Food-sensitive planning and urban design

Supportive Victorian legislation

This document provides background information about the main State Government Acts that relate to FSPUD. Within Victoria the principles of FSPUD are already supported in a number of Acts of the Victorian Parliament which provide the direction for local government policy. These Acts provide the legislative framework for council plans and policies and should be referred to when developing new plans and ideas. Full copies of these Acts can be found at www.legislation.vic.gov.au.

Local Government Act 1989

The Local Government Act 1989 is the primary guiding document which must be considered in the development of local government policy in Victoria. The primary objective for local government in Victoria according to the Act is:

*To endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effect of decisions [Part 1A Sec 3C(1)].*

In addition the Act outlines a number of facilitating objectives including:

*To promote the social, economic and environmental viability and sustainability of the municipal district (Part 1A Sec 3C (2a)).*

*To improve the overall quality of life of people in the local community [Part 1A Sec 3C (2c)].*

The Local Government Act 1989 is administered by the Department of Planning and Community Development.

Planning and Environment Act 1987

The Planning and Environment Act 1987 establishes the legal framework for the planning system in Victoria. The purpose of the Act is:

*To establish a framework for planning the use, development and protection of land in Victoria in the present and long term interests of all Victorians [Part 1 Sec 1].*

The Planning and Environment Act 1987 is administered by the Department of Planning and community Development.
Public Health and Wellbeing Act 2008

The Public Health and Wellbeing Act 2008 recognises that the state has a significant role to play in protecting public health and wellbeing. The Act does not directly mention food however it does make a number of mentions of ‘healthy conditions’.

In the context of subsection (1), the objective of this Act is to achieve the highest attainable standard of public health and wellbeing by:

(a) protecting public health and preventing disease, illness, injury, disability or premature death;
(b) promoting conditions in which persons can be healthy;
(c) reducing inequalities in the state of public health and wellbeing. [Part 2 Sec 4 (2)].

Reference to this Act can be used to support FSPUD as access to healthy food would support a), b), and c) above. In addition access to food will promote ‘conditions in which persons can be healthy’. Furthermore ensuring all areas have access to food will assist in ‘reducing inequalities in the state of public health and wellbeing.’

The Act sets out the role of Local Government in Part 3. This includes:

Creating an environment which supports the health of members of the local community and strengthens the capacity of the community and individuals to achieve better health [Part 3 Sec 24(a)].

With particular respect to the preparation of Municipal Public Health and Wellbeing Plans the Act states:

In preparing a municipal public health and wellbeing plan, a council must have regard to the State Public Health and Wellbeing Plan prepared under section 49 [Part 3 Sec26 (3)].

The Victorian Public Health and Wellbeing Plan 2011-2015 specifically mentions healthy eating in section 7.1. In addition, FSPUD is included as one of the ‘opportunities for progress’ in 2011-2015.

The Public Health and Wellbeing Act 2008 is administered by the Department of Health.

Food Act 1984

The Food Act 1984 is designed to ensure the safety of food. It outlines the role of councils in relation to ensuring food safety. The objectives of the Food Act 1984 include:

To ensure food for sale is both safe and suitable for human consumption [Part 1 Sec 3 (a)]
To prevent misleading conduct in connection with the sale of food [Part 1 Sec 3 (b)].

The Food Act 1984 is administered by the Department of Health.

Charter of Human Rights and Responsibilities Act 2006

Healthy and sustainable food can be supported by using the rights and values of the Victorian Charter of Human Rights and Responsibilities Act 2006. The Charter contains twenty basic rights that promote and protect the values of Freedom, Respect, Equality and Dignity. The Victorian Government, local councils and other public authorities must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver their services.

Climate Change Act 2010

The Climate Change Act 2010 outlines how the Government will ‘take account’ of climate change. The policy objectives of the Act include:

Helping to ensure vulnerable communities are not further disadvantaged as a result of climate change [Part 2 Sec 6 (i)]

FSPUD considers the impact of climate change and the food system; considering food in planning can help mitigate further disadvantage caused by food supply changes due to climate change.

The Climate Change Act 2010 also requires that the impacts of climate change be taken into account when developing Municipal Public Health and Wellbeing Plans [Part 3 Sec 14 (2)].

The Climate Change Act 2010 is administered by Department of Sustainability and Environment.

Transport Integration Act 2010

The Transport Integration Act 2010 addresses the social, economic and environmental impacts of transport planning and seeks to maximise the recognised benefits of integrated transport for the Victorian community. A core premise of the Transport Integration Act is the recognition that:

The transport system should provide for the effective integration of transport and land use and facilitate access to social and economic opportunities [Part 2 Sec 11 (1)]

The Transport Integration Act 2010 is administered by Department of Transport.

Key State Plans


Victorian Metropolitan Planning Strategy

The state government are currently developing a new planning strategy that will ‘help to guide Melbourne’s growth and change over the next 30-40 years’. A discussion paper has been prepared and can be viewed at www.planmelbourne.vic.gov.au. The Heart Foundation encourages all stakeholders to engage in the consultation process to ensure Food Sensitive Planning and Urban Design principles are imbedded in this important strategy.

Regional Growth Plans

The state government are currently developing regional growth plans that will provide broad direction for land use and development across regional Victoria. There will be opportunities to comment on these plans. A list of plans and opportunities for comment can be found at www.dpcd.vic.gov.au/planning/plansandpolicies/ruralandregionalplanning/regionalgrowthplans.