

Planning and Environment Act 1987

DAREBIN PLANNING SCHEME

MANNINGHAM PLANNING SCHEME

AMENDMENT GC42

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Darebin City Council and Manningham City Council who is the planning authority for this amendment.

The Amendment has been made at the request of Darebin City Council and Manningham City Council.

Land affected by the Amendment

The Amendment applies to all land at:

- Darebin City Council; and
- Manningham City Council (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster Hill).

What the amendment does

The Amendment introduces a Local Planning Policy to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.

It seeks to build on the collaborative process undertaken by the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra where a single Panel was appointed to hear all submissions received by the six Councils simultaneously. The combined planning scheme amendment was recently gazetted on 19 November 2015.

Darebin City Council, together with Manningham City Council, is participating as a second round group of metropolitan Councils proposing to introduce ESD Policy provisions in their planning schemes.

Specifically, the amendment:

Darebin Planning Scheme

- Introduces a new Clause 22.12 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Darebin Planning Scheme; and
- Updates Clause 21.02 Environment and Clause 21.03 Housing to reflect the introduction of Clause 22.12.

Manningham Planning Scheme

- Introduces a new Clause 22.12 Environmentally Sustainable Development Policy (ESD) into the Local Planning Policy Framework of the Manningham Planning Scheme; and
- Changes the Municipal Strategic Statement (MSS) at Clause 21.10 (MSS) to reflect the introduction of Clause 22.12.
- Amends the MSS at Clause 21.16 Key References, to update recent reviews of documents.

The Policy proposes to introduce the following objectives to be satisfied where applicable:

- Energy Performance
- Water Resources
- Indoor Environment Quality
- Stormwater Management
- Transport
- Waste Management
- Urban Ecology

The proposed policy also sets out application requirements and dependent on the scale of the development, an applicant needs to demonstrate how the relevant policy objectives will be achieved by completing either a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).

The proposed Policy is consistent with the recommendations from the Advisory Committee and Panel report on Environmentally Efficient Design Local Policies (7 April 2014).

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to strengthen the ability for the Responsible Authority to consider environmentally sustainable development (ESD) in the Local Planning Policy Framework (LPPF).

The Advisory Committee and Panel Report on the Environmentally Efficient Design Local Policies (7 April 2014) for the first group of Councils noted that the basic objective in introducing the proposed local policies is....

"that development should achieve best practice in environmentally sustainable development, including from the design stage through construction and operation. It also aims to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings".

Darebin City Council

Preparation of an ESD Local Policy has been identified as a piece of further strategic work in the recently adopted and gazetted MSS Amendment C138 and is an implementation action in the Darebin Housing Strategy 2013.

Manningham City Council

The need to address this policy gap was identified in the Manningham Planning Scheme Review 2014 (Action R7) and the Manningham Residential Strategy 2012 (action 2.7). This latter action refers to the need to review ESD Guidelines for medium density development and identify appropriate mechanisms for inclusion in the Manningham Planning Scheme.

There is currently no requirement to submit information on sustainable design for medium density or small scale developments outside of the Doncaster Hill ACZ.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the following objectives of planning in Victoria:

- to provide for the fair, orderly, economic and sustainable use, and development of land: Section 4 (1) (a);

- to provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity: Section 4 (1) (b);
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria: Section 4(1)(c); and
- to balance the present and future interests of all Victorians: section 4 (1) (g).

How does the Amendment address any environmental, social and economic effects?

The introduction of the ESD local policy will implement sustainable design principles in the planning process, resulting in improved sustainable development outcomes.

The achievement of sustainable development outcomes is likely to result in significant economic, social and environmental benefits. These benefits were identified by the Advisory Committee:

- “resilience to warming climate with amenity and health benefits;
- higher thermal performance of buildings leading to reduced energy consumption,
- lower peak demand, and better consumer outcomes,
- reduced water consumption;
- at a broader planning level better designed suburbs and urban environments, with improved social, environmental and economic outcomes.”

The amendment is expected to have a positive effect by:

Environmental Effects

- requiring new buildings and additions to achieve greater levels of energy and water efficiency, indoor environmental quality, stormwater management, sustainable transport, waste management and urban ecology will have far reaching environmental benefits.

Economic effects

- maximising sustainable design at the planning stage and minimising the costs associated with retrofit and poor design will provide cost savings on utilities.

Social effects

- facilitating sustainable built form which is more affordable over the life of the building for commercial and residential occupiers, as ongoing servicing costs will be reduced, thus having a positive net community benefit.

Does the Amendment address relevant bushfire risk?

The amendment does not impact on any considerations of bushfire risk.

Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The Amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.

The Amendment is consistent with Ministerial Direction 9 Metropolitan Strategy. The Metropolitan Strategy (Plan Melbourne: Metropolitan Planning Strategy 2014) includes a number of Outcomes, Objectives and Directions which have implications for the proposed Amendment. Relevant outcomes and objectives include:

- Liveable Communities and neighbourhoods: *Create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*
 - Direction 4.3: Create neighbourhoods and communities that support healthy lifestyles.
- Environment and water: *Protect our natural assets and better plan our water, energy and waste management systems to create a sustainable city.*
 - Direction 5.5: Integrate whole of water cycle management to deliver sustainable resilient urban development.
 - Direction 5.7: Reduce energy consumption and transition to clean energy
 - Direction 5.8: Plan for better waste management and resource recovery

The Amendment is not affected by any of the other Minister's Directions under section 12 of the *Planning and Environment Act 1987*.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment is consistent with and supports the following elements of the State Planning Policy Framework:

- Clause 11- Settlement:
 - 11.04-4 Liveable communities and neighbourhoods: To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities. In particular one of the strategies aims to achieve and promote design excellence.
 - 11.04-5 Environment and Water: This element identifies the need to "protect natural assets and better plan our water, energy and waste management systems to create a sustainable city."
- Clause 12- Environmental and Landscape Values:
 - 12.01-1: Protection of Biodiversity: The objective of this policy is to "assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites."
- Clause 14.02: Water
 - 14.02-2: Water quality: This sets out the objective of protecting water quality; and 14.02-3 water conservation which sets out the objective of ensuring that water resources are managed in a sustainable way.
- Clause 15.02 sustainable development
 - Clause 15.02-1 Energy and Resource Efficiency: The objective indicates the need to "*encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*"
- Clause 16.01 Residential development
 - 16.01-1 Integrated housing. This policy sets out the objective to promote a housing market that meets community needs. Of particular relevance is the strategy which sets out the need to encourage housing that is both water efficient and energy efficient.
 - 16.01-4 Housing Diversity: The objective of this policy is to provide for a range of housing types to meet increasingly diverse needs. One of the strategy notes the need to encourage development of well-designed medium-density housing which: .. improves energy efficiency of housing.
 - 16.01-5 Housing Affordability: The objective of this policy promotes the delivery of more affordable housing closer to jobs, transport and services. It is relevant to note that one of the strategies is the improvement of housing affordability by:

“Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.”

- Clause 18.02 Integrated Transport
 - 18.01-1 Land use and transport planning: This policy sets out the objective to create safe and sustainable transport system by integrating land use and transport.
 - 18.02-1 Sustainable personal transport: This policy sets out the objective of promoting the use of sustainable personal transport. One of the strategies specifically relating to new development indicates the need to “ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.”
 - 18.02-2 Cycling: The objective of this policy is to “integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.”
- Clause 19 Infrastructure
 - Clause 19.01-1 Provision of renewable energy: The objective of this clause is to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.
 - Clause 19.03-2 water supply, sewerage and drainage: The objective of this clause indicates the need “*to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*”
- Clause 19.03-3 Stormwater: The objective of this policy is “to reduce the impact of stormwater on bays and catchments.”

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Darebin

Council has demonstrated its commitment to the voluntary Sustainable Design Assessment in the Planning Process (SDAPP) program since 2008. This commitment is embodied within the Municipal Strategic Statement (MSS) and includes several sections relevant to this amendment which include:

- Environment (21.02)
- Housing (21.03)

These policies are similar in direction to the SPPF and provide further strategic justification for the proposed amendment.

The proposed amendment responds to the vision, objectives and strategies in the LPPF as follows:

- The policy aims to incorporate a range of important measures that seek to “*promote and facilitate best practice environmentally sustainable design and promote sustainable living and business practices*” under Clause 21.02-3 Built Environment.
- The policy seeks to “*Encourage the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential, mixed use, industrial and commercial developments as part of the planning permit approval process,*” by providing specific local guidance and policy thresholds where the policy would apply under Clause 21.02-3 Built Environment.
- The policy also builds on actions and strategies in the Darebin Housing Strategy 2013, also adopted in September 2014, which seeks “*to support and facilitate residential developments that respond to best practice environmental design guidelines and*

promote more intensive housing development in sites that exhibit good access to public transport infrastructure” (Objective 5).

- The amendment gives effect to the LPPF by establishing a clear framework through which key sustainability objectives will be addressed in the development process.

It is important to note, that there may be minor changes made to the MSS in accordance with Amendment C137, in the event that it is approved, will support the new policy.

Manningham

Council supports and encourages land use planning and development, design and construction using ESD principles. This commitment is embodied in Clause 21.10 Ecologically Sustainable Development in the MSS. The current Clause 21.10 of the MSS identifies as further strategic work the need to “*investigate the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.*”

The key ESD principles set out in Clause 21.10 are consistent with the proposed local policy. These include energy conservation, water conservation, protecting human health, and protecting and enhancing the built, natural and cultural environments.

Clause 21.10 of the Planning Scheme noted that ESD initiatives should incorporate current best practice, emerging technology and continuous innovation. The proposed policy provides the framework to ESD principles which are considered in the planning permit process.

The Amendment does not change the objectives or strategies in the current MSS provision. It merely introduces a number of new provisions to establish a clear link between the MSS and the new policy.

The Amendment is consistent with other provisions in the MSS, in particular Clause 21.05 Residential; Clause 21.06 Low Density; Clause 21.07 Green Wedge & Yarra River Corridor; Clause 21.08 Industrial, Clause 21.12 Infrastructure.

The Amendment is also consistent with other policies in the Scheme, in particular Eastern Golf Course Key Redevelopment Site Policy Clause 22.17, as it reinforces the need for future development to respond to sustainable development principles and providing guidance in achieving sustainability in the most efficient way.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment has been prepared in accordance with State Government Practice Notes – *Writing a Local Planning Policy and Strategic Assessment Guidelines: for planning scheme amendments.*

In particular the Amendment makes proper use of the Victoria Planning provisions as:

- the MSS includes broad strategic support for the local policy position; and
- local planning policies are appropriate tools to guide decision making in relation to a specific discretion.

How does the Amendment address the views of any relevant agency?

The Amendment will be referred to the relevant agencies as part of the statutory exhibition and notice of the Amendment.

[Concern with the amendment raised by Sustainability Victoria:](#)

[Sustainability Victoria has requested that the Guide for Best Practice for Waste Management in Multi-Unit Developments \(Sustainability Victoria 2010\) is removed as a reference document from the ESD Policy as it is no longer current, nor supported by Sustainability Victoria and has been withdrawn from circulation.](#)

[Response:](#)

[Ensuring consistency of the ESD Policy is an important element of this Amendment. The ESD Policy makes allowance for minor changes under Clause 22. 12-6 ‘Reference](#)

Documents' that; "the above reference documents and websites may be amended from time to time."

Moreover the purpose of reference documents is to provide information to assist the responsible authority in making decisions guided by the policy. This purpose was highlighted in the MACP Report.

Officers therefore recommend that it is appropriate to delete the *Guide for Best Practice for Waste Management Multi-Unit Developments* (Sustainability Victoria, 2010) from the reference documents of Clause 22.12-6 of the Policy.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment addresses the relevant requirements of the Transport Integration Act 2010.

The amendment will not have a significant impact on the transport system, as defined in the Act, as it would not in itself result in any increase in demand on the transport system.

The amendment is consistent with the transport system objectives of the Act, in particular those contained in Section 10 – Environmental Sustainability.

Resource and administrative costs

• What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is not anticipated that the Amendment will have a significant impact on the resources and administrative costs of the responsible authority.

The Amendment is not considered likely to generate a significance increase in resources to Council as it will not result in an increased number of permit applications.

The policy will provide a transparent and consistent framework for decision-making, reducing resources currently required to negotiate planning outcomes.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Darebin City Council

- Darebin City Council Office at 274 Gower Street, Preston.
- Preston Library, 266 Gower Street, Preston.
- Northcote Library at 32-38 Separation Street, Northcote.
- Reservoir Library at 17 -21 Ralph Street, Reservoir.

Darebin City Council's website:

- The amendment documentation maybe viewed at www.darebin.vic.gov.au
- Also visit Darebin's website 'What is Going On?' <http://www.darebin.vic.gov.au/Building-and-Business/Planning-and-development/Whats-Going-On>
- Alternatively visit Darebin's Planning Services Consultation website at www.yoursaydarebin.com.au

Manningham City Council

- Manningham City Council Office, 699 Doncaster Road, Doncaster
- Manningham Libraries

- Manningham website www.yoursaymanningham.com.au

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Tuesday 15 March 2016.

A submission must be sent to:

Darebin City Council

Coordinator Strategic Planning

Darebin City Council

PO Box 91

Preston Victoria 3072

Or via email: planningservices@darebin.vic.gov.au

Fax: 8470 8877

Manningham City Council

Manager Economic and Environmental Planning

Manningham City Council

PO Box 1

DONCASTER VIC 3108

or submitted online at www.yoursaymanningham.com.au.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: To commence in the week of 2 May, 2016
- panel hearing: To commence in the week of 30 May 2016