptation planning is undertaken by councils.</p> <p>The Committee's view that interim steps in time are required to provide a focus for decision makers in the short and medium term is supported. The State Planning Policy Framework will be amended to establish a 0.2m requirement for infill development in established areas, while the 0.8m requirement will continue to apply to greenfield decisions.</p>
<p>3 That the Department of Planning and Community Development, in consultation with other agencies and local government, develop a strategic land use planning program for coastal climate change adaptation response planning.</p> <p>4 That the Department of Planning and Community Development and the Department of Sustainability and Environment develop a decision support system in consultation with local government to clearly identify priorities for on-going strategic planning.</p>	<p>Support in principle</p>	<p>The Government has and is continuing to work with councils and other agencies to advance adaptation planning. For example, specific projects are underway in East Gippsland, Port Fairy and Port Phillip Bay. In addition, the Government will continue to progress State wide regional mapping to inform adaptation planning.</p>
<p>5 That amending the public land zones (PPRZ and PCRZ) and the Urban Floodway Zone should be considered to include reference to climate change.</p>	<p>Not supported</p>	<p>It is considered unnecessary to amend these zones at this time. The purposes of the zones and their application do not change because of sea level rise. Climate change planning will be applicable across all zones in coastal areas including public and private land.</p> <p>The need for zoning changes should reflect needs identified through the adaptation planning process.</p>

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<p>6 A Coastal Adaptation Zone (CAZ) should be considered for development in future to help implement settlement and suburb strategic coastal urban planning.</p>	<p>Not supported</p>	<p>A Coastal Adaptation Zone is not supported at this time. A zone controls use of land and to have a zone applying to coastal areas to identify risk does not differentiate or provide direction on land use expectations in different areas of the coast.</p>
<p>7 A new Coastal Hazard Overlay (CHO) should be developed to identify and communicate coastal risk and hazard to 2100 with implementation in accordance with Section 7.10 of this report.</p>	<p>Not supported</p>	<p>The physical mapping of coastal sea level rise hazard areas and shoreline erosion risk requires completion before new planning tools are developed. It is agreed that the planning scheme can provide identification to property owners in those coastal areas likely to be affected by sea level rise over time when this information becomes available. An option may be to amend the Land Subject to Inundation Overlay to include coastal sea level rise hazard areas when more detailed information becomes available.</p>
<p>8 Sea level rise based permit conditions (rather than time based permits) may be acceptable in some limited circumstances but responsible authorities will need to consider:</p> <ul style="list-style-type: none"> a. The broader strategic planning context for the decision in relation to climate change adaptation; b. The advice of the relevant flooding and/or coastal risk referral authority; c. The ability for future requirements for any permitted building to be relocatable (i.e. demountable structures) and to relocate or retreat from the coastal hazard threat to be achievable; d. The level of risk they may be exposing the permit holder to (even if the permit holder accepts that risk); and e. The risk the responsible authority is accepting in issuing the permit. 	<p>Support in part</p>	<p>Consistent with the Government's objective of encouraging councils to progress with adaptation planning for a range of responses, including requirements that some structures be relocatable may be necessary.</p>

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<p>9 Support should be given to planning authorities – potentially through the process of preparation of regional land use plans – to review the development capacity of undeveloped areas included within coastal settlement boundaries, to ensure that the potential impacts of coastal climate change are taken into account in deciding the future of these areas, and to adjust settlement boundaries where required.</p>	Support in principle	Funding (Coastal Planning program) can be allocated for local governments for the planning component of the preparation of coastal adaptation plans and DSE with DPCD will work with councils as well as other agencies to assist in their preparation.
<p>10 The Government should establish a process to identify Crown foreshore and lakeshore reserves and intertidal areas with high recreational and social values that are at significant risk from the impacts of coastal climate change, as a basis for developing strategies to ensure the retention of an appropriate level of public access in key areas.</p>	Support in part	DSE is currently working on matters relating to this recommendation, including looking into risks associated with coastal hazards on public land.
<p>11 Assistance should be provided to planning authorities to prepare restructure plans for existing groupings of small allotments in non-urban areas that are unsuitable for future development due to the likely impacts of coastal climate change.</p>	Support in principle	Adaptation planning will identify any areas where targeted approaches are required.
<p>12 Existing planning tools like native vegetation precinct plans should be used to plan and manage natural coastal environments to adapt to the effects and impacts of coastal climate change and support broader integrated strategic planning.</p>	Support in principle	Existing planning tools can be used by councils to manage native vegetation in natural coastal environments.
<p>13 Existing planning tools like the Rural Conservation Zone (RCZ), Public Conservation and Resource Zone (PCRZ), Public Park and Recreation Zone (PPRZ) and Environmental Significance Overlay (ESO) all provide strong support for implementing strategic plans and can be amended to better reflect the need to address climate change effects and impacts on natural environments.</p>	Support	Existing planning tools can be used by councils to manage development in areas that may be affected by coastal inundation however changes to the shell control are not required to achieve this. Schedules provide for tailoring the controls to specific areas.

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<p>14 A new Coastal Conservation Zone (CCZ) should be introduced into the Victoria Planning Provisions (VPPs) to provide a coastal specific zone that can support the protection, enhancement and adaptation response to coastal climate change effects and impacts on natural coastal environments.</p>	<p>Not supported</p>	<p>As with response to recommendation 13, existing planning tools can be used by councils to manage development in areas that may be affected by coastal inundation however changes to the shell control are not required to achieve this. Schedules provide for tailoring the controls to specific areas.</p>
<p>15 The VPP Practice Note – <i>Applying the Incorporated Plan and Development Plan Overlays</i>, January 2003 should be amended to include reference to climate change effects to improve the awareness of how the Incorporated Plan Overlay (IPO) or the Development Plan Overlay (DPO) can be applied to protect natural systems from climate change impacts with the following changes:</p> <p>Under ‘Strategic Framework’ on page 2 add an additional dot point to read – ‘identify and address areas that may be subject to impact from projected climate change including coastal climate change effects and hazards such as sea level rise, coastal inundation and coastal erosion’.</p> <p>Under ‘Plan content’ within the section ‘Preparing a development or incorporated plan’ on page 7 add an additional section – ‘Responsive adaptation to climate change’ and include questions such as ‘What impacts from climate change should be taken into consideration? How should land use and development be planned, sited and designed to accommodate impacts from climate change hazards? How should natural systems, biodiversity and habitats be protected and allowed to respond in adapting to the effects of climate change particularly with respect to coastal impacts including sea level rise, coastal inundation and coastal erosion?’</p>	<p>Support in principle</p>	<p>The Development Plan Overlay and Incorporated Plan Overlay are tools in the Victoria Planning Provisions that could be applied to an area to ensure coastal climate change effects and hazards are considered in the development of a particular plan for a particular area.</p>

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16 That agencies responsible for emergency management in coastal settlements incorporate climate change induced sea level rise impacts into their emergency response planning.	Support in principle	The Government is moving towards an “all hazards all emergencies” logic for dealing with hazards, risks and emergency management. Coastal adaptation plans can inform these arrangements. Funding (Coastal Planning Program) can be allocated for local governments for the preparation of the planning components of coastal adaptation plans and preparation of these plans will require engagement with emergency management agencies.
17 The Minister for Planning consult with the Minister for Higher Education and Skills to initiate, in conjunction with tertiary institutions, the Municipal Association of Victoria and relevant professional associations, a skills audit with the view to developing a range of professional development courses to meet the shortfall of professionals with the capability to assess coastal climate change impacts.	Support	The Department will meet with the MAV and the Ministers' relevant departments to discuss the matters from the Committee report relevant to their organisations as required.
18 Upon completion of DSE's <i>Coastal Floodplain management guidelines – assessing development in coastal flood risk areas</i> and its local government companion guideline, a range of workshops and seminars be conducted to assist local government implement the guidelines and build capacity and that these workshops form the basis for an ongoing program of coastal climate change training for local government.	Support in part	DSE Future Coasts has prepared a Coastal Hazard Guide. The Minister for Water has existing guidelines for providing referral advice for its CMAs and Melbourne Water also has interim guidelines. A PLANET training course on coastal climate change adaptation may be developed for local government.

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19 That legal advice be commissioned from the Victorian Government Solicitors Office on the liability of decision makers to consider coastal climate change information (both in principle and to what degree necessary) and this advice be published for broader community interest.	Not supported	Insurance markets are outside the operation of the planning system. The issue of legal advice is a matter for decision makers to decide what advice they seek and when they seek it.
20 The Minister for Planning consult with the Building Commission of Victoria to ensure climate change resilience is included in discussions with the Commonwealth Government about the Building Code of Australia as appropriate.	Support	The Department will initiate discussions with the Building Commission to progress the relevant matters from the Committee report if required.
21 The State Planning Policy Framework of the Victoria Planning Provisions should be amended to strengthen references to planning for coastal climate change in accordance with the detailed proposals in Section 7.1.2 of this report.	Support in part	State Planning Policy Framework revision to include interim sea level rise planning figures of 0.2m (currently predicted to occur by 2040) is supported. The State Planning Policy Framework will be amended shortly.
22 Coastal municipalities should be encouraged and supported to develop coastal planning and coastal climate change policies in their Municipal Strategic Statements, and where appropriate Local Planning Policies.	Support	Encouraging councils to develop local policy is supported. The drafts provided by the Committee will be available for reference for councils.
23 That changes to the existing zones in the Victoria Planning Provisions be made in accordance with the suggestions Section 7.3 above and the relevant appendices of this report.	Support in principle	The Government will continue to reform zones and planning controls to ensure Victoria has an effective and efficient planning system.
24 That a new Coastal Conservation Zone be introduced to the Victoria Planning Provisions to increase the effectiveness of preparing for climate change impacts in coastal (non settlement) areas.	Not supported	The Rural Conservation Zone may be used to deal with and respond to relevant conservation needs.

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25 That changes to the existing overlays in the Victoria Planning Provisions be made in accordance with the suggestions in Section 7.4 and the relevant appendices of this report.	Support in principle	See response to recommendation 23.
26 That a new Coastal Hazard Overlay be introduced to the Victoria Planning Provisions in accordance with the model shown in Appendix M.	Not supported	See response to recommendation 7.
27 That under Clause 62.02-1 - Buildings and works not requiring a planning permit unless specifically required by the planning scheme, the provision relating to works preventing soil erosion be amended.	Support in principle	It is important that all works to prevent soil erosion can be undertaken in an efficient manner.
28 That referral on coastal flooding and erosion will be a critical and growing need in future and skills in this field must be developed and expanded.	Support in principle	Any referrals on inundation will be to the Catchment Management Authorities and floodplain management authorities. The Minister for Water will be issuing updated guidelines to assist Catchment Management Authorities and floodplain management authorities in providing advice on coastal inundation referrals.
29 A revised definition for 'Earthworks' be included in Clause 72 of the Victoria Planning Provisions based on the suggested text in this report.	Support in principle	Further investigation will be undertaken by the Department.
30 That the Application section of Ministerial Direction No 13 be amended to read as follows: <i>This Direction applies to any planning scheme amendment that provides for the rezoning of non-urban land for urban use where that land:</i> <ul style="list-style-type: none"> • <i>Abuts the coastline or a coastal reserve; or</i> • <i>Is less than 5 metres Australian Height Datum within one kilometre of the coastline including Gippsland Lakes.</i> 	Support	Ministerial Direction No. 13 will be updated as part of the forthcoming changes to the State Planning Policy changes, to provide greater clarity.

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<p>31 That the General Practice Note – <i>Managing Coastal Hazards and the Coastal Impacts of Climate Change</i> should be amended to more strongly reflect the need to avoid requiring CHVAs for minor forms of development or infill development within established urban areas and which does not significantly intensify land use nor would significantly increase the level of habitation potentially at risk.</p>	<p>Support</p>	<p>The requirement to prepare assessments for minor development is onerous and this change is supported as it will assist in cutting red tape in minor development applications.</p>
<p>32 That the Victoria Planning Provision changes recommended in this report be made via a combination of Ministerial and local government driven amendments as suggested in Section 7.10 of this report.</p>	<p>Support in part</p>	<p>Some of the changes recommended to the VPPs are considered appropriate as detailed in this response. In addition, the need for any localised planning response will be influenced by the outcomes of adaptation planning processes.</p>