

10 March 2021

Mr. Andrew Grear  
Executive Director, Planning and Heritage  
Department of Environment, Land, Water and Planning  
[via [planning.systems@delwp.vic.gov.au](mailto:planning.systems@delwp.vic.gov.au)]

Dear Mr Grear,

**SUBMISSION TO THE STATE GOVERNMENT'S PROPOSED  
ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD) REFORMS TO THE  
PLANNING POLICY FRAMEWORK (PPF)**

I refer to your letter dated 11 January, 2021 inviting Mornington Peninsula Shire Council to comment on the above proposed ESD reforms to the PPF.

I write to advise that, at its meeting on 9 March, 2021, Council's Planning Services Committee resolved to make a submission in support of the proposed PPF reforms, as well as raise additional matters for the Department's consideration in implementing the roadmap. Specifically:

- The application of ESD standards to single dwellings;
- Additional local government resourcing necessary to effectively implement the ESD reforms; and

Each of these matters is address in turn below.

**1. Support for Proposed PPF Reforms**

Firstly, Council congratulates the Department on the release of its agenda for supporting ESD through Victoria's planning system, titled *Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system* (the roadmap). The roadmap presents a significant and much anticipated advancement in embedding ESD considerations in planning decision-making.

Whilst the most important part of the reforms – measurable standards in the Particular Provisions – are yet to be released, Council agrees that the proposed changes to the PPF lay the critical foundations necessary to guide decision-making, and send a clear signal to developers, authorities and the community alike that ESD is firmly on the planning agenda.

Appreciating that the changes are effectively policy neutral, Council nevertheless supports changes that will require all future development proposals to have higher

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regard – not only for environmental performance – but for maintaining and improving overall quality of life for residents, workers and visitors, and mitigating and adapting to the pressing challenges of climate change.

The Shire is particularly pleased that the proposed PPF changes align with a range of adopted Council policies and plans, including:

- *Our Climate Emergency Response From 2020 to 2030: Ensuring Our Future (2020)*,
- *Biodiversity Conservation Plan (2019)*, and
- *Smart Water Plan: An Integrated Approach to Water Management for the Mornington Peninsula (2018) (and future Integrated Water Management Plan)*.

Council is therefore pleased to confirm its support for the following specific proposed changes to the PPF:

- Giving **ESD primacy** as a key purpose of all planning schemes (Clause 01: Purposes of this Planning Scheme), consistent with the objectives of the *Planning and Environment Act 1987* (the Act), specifically section 1(a) which is that planning in Victoria is 'to provide for the fair, orderly, economic and sustainable use, and [development](#) of [land](#)';
- Providing specific and strong policy at head Clause 15 (Built Environment and Heritage) that planning **must support development that is environmentally sustainable** and: responds to climate change impacts, minimises greenhouse gas emissions, conserves energy and water, minimises waste generation and increases resource recovery, supports human health and community wellbeing, and minimises detrimental impacts on the built and natural environment.
- Strengthening **climate change policy**, including adding directions to ensure planning and development:
  - contributes towards climate change adaptation and mitigation (Clause 11: Settlement) and responds to the impacts of climate change (Clause 11.02-2S),
  - plans for regional responses to climate change adaptation and mitigation (Clause 11.01-1S),
  - considers applicable emission reduction pledges and adaptation action plans (as specified under Part 5 of the *Climate Change Act 2017*) (Clause 11.01-1S),

- supports the reduction of greenhouse gas emission reduction targets under the *Climate Change Act 2017* and the transition to a low-carbon energy economy by adopting renewable energy and low emission technologies (Clause 19.01-2S: Renewable energy, Clause 19.01-1S: Energy supply),
- reduces greenhouse gas emissions in the creation of urban structures, utilities and services, (Clause 15.01-3S: Subdivision design and Clause 19: Infrastructure), and
- ensures planning infrastructure incorporates resilience to future climate change risks (Clause 19: Infrastructure).
- Including a new specific policy regarding **urban heat mitigation** which seeks to reduce urban heat exposure through land use, built form and design responses (Clause 13.01-3S) by:
  - greening and cooling urban areas, buildings, transport corridors and open spaces through use of vegetation, integrated water management and appropriate materials, and
  - supporting tree health and cool the urban environment through water sensitive urban design.
- Elevating **human health** alongside existing policy directions to protect amenity and preserve life and property with added content aimed at:
  - improving **noise abatement** to protect residential developments and other sensitive uses from noise pollution with specific strategies aimed at ensuring human health and community amenity is protected (Clause 13.03-1S: Noise abatement),
  - siting and designing development to minimise risk to health from **natural hazards** (Clause 13.01-1S),
  - limiting **air emissions** (including dust and other pollutants) that pose a health and amenity risk for residential and other sensitive uses (including near transport infrastructure) through suitable siting, layout and design responses (Clause 13.06-1S: Air quality management); and
  - including references to specific and additional Environment Protection Authority policies and standards.
- Strengthening **biodiversity conservation** policy with content aimed at:

- protecting areas of natural or cultural significance (Clause 11.02-S) and supporting land use and development that contributes to protecting and enhancing urban biodiversity values (Clause 12.01-1S).
- encouraging the retention of existing vegetation and planting of new vegetation as part of new developments (15.01-2S: Building design); and
- including *Australia's Strategy for Nature 2019-2030* (Commonwealth Government of Australia, 2019) as a key consideration (Clause 12).
- Strengthening **integrated water management** policy by including policy to adopt integrated water management as part of settlement development (Clause 11.01-1S), ensure that the layout and design of development supports the efficient use of water (15.01-2S: Building design) and encourages use of alternative water sources (Clause 19.03-3S).
- Enhancing **energy efficiency** policy with added content encouraging **renewable energy**, including:
  - contributing towards renewable energy adoption (Clause 11),
  - supporting energy efficiency through urban layout and lot orientation and supporting the uptake of renewable energy technology, including microgrids and batteries (Clause 15.01-3S: Subdivision design), and
  - improving 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, and adoption of renewable energy and storage technologies. (Clause 15.01-2S: Building design).
- Strengthening policy regarding **sustainable transport**, including:
  - a specific objective to promote and support the use of low-emission forms of personal transport (Clause 18.02-1S: Sustainable personal transport) supported by a strategy to encourage building and subdivision layout and design responses that facilitate low emission forms of transport (including walking and cycling) and includes infrastructure for low emission vehicles (including electric vehicles), and
  - explicit policy to minimise car dependency (Clause 18.02-2S: Public Transport) and promote cycling, with an included reference to the *Victorian Cycling Strategy 2018-28* (Department of Economic Development, Jobs, Transport and Resources, 2017).

- Strengthening **waste and resource recovery** policy at Clause 19.03-5S with new content that:
  - encourages technologies that increase recovery and treatment of resources to produce high value, marketable end products,
  - ensures developments provide for segregation, storage and collection of waste and recyclable materials,
  - encourages development that provides systems to support waste minimisation and increase resource recovery, and the use of recycled and reusable materials, and
  - includes reference to *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019) and *Recycling Victoria A New Economy* (Department of Environment, Land, Water and Planning, 2020) as additional policy documents.

In providing Council's support for the proposed PPF reforms, Council wishes to raise the following additional matters for consideration by the Department.

## **2. Application of ESD standards to single dwellings**

Council requests that the Department give due consideration to the application of ESD measures to single dwellings – if not via the planning system, then the mooted reforms to the building code.

In the online briefing hosted by the Municipal Association of Victoria (MAV) on 9 February 2021, DELWP officers identified that application of ESD standards to single dwellings via the planning system has not yet been ruled out, and that the Department is currently working through associated issues regarding 'red tape reduction' and housing affordability concerns with key stakeholders as well as potential changes to ResCode standards. DELWP officers invited comment from local government as to suggested pathways for capturing single dwelling development.

To this end, Council respectfully requests that DELWP review the Background Report that accompanied Amendment C232morn (as attached to this letter) as it addresses some of the key concerns around implementing ESD to single dwellings and why it is recommended that implementation occur via the planning system in addition to the building system.

In the event the Department ultimately elects not to address single dwellings via the planning system, Council submits its strong support for including strengthened ESD measures in the changes to the relevant building codes mooted in the roadmap.

### **3. Additional local government resourcing**

As recognised in the roadmap, local government will require assistance in the challenges associated with implementing ESD, particularly in cases where locally varied standards apply. Council welcomes the Department's plans to provide additional supporting resources such as new Planning Practice Notes and Guidelines that will detail how the new policy and provisions are to be used, interpreted and applied.

Recognising that it is critical for local government to be sufficiently resourced to assess permit applications that require ESD assessment, Council seeks further support from the Department by way of:

- Funding for local government licences and/or subscriptions to whatever ESD assessment tools are ultimately endorsed by the State; and
- Government-led ESD training for local government planning staff, based on understanding and implementing the PPF and Particular Provision reforms.

Thank you again for inviting Council's comment on the State Government's ESD roadmap. The Shire eagerly awaits implementation of the reformed PPF and the opportunity to review and provide further comment on the proposed Particular Provision reforms later this year.

Should you have any queries regarding this submission or wish to discuss the above additional matters in further detail, please contact Claire Dougall, Principal Strategic Planner on 5950 1965 or via email at [Claire.Dougall@mornpen.vic.gov.au](mailto:Claire.Dougall@mornpen.vic.gov.au).

Yours sincerely,

**Katanya Barlow**  
Manager, Strategic Planning

**Encl.** *Mornington Peninsula Shire Environmentally Sustainable Development (ESD) Policy Project – Background Research* (Sustainable Development Consultants, July 2019)