Review of the Climate Change Act 2010: Public Submissions

Submission Coversheet

Submissions can also be made using the online submission form at www.delwp.vic.gov.au/climate-change-act.

Please complete this coversheet so your submission can be registered and considered by the Independent Review Committee. Send this completed coversheet and your submission to the Independent Review Committee by 11pm Sunday 2 August 2015:

- By email to: climatechange.act@delwp.vic.gov.au
- By post to: Climate Change Act Review Secretariat
  Department of Environment, Land, Water & Planning
  PO Box 500
  Melbourne VIC 8002

Attach your submission to this form or answer the questions directly. See guidance on submissions on Page 4.

Fields marked with an asterisk (*) are mandatory.

Contact Details

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<th>Title* (please specify one of the following)</th>
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I am making this submission on behalf of * (please specify one of the following)

Individual □  Non-government organisation / community organisation □
Business □  Local Government ☐  Other government entity □
Other: ____________________________________________________________

Name of organisation (if applicable): Hobsons Bay City Council
Privacy Options* *(Please complete)*

Please select an option.
☐ This submission is being made by an organisation and I understand that it will be published, including the name of the organisation
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Your submission has been collected by DELWP on behalf of the Independent Review Committee for the purpose of:

- Informing the review of the Climate Change Act 2010
- To develop the Independent Review Committee’s advice to the Minister for Environment, Climate Change and Water in accordance with the Terms of Reference.

The Independent Review Committee may do the following with your submission (your personal information will not be included):

- Provide a copy of your submission to the Department of Environment, Land, Water and Planning if needed for preparing Ministerial briefings.
- Quote directly from your submission in the review report.
- Submission content could also be made available to other Victorian Government agencies.

For transparency and accountability, the contents of your submission may be published on a Victorian Government website which is accessible worldwide. Any person may view your comments. Your comments may remain on external servers, even once your comments are removed from the original website it was published on.

All submissions are public documents and may be accessed by any member of the public unless you request, and your comments are given, confidential status.

If you are making comment as an organisation, then your comments may be published, including the name of your organisation.

If you are making comments as an individual, then your comments may be published, including your postcode but with no other details.

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Submission Guidance

In order for your submission to provide the most value to the Committee’s review, you are encouraged to respond to the following questions and/or the Terms of Reference (located on Page 6). You do not have to address all of the Terms of Reference or answer all of the questions.

Questions

You may type your response directly into this document or write a separate submission.

Note: Do not include private information such as names and addresses in your responses or any attachments.

1. a) How effective is the current Climate Change Act 2010 in driving climate change action by:

   Government? (tick one only)
   - [ ] very effective
   - [ ] somewhat effective
   - [ ] slightly effective
   - [ ] not effective
   - [ ] no opinion

   Business? (tick one only)
   - [ ] very effective
   - [ ] somewhat effective
   - [ ] slightly effective
   - [ ] not effective
   - [ ] no opinion

   Community? (tick one only)
   - [ ] very effective
   - [ ] somewhat effective
   - [ ] slightly effective
   - [ ] not effective
   - [ ] no opinion

   a) Do you have any further comments about the effectiveness of the current Climate Change Act 2010? [Maximum 1000 characters]
   Please see attached submission
2. What role should the Act play in:
   
a) Reducing greenhouse gas emissions? [Maximum 1000 characters]
   
Please see attached submission

b) Adapting and preparing for the impacts of climate change? [Maximum 1000 characters]
   
Please see attached submission

c) Growing a globally competitive Victorian economy? [Maximum 1000 characters]
   
Please see attached submission

d) Providing accessible information to the Victorian community on climate change? [Maximum 1000 characters]
   
Please see attached submission

3. Based on the Terms of Reference, is there anything else you would like the Independent Review Committee to consider when developing its report and recommendations? [Maximum 3000 characters]

Please see attached submission
Climate Change Act 2010 Independent Review Committee

Terms of Reference

1. Introduction

The Victorian Government recognises that climate change is one of the most critical issues facing Victoria. The Government is committed to positioning Victoria as a leader in responding to climate change; by mitigating risks and adapting to its impacts.

The Minister for Environment, Climate Change and Water is driving action to achieve this by reviewing climate change legislation, policies and programs. The independent review of the Climate Change Act 2010 (‘Act’) is one of the first steps in this process. Legislation can provide a strong framework for climate change action.

It is important that the Act is robust and effective, and contains the right powers and tools to tackle climate change now and into the future. Climate change policy continues to evolve globally and nationally. By the end of 2015 there will be progress in international agreements under the United Nations Framework Convention on Climate Change. The Australian Government’s climate change policies will also continue to be refined in the lead up to the Paris Climate Change Conference in November 2015. Developments in technology; climate science; and the changing structure of the Victorian economy and its energy systems are also factors that will continue to influence Victoria’s response to climate change.

The Minister for Environment, Climate Change and Water is required under Section 18 of the Act to ensure that an independent review of the Act is completed before 31 December 2015.

2. Scope of Review

2.1 Pursuant to Section 18 of the Act, the Independent Review Committee will review and produce a written report containing recommendations and options to the Government before 31 December 2015 that:

a) Examines the effectiveness of the current operation of the Act in achieving its stated purposes.

b) Examines whether the Act provides a sound foundation for action (by Government, business and community) on both climate change mitigation and adaptation.

c) Examines whether the Act is sufficiently robust to deal with changes over time in the range of factors that impact on Victorian Government climate change policy.

d) Identifies options to improve the Act to achieve the Government’s commitment to action on climate change mitigation and adaptation.

e) Examines whether legislation is the most appropriate mechanism for an emissions reduction target.

f) Identifies the most appropriate mechanism to monitor and report on progress in accordance with the Act.
2.2 Pursuant to Section 18(3) of the Act, in developing the options for improving the Act and its operation, the Independent Review Committee may have regard to:

a) Other Victorian law relating to climate change and any other law or policy relating to climate change.
b) Developments in climate change technologies and best practice in response to climate change.
c) Any plan prepared under Section 16 (the Victorian Climate Change Adaptation Plan).
d) Whether the Act needs to be amended to include new purposes, policy objectives or programs.

2.3 In undertaking the Review, the Independent Review Committee should:

a) Consider climate change legislation and policies in sub-national jurisdictions in Australia and overseas.
b) Consider any relevant state or national inquiries that review the efficacy and efficiency of climate change legislation.
c) Consider the known costs and benefits to businesses, households and government where relevant.

The Independent Review Committee may directly seek the views of the community, business, and non-government sector representatives in conducting the review. The Review will also include a public submissions process.

The Independent Review Committee must provide the Minister a written report in accordance with these Terms of Reference and Section 18(4) of the Act before Thursday 31 December 2015.

In accordance with Section 18(5) of the Act, a copy of the report must be tabled in both Houses of Parliament within 10 sitting days after the completion of the Review.
31 July 2015

Climate Change Act Review Secretariat
Department of Environment, Land, Water and Planning
PO Box 500
Melbourne Vic 8002

Dear Independent Review Committee members,

Review of the Climate Change Act 2010: Public Submission

Hobsons Bay City Council welcomes the opportunity to provide input to the review of the Climate Change Act 2010 (the Act). Council supports the review and sees it as a necessary action to strengthen Victoria’s response to climate change through coordinated efforts to reduce greenhouse gas emissions and commencing early measures to increase our community’s resilience.

The key points in the attached submission primarily relate to the role that the Act should play. The Act should:

- provide support to the community to overcome barriers to make greenhouse gas mitigation more affordable and accessible to all
- provide coastal councils with more resources so they can effectively manage regionally utilised infrastructure and natural assets
- not expect or rely on the use of Council rates as a potential funding mechanism for coastal and asset protection works
- play a lead role in reducing the carbon emissions of businesses and promote Victoria as a leading destination for sustainable business
- provide direct support, including funding mechanisms, to existing organisations and groups that are already taking well-planned and effective action to mitigate emissions and planning for adaptation measures

Thank you for the opportunity to comment and I trust that the attached document provides valuable input.

Should you wish to discuss this submission further, please contact Kathleen McClusky, Manager Strategy and Advocacy on 9932 1004 or email kmclusky@hobsonsbay.vic.gov.au.

Yours sincerely,

Natalie Walker
Director Strategic Development
Climate change impacts in Hobsons Bay

Hobsons Bay is particularly vulnerable to the adverse effects of climate change. Immediate action is necessary to build Hobsons Bay’s capacity to respond to the challenges of climate change, enable a more effective response, and minimise economic and social impacts. Immediate action to reduce greenhouse gas emissions will support a long-term transition to an environmentally and economically sustainable municipality.

A healthy environment promotes greater health and wellbeing for the community. Taking action to ensure a sustainable environment reduces the risks and potential impacts upon those that are most vulnerable.

Climate change presents many challenges for Hobsons Bay including higher average temperatures, reduced rainfall, extreme weather events and sea level rise. It is important for Council to provide the community with information on how to adapt to the adverse effects of climate change and how to adopt environmentally friendly behaviours.

People without the financial resources to adapt to a changing climate will experience greater negative effects and may struggle to undertake more expensive up-front changes to reduce their risk. Some population groups such as isolated older people or people with a disability, pregnant women, young children and people with chronic illness will also be more vulnerable to the effects of climate change.

It is therefore imperative that Council plays its role in:

- enabling, engaging and encouraging the local community to move to a low carbon future
- creating and sustaining local solutions to the impacts of climate change on the health and wellbeing of residents and especially those that are more vulnerable
- land use planning

According to best available climate science, climate change is predicted to change the local climate through an increase in average number of days each year that are over 35 degrees; sea levels are expected to rise by up to 50cm by 2070 with storm surge expected to increase from 1.1m now to 1.6m by 2070; Hobsons Bay’s annual average rainfall could decline by up to 38 per cent by 2070; storms rain events are expected to be more intense with increasing wind speeds.

In 2012, Council undertook a risk assessment to determine how these projections of climate change would impact on Council’s infrastructure, programs and services. The most significant and most immediate risks identified by Council for Hobsons Bay as climate conditions change include:

- flooding from sea level rise, storm surges and the increased intensity of storm events
- increased demand on maintenance services
- increased demand on Council’s emergency services

In order to manage these risks Council has identified the following needs:

- more detailed flood mapping information to manage flood risk
- more detailed information on the potential for sea level rise and storm surge impacts
- undertake a review of and update the Asset Management Plan for Council assets (including buildings, paths and roads) to take climate change impacts into consideration
- review Council’s emergency services procedures and ability to respond appropriately
- increase public awareness and community education to better manage extreme weather events

**Question 1:** How effective is the current *Climate Change Act 2010* in driving climate change action?

Council is not in a position to be able to comment extensively on this question.

The Victorian Government has stated that it is committed to position our state as a leader in climate change action. The Act should be an overarching instrument that directly enables and drives carbon mitigation and climate change adaptation plans and actions at all levels of society. At present it does not influence a broad enough range of decision makers or adequately address the need for deep carbon mitigation in Victoria.

The Act review committee should consider the broader context of state-based regulatory and economic instruments that are critical to ensure the Act’s effective operation. The Government’s resolution to reintroduce an emissions reduction target and support energy efficiency and renewable energy, for example, will directly support the Act. There are other policy areas in which decisions are not currently required to have regard to climate change although they either significantly influence greenhouse gas emissions levels or are themselves affected by climate change impacts. Land use and infrastructure planning law is one such area. Unless the Act’s coverage is broad enough to regulate policy in these areas, there is a serious risk that its purpose will be undermined. It should be noted that the Act originally put into law an important part of the former ALP (Brumby) Government’s blueprint for action on climate change, the Climate Change White Paper, which recognised the broader context.

The Act should be strengthened by making explicit links to other government departments and Acts to ensure that a comprehensive and holistic regulatory framework exists to cross-support related objectives within multiple Acts and to deliver multiple benefits that span across government departmental portfolios. An example of where this is already occurring is the requirements under the Act for preparing a municipal public health and wellbeing plan. The Review Committee should also consider the value of establishing an agency or advisory body to facilitate the cross department planning for climate change adaptation.

Climate change will have a significant impact on human health. Many of the solutions needed to reduce these health impacts fall under the jurisdiction of departments and agencies that traditionally do not formally consider health issues. Examples include VicRoads, VicTrack and planning departments (currently Department of Environment, Land, Water and Planning). The Act should require such departments and agencies to consider health aspects in their planning to support the objectives of the Department of Health.
Question 2: The role of the Climate Change Act 2010

Immediate action to reduce greenhouse gas emissions will support a long-term transition to an environmentally and economically sustainable State. There is a need for urgent responses to climate change through coordinated efforts to reduce greenhouse gas emissions and commencing early measures to increase our community’s resilience.

2 a) Reducing greenhouse gas emissions

Given the known potential impacts of climate change, it is in the interests of all levels of government to mitigate these impacts by reducing greenhouse gas emissions.

Reductions in emissions can be made through a number of cost effective and technically feasible ways including:

- increasing energy efficiency
- adopting low carbon emission technologies including renewable energy

These approaches are well understood and have been proven to result in permanent and cost effective emission reduction. Generally, there is a willingness to take action, however a number of barriers exist that prevent individuals and organisations from being able to do so. The role of the Act should be to address these barriers to make it easier for the community to participate in emission reduction activities.

The most common barriers that are apparent within the Hobsons Bay community are:

- cost of implementation
- lack of knowledge regarding emission reduction measures and how to implement them
- lack of time and resources to implement measures

The Act should provide support to the community to overcome these barriers to make mitigation more affordable and accessible to all.

Improving energy efficiency and increasing low carbon energy access and security will provide businesses with direct cost savings and longer term sustainability, ensuring increased competitiveness and confidence to further invest in the business and other opportunities.

The current Act does not adequately address mitigation of greenhouse gas emissions beyond carbon sequestration activities. The importance of mitigation through energy efficiency and low carbon energy should be acknowledged and a support framework to facilitate action should be established.

The Act should also reinstate scientifically-based emissions reduction targets.

2 b) Adapting and preparing for the impacts of climate change

It is inevitable that some impacts of climate change will continue to arise and affect our communities. A changing climate is expected to have implications on land use and development along the Victorian coast line, particularly for Council and other low lying municipalities.

Hobsons Bay was identified as one of four local government areas in Victoria that have the “greatest level of risk… [of] inundation from a sea level rise of 1.1 metres and storm tide associated with a 1-in-100 year storm” (Department of Climate Change and Energy Efficiency, 2009, p.5).
The Western Alliance for Greenhouse Action Climate Change Risk Assessment undertaken in 2011 identified that climate change has already affected communities and infrastructure in the region as a result of:

- damage, and reduced access, to sporting fields and reduced amenity in public green space due to extreme heat and prolonged drought
- damage to drainage systems due to lack of rain, extended drought and increased intensity of rainfall events
- localised flooding from extreme rainfall events, causing flash flooding and damage to infrastructure

In alignment with its strategic objectives for environmental sustainability, Council has undertaken a risk assessment and developed a Climate Change Adaptation Plan. The plan includes a background, technical analysis, risk assessment, strategies and actions to assist Council in preparing for climate change. It also provides an initial assessment of the resources required for preparing for the challenges of climate change by outlining the activities and plans that Council will implement to meet the challenges associated with climate change impacts.

As Victoria’s population increases, demand for use of coast areas increases. Coastal councils are required to cater for access and infrastructure needs in excess of the demand created by their own residents, as residents from inland municipalities utilise coastal municipality infrastructure, particularly in summer months. This results in coastal councils being required to support and improve local infrastructure that has a regional benefit. Local councils should be provided with more resources so it can effectively manage regionally utilised infrastructure and natural assets. This should occur as direct support for existing local and regional adaptation plans and to facilitate additional research as required. Alternatively, regional or State authorities should be responsible for its day-to-day management.

Climate change impacts must be taken into account during infrastructure and asset management planning. Planning and design processes should be informed by the most up-to-date climate change prediction information available to ensure that the conditions expected throughout, and for the entirety of, an asset’s life are accounted for. For example, if a drainage system is planned to be updated every 80 years, its design should consider climate change impacts over 80 years.

*Planning and coastal management*

Land use planning relating to a changing climate, population growth and dealing with strategic directions is a complex issue for Hobsons Bay. In Hobsons Bay two of our major activities (Altona and Williamstown) are located on the coast. On the one hand the state government policy is to manage coastal hazard and not increase densities and on the other the policy is to increase development and densities around centres like this. There needs to be an appropriate decision making framework around these conflicting issues to ensure sound land use planning decisions are being made.

Hobsons Bay will continue to advocate for better coastal management strategies and support to ensure Hobsons Bay has a viable, attractive and functional coast.

Currently the State Planning Policy Framework (SPPF) has a benchmark for sea level rise under clause 13.01-1 of the Hobsons Bay Planning Scheme. However, there is currently no link from the SPPF into potential site specific land use controls such as a zone or overlay mechanism.
There is a need for specific climate change planning zones or overlays. A zone or overlay provision under the Planning Scheme has the potential of clearly illustrating areas that should consider coastal hazard including coastal inundation (potentially as a result of a changing climate) and has the potential of setting area or site specific controls to ensure appropriate planning. It is fair, reasonable and good planning for such a mechanism to be in place.

However, the use of rezoning or using an overlay mechanism is anticipated to raise a number of issues. This may limit future development and use of sites which could be considered viable once an assessment is undertaken. In some instances it may be beneficial to control the use and development of the site – the overlays available for use along the coast do not control use. Furthermore, the level of risk posed by climate change may increase over time however amending or altering the controls within the zone may take time – therefore the response to the threat may be too slow to be practical. Council's preferred option would be the development of a coastal specific zone to address vulnerable communities and ecosystems. Furthermore, this zone should be formulated with significant input from local government.

It is acknowledged that the degree of coastal hazard in an area depends on a number of variables. Furthermore, coastal hazard can be addressed through accommodation, retreat and abandoning which depends on the degree of the coastal hazard. Each approach requiring various mechanisms to be implemented to address coastal hazards.

Consequently there may be instances where the use of only one mechanism to address coastal hazards is not viable and a suite of mechanisms is needed.

Therefore, a regional coastal hazard risk assessment needs to be undertaken to determine the level of risk that the Victorian Coastline is subject to and which mechanisms (which could be more than one) are required to address such risk.

According to the Victorian Coastal Strategy 2014 (VCS), coastal hazard assessments have been completed by the Victorian Government for Port Fairy, Corio Bay/ Bellarine Peninsula, Western Port Bay and the Gippsland Lanes/ Ninety Mile Beach. The outcomes of these assessments will be used to guide the application of this approach at other locations. Arguably of critical importance is the need to prepare an assessment for the whole of Port Phillip Bay. Regional assessments or assessments that only focus on a particular municipality can be ad hoc and do not guarantee accurate results. Mitigation works along one section of the Bay will impact other sections of the Bay; therefore a holistic approach is required. The Act could provide support mechanisms to facilitate these holistic and necessary studies.

There is an increasing demand for permanent residential development locations along areas that interface with the coastline. In the majority of instances, these areas will be subject to some level of coastal hazard arguably as a result of a changing climate.

Increased built form along the coast and in coastal settlements also increases the number of dwellings at risk of being susceptible to flooding if a coastal flooding event takes place. The VCS notes that the population of elderly people in coastal settlements and along the coast is increasing therefore creating vulnerable communities. Emergency Management Planning may require greater focus on the elderly. The use of the principles of universal design and appropriately designed infrastructure allows all ages and ability to use such infrastructure; reducing the need to retrofit changes in the future and/ or build additional infrastructure to cater for the different needs of people.
The use of Council rates as a potential funding mechanism for coastal and asset protection works is not supported, particularly in light of the proposed future rate capping. If such an approach is pursued, it creates uncertainty as to which properties will have increased rates – properties that have an interface with the coast (which already pay higher insurance premiums), properties within 500 metres of the coast and/or the entire municipality. It is unlikely that this approach will be supported by local councils if not all coastal local councils are levied.

Further to this, while it is noted that there will be new costs associated with a changing climate, roles and responsibilities need to be clearly defined and accounted for. Cost shifting from Victorian Government to local councils is not considered to be an acceptable approach. An example of this is particularly significant in the context of coastal Crown land which is not managed by councils and for which the Victorian Government has primary responsibility for planning and management.

The suburb of Altona within Hobsons Bay is an example of a well settled residential suburb with low lying land susceptible to the effects of coastal hazards and natural coastal processes. Support is required for the management of a range of issues that confront local councils in maintaining and upgrading existing infrastructure (e.g. seawalls/revetments) or on beach renourishment.

2.c) Growing a globally competitive Victorian economy

Although the local Hobsons Bay economy is supported by a variety of industry sectors, the majority of economic output has traditionally been generated by high yield manufacturing, particularly from the shipbuilding and motor vehicle industries. However, with the manufacturing industry throughout Victoria going through a period of significant change and a national move away from traditional manufacturing, there is an opportunity to attract targeted industries to Victoria, to align with the broader needs of residential, services and business communities.

Exploring and implementing sustainable business practices can allow business owners to diversify their operations, minimise costs, reduce their impact on the environment and deliver socially innovative outcomes.

Council is committed to becoming a leader in sustainable business practice, and to providing the support and assistance required to create a culture of sustainability best practice across the municipality. The Victorian Government should ensure that the Act is also clear in this commitment and provides the legislative support to enable this.

The Victorian Government should acknowledge the important role of climate change awareness in creating an adaptable and socially aware business community that is resilient to both climate change and global economic shifts.

The Act should:

- play a lead role in reducing the carbon footprint and emissions of businesses in Melbourne’s west and promoting the benefits to the wider community
- create an environment that supports and enables efficient, innovative and sustainable business practices
- promote Victoria as a leading destination for sustainable business

Creating a culture of learning and innovation will see Victoria become a centre of business excellence, characterised by a highly productive business community that is recognised for business best practice and innovation.
2 d) Providing accessible information to the Victorian community on climate change

Providing accurate, up-to-date and accessible information to the Victorian community on climate change is extremely important. It will ultimately result in better outcomes due to evidence based planning, it will help raise the general awareness of the community and therefore increase our collective preparedness for, and resilience to change.

Some key points that should be considered with respect to providing climate change information:

- **transparency** – provide information and data sources, context, assumptions
- **accessibility** – different users will have different needs. Data and information should be available in a number of forms from raw data through to simplified summaries or fact sheets. Information should be presented both with technical detail and separately in easy-to-understand non-technical terms. It should be presented in a number of different media types and be available to those with varying literacy skills or who speak languages other than English
- **clear roles and responsibilities** – these should be clearly defined to ensure that people understand where to obtain relevant information

**Question 3:** Based on the Terms of Reference, is there anything else you would like the Independent Review Committee to consider when developing its report and recommendations?

The Act should provide direct support, including funding mechanisms, to existing organisations and groups that are already well established and are taking well-planned and effective action to mitigate emissions and planning for adaptation measures.

Council is an active member in the following regional organisations and initiatives which provide excellent platforms for the Victorian Government to support and collaborate with:

- **Western Alliance for Greenhouse Action (WAGA)** Hobsons Bay City Council is an active member of the Western Alliance for Greenhouse Action. This alliance includes western suburb municipalities that work jointly on regional climate change mitigation and adaptation initiatives to reduce the potential impact and outcomes of climate change
- **Greening the West** Hobsons Bay City Council is a partner with City West Water, local western councils and Victorian Government organisations to create more liveable suburbs, a cleaner environment and contribute to improved community health. Greening the West aims to positively impact the health status, climate and environment of Melbourne’s west by increasing the tree canopy cover and vegetation through its suburbs
- **The Metropolitan Waste and Resource Recovery Group (MWRG)** Hobsons Bay City Council is an active member in MWRG, a Victorian State Government Statutory Body responsible for coordinating and facilitating the delivery of waste management and resource recovery across metropolitan Melbourne
- **Association of Bayside Municipalities (ABM)** Council is an active member in the ABM which is actively managing and maintaining the Port Phillip Bay coast to achieve the highest levels of community benefit by protecting and enhancing the social, economic and environmental values of the bay
Resources for local climate action: the Sustainability Fund

Funding sources to invest in climate action should also be identified in the Act. Council recommends that the Sustainability Fund be referenced as a primary source of funding. This fund is clearly appropriate, with one of its legislative purposes as defined by the Environment Protection Act 1970 being to foster 'community action or innovation in relation to the reduction of greenhouse gas substance emissions or adaptation or adjustment to climate change in Victoria.' Over the past five years, there has been little investment by the Victorian Government to address climate change despite the extraordinary accumulation of funds in the Sustainability Fund during this time. As reported in The Age in March 2015, the fund had a closing balance of more than $311 million at the end of the 2013-2014 financial year, and it is understood that the balance is now even higher.