

3 March 2022

The Committee Manager
Legislative Assembly Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002
Email: planninginquiry@parliament.vic.gov.au

Dear Committee Manager,

Re: Inquiry into the Protections within the Victorian Planning Framework

The Council Alliance for a Sustainable Built Environment (CASBE) is pleased to provide the following response to the Parliamentary Inquiry into the Protections within the Victorian Planning Framework. This submission has been prepared by CASBE officers and is not the result of a formal resolution of the CASBE Steering Committee.

[CASBE](#) is a collaborative alliance of Victorian councils committed to the creation of a sustainable built environment within and beyond their municipalities. CASBE is supported by the Municipal Association of Victoria - the peak representative and advocacy body for Victoria's 79 councils.

CASBE provides a forum for the exchange of information and ideas on innovation and best practice in environmentally sustainable design (ESD), particularly through planning policy reform. You can find a complete list of our 40 members [here](#). Our local, ground-up approach has resulted in collaborative local government led action and broad scale positive change to Victoria's built environment and a significant reduction to its consequent environmental impacts.

One of CASBE's primary roles is to facilitate the consistent application of the *Sustainable Design Assessment in the Planning Process (SDAPP)* Framework – an approach to assessing sustainability measures within the planning system that has adopted by numerous CASBE council members.

CASBE has developed the *Built Environment Sustainability Scorecard (BESS)* - an online tool for assessing the sustainability of development proposals at planning stage. BESS provides a consistent assessment methodology for the SDAPP Framework and covers key elements that form good liveability and design practice. BESS is currently used by the development industry in 28 municipalities in Victoria. In 2020-21, BESS assessed 4163 developments with 5.6 million sqm of building floor area and 33,000 dwellings.

Terms of Reference 2: Environmental sustainability and vegetation protection.

This is a timely inquiry. We are in a state of climate emergency and need urgent changes to our planning system to support both mitigation of climate change and the implementation of adaptation strategies for new and existing communities.

CASBE will focus our feedback on the second point listed in the Terms of Reference, namely comments relating to *environmental sustainability and vegetation protection*.

State leadership required

CASBE councils have worked for many years to introduce Environmentally Sustainable Development (ESD) requirements in planning through local policy. While this has successfully resulted in changes to the built environment, ESD requirements in the Planning Scheme need strong state government leadership.

CASBE has welcomed the opportunity to participate in the Victorian Government's ESD Roadmap initiative, however we note with concern the delayed timeframe of the roll out of this project. While this state project has been underway, CASBE continues to work with 31 Victorian councils on our [Elevating ESD Targets Planning Policy Project](#). We are currently completing research with leading industry experts on how we can improve the sustainability of buildings and improve our response to climate change. This work forms part of an evidence base to support the next exciting stage, which is to progress the planning amendment process itself.

We note that early consultation with the State Government suggests that targets being proposed in the ESD Roadmap may not meet the targets being proposed by our leading-edge research. We call on the State Government to implement a strong baseline of Environmentally Sustainable Development (ESD) through the planning system, while maintaining the ability for communities to continue to innovate to advance best practice in their own planning schemes.

Climate Change and Planning in Victoria

In 2021 the Victorian Greenhouse Alliances and CASBE commissioned an independent report - *Climate Change and Planning in Victoria: Ensuring Victoria's planning system effectively tackles climate change* – to assess the disconnect between the government's high-level position on climate change and the day-to-day decisions made by those planning our built environment.

The report identified a number of reform opportunities for Victoria's planning system to ensure it is aligned with the State's legislated emission reduction targets. It also identifies opportunities to ensure the delivery of climate resilient communities and zero-carbon

infrastructure, both of which build on Victoria's leadership role on taking action on climate change.

The report can be found on the website of the Northern Alliance for Greenhouse Action [here](#). We draw your attention to the recommendations commencing on page 43. In particular we draw your attention to the priorities identified on page 60.

Verification of planning commitments

Verification of compliance by the development industry with planning permit commitments is an urgent need that must be addressed. Recent studies by CASBE member councils have identified that compliance with ESD commitments made at the planning stage is low. Councils have been developing and trialing effective processes of verification, however the main barrier for councils to implement this is resourcing of Planning Enforcement teams. Support from State Government is required to effectively implement verification processes within councils.

Vegetation Protection

Urban greening is widely recognised as a key response to increasing temperature and as critical to maintaining liveability.

The planning system is an incredibly important tool in guiding spatial outcomes. Currently relevant spatial outcomes identified in areas such as biodiversity protection are poorly integrated into planning, and there is little reference to key areas of habitat or to regional habitat linkages. Integrating specific relevant regional matters included in other adopted State documents into both policy at 12.01-1R and into relevant municipal maps will help give effect to policy included in Cl11 and 12. Many of the areas referenced in policy are known but the generic nature of current policy and lack of specific references means they are often not given much weight in decision-making.

Habitat corridors are recognised as a key component in building resilience of the natural environment in the face of climate change. Work has been undertaken in identifying key habitat corridors, at both a local and regional scale. However, these rarely find their way into Planning Schemes, other than on an ad-hoc basis at a municipal scale. This is not compatible with the delivery of such linkages which generally extend beyond a municipal scale and require overall connectivity to achieve their intended purpose

Explicit policy at Cl19.03-2S (Infrastructure design and provision) could provide support for greater integration of in-street infrastructure and the delivery of canopy vegetation. In most current circumstances, service provision is still siloed. Without explicit recognition of canopy trees as a critical part of street planning, delivery of broader objectives around greening are challenging.

For most councils, the majority of funding for green infrastructure is acquired through developer contributions to open space. This is a requirement of the Subdivision Act and can be in the form of land or a monetary contribution. The amount is set within the Planning Scheme of each council at Cl 63.01 Public Open Space Contributions. However, the definition of open space within the Subdivision Act is quite narrow (i.e land has to be zoned or put aside for public recreation in order for funds to be utilised). This restricts the ability of councils, in particular those who may have trouble acquiring the large parcels of land needed to deliver traditional parks, from increasing the amount of green space. This is frequently the case in densely settled urban areas where the need is greatest. Broadening the definition of what can be funded using public open space contributions contained within the Subdivision Act would assist in urban cooling.

While agricultural productivity is a complex matter, and highly reliant on the skills and knowledge of individual farmers, it is clear that some parts of the State will be more resilient in terms of the scope of agricultural production than others. Cl 14.01-1S currently has no reference to climate change. Policy supporting the transition of agricultural uses (at Cl 14-01-2S) is not the same as prioritising protection of this land. Identifying climate resilient areas, which in many cases will overlap with existing strategic agricultural areas will be important. References to these areas at Cl 14-01-2R and requiring them to be shown spatially on relevant maps within the PPF, rather than in external documents may assist planners in protecting these areas.

CASBE recommendations:

- That the Committee consider the *Climate Change and Planning in Victoria: Ensuring Victoria's planning system effectively tackles climate change* report.
- That the State Government work with local government to take immediate action on the recommendations of the above report.
- That climate change to be elevated as a central consideration in both strategic and statutory planning, by recognising the fundamental role the Planning Scheme and Planning and Environment Act 1987 play in guiding decision-makers, and their weight as statutory law instruments. Specifically, we recommend:
 - An amendment to Schedule One of the Climate Change Act 2017 to include reference to decisions made in regard to amendments or the issue of permits under the Planning & Environment Act 1987.
 - An amendment to the Planning & Environment Act 1987 to provide clearer direction on the consideration of climate change in assessment and decision-making.
- That the *Minister's Direction No. 11 – Strategic Assessment of Amendments and Practice Note 46: Strategic Assessment Guidelines for Planning Scheme Amendments* is updated to ensure that Explanatory Reports prepared for every amendment include an explicit assessment against relevant climate change considerations including consistency with

emission reduction targets over the life of any potential development, and any relevant adaptation measures.

- That emissions reduction targets are embedded into the Planning Scheme, including the explicit target of net zero emissions by 2050 as State policy.
- That the Victorian Government implement a strong baseline of Environmentally Sustainable Development (ESD) through the planning system, while maintaining the ability for communities to continue to innovate to advance best practice in their own planning schemes
- That the Victorian Government advocate for stronger climate change consideration in the National Construction Code, and unilaterally implement reforms through Victorian building regulations if necessary
- The inclusion of a Particular Provision/s that articulates mandatory minimum standards of Environmentally Sustainable Design in key areas such as energy efficiency, green infrastructure, electric vehicle readiness, etc
- That Clause 56 is updated to align with the findings of the CASBE led Sustainable Subdivisions Framework (pending completion of pilot phase).
- That support is provided by the State Government to enable councils to effectively implement regimes that verify and build compliance with planning permit conditions generally, and with a specific focus on ESD outcomes.
- Promote opportunities for additional ‘greening’ in established urban areas through broadening definitions of Public Open Space under the Subdivision Act 1988.
- Review and identify opportunities for greater recognition of relevant State policy in areas such as biodiversity to be represented spatially through Regional Growth Plans and to be specifically referenced as relevant regional policy (e.g. Protecting Victoria’s Environment – Biodiversity 2037 – “Identify future reserve system priorities through strategic land-use planning”).
- Support the identification of key habitat corridors as part of regional planning processes to ensure these are recognised and mapped within relevant Planning Schemes to support decision-makers.
- Identify and protect agricultural land that will remain highly productive under climate change scenarios in relevant regional plans and associated policy and mapping at Clause 14.01.

Thank you for the opportunity to provide input into this inquiry. We look forward to your favorable response.

Yours sincerely,

[REDACTED]

Natasha Palich
CASBE Executive Officer
Council Alliance for a Sustainable Built Environment
Municipal Association of Victoria
casbe@mav.asn.au
[REDACTED]

Notes:

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CASBE is auspiced by the Municipal Association of Victorian (MAV). This submission is made on behalf of CASBE member councils, and the views represented in this submission do not necessarily represent the views of the MAV. While this paper aims to broadly reflect the views of CASBE member councils, CASBE has a diverse mix of member councils and the views represented in this submission do not necessarily represent the views of all CASBE members individually.

Individual councils may also respond to issues specific to, and on behalf of, their communities. The CASBE staff thanks and acknowledges the contribution of those who have provided their comments and advice in the development of this submission.