

Macedon Range Shire Council

Submission in Response to the Department of Environment Land Water and Planning (DELWP) Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system.

1 Introduction

The Macedon Ranges Shire Council thanks the Minister for Planning and the Department of Environment, Land, Water and Planning for the opportunity to comment on the *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system* (the Roadmap).

The Macedon Ranges Shire Council supports the introduction of the Roadmap, as it accords with priorities from the Council Plan, including: -

Priority 1. Promote health and wellbeing: improve infrastructure for walking and cycling across the shire.

Priority 2. Protect the natural environment: increase awareness and action for responsible and sustainable land management practices across the shire, aiming to improve the health of land and waterways.

Priority 3. Improve the built environment: implement ecologically sustainable development principles for improved environmental performance in new developments.

In addition to the above priorities, feedback Council received from the community during consultation on the Council Plan supported Council playing an increased role in leadership and innovation in the sustainability space.

Council considers that all development should create positive environmental outcomes, and that there is also clear scope for achieving both development and environmental outcomes in tandem, through strengthened planning provisions and systems. In this regard, Council welcomes this new initiative.

Overall, Council's key comments are:

- **Higher building standards** – Environmentally Sustainable Development (ESD) is better enforced through the building approvals process. The majority of new dwellings constructed in the Macedon Ranges do not require a planning permit. This means that any planning provisions requiring ESD for buildings will have only a limited impact in the Shire.
- **Resourcing** – under-resourced councils such as Macedon Ranges Shire Council will require training and support to enable the organisation's statutory planners to implement any proposed state-wide ESD provisions. Funding for ESD advisers is recommended, similar to the Heritage Adviser program which was co-funded by the State Government.
- **Electric vehicles** – the proposed planning provisions should include requirements for electric vehicle charging stations in new developments and they should reduce barriers / planning permit triggers to their installation on public land.

- **Micro-grids** – the proposed planning provisions should encourage small to medium scale renewable energy production, including micro-grids as a part of new developments and subdivisions.
- **All-electric developments** – the proposed provisions should encourage or require new developments and subdivisions to transition away from use of natural gas.
- **Integrated Water Management (IWM) modelling tool** – There needs to be a consistent approach to the use and application of these tools between authorities, state and local governments. An inconsistent application and distribution of these tools creates gaps in ESD development outcomes.
- **Sustainable subdivisions framework** – A number of councils within Victoria are working to develop this assessment framework which should be incorporated into the proposed provisions.
- **Applicability to rural councils** – The content of the Roadmap is Melbourne-centric, with a heavy reliance on aspects of Plan Melbourne. It is imperative that the Roadmap be equally applicable to rural areas, which are also subject to building and development growth and its associated environmental pressures. An example being the changes to Clause 12.01-1S strategies which refers to ‘urban biodiversity values’ and not just biodiversity values as a whole.

2 General comments

- Given the importance of achieving environmentally sustainable development, the Roadmap should include mechanisms that ensure that failure to achieve ESD outcomes will now be legitimate grounds for refusal of a planning permit, and that adequate statutory mechanisms and supporting guidelines are available that ensure any such refusal would be upheld by the tribunal.
- As the Victorian Planning Provisions (VPPs) are used by multiple agencies, it is important that policies and strategies pursued by other agencies do not create micro-economic impediments to the achievement of ESD such as bushfire risk consideration resulting in difficulty preserving biodiversity values.
- Council notes there is opportunity to provide a concise definition of “Environmentally Sustainable Design” within the *Planning and Environment Act 1987* or within the planning scheme provisions.
- It is noted, and supported by Council, that the Roadmap contains a number of initiatives relevant to alternative water; e.g. the recommendation for the installation of rainwater tanks to be used for toilet flushing. It is important to note that this initiative is contrary to the position held by water authorities, who see themselves as being responsible for the quality of water in rain tanks.
- It is noted that Stage Two of the Roadmap is proposed to address more detailed controls, but Council recommends that Referral Agencies, and their associated legislative and regulatory frameworks are also aligned with the Roadmap.
- The Sustainable Subdivision Framework program is being trialled by Council and has been identified by the Roadmap as an example of ESD being undertaken by local governments. The provisions within this program should be considered in the formulation of any new ESD provisions.
- The Roadmap should also address ESD requirements for rural types of residential development such as rural dwellings, accommodation (group accommodation, Host Farms etc) which may trigger planning permits.

- It is noted that the Roadmap makes no reference to the Infrastructure Design Manual (IDM). The IDM is the Victorian local government standard for the provision of infrastructure for new development outside of metro Melbourne, although Macedon Ranges Shire Council has not yet adopted the Manual. Given that the Roadmap makes numerous references to infrastructure standards, it will be in the best interests of the Roadmap to ensure that there are concurrent changes to relevant standards in the IDM.
- The framework should introduce or make reference to the resources required to implement the framework and stage two planning provisions, including details of the guidance and tools proposed to be provided by DELWP and the impact on staff resources. The framework should make provisions to support under-resourced councils in building capacity to effectively transition to having ESD in the planning scheme.
- The Roadmap makes reference to housing diversity in the subdivisions section. Improved ESD standards will help to address socioeconomic disadvantage in housing, with energy poverty becoming an issue of increasing concern. Given this, Council supports the promotion of housing diversity, consideration of socio-economic disadvantage, ESD-designed diverse housing types, and advocates on behalf of residents experiencing socioeconomic disadvantage. The Roadmap should ensure these issues are addressed.

3 Specific Comments

3.1 National Construction Code, Page 11

This table identifies that there are options available for particular ESD initiatives for new dwellings: *“In Victoria all new Class 1 dwellings (stand alone or semi-detached houses) are also obliged to install either a rainwater tank for toilet flushing or a solar hot water system”*.

Although not the role of the Victorian Planning Provisions, this approach to ESD implies that best-practice ESD is not a requirement, giving the option of a reduction in the consumption of potable water or energy consumption in a new development. It should require a development to utilise a rainwater tank for toilet flushing **and** a solar hot water system.

If the Victorian State Government is serious about pursuing ESD through a regulatory framework, then ensuring that loop holes such as this are identified and removed is key.

3.2 Stage two: Update particular provisions, Page 15

In addition to further changes to the Particular Provisions mentioned in the Roadmap, changes to car parking provision should also be made, giving particular attention to the transitioning of the vehicle fleet to low emissions and electric vehicles.

Consider changing the objective in Clause 15.01-3S Subdivision Design from ‘To facilitate subdivisions that achieve attractive, safe, accessible, diverse and sustainable neighbourhoods’ to include reference to resilient neighbourhoods/communities to acknowledge the challenges of adapting to a changing climate and living with increasingly extreme conditions and severe weather events.

It is also recommended that changes be made to the following clauses to ensure that ESD is fully embedded throughout the Planning Scheme:

- 52.06 Car Parking
- 52.34 Bicycle facilities
- 53.05 Freeway Service Centre
- 53.13 Renewable Energy Facilities
- 53.20 Housing by or On Behalf of the Director of Housing
- 62.02 Buildings and Works
- 62.04 Subdivisions Not Requiring a Permit
- 65.01 Approval of an Application or Plan, 65.02 Approval of an Application to Subdivide Land.

Additional changes will also be required to Clause 73.03 to ensure that land use terms are modernised to keep pace with changing use and development associated with the transition to a low carbon future. An example is the current definition of “Service Station” which does not mention the charging of electric vehicles and may become redundant with the increasing proportion of vehicles being electric.

3.3 Concurrent building reform processes, Page 16

It is noted that the Roadmap is specific to the VPPs, and that matters relevant to building are to be addressed through concurrent reform of the building system; however, there are aspects of the orientation of lots at the subdivision stage that can be undone by construction of a building with a floor plan that does not address the lot orientation.

A common practice in the dwelling construction industry is the use of pre-approved building designs that have specific floor plans. It is possible that these pre-approved plans can be constructed on lots that have been designed with alternative floor plans in mind.

Furthermore, the building system is best placed to ensure ESD is incorporated, as a majority of dwellings built do not require planning approvals

There is an essential nexus between building and planning that is neither ‘big picture’ nor ‘detailed’. Ensuring that pre-approved house plans also respond to the orientation of the lot is essential. The suitability of pre-designed floor plans should be addressed by the Roadmap.

3.4 Figure 4, Page 18

It is recommended that this figure be reconfigured, as it may be interpreted as showing solar panels below the canopy of shade trees.

3.5 Energy, Page 20

Council supports the initiative of promoting renewable energy systems through the Planning Scheme, however, it must be noted that the Decision Guidelines in Clause 53.13 are focused on the impacts of renewable energy facilities. An emerging trend in renewable energy systems is for medium scale renewable systems (<20 megawatts) provided in more dispersed locations. In order to promote this form of energy production, a more facilitative

approach to Decision Guidelines that identify how renewable energy systems can positively contribute to ESD and community resilience would assist in embedding ESD in the Planning System.

The Roadmap can also provide a framework for reducing barriers to the inclusion of renewable energy infrastructure and energy efficiency upgrades on heritage buildings or in heritage overlay areas. The framework should support and promote the adoption of renewable energy infrastructure on all buildings acknowledging that this can be done while respecting heritage value.

The Energy Supply section of the Roadmap should do more to define low emissions technologies and infrastructure to support greenhouse gas emissions reduction targets. This section should encourage all electric developments and promote the provision of subdivisions without reticulated natural gas.

3.6 Table of Analysis of VPP ESD responses under consideration – Transport, Page 24

It is recommended that the Roadmap address additional areas of transport related planning controls that play a role in the adoption of travel change behaviours. Specifically, the rise in popularity of car share schemes is an emerging methodology to reduce car dependence and promote alternative transport. It is considered that Clauses 52.06 and 55 can be amended to acknowledge the role of this emerging method, and other transport alternatives, in lieu of car parking provision.

3.7 Protection of Biodiversity, Page 37, Support land use and development that contributes to protecting and enhancing urban biodiversity values.

Council is supportive of this initiative. The Macedon Ranges Shire is declared as a distinctive area and landscape. The Statement of Planning Policy (SPP) for Macedon Ranges provides a framework to ensure the outstanding landscapes, settlement history, significant landforms, and natural environment of the Macedon Ranges are protected and conserved. Protection and enhancement of biodiversity is a key element of protection of the landscape.

It must be noted, however, that recent advice received from DELWP regarding enhancement of native vegetation for the protection of landscape values is at odds with the direction contained in the Roadmap. Clarification is sought on how the protection and enhancement of biodiversity will be translated into complimentary planning controls, such as specific overlay schedules.

Clarification of how small settlements and rural areas are to enhance biodiversity values whilst not exposing the community to greater risks associated with bushfire should also be provided.

Clause 11.02.2S Structure planning strategies make reference to protecting areas of natural or cultural significance. This section is an opportunity to address biodiversity and the provision of or enhancement of bio-links at a structure planning level. Noting section 12 specifically references biodiversity, to avoid overlap the point 'Protect areas of natural or cultural significance' could be updated to: "protect and enhance areas of...".

3.8 Integrated water management, Page 53, Support development that is water efficient and encourages use of alternative water sources.

Council supports this initiative, however, notes that the attitude of water authorities is key to the take-up of this initiative. The example of rain water tanks in the Roadmap is one example of where the Roadmap does not align with the policies of water authorities. It is this form of potential misalignment of the VPPs with the positions of referral authorities that can undermine implementation of the Roadmap.

It is noted that Stage 2 of the Roadmap is to address Particular Provisions, and it is suggested that Stage 2 also engage with Referral Authorities over standards, licenses, guidelines and the like that may act against the initiatives identified in the Roadmap Stage One.

Provisions for lot and subdivision scale Integrated Water Management standards need to be accompanied by a DELWP-endorsed modelling tool, standards of measurement, and supporting documentation empowering Councils and developers to specify and assess appropriate storm water management strategies. Commonly used modelling software, such as the Stormwater Treatment Objective - Relative Measure (STORM) and Model for Urban Stormwater Improvement Conceptualisation (MUSIC), lack clear governance protocols and have limited user support. Limitations in the types of treatments available in these tools are also likely to see over reliance on certain systems. There is a heavy reliance on Melbourne Water, including use of STORM and an industry reliance on their factsheets. DELWP need to ensure this framework is suited to Councils across all water authority and catchment areas, noting some Councils such as Macedon Ranges span multiple water and catchment authority areas that may have competing priorities.