

City of Yarra

Submission to DEWLP ESD Roadmap

19th February 2021

Thank you for the opportunity to input into this critically important piece of State Government policy and planning control development.

The City of Yarra welcomes the State Government's preparation and release of the ESD Roadmap. The integration of ESD into the planning system is key to maintaining and enhancing the sustainability and liveability of Victoria. Council applauds the State Government's commitment to addressing the gaps in the planning system such as climate change, energy efficiency and renewable energy.

As a leading Council in ESD, the City of Yarra welcomes the opportunity to work with DELWP and its CASBE partners, industry and the wider community to develop appropriate standards in the planning scheme.

Council highlights the strong economic case for increased ESD standards in development particularly in the face of the COVID-19 economic recovery. Specifically, Council acknowledges recent economic investigations across the sector that demonstrate that transitioning towards a zero carbon economy will strengthen economic competitiveness, including within the built environment.

There is an opportunity to create a stronger link between planning and the emission reduction targets which will come from the *Climate Change Act 2017*. Victoria has committed to net zero emissions by 2050, there is an opportunity to commit to net zero carbon buildings by 2050, which would strengthen the commitment to ESD and its role within planning across the state.

Summary

Enhancing ESD policies in the Yarra Planning Scheme

Firstly, it is of utmost importance that the current ESD policies and standards in the Yarra Planning Scheme are not diluted. This is particularly important given Yarra is working collaboratively with the Cities of Melbourne, Moreland and the Council Alliance for a Sustainable Built Environment (CASBE) on a Zero Carbon planning scheme amendment for new development.

Developers generally operate in Yarra with the understanding of the ESD standard expected by the City of Yarra, supported largely by our local planning policies (Clause 22.16 and Clause 22.17) and accept these requirements into their development feasibilities. It is of utmost importance that these requirements are not lessened in any new state policies or planning controls that are prepared.

Raising ESD standards and allowing for local content

We strongly recommend the State Government to use this opportunity to,

- Raise the standards of ESD across the whole State of Victoria, and
- Enable leading councils, like Yarra to set a higher benchmark.

NOTE: A Summary of Recommendations follows. Following the General Feedback and Detailed Feedback sections of this report, a draft PPF Clauses summary of all recommendations is included in a table to assist DEWLP provide feedback to the City of Yarra.

Recommendations

Theme	Recommendation
General	
Overall	<p>We strongly recommend the State Government to use this opportunity to,</p> <ol style="list-style-type: none"> 1. Raise the standards of ESD across the whole State of Victoria, and 2. Enable leading councils, like Yarra to set a higher benchmark.
Overall	Yarra strongly supports the proposal to embed ESD more comprehensively in the Planning Policy Framework and inserting the consideration of ESD into the purpose of all planning schemes.
Local Provisions	City of Yarra strongly urges the State Government provide the ability to tailor controls to local circumstances through local schedules to the new Victorian Particular Provisions.
Existing ESD Local Policy	<p>Yarra considers the ESD Local Policy <u>must</u> be retained while the Particular Provisions and other planning mechanisms (e.g. schedules to zones or the Design and Development Overlay) are explored.</p> <p>Yarra would like to work with DELWP and its CASBE partners to review the contents of the ESD Local Policy in relation to any proposed new provisions.</p> <p>Yarra considers local policy should be part of the package to effectively implement ESD provisions. Local policies on ESD will remain important as they express the local objectives of Council and help provide direction where locally specific policy guidance on a particular matter is needed or where it not addressed by State Policy.</p>
Input into development of Vic Particular Provisions	<p>Yarra strongly supports the development of specific planning objectives and standards that help achieve ESD policy goals.</p> <p>Council welcomes the opportunity to work with DELWP and its CASBE partners and participate in consultation on the detailed provisions commencing from the middle of this year.</p>
Clear and measurable Particular Provisions	We encourage the development of particular provisions that are clear, measurable and simple to demonstrate. This will greatly assist both development applicants and Council's Statutory Planning team assess these submissions.
General – Guidelines and materials	Council recommends that guidance materials (such as Planning Practice Notes and Guidelines) must be available at the outset, for example when changes to the Particular Provisions (or other provisions of the VPPS) are gazetted to aid in interpretation by Council and to assist development applicants.
Stage 2 Standards	The City of Yarra strongly recommends the Elevating Targets CASBE objectives and standards are considered and adopted into the Victorian Particular Provisions during Stage 2 of the ESD Roadmap for: Energy & Carbon, Water, Integrated Water Management, Waste & Circular Economy, Transport, Urban Ecology and Climate Resilience.
ESD Tools	The City of Yarra recommends augmenting and supporting established tools including BESS, STORM and Green Star. Council does not consider there would be benefits to industry or government if the State Government was to develop another new ESD tool.

Planning and building	Council agrees with commentary in the ESD Roadmap that the regulatory systems need to work together and complement each other to ensure effective ESD outcomes for Victoria's built environment.
Zero Carbon and Energy	
Zero Carbon Target	We recommend that the State Government recognise and include an overarching long-term zero carbon objective within the State-wide Planning Policy Framework.
Zero Carbon within Particular Provisions	Council recommends that the future Particular Provisions (or other proposed changes which embed ESD standards into the Scheme) must enable local government to fulfil their climate change commitments and obligations under the <i>City of Yarra Climate Emergency Plan</i> and the <i>Climate Change Act 2017</i> , by requiring zero carbon emissions from new development.
Zero Carbon in Stage 2 Standards	<p>During Stage 2 of the ESD Roadmap, we recommend that new ESD planning controls (Particular Provisions) include a measurable performance standards which achieve zero carbon developments but allow developers the ability to respond with a range of design responses that suit the context and typology of the development.</p> <p>If a State-wide zero carbon performance standard cannot be included in the VPPs for the whole State, we request that the State Government enable leading local governments, such as the Cities of Yarra, Moreland and Melbourne to pursue an identical and consistent local schedule to the Particular Provisions stipulating a zero carbon performance standard.</p>
Energy	We recommend that improved guidance on passive design for non-residential developments be included.
Energy	<p>We recommend energy efficiency section expanded to include all relevant aspects of energy efficiency considered at the planning stage, to complement the National Construction Code. Components of energy efficiency that are relevant for consideration at the planning stage, include,</p> <ul style="list-style-type: none"> ○ Façade design, window size and placement, ○ Shading systems and/or façade articulation and solar gain and solar ingress, ○ Building scale, bulk and massing, ○ Space allocation for major services such as rainwater tanks, heating and cooling systems and mechanical plant areas, ○ Renewable energy systems, such as rooftop solar arrays, ○ The overall energy & carbon performance standard of the building.
Energy	We recommend that offsite renewable energy and carbon offsetting is recognised as a legitimate consideration for planning by the ESD Roadmap within the Energy category and contributing to carbon emission reduction targets.
Integrated Water Management	
IWM (flooding)	Council recommends that updates to flooding policy are required to ensure future modelling takes account of climate change across Victoria.
Transport	
Transport (bicycle parking 52.34 review)	<p>Recommend revised rates for the number of bicycle spaces to be a minimum of one secure bicycle space per dwelling and a minimum of one space per 10% of building users for non-residential development, and based on benchmarking research of what is adequate to meet future demand / align with local and State policies to support uptake of cycling.</p> <p>Recommend increases in the number and quality of end of trip facilities.</p>

	<p>Recommend requirements for location of bicycle parking and end of trip facilities and access. For example, resident / employee bicycle parking should be located at the ground floor and within close proximity to the end of trip facilities.</p> <p>Recommend including principles for design and location of visitor bicycle parking that acknowledge that options may be needed for sites with constraints such as heritage or limited footpath space.</p> <p>Recommend provision of e-bike charging and appropriate 'on-ground' or 'no-lift' parking for larger/heavier bicycles such as e-bikes and cargo bikes.</p> <p>Recommend consideration of surrounding bicycle and pedestrian infrastructure connections with development sites and any alterations / upgrades required.</p> <p>Recommend consideration for different rates for an inner-city context versus outer city context should be explored to better reflect great demand for bike parking/facilities in the inner city.</p>
Transport (bicycle infrastructure)	Council recommends the Stage Government consider developer contributions for large developments at locations where upgrades of any immediate surrounding cycling / pedestrian facilities are required.
Transport (car parking)	Council recommends a review of Clause 52.06 (Car Parking). Whilst the changes to this Clause under VC148 have helped reduce the rates (Column B rates applies to much of the Yarra City Council area) a more holistic view should be taken again with inner city versus outer city car parking demand data.
Transport (innovation)	Council recommends supporting innovation in transport and recommends the State Government consider opportunities such as the adaptive use of commercial car parks after business hours for EV charging, and the rollout of 'vehicle to building' energy sharing systems and technology.
Transport (EV requirements)	The City of Yarra recommends the State Government consider requirements in larger developments for EV car share bays and public EV charging facilities during Stage 2 of the ESD Roadmap.
Transport (Car parking rates)	Council recommends that review of Clause 52.06 reconsider what is the adequate provision of off-street parking to reduce car use, ease traffic congestion and increase sustainable modes. The Stage Government should carefully reflect on the implications of oversupply of parking on strategic transport objectives.
Transport (adaptive re-use of carparks)	Council recommends that the review of Clause 52.05 consider car park design that can facilitate the future adaptation to alternate uses in the short and long term.
Indoor Environment Quality	
Noise	<p>Council recommends that DELWP should investigate standards which address other gaps in the scheme (and other legislation such as State Environment Protection Policy - SEPP N's) around noise. For example, Council's Guidelines also address:</p> <ul style="list-style-type: none"> – Commercial and industrial plant and equipment. – Music. – Patrons – new outdoor patron areas and new residential development near existing outdoor patron areas. – Apartments – noise from apartment developments to existing dwellings and noise from apartment common areas to apartments within the development.

**Daylight,
Ventilation
and thermal
comfort**

Council strongly recommends that Indoor Environment Quality is greatly expanded within the ESD Roadmap including incorporation of access to natural daylight and natural ventilation (in buildings other than apartments).

Council recommends measurable standards for daylight and ventilation of building design for all development typologies.

General Feedback

Approach proposed in the ESD Roadmap

The ESD Roadmap proposes a two-stage process to develop an integrated planning system approach to ESD. This is supported.

Yarra considers a package of changes to the Victoria Planning Provisions (VPPs) and Planning Schemes are needed to effectively implement ESD provisions and create an integrated planning approach to ESD.

Council considers this package should include the use of:

- State Policy in the Planning Policy Framework (PPF)
- Local policy, including updated ESD specific local policies, in the PPF
- Particular provision(s) (or other key provisions in the VPPs such as zones)
- Local schedules to the Particular Provision(s) or zones or overlays to enable local tailoring, where required
- Assessment tools.

Stage one: Update the Planning Policy Framework (PPF)

Yarra strongly supports the proposal to embed ESD more comprehensively in the Planning Policy Framework and inserting the consideration of ESD into the purpose of all planning schemes.

As the ESD Roadmap acknowledges, current State Policy does not provide comprehensive policy on ESD and does not recognise some fundamental Government strategies and plans.

Council welcomes the inclusion of ESD elements under:

- *Clause 11 - Settlement – Additions to various policies*
- *Clause 12 - Environment and landscape values – Additions to Biodiversity*
- *Clause 13 - Environmental risks and amenity – New policy on Urban heat mitigation, additions to noise abatement and air quality management*
- *Clause 15 - Built environment and heritage – Addition of general policy on Environmentally Sustainable Development, enhancements to building design and subdivision design and the deletion and relocation of Clause 15.02 – Energy and resource efficiency. (NB - proposed location of Yarra's ESD Local Policy in Amendment C269 – see below)*
- *Clause 18 - Transport – Addition of references to low emission vehicles, end of trip facilities in commercial and multi-residential developments and minimising car dependency*
- *Clause 19 - Infrastructure – Addition of references to climate change, supporting reduction of greenhouse gas emissions targets and the transition to a low carbon economy, water efficiency and use of alternate sources, integrated waste and resource recovery.*

Detailed comments and responses to each of these clauses are included in the next section of this submission.

Council update to Planning Policy Framework through Amendment C269

Council has recently exhibited Amendment C269 which proposes to update the local policies in the Yarra Planning Scheme by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 of the Yarra Planning Scheme with a Municipal Planning Strategy and local policies within the Planning Policy Framework (PPF), consistent with the structure introduced by Amendment VC148.

The proposed new local policies have a strong focus on the environment. They aim to make Yarra's built and natural environments more resistant to the impacts of climate change and promote more sustainable development. The policies seek to:

- Direct growth to activity centres and employment areas that are well serviced by public transport.
- Ensure new development mitigates and adapts to climate change and reduce flood risks.
- Manage interface issues between residential development and noise generating uses.
- Protect and enhance the environments of the Yarra River and Darebin and Merri Creek corridors.
- Increase the quality and quantity of the city's biodiversity.
- Enhance the urban forest and increase greening initiatives.
- Reduce flood risk from intense rainfall events and improve the health of waterways by minimising storm water flows and pollutants.
- Promote environmentally sustainable design of new buildings.
- Promote a transport hierarchy that prioritises walking, cycling and public transport over cars.

Amendment C269 also translates and updates the existing Environmentally Sustainable Development (ESD) policy (currently in Clause 22.17). The Environmentally Sustainable Development (ESD) policy aims to achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The strategies encourage best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts. It includes strategies relating to energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology.

Changes proposed to the State Policy strongly align with Council's proposed update to the PPF. It is anticipated Council will consider submissions in May and whether to appoint a Panel, currently proposed for August 2021. Several of the submissions received for C269 raised ESD matters.

Stage 2 – Update Particular Provisions (in the Victoria Planning Provisions)

Yarra strongly supports the development of specific planning objectives and standards that help achieve ESD policy goals.

As noted in the Roadmap, a combination of updated and new Particular Provisions are proposed to address elements of sustainability (these provisions being common to all planning schemes). Council welcomes the proposed use of Particular Provisions to address gaps in the current provisions, for example strengthening and extending ESD considerations for commercial and industrial developments.

Specific proposals outlined in the Roadmap include:

- Continuing to apply ESD objectives and standards throughout residential particular provisions under clauses 54, 55, 55.07, 56 and 58 (which already include many existing ESD considerations).
- Developing a new particular provision for commercial and industrial developments that provides ESD objectives and standards appropriate for these development types (building on existing clause 53.18 Stormwater management in urban development).
- Reviewing existing Particular Provisions that address a specific ESD theme, such as 52.34 Bicycle Facilities.

Council awaits the detail of these provisions before providing in depth comment. It welcomes the opportunity to work with DELWP and its CASBE partners and participate in consultation on the detailed provisions commencing from the middle of this year.

We encourage the development of particular provisions that are clear, measurable and simple to demonstrate will greatly assist both applicants and Council's Statutory Planning team assess these submissions.

Comments on key reforms areas are provided below.

Yarra considers the drafting of the future Particular Provisions (or other proposed changes which embed ESD standards into the Scheme) must enable local government to fulfil their climate change commitments and

ensure we are on track to meeting our obligations under the *City of Yarra Climate Emergency Plan* and the *Climate Change Act 2017*.

Building on the success of previous work on the ESD local policy, the City of Yarra is collaborating with the CASBE network of Victorian councils to develop a new comprehensive set of objectives and standards across seven key category areas of ESD. A draft has previously been shared with DEWLP although on feedback has not been received to date.

This work is central to Yarra's work on a zero carbon development planning scheme amendment and a key output of CASBE's 'Elevating Targets' program which aims for a consistent and enhanced set of ESD objectives and standards across Victorian local governments.

The City of Yarra strongly recommends these objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the Victorian Particular Provisions commences.

As part its strong ESD agenda, on 26 November 2019 Council resolved to *investigate the process required to amend the Yarra Planning Scheme to require: (a) that all future developments in the City of Yarra have the highest possible environmental rating; and (b) the use of 100% renewable energy in both the construction phase of developments and in completed developments.*

On the 17 March 2020, Council resolved to work with CASBE and other interested member Councils to establish a voluntary zero carbon development framework in the short term, and progress research into zero carbon standards and work towards a group planning scheme amendment to implement a new zero carbon local policy. Council looks forward to working with DELWP to progress this work during Stage 2 of the ESD Roadmap (see further discussion below in *Detailed Feedback - Energy*).

Ability to localise requirements in line with Council's endorsed position

There is strong support for adoption of a State-wide approach to environmentally sustainable design to address climate change and other environment issues and to enable consistency across local government areas, providing certainty, efficiency and a level playing field for developers and investors.

However leading ESD Councils such as the City of Yarra are seeking the ability to localise their requirements in line with their Council's endorsed positions. As noted by the Planning Panel considering Planning Scheme Amendment C133, which introduced Yarra's Environmentally Sustainable Development (ESD) Local Policy into the Planning Scheme:

"... even if a State wide policy is introduced, local policies, may still be appropriate where municipalities seek to 'raise the bar higher' either in specific locations, or where the community has higher sustainability expectations." (pg. 50)

Council is aware of State Government and industry concerns about inconsistency between councils over building ESD expectations, however Council has a long history of partnering with (CASBE) and other interested member councils to progress higher ESD standards and improve consistency.

A key factor to the success of implementing Yarra's ESD local policy was the support of a collective approach with the initial six councils participating in the process together. Currently, 17 Victorian Councils have implemented the same consistent ESD local policy in their planning schemes.

Working together through the CASBE network, consistently using the BESS tool and the SDAPP Fact Sheets are all examples of local government developing a consistent, fair and reasonable approach to sustainable development assessment within the planning permit process.

Yarra understands the critical importance of maintaining industry engagement throughout any move towards localised standards such as zero carbon development. Council is currently engaging with the development industry to engage and facilitate zero carbon leadership and the development of standards.

Use of local schedules to the Particular Provisions

The ESD Roadmap is silent on whether local schedules to Particular Provisions will be developed as part of package of changes to the VPPs. The City of Yarra strongly urges the State Government provide the ability to tailor controls to local circumstances through local schedules.

Yarra notes that the City of Melbourne Future Committee on 20 September 2020 considering *Planning Scheme Amendment C376: Sustainable Building Design* resolved to,

“...write to the Minister for Planning to request that he:

- 9.2.1. introduce a state-wide planning provision to champion environmentally sustainable design, city greening and green infrastructure with a local schedule to enable mandatory requirements and allow tailoring by councils, attaching draft provision to assist.*
- 9.2.2. work with the City of Melbourne and Council Alliance for Sustainable Built Environments councils to finalise and implement the state-wide provision, enabling local governments to localise their requirements in line with their Council’s endorsed positions...”*

The City of Melbourne developed a draft State-wide Particular Provision which addresses ‘Environmentally Sustainable Design’. The draft provision includes objectives and standards and provides the ability for a local schedule to this clause. Council strongly supports the proposed option of a local schedule to the Particular Provisions (or zones should these be another tool that is explored).

Role of local policy

The Roadmap proposes a ‘*further review of ESD local policy will be undertaken as part of the Stage Two reforms, in order to minimise any duplication with state policy and explore how state provisions and local ESD policies can best operate to support policy implementation and the permit assessment process*’.

Yarra considers the Local Policy must be retained while the Particular Provisions and other planning mechanisms (e.g. schedules to zones or the Design and Development Overlay) are explored. Yarra would like to work with DELWP and its CASBE partners to review the contents of the ESD Local Policy in relation to any proposed new provisions.

Yarra considers local policy should be part of the package to effectively implement ESD provisions. Local policies on ESD will remain important as they express the local objectives of Council and help provide direction where locally specific policy guidance on a particular matter is needed or where it not addressed by State Policy.

As noted by the C133 Planning Panel, which introduced the Environmentally Sustainable Development (ESD) Local Policy into the Yarra (and other planning schemes):

“..If these policies duplicate the Statewide approach it would be appropriate for these local policies to be deleted, however if the local policies go further than the Statewide approach, the policies could [be] refined to delete areas of duplication and focus solely on those elements which seek to ‘raise the bar’ at the local level. (pg 51)

Further assessment, guidance and tools to support delivery of ESD

Additional guidance material

The ESD Roadmap outlines that the changes will be supported by further guidance materials and tools.

Council considers that these materials (such as Planning Practice Notes and Guidelines) must be available at the outset, for example when changes to the Particular Provisions (or other provisions of the VPPS) are gazetted to aid in interpretation by Council and assist applicants.

Use of tools

Roadmap is silent on the role of ESD tools and how they might work with any proposed provisions. Council would like to further understand how DELWP is proposing to assess new ESD requirements.

Given Yarra's experience with ESD tools, including assistance developing BESS, we are keen to assist in the modification of existing tools, including BESS.

Given the significant resources involved in developing a new tool, the City of Yarra recommends augmenting and supporting established tools including BESS, STORM and Green Star. Council does not consider there would be benefits to industry or government if the State Government was to develop another new ESD tool.

This is something the City of Yarra would like to explore with DELWP as the proposed Stage 2 provisions are developed.

Concurrent building reform processes

Yarra strongly supports the need to make reforms to improve sustainability standards in the building system. We agree these will be integral to ensuring that all new developments include energy efficiency standards and other features fundamental to the sustainable use of buildings.

We agree with commentary in the ESD Roadmap that the regulatory systems need to work together and complement each other to ensure effective ESD outcomes for Victoria's built environment.

Detailed Feedback

A few comments in relation to the key reform areas outlined between pages 18-27 of the Roadmap document are below:

Energy

Council strongly supports the State Government's proposal to improve building energy efficiency and support the transition to a zero carbon future. Council supports these proposals to help achieve the greenhouse gas emission abatement objectives set out in the *Climate Change Act 2017*, as we welcome the important reference to the *Climate Change Act 2017* within the ESD Roadmap.

This approach strongly aligns with the Strategic Priorities in Council's *Climate Emergency Plan*, specifically Strategic Priority 2 which seeks to 'Accelerate renewable energy, zero carbon buildings and efficient operations'.

In particular, through its *Climate Emergency Plan*, Yarra is seeking to:

- Accelerate residential solar installs and the reduction of carbon emissions via tailored programs (Action 2.1)
- Support Yarra community organisations to transition to 100% renewable electricity and upgrade their buildings (Action 2.4)
- Advocate to other levels of government to improve energy performance of buildings with an ultimate aim of achieving zero carbon buildings (Action 2.9)
- Advocate to the state government for a rapid transition to 100% renewable grid-supplied electricity and improved energy data (Action 2.10)

Achieving zero net carbon emissions

Attaining 'zero-net emissions' or 'zero carbon' across the Yarra community is a key driver of the *Climate Emergency Plan* which requires that the net carbon (or greenhouse gas) emissions from the entire municipality are equal to zero. The first priority is to reduce emissions, mainly from buildings and transport, as quickly as possible in the next ten years. This is the same shared goal of the Victorian *Climate Change Act 2017* which also seeks to achieve zero carbon emissions.

Action 2.8 of Yarra's *Climate Emergency Plan* seeks to '*Transition towards zero-carbon buildings and precincts through the planning process*'. As part of this plan, Council is seeking to introduce zero carbon standards for new commercial and residential developments, working with other government partners to amend the planning scheme.

We recommend a stronger link should be made between Victoria's net zero carbon goal by 2050, and the emission reduction targets of the planning scheme for buildings and development.

It is appropriate that the planning system sets a clear and measurable performance standard for built development. We recommend that this standard is zero carbon, or net-zero emissions acknowledging our shared goals of greenhouse gas reduction and a commitment to zero net carbon.

Furthermore, for Stage 2 of the ESD Roadmap, we recommend that new ESD planning controls (Particular Provisions) include a measurable performance standards which achieve zero carbon developments but allow developers the ability to respond with a range of design responses that suit the context and typology of the development.

The City of Yarra already has several leading developments already committed to a zero carbon standard. This includes a range of development typologies, including townhouses, apartments, mixed-use and offices, that have developed different responses to suit their context. There are 17 developments who are currently finalising planning permit process with a firm zero carbon commitment, including applications at these addresses:

Address	Development Typology
61-85 Dover St, Cremorne	Commercial office development
48-50 Gipps St, Collingwood	Commercial office development
85 Westgarth St, Fitzroy	Mixed use apartment, ground floor retail
34-40 Cubitt St, Cremorne	Commercial office development
7 and 9 Ford St Clifton Hill	Townhouses
2 - 8 Brighton Street Richmond	Mixed use apartment, ground floor retail
131-143 Smith Street, Fitzroy	Mixed use apartment, ground floor retail
150 Bridge Road, Richmond	Mixed use apartment, ground floor retail
1 Little Lesney St & 9 Wiltshire Street, Richmond	Serviced apartments, ground floor office & gym
14-18 Smith Street, Collingwood	Commercial office development
414-442 Swan Street, Richmond	Mixed use
116 Rokeby Street, Collingwood	Commercial office development

We would be happy to discuss the technical details of these responses with DEWLP to inform the ESD Roadmap. The City of Yarra intends to publish a case study of each of these leading developments to illustrate that zero carbon is achievable by the development industry and assessable as part of a Sustainability Management Plan and incorporated as part of a Statutory Planning application process. The first two case studies have been published here:

<https://www.yarracity.vic.gov.au/services/planning-and-development/planning-applications/environmentally-sustainable-design-in-planning/zero-carbon-developments>

Most importantly, if a State-wide zero carbon performance standard cannot be included in the VPPs for the whole State, we request that the State Government enable leading local governments, such as the Cities of Yarra, Moreland and Melbourne to pursue an identical and consistent local schedule to the Particular Provisions stipulating a zero carbon performance standard.

Energy efficiency

The ESD Roadmap proposes improved guidance on passive design including building and subdivision orientation for residential developments. This is welcomed but is unclear why this is not proposed for industrial and commercial developments such as offices. We recommend that improved guidance on passive design for non-residential developments be included.

In October 2018, Amendment VC149 amended the Victoria Planning Provisions and all planning schemes to introduce planning requirements that require new developments to consider their impact on any existing solar energy facility mounted on the roof of an adjoining dwelling. VC149 inserted new requirements into the residential zones and also the Commercial 1 Zone to ensure the impact of new development on existing rooftop solar energy systems is assessed.

Updating of the development standards to address overshadowing is welcomed, particularly providing clearer guidance on what is defined as 'unreasonable' overshadowing of rooftop solar panels. The City of Yarra suggests the State Government expand these provisions to other zones, such as,

- The impacts of overshadowing of dwellings in the Commercial 1 Zones, and
- Consideration of overshadowing of solar installations on non-residential developments in the Commercial 2 or Industrial Zones.

The ESD Roadmap acknowledges the importance of siting, design and orientation in consideration of energy efficiency, but we recommend this is expanded to include all relevant aspects of energy efficiency considered at the planning stage, to complement the National Construction Code. Noting that,

“...The 2014 Advisory Committee and Panel Report on Environmentally Efficient Design Local Policies suggested that “Planning is best suited to dealing with the ‘big picture’ upfront issues, whereas building is best suited to managing the detailed impacts...”.

In principle, we support the statement in the ESD Roadmap that,

“...There is scope for planning policy and standards to better address and design at the planning stage to support energy efficiency goals at the building stage”.

However, we would like to highlight that there are several components of energy efficiency, beyond orientation, that are relevant for consideration at the planning stage, including,

- Façade design, window size and placement,
- Shading systems and/or façade articulation and solar gain and solar ingress,
- Building scale bulk and massing,
- Space allocation for major services such as rainwater tanks, heating and cooling systems and mechanical plant areas,
- Renewable energy systems, such as rooftop solar arrays,
- The overall energy performance standard of the building.

Offsite renewable energy

The ESD Roadmap is silent on the issue of offsite renewable energy. The purchasing of offsite renewable energy is a key component of zero carbon development.

While Council recognises that there are several components of a zero carbon building, such as offsite renewable energy purchasing, cannot be covered by the National Construction Code (NCC) of Australia, we consider these can be included in the overall intended carbon performance of a building at the planning permit stage. Use of off-site renewable energy purchasing is typical of industry leaders with the City of Yarra who are currently developing zero carbon developments.

Offsite renewable energy purchasing allows development to operate at a zero carbon standard, consistent with international standards, and is critical in inner-metro areas where apartments and higher density development dominate. In areas of higher density, the electricity demand is too high to generate via solar arrays on the available roof space. Based on analysis of current development applications, residential or non-residential buildings over six storeys in height will only be able to generate 5-10% of their electricity demands onsite.

Mechanisms for including offsite renewable energy and a measurable zero carbon performance standard within planning permit applications and permits have already being trialled and developed by the City of Yarra. This approach has had supportive responses from industry development proponents and legal investigations into the matter.

The consideration during the planning permit of energy efficiency, onsite generation and offsite renewable energy together offers the *“new approaches to energy management, such as prompting consideration of distributed energy technologies”* acknowledged in the ESD Roadmap.

We recommend that offsite renewable energy and carbon offsetting is recognised as a legitimate consideration for planning by the ESD Roadmap within the Energy category and contributing to carbon emission reduction targets.

Renewable and distributed energy systems

Council strongly supports any standards which support the generation and deployment of renewable and distributed energy systems for residential, commercial and industrial development. However, it is unclear what this might look like in the planning scheme. We request further information on how this is going to be incorporated into the new planning scheme provisions during Stage 2 of the ESD Roadmap.

We welcome and support the acknowledgement in the ESD Roadmap of the economic benefits of energy efficiency and zero carbon buildings can have in lowering running costs, improving business competitiveness for commercial entities and delivering affordable living outcomes for residents.

As noted earlier in this submission, the City of Yarra has collaborated with the CASBE network of Victorian councils developing a new comprehensive set of objectives and standards across seven key category areas of ESD, including Energy. The City of Yarra strongly recommends the Energy objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the provisions commences.

Feedback on draft energy clauses

The following clauses have been listed with suggested additional text that has been underlined and unnecessary or ambiguous text has been marked with a ~~striketrough~~.

15.01-25 “Improve the energy performance of buildings through siting and design measures that support:

- ~~Cost effective~~ compliance with energy performance standards in the National Construction Code.
- Passive design responses that minimise the need for heating and cooling.
- Adoption of renewable energy and storage technologies.
- Contribution towards a zero carbon performance standard.”

15.01-35 “Creating an urban structure and providing utilities and services that:

- Responds to climate change hazards and contributes ~~to reduction of greenhouse gas emissions, to a zero carbon performance standard.~~
- Support resource conservation.
- Support energy efficiency through urban layout and lot orientation.
- Support the uptake of renewable energy technology, including microgrids and batteries.
- Incorporate integrated water management.
- Support waste minimisation and increased resource recovery.
- Minimise exposure of sensitive uses to air and noise pollution.”

19.01-15 *Energy supply*

Objective

To facilitate appropriate development of energy supply infrastructure.

Strategies

Support the development of energy infrastructure in appropriate locations where it provides benefits to industry and the community and takes advantage of existing infrastructure.

Support achievement of greenhouse gas emission reduction targets under the Climate Change Act 2017 and the transition to a zero carbon ~~low carbon~~ economy by adopting renewable energy and low emission technologies.

Water

Council notes that planning measures to support sustainable water management were introduced in 2018. Additional measures will focus on ongoing implementation to support these changes.

Council adopted the *Yarra Integrated Water Management Plan* on 15 September 2020. The Plan's vision is for 'A water wise city in a healthy urban environment'. Its objectives are:

- Efficient and fit for purpose use of all water sources
- A resilient and effective drainage network that flows into healthy and valued waterways
- An informed and responsible community benefitting from / enjoying a vibrant sustainable landscape.

Water is one of the seven key categories included in CASBE's 'Elevating Targets' program. As with objectives and standards from other key areas, the City of Yarra strongly recommends these objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the Particular Provisions commences.

Water Sensitive Urban Design and stormwater reforms

Council in principle supports proposed enhancements to 'planning system guidance to support implementation of the 2018 stormwater reforms (e.g. advice on treatment options to meet planning standards)'. However, it is unclear what is specifically envisaged at this stage. We look forward to working with DEWLP during Stage 2 of the ESD Roadmap on these details.

It is also unclear how these proposed provisions might work with Council's existing *Water Sensitive Urban Design* (WSUD) Policy (Clause 22.16). Council wishes to retain this policy until such time as the detailed provisions are released and the contents can be reviewed.

The City of Yarra is also one of four Councils which currently has *Water Sensitive Urban Design* (WSUD) Policy in the scheme. The policy at Clause 22.16 was introduced via Amendment C117 in 2014. It is proposed to be translated to Clause 19.03-3L through Council's Local Policy Rewrite via Amendment C269.

Council's *Water Sensitive Urban Design Policy* seeks to reduce pollutants in storm water to improve the health of waterways. It also promotes the collection and reuse of water on site. Amongst other things the policy:

- Seeks to achieve the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines*, CSIRO 1999.
- Use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways
- Application must be accompanied by a Water Sensitive Urban Design Response.

Council's current *Water Sensitive Urban Design* Local Policy applies to commercial and industrial development. Council's *Integrated Water Management Plan* at Action 6.4, includes investigating stricter measures to increase the volume of water captured treated and reused by large commercial and multi-unit development. Yarra would be keen to pursue this option with the State Government.

The ESD Roadmap proposes to review how to support VicSmart processes to improve assessment of stormwater management for commercial and industrial development. More detail is required for Council to understand what this might look like.

Flooding

Flooding is not specifically addressed in the ESD Roadmap as an area for review. Council acknowledges existing Clause 19.03-3S includes strategies to minimise flood risks, however it is not clear whether flooding provisions take into account change rainfall patterns and other aspects of climate change .

Strategic Priority 3. of the *Yarra Climate Emergency Plan* which is to 'Create a climate adapted city'. Action 3.3 is to 'Work though state and local planning mechanisms to facilitate a more climate resilient city, including: Use updated flood modelling that includes future climate scenarios to inform future flood overlays.' Likewise Action 7 of the *Yarra Integrated Water Management Plan* seeks to undertake updated flooding modelling.

Council recommends that updates to flooding policy are required to ensure future modelling takes account of climate change across Victoria.

Water efficiency/ potable water substitution

The ESD Roadmap proposes to review measures to support water efficiency/use of alternative water sources for residential, commercial and industrial development. These measures are strongly supported by Council and reflect both its aspirations in its *Climate Emergency Plan* and *Integrated Water Management Plan*. We are unclear what is being suggested in terms actual standards and look forward to discussing the relevant Victoria Particular Provisions in Stage 2 of the ESD Roadmap.

Council welcomes the addition to Clause 19.03-3S *Support development that is water efficient and encourages use of alternative water sources*, and the encouragement the wider use of grey and black re-use technologies.

Waste and recycling

Council strongly supports the Government's recycling and waste minimisation goals. Strategy Priority 5. of the *Yarra Climate Emergency Plan* is to 'Move towards zero waste and conscious consumption'. Action 5.2 seeks to Roll out Yarra's Waste Revolution across the municipality: a new four-bin glass, food and organic waste kerbside collection service, along with recycling education.

Council also supports planning standards for new buildings will be updated to make it easier and more convenient for building occupants to divert materials for reuse or recycling.

Council supports the update of standards for apartments and developments of two or more dwellings on lot by including key elements from Sustainability Victoria's Better Practice Guide for Waste Management and Recycling in Multi-unit Developments. We note that it needs to be updated to include separate glass collection.

These guidelines complement Council's proposed updates to policy at Clause 19.03-5L Waste, which seeks to ensure:

- *Provision for waste and recycling is included in all new development (including separation, storage and collection facilities and facilities for composting)*
- *Size and design of facilities match expected waste to be generated*
- *Ease of use by occupants and ease of access for transport.*

Council supports, in principle, other proposals in the ESD Roadmap including:

- Encouraging the assessment of opportunities for subdivision infrastructure to facilitate small scale recycling and resource recovery technologies (e.g. reverse vending machines).
- Adopting minimum requirements to support effective management, separation and storage of waste and recycling for commercial and industrial development.
- Encouraging the assessment of opportunities for subdivision infrastructure to facilitate small scale recycling and resource recovery technologies (e.g. bio-digestion unit in commercial precincts).

As with other proposals, we recognise detail has not been provided at this stage and look forward to discussing the relevant Victoria Particular Provisions in Stage 2 of the ESD Roadmap.

There is limited discussion around circular economy principles including greater use of recycled building materials in construction. Council notes the recent release of Victoria's Circular Economy Policy and 10 year action plan, *Recycling Victoria: a new economy (2020)*. We suggest that this policy and principles be better integrated with the ESD Roadmap and assist Victoria move towards a circular economy.

Waste and the Circular Economy is one of the seven key categories included in CASBE's 'Elevating Targets' program. As with objectives and standards from other key areas, the City of Yarra strongly recommends these

objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the Particular Provisions commences.

Transport

Council strongly supports the facilitation of active and sustainable transport choices mooted in the ESD Roadmap. This aligns with Strategic Priority 4. of the *Yarra Climate Emergency Plan* is to 'Transition to zero emissions transport'. Council's vision is that: *Sustainable transport is the most attractive, safe and convenient way to travel in and through Yarra.*

This also aligns well with Action 4.2 of the *Yarra Climate Emergency Plan 2020 -2024* is 'Raising the sustainable transport standards (i.e. Green Travel Plan requirements) for new residential and commercial developments, working with council and state government partners'.

A key action of the Climate Emergency Plan is for Council to develop an *Integrated Transport Plan*. The ITP will set out Yarra's strategic objectives for transport and how future projects could be delivered. It is also anticipated Council will also develop a new *Parking Management Plan* in conjunction with the ITP, to ensure the strategic directions of both plans deliver on Climate Emergency Plan objectives and transport priorities for Yarra.

Low emission vehicles including electric vehicles (EV)

Council supports policy which promotes the provision of infrastructure to support low emission vehicles, including electric vehicles. It also supports the investigation of design measures to support new multi-unit developments being EV ready for residential, commercial and industrial developments.

Action 4.4 of the *Yarra Climate Emergency Plan 2020 -2024* is to 'Support the rapid transition to zero emissions vehicles, including facilitation and advocacy to increase electric vehicle charging points across private and public spaces within the municipality by:

- *Working with potential sites and providers to support the roll out of public-use electric vehicle charge points*
- *Incorporating in the planning permit process, requirements for significant new developments to make appropriate provision for electric vehicle charging infrastructure.'*

There are several challenges that need to be addressed, such as electrical demand for charging during the day in buildings and what level of EV charging provision is considered appropriate for commercial buildings.

The City of Yarra has worked on a set of 'EV ready' best practice standards (pg. 50 – 56) of this Local Government Resource Pack and informed the CASBE Elevating Targets work. These can be accessed via this link: <https://electricvehiclecouncil.com.au/wp-content/uploads/2020/12/EVC-Local-Government-Resource-Pack.pdf>

Yarra welcomes the focus on EV infrastructure and recognises the need for EV design measures and standards as critical to supporting the uptake of electric vehicles in residential and commercial contexts.

Council also recommends supporting innovation in this context and recommends the State Government consider opportunities such as the adaptive use of commercial car parks after business hours for EV charging, and the rollout of 'vehicle to building' energy sharing systems and technology.

The City of Yarra recommends the State Government consider requirements in larger developments for EV car share bays and public EV charging facilities during Stage 2 of the ESD Roadmap.

Active transport and public transport

Council supports clearer policy on bike parking and end of trip facilities for commercial and multi-residential development.

In particular, we enthusiastically support the review bicycle space allocation requirements and end of trip facility standards of clause 52.34. Council considers these requirements should be much higher to promote cycling. As part of a review and update of Clause 52.34 (Bicycle Facilities), we recommend,

- Revised rates for the number of bicycle spaces to be a minimum of one secure bicycle space per dwelling and a minimum of one space per 10% of building users for non-residential development, and based on benchmarking research of what is adequate to meet future demand / align with local and State policies to support uptake of cycling.
- Increases in the number and quality of end of trip facilities.
- Requirements for location of bicycle parking and end of trip facilities and access. For example, resident / employee bicycle parking should be located at the ground floor and within close proximity to the end of trip facilities.
- Principles for design and location of visitor bicycle parking that acknowledge that options may be needed for sites with constraints such as heritage or limited footpath space.
- Provision of e-bike charging and appropriate 'on-ground' or 'no-lift' parking for larger/heavier bicycles such as e-bikes and cargo bikes.
- Consideration of surrounding bicycle and pedestrian infrastructure connections with development sites and any alterations / upgrades required.
- Consideration for different rates for an inner-city context versus outer city context should be explored to better reflect great demand for bike parking/facilities in the inner city.

The ESD Roadmap flags introducing the '*consideration of development interaction with strategic cycling corridors*'. This concept is supported by Council but to assist implementation clarity around the location of these corridors and what protection is needed within these corridors, particularly in regard to reduction or removal of vehicle crossovers is required.

Council welcomes the proposal within the ESD Roadmap to review planning policy, tools and guidance to support sustainable and active transport outcomes for land use development. This should include updated design guidelines on best practice employee, resident and visitor bicycle parking and end of trip facilities. This aligns with Council's Strategic priorities and we look forward to understanding the details of this proposal during Stage 2 of the ESD Roadmap.

Council also recommends the Stage Government consider developer contributions for large developments at locations where upgrades of any immediate surrounding cycling / pedestrian facilities are required.

Car Parking Rates

Council notes a gap in the ESD Roadmap in support for reduced off street car parking rates.

Council recommends a review of Clause 52.06 (Car Parking). Whilst the changes to this Clause under VC148 have helped reduce the rates (Column B rates applies to much of the Yarra City Council area) a more holistic view should be taken again with inner city versus outer city car parking demand data.

A review of Clause 52.06 would complement the draft VPP change that seeks to reference minimising car dependency Clause 18.02-2S that promote public transport and active transport.

Council recommends that review of Clause 52.06 reconsider what is the adequate provision of off-street parking to reduce car use, ease traffic congestion and increase sustainable modes. The Stage Government should carefully reflect on the implications of oversupply of parking on strategic transport objectives.

Furthermore, we recommend that the review of Clause 52.05 consider car park design that can facilitate the future adaptation to alternate uses in the short and long term.

Transport is one of the seven key categories included in CASBE's 'Elevating Targets' program. As with objectives and standards from other key areas, the City of Yarra strongly recommends these objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the Particular Provisions commences.

Landscaping and biodiversity

The City of Yarra welcomes the proposals for strengthening of landscaping and biodiversity within the ESD Roadmap. This aligns well with Council's *Yarra Nature Strategy – Protecting Yarra's Unique Biodiversity 2020-2024*, and the *Urban Forest Strategy*. The *Yarra Nature Strategy* seeks to:

- *Increase the diversity, connectivity and resilience of Yarra's natural environment*
- *Encourage people to further appreciate and actively enhance Yarra's natural landscape*
- *Embed nature at the core of Yarra's business practices*
- *Make innovation, communication and collaboration the cornerstones of Yarra's nature focussed programs*

In addition, the *Yarra Climate Emergency Plan* is seeking to increase canopy cover for the whole municipality by 25% by 2040, from a 17% baseline in 2014.

Council welcomes the proposed VPP changes that will help strengthen existing planning scheme policies relating to landscaping.

Tree canopy

Council supports broad policy changes which seek to enhance and protect the urban forest and support biodiversity. The Roadmap flags that a suite of planning measures to support retaining and increasing urban tree cover will be developed in response to cooling and greening. This is supported but further detail on how this might be achieved is needed to enable further comment.

New standards could ensure creation of new streets in large developments provide the opportunity for new tree planting, especially where significant canopy trees may be possible (Action 12 – Yarra Urban Forest Strategy).

Biodiversity

Council supports proposed policy changes which contribute to protecting and enhancing urban biodiversity values. Council strongly supports changes to the scheme which consider measures to support urban biodiversity for residential, commercial and industrial development.

Action 3.2 of the *Yarra Nature Strategy* seeks to encourage more natural spaces in the private realm via planning mechanisms. Its detailed proposals include requirements for landscaping plans for 2 or more lot subdivisions and developing pre-application information for planning permits that includes preferences around indigenous plants and habitat components. Action 3.3 also suggests promoting green roofs as a location for habitats.

Opportunities to incorporate requirements for increased native vegetation planting should be addressed and further investigated in Stage 2 of the ESD Roadmap.

The City of Yarra has collaborated with the CASBE network of Victorian councils developing a new comprehensive set of objectives and standards across seven key category areas of ESD, including Urban Ecology. This work is a key output of CASBE's 'Elevating Targets' program which aims for a consistent and enhanced set of ESD objectives and standards across Victorian local governments. The City of Yarra strongly recommends these objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the Victorian Particular Provisions commences.

Urban heat

Yarra welcomes additional policy and standards that will better address urban heat amelioration, in addition to our local policies. The proposal for guidance and new planning standards to reduce urban heat exposure (in addition to tree canopy cover), including cool paving and surfaces, shade devices and water sensitive urban design for residential, commercial and industrial developments is supported.

This aligns well with Council's *Climate Emergency Plan*, *Integrated Water Management Plan*, *Nature Strategy* and *Urban Forest Strategy* all recognise the impacts of urban heat. Strategic Priority 3. Create a climate-adapted city in the *Climate Emergency Plan* identifies as the climate changes, infrastructure and assets (both natural and built forms), will be placed under increasing pressure due to rising urban heat, storm and flood risks and water insecurity. While these impacts pose significant challenges, they also present an opportunity to create a more climate resilient city that improves liveability through green spaces, parks, planting and WSUD.

Actions in Council's *Climate Emergency Plan*, *Integrated Water Management Plan*, *Nature Strategy* and *Urban Forest Strategy* include planning and designing streetscapes and open spaces to address increasing climate vulnerability. However, the *Climate Emergency Plan* also acknowledges the need to '*Identify climate resilience opportunities when undertaking planning for activity centres, precincts and other strategic land use planning processes.*'

The City of Yarra has collaborated with the CASBE network of Victorian councils developing a new comprehensive set of objectives and standards across seven key category areas of ESD, including Climate Resilience. This work is a key output of CASBE's 'Elevating Targets' program which aims for a consistent and enhanced set of ESD objectives and standards across Victorian local governments. The City of Yarra strongly recommends these objectives and standards are considered during Stage 2 of the State ESD Roadmap when drafting of the Victorian Particular Provisions commences.

Air and Noise Pollution

The ESD Roadmap highlights that noise exposure response standards have already been developed for apartments (Clauses 55.07-6/58.04-3), but there are currently no mechanisms for new sensitive uses exposed to noise from transport infrastructure. The implementation of noise siting and design standards for sensitive commercial and institutional development and the addition of policy around air pollution is welcomed.

Given there is a gap in the current planning provisions, Council supports changes to the PPF which seek to minimise exposure to noise and air pollutants for new residences and other sensitive uses located on transport corridors through siting and design guidance. Council also supports proposals to extend apartment noise design standards to other residential developments and other noise sensitive land uses.

As part of its rewrite of local policies in the Yarra Planning Scheme (Amendment C269), Council has updated existing policy to manage interface issues between residential development and noise generating uses (Clause 13.07 Interfaces and amenity).

Council has developed comprehensive *Guidelines - managing noise impacts in urban development*, proposed to be included as an incorporated document to guide decisions when considering noise impacts from urban development and activity. These guidelines deal with noise (and in some cases vibration) impacts from road traffic and from rail and tram.

Council recommends that DELWP should investigate standards which address other gaps in the scheme (and other legislation such as State Environment Protection Policy - SEPP N's) around noise. For example, Council's Guidelines also address:

- Commercial and industrial plant and equipment.
- Music.
- Patrons – new outdoor patron areas and new residential development near existing outdoor patron areas.
- Apartments – noise from apartment developments to existing dwellings and noise from apartment common areas to apartments within the development.

Indoor Environment Quality

Council has identified significant gap in the lack of consideration of indoor environment quality in the ESD Roadmap, and this is of critical importance to healthy and sustainable built environment.

Council strongly recommends that Indoor Environment Quality is greatly expanded within the ESD Roadmap including incorporation of access to natural daylight and natural ventilation (in buildings other than apartments). Council recommends measurable standards for these important aspects of building design for all building typologies.

As energy efficiency standards are raised by the National Construction Code the ratio of windows to total floor area tends to reduce, driven by the most cost effective way to keep a building thermally stable and reduce heating and cooling loads.

There is a real risk of a perverse outcome of increased thermal performance that is the reduction of access to daylight and natural ventilation (fewer windows reduces cost and increases thermal efficiency) Although this has been addressed to some extent by Victoria's Better Apartment Design guidelines and Clause 55 and 58, there are many other types of building that are suffering without guidance and standards in this area, including townhouses office and industrial workplaces.

The City of Yarra welcomes a discourse with DEWLP regarding including daylight and natural ventilation within the planning scheme rather than relying on the NCC. The NCC provisions for daylight and natural ventilation were demonstrated NOT to be adequate for apartment buildings during the Better Apartments Design process, and nor are these provisions adequate for other typologies.

Additional Items

Strengthen and extend ESD considerations for commercial and industrial developments

Council welcomes the development of ESD considerations for commercial and industrial developments.

As the ESD Roadmap notes, commercial sites account for nearly half of the greenhouse gas emissions from all buildings in Australia, and the commercial and industrial sector produce more than double the amount of waste of Victorian households. We welcome the ESD Roadmap including provisions for these forms of development. Council's current ESD Local Policy already applies to all residential and non-residential developments.

Mechanisms outside the planning system

While Council strongly supports the opportunity to better embed ESD in the formal planning system, Council suggests the ESD Roadmap should highlight the need for partnerships, collaboration, funding and other opportunities for support outside the planning system.

A collaborative approach across all regulators, industry and community is required to reach net zero emissions by 2050 and to embed ESD cross the state.

PLEASE NOTE

A summary table of all recommendations contained in this submission is included overleaf.

Some comments are provided in the PPF changes summary table after this.

City of Yarra Victorian ESD Roadmap Submission

Summary of all recommendations

Theme	Recommendation	DEWLP Response
Overall	<p>We strongly recommend the State Government to use this opportunity to,</p> <ol style="list-style-type: none"> 3. Raise the standards of ESD across the whole State of Victoria, and 4. Enable leading councils, like Yarra to set a higher benchmark. 	
Overall	Yarra strongly supports the proposal to embed ESD more comprehensively in the Planning Policy Framework and inserting the consideration of ESD into the purpose of all planning schemes.	
Local Provisions	City of Yarra strongly urges the State Government provide the ability to tailor controls to local circumstances through local schedules to the new Victorian Particular Provisions.	
Existing ESD Local Policy	<p>Yarra considers the ESD Local Policy <u>must</u> be retained while the Particular Provisions and other planning mechanisms (e.g. schedules to zones or the Design and Development Overlay) are explored.</p> <p>Yarra would like to work with DELWP and its CASBE partners to review the contents of the ESD Local Policy in relation to any proposed new provisions.</p> <p>Yarra considers local policy should be part of the package to effectively implement ESD provisions. Local policies on ESD will remain important as they express the local objectives of Council and help provide direction where locally specific policy guidance on a particular matter is needed or where it not addressed by State Policy.</p>	
Input into development of Vic Particular Provisions	<p>Yarra strongly supports the development of specific planning objectives and standards that help achieve ESD policy goals.</p> <p>Council welcomes the opportunity to work with DELWP and its CASBE partners and participate in consultation on the detailed provisions commencing from the middle of this year.</p>	
Clear and measurable Particular Provisions	We encourage the development of particular provisions that are clear, measurable and simple to demonstrate. This will greatly assist both development applicants and Council's Statutory Planning team assess these submissions.	

General – Guidelines and materials	Council recommends that guidance materials (such as Planning Practice Notes and Guidelines) must be available at the outset, for example when changes to the Particular Provisions (or other provisions of the VPPS) are gazetted to aid in interpretation by Council and to assist development applicants.	
Stage 2 Standards	The City of Yarra strongly recommends the Elevating Targets CASBE objectives and standards are considered and adopted into the Victorian Particular Provisions during Stage 2 of the ESD Roadmap for: Energy & Carbon, Water, Integrated Water Management, Waste & Circular Economy, Transport, Urban Ecology and Climate Resilience.	
ESD Tools	The City of Yarra recommends augmenting and supporting established tools including BESS, STORM and Green Star. Council does not consider there would be benefits to industry or government if the State Government was to develop another new ESD tool.	
Planning and building	Council agrees with commentary in the ESD Roadmap that the regulatory systems need to work together and complement each other to ensure effective ESD outcomes for Victoria's built environment.	
Zero Carbon and Energy		
Zero Carbon Target	We recommend that the State Government recognise and include an overarching long-term zero carbon objective within the State-wide Planning Policy Framework.	
Zero Carbon within Particular Provisions	Council recommends that the future Particular Provisions (or other proposed changes which embed ESD standards into the Scheme) must enable local government to fulfil their climate change commitments and obligations under the <i>City of Yarra Climate Emergency Plan</i> and the <i>Climate Change Act 2017</i> , by requiring zero carbon emissions from new development.	
Zero Carbon in Stage 2 Standards	<p>During Stage 2 of the ESD Roadmap, we recommend that new ESD planning controls (Particular Provisions) include a measurable performance standards which achieve zero carbon developments but allow developers the ability to respond with a range of design responses that suit the context and typology of the development.</p> <p>If a State-wide zero carbon performance standard cannot be included in the VPPs for the whole State, we request that the State Government enable leading local governments, such as the Cities of Yarra, Moreland and Melbourne to pursue <u>an</u></p>	

	identical and consistent local schedule to the Particular Provisions stipulating a zero carbon performance standard.	
Energy	We recommend that improved guidance on passive design for non-residential developments be included.	
Energy	<p>We recommend energy efficiency section expanded to include all relevant aspects of energy efficiency considered at the planning stage, to complement the National Construction Code. Components of energy efficiency that are relevant for consideration at the planning stage, include,</p> <ul style="list-style-type: none"> ○ Façade design, window size and placement, ○ Shading systems and/or façade articulation and solar gain and solar ingress, ○ Building scale, bulk and massing, ○ Space allocation for major services such as rainwater tanks, heating and cooling systems and mechanical plant areas, ○ Renewable energy systems, such as rooftop solar arrays, ○ The overall energy performance standard of the building. 	
Energy	We recommend that offsite renewable energy and carbon offsetting is recognised as a legitimate consideration for planning by the ESD Roadmap within the Energy category and contributing to carbon emission reduction targets.	
Integrated Water Management		
IWM (flooding)	Council recommends that updates to flooding policy are required to ensure future modelling takes account of climate change across Victoria.	
Transport		
Transport (bicycle parking 52.34 review)	<p>Recommend revised rates for the number of bicycle spaces to be a minimum of one secure bicycle space per dwelling and a minimum of one space per 10% of building users for non-residential development, and based on benchmarking research of what is adequate to meet future demand / align with local and State policies to support uptake of cycling.</p> <p>Recommend increases in the number and quality of end of trip facilities.</p> <p>Recommend requirements for location of bicycle parking and end of trip facilities and access. For example, resident / employee bicycle parking should be located at the ground floor and within close proximity to the end of trip facilities.</p>	

	<p>Recommend including principles for design and location of visitor bicycle parking that acknowledge that options may be needed for sites with constraints such as heritage or limited footpath space.</p> <p>Recommend provision of e-bike charging and appropriate 'on-ground' or 'no-lift' parking for larger/heavier bicycles such as e-bikes and cargo bikes.</p> <p>Recommend consideration of surrounding bicycle and pedestrian infrastructure connections with development sites and any alterations / upgrades required.</p> <p>Recommend consideration for different rates for an inner-city context versus outer city context should be explored to better reflect great demand for bike parking/facilities in the inner city.</p>	
Transport (bicycle infrastructure)	Council recommends the State Government consider developer contributions for large developments at locations where upgrades of any immediate surrounding cycling / pedestrian facilities are required.	
Transport (car parking)	Council recommends a review of Clause 52.06 (Car Parking). Whilst the changes to this Clause under VC148 have helped reduce the rates (Column B rates applies to much of the Yarra City Council area) a more holistic view should be taken again with inner city versus outer city car parking demand data.	
Transport (innovation)	Council recommends supporting innovation in transport and recommends the State Government consider opportunities such as the adaptive use of commercial car parks after business hours for EV charging, and the rollout of 'vehicle to building' energy sharing systems and technology.	
Transport (EV requirements)	The City of Yarra recommends the State Government consider requirements in larger developments for EV car share bays and public EV charging facilities during Stage 2 of the ESD Roadmap.	
Transport (Car parking rates)	Council recommends that review of Clause 52.06 reconsider what is the adequate provision of off-street parking to reduce car use, ease traffic congestion and increase sustainable modes. The State Government should carefully reflect on the implications of oversupply of parking on strategic transport objectives.	

Transport (adaptive re-use of carparks)	Council recommends that the review of Clause 52.05 consider car park design that can facilitate the future adaptation to alternate uses in the short and long term.	
Indoor Environment Quality		
Noise	<p>Council recommends that DELWP should investigate standards which address other gaps in the scheme (and other legislation such as State Environment Protection Policy - SEPP N's) around noise. For example, Council's Guidelines also address:</p> <ul style="list-style-type: none"> – Commercial and industrial plant and equipment. – Music. – Patrons – new outdoor patron areas and new residential development near existing outdoor patron areas. – Apartments – noise from apartment developments to existing dwellings and noise from apartment common areas to apartments within the development. 	
Daylight, Ventilation and thermal comfort	<p>Council strongly recommends that Indoor Environment Quality is greatly expanded within the ESD Roadmap including incorporation of access to natural daylight and natural ventilation (in buildings other than apartments).</p> <p>Council recommends measurable standards for daylight and ventilation of building design for all development typologies.</p>	

Summary of Commentary relating to draft PPF Clauses

Clause reference / name	Scope of Change	City of Yarra Comments
01 – Purposes of the P.S.	Introduce new purpose: “ <i>To promote environmentally sustainable development</i> ”	
11 – Settlement	Strengthened reference to: <ul style="list-style-type: none"> • A high standard of environmental sustainability... • Energy efficiency and renewable energy adoption. • Waste minimisation, resource recovery and waste management. • Climate change adaptation and mitigation 	
11.01-1S - Settlement	Additional strategies: <ul style="list-style-type: none"> • ... Adopting integrated water management as part of settlement development. • Plan for regional responses to climate change adaptation and mitigation Additional Policy Document reference: <ul style="list-style-type: none"> • Applicable emission reduction pledges and adaptation action plans (as specified under Part 5 of the <i>Climate Change Act 2017</i>) 	<i>Reference to Part 5 of the Climate Change Act 2017 is supported.</i> <i>See further comments and recommendations above.</i>
11.02.2S – Structure Planning	Objective updated to reference ... orderly “and sustainable” development ... of urban areas. Additional strategy included that seeks structure planning that responds to the impacts of climate change.	
12.01-1S – Protection of Biodiversity	Additional strategy included to support land use and development that contributes to protecting and enhancing urban biodiversity values.	
13.01-3S – Urban heat mitigation (NEW)	<u>New</u> clause that seeks to reduce urban heat exposure through land use, built form and design responses. Strategies for green and cool urban areas include use of vegetation, integrated water management and appropriate materials. Support tree health and cool the urban environment through WSUD.	<i>Benefits of vegetation/trees are well known. ‘appropriate materials’ is very subjective and should be defined.</i> <i>Some policy relocated from 15.02-1S.</i>
13.05-1S – Noise Abatement	Updates proposed to strengthen the need to minimise noise pollution and minimise adverse effects on residential developments and other sensitive land uses.	<i>Positive update that better protects residential amenity.</i>

		<i>Measurable performance standards to achieve the Objective is missing.</i>
13.06-1S – Air Quality Management	Additional strategy seeks to strengthen the need to protect occupants of residential development and other sensitive uses near transport infrastructure through suitable siting, layout and design responses.	<i>Clause 53.10 provides performance standards</i>
15 – Built Environment and Heritage	Additional policy: Planning must support development that is environmentally sustainable and: ...	<i>Significant ESD emphasis added</i>
15.01-2S – Building Design	<p>Objective now refers to building design and siting outcomes that contribute positively to local context, enhance the public realm and <u>support environmentally sustainable development</u></p> <p>Additional strategies:</p> <ul style="list-style-type: none"> • Encourage retention of existing vegetation and planting of new vegetation as part of new developments. • Ensure the layout and design of the development supports waste and resource recovery and the efficient use of water. • Improve the energy performance of buildings through siting and design measures that support: <ul style="list-style-type: none"> • Cost effective compliance with energy performance standards in the National Construction Code. • Passive design responses that minimise the need for heating and cooling. • Adoption of renewable energy and storage technologies. 	<p><i>Vegetation policy relocated from 15.02-1S.</i></p> <p><i>Energy performance policy refers to ‘cost effective’ compliance. Reference to ‘cost effective’ should be removed to make it firmer.</i></p> <p><i>See further comments and recommendations above in relation to specifying a zero carbon performance outcome.</i></p>
15.01-3S – Subdivision Design	Updated strategy to reinforce promotion ESD outcomes for subdivision.	<i>See further comments and recommendations above in relation to specifying a zero carbon performance outcome.</i>
15.02-1S	Energy and resource efficiency (Deleted)	<i>DELETED</i>
16.01-2S	Location of residential development	<i>Inconsequential updates</i>
18.01-1S – Land use and transport planning	<i>Victorian Cycling Strategy 2018-28</i> added as a policy document.	<i>Replaces Cycling into the Future 2013-23</i>

18.02-1S – Sustainable personal transport	<p>Objective/Strategies now refers to promotion and support of low emission forms of personal transport (including associated infrastructure)</p> <p>Commercial and multi-residential development now require bicycle facilities, in addition to other uses.</p>	<p><i>Positive inclusions.</i></p> <p><i>Some comments above about reduction of private car usage would be useful to better promote active transport.</i></p>
18.02-2S – Public Transport	Reference to minimising car dependency added	<p><i>A great addition that could be reinforced in other policies (eg. Cl 18.02-1S above)</i></p>
19 – Infrastructure	New reference to avoiding and minimising environmental impacts and incorporating resilience to natural hazards, including climate change risks	<p><i>This is obviously very high level and essentially a preamble of what is to come. It won't change assessment in its current form.</i></p>
19.01-1S – Energy Supply	<p>Reference to gas emission reduction targets of <i>Climate Change Act 2017</i> added.</p> <p>Additional strategy:</p> <ul style="list-style-type: none"> • Support achievement of greenhouse gas emission reduction targets under the <i>Climate Change Act 2017</i> and the transition to a low-carbon economy by adopting renewable energy and low emission technologies. 	<p><i>It is commendable to add reference to Climate Change Act gas emission reduction targets for energy supply / infrastructure policies.</i></p> <p><i>See further comments and recommendations above in relation to specifying a zero carbon performance outcome.</i></p>
19.01-2S – renewable energy	Reference to gas emission reduction targets of <i>Climate Change Act 2017</i> added.	<p><i>As above to better support the provision of renewable energy.</i></p> <p><i>See further comments and recommendations above in relation to specifying a zero carbon performance outcome.</i></p>
19.03-3S – Integrated water management	<p>Additional strategy states:</p> <ul style="list-style-type: none"> • Support development that is water efficient and encourages use of alternative water sources. 	<p><i>Council's WSUD local policies provides greater strength to this policy in conjunction with 53.18</i></p>
19.02-5S – waste and resource recovery	<p>Various updated strategies and one additional strategy that generally strengthen emphasis on resource recovery, recycling and reuse, including:</p> <ul style="list-style-type: none"> • Encourage development that provides for: 	<p><i>The policy changes complement the 'waste management' local provisions of proposed Clause 15.02-1L</i></p>

	<ul style="list-style-type: none"> • Systems that support waste minimisation and increase resource recovery. • Use of recycled and reusable materials where appropriate. <p>Additional policy documents:</p> <ul style="list-style-type: none"> • <i>Waste Management and Recycling in Multi-Unit Developments</i> (Sustainability Victoria, 2019) • <i>Recycling Victoria A New Economy</i> (Department of Environment, Land, Water and Planning, 2020) 	
--	--	--