

Planning and Environment Act 1987

DAREBIN PLANNING SCHEME

MANNINGHAM PLANNING SCHEME

AMENDMENT GC42

EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the Amendment

The Amendment applies to all land at:

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

What the amendment does

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

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

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

Specifically, the amendment:

Darebin Planning Scheme

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

Manningham Planning Scheme

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

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

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

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

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

Strategic assessment of the Amendment

Why is the Amendment required?

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

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

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

Darebin City Council

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

Manningham City Council

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

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

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

The Amendment implements the following objectives of planning in Victoria:

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

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

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

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

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

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

The amendment is expected to have a positive effect by:

Environmental Effects

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

Economic effects

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

Social effects

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

Does the Amendment address relevant bushfire risk?

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

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

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

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

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

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

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

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

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

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

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

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

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

Darebin

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

- Environment (21.02)
- Housing (21.03)

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

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

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

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

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

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

Manningham

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

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

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

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

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

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

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

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

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

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

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

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

Concern with the amendment raised by Sustainability Victoria:

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

Response:

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

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

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

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

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

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

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

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

Resource and administrative costs

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

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

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

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

Where you may inspect this Amendment

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

Darebin City Council

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

Darebin City Council's website:

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

Manningham City Council

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

- Manningham website www.yoursaymanningham.com.au

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

Submissions

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

A submission must be sent to:

Darebin City Council

Coordinator Strategic Planning

Darebin City Council

PO Box 91

Preston Victoria 3072

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

Fax: 8470 8877

Manningham City Council

Manager Economic and Environmental Planning

Manningham City Council

PO Box 1

DONCASTER VIC 3108

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

Panel hearing dates

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

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

Planning and Environment Act 1987

DAREBIN PLANNING SCHEME

MANNINGHAM PLANNING SCHEME

AMENDMENT GC42

INSTRUCTION SHEET

The planning authority for this amendment is the Darebin City Council and Manningham City Council.

The Darebin Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.02 with a new Clause 21.02 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 21.03 with a new Clause 21.03 in the form of the attached document.
3. In Local Planning Policy Framework – insert a new Clause 22.12 in the form of the attached document.

The Manningham Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

4. In Local Planning Policy Framework – replace Clause 21.10 with a new Clause 21.10 in the form of the attached document.
5. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.
6. In Local Planning Policy Framework – replace Clause 22.12 (no content) with a new Clause 22.12 in the form of the attached document.

End of document

21.10
17/09/2009
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~~ECOLOGICALLY~~ ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

21.10-1
02/10/2008
Proposed GC42

Overview

Manningham is committed to ~~Ecologically~~ Environmentally Sustainable Development (ESD), which recognises, values and protects the natural environment and ecological process on which life depends both now and in the future.

Council supports and encourages land use planning and development, design and construction using ESD principles. Key ESD principles include energy conservation, water conservation, protecting human health, and protecting and enhancing the built, natural and cultural environments. ESD initiatives should incorporate current best practice, emerging technology and continuous innovation.

Council's Environmentally Sustainable Development Policy seeks to achieve best practice design, construction and operation for new development. This will accelerate Manningham's commitment to being an environmentally sustainable city.

Best practice is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build.

Building energy management

Many buildings use active mechanisms and non-renewable energy sources to provide thermal comfort. Effective passive heating and cooling relies on building orientation, window design and placement

Water sensitive design

Water is a scarce resource and needs to be conserved. Manningham Council has developed a Sustainable Water Management Plan ~~titled Water15 - Sustainable Water Management Plan (2005)~~. Council has also set a target for reduction in water usage of 15% (based on 2001-2004 water consumption levels) by 2015. It is essential to reduce the amount of water used through water conservation and recycling. Water sensitive design offers an alternative to traditional approaches to water management.

External environmental amenity

Ensuring appropriate acoustic quality within residential and work environments, including the placement of plant and equipment (eg exhaust fans), has been proven to improve the productivity and well-being of building occupants.

Waste management

Council encourages a reduction in waste generated by building occupants. Therefore design strategies should include easily accessible recycling facilities on site and in public spaces.

Quality of public and private realm

Public and private spaces should be safe and accessible, promote activity and enhance the quality of the development.

Transport

Moving and transporting people, materials, equipment and systems impacts on the environment. 14% of greenhouse emissions are related to transport in Australia. ~~Linking Melbourne: Metropolitan Transport Plan (2004) has set a target to increase public transport use to 20% by 2020.~~

Urban Ecology

Council recognises the need to maintain and improve the health of our urban ecosystem.

21.10-2 **Building energy management**Energy performance

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Key issues

- Poor orientation, siting and design of buildings.
- The consumption of non-renewable energy resources and generation of waste and emissions.
- Increasing levels of greenhouse gas emissions.
- High levels of embodied energy in building materials.
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Objectives

- To ~~encourage~~achieve appropriate siting and design, to minimise non-renewable energy consumption and greenhouse gas emissions.
- To require development to incorporate efficient use of energy, by including current best practice in passive design, and resource use, which demonstrates low environmental impact.
- To encourage development which incorporates sustainable building materials.

Strategies

Strategies to achieve these objectives include:

- Orientate a development's most used spaces (e.g. living rooms and work areas) to face north to take advantage of winter solar heat gain and natural light.
- Shade north facing windows from the summer sun ~~by horizontal projections~~, such as eaves, overhangs, awnings, pergolas, upper floor balconies or deciduous vegetation.
- ~~Encourage~~ East and west facing windows to be externally shaded with ~~vertical~~ devices such as blinds, shutters ~~and or~~ awnings.
- ~~R~~Encourage reliance on natural daylight into internal spaces.
- ~~Encourage~~ ~~T~~he preparation of sustainability management plans for developments, where ~~appropriate~~required, which minimise use of non-renewable resources, waste, emissions and energy.
- Promotion of current best practice in environmentally sustainable development, including resource use which demonstrates low environmental impact.

Implementation

These strategies will be implemented by:

Zones and overlays

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None specified

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~~Policy and exercise of discretion~~ guidelines

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- Implementing the *Doncaster Hill Strategy* (2002).
- [Applying the Environmentally Sustainable Development Policy \(Clause 22.12\) in considering an application for development specified in Table 1 of that policy.](#)
- [Assessing all planning applications for new developments against the objectives and strategies of this Clause, and requiring that developments incorporate current best practice sustainable design principles and techniques.](#)

~~Further strategic work~~

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- [Continue development of Developing Environmental Ecologically Sustainable Development Guidelines](#) for the municipality.
- ~~Investigating the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.~~

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Other actions

- Promoting and distributing the *Doncaster Hill Sustainability Guidelines* (2004).
- ~~Encouraging Best Practice Environmental Design through suitable building and development, including best practice in resource use, demonstrating low environmental impact.~~

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21.10-3 Water sensitive design

17/09/2009
[Proposed GC42](#)

Key issues

- The capture and re-use of water.
- Poor water quality of our waterways and creeks.
- [Increased and unnecessary usage of potable water.](#)

Objectives

- To minimise water use.
- To encourage the capture and re-use of water.
- To reduce the demand on potable water.
- To improve the quality of water in our waterways and creeks.
- To encourage water sensitive urban design.

- [To improve water efficiency as part of future development, including best practice that demonstrates low environmental impact.](#)

Strategies

Strategies to achieve these objectives include:

- Encourage the installation of rainwater tanks to reduce the use of potable water.
- Encourage the re-use of grey water.
- Encourage landscape design and plant selection, which minimises the reliance on irrigation.
- Promote the detention and absorption of stormwater where practicable through use of permeable paving, pebble paths, lawns and gardens.
- Encourage the provision of appropriate on-site detention systems to reduce loadings on the stormwater systems after heavy rains.
- Encourage the use of pollutant traps to prevent garbage entering the waterways.
- Ensure water sensitive urban design elements are incorporated into subdivisions and developments.
- Encourage proposals for residential subdivisions and developments to include measures for control of potential environmental impacts during construction, in particular, to adopt good site construction techniques and to be consistent with the *Manningham Stormwater Management Plan* (2001).
- ~~Encourage the provision of sustainability management plans for developments (where appropriate) which minimise use of resources, waste, emissions and energy.~~
- [Require the preparation of sustainability management plans or sustainable design assessments for developments, where required, which demonstrate water efficiency.](#)

Implementation

These strategies will be implemented by:

~~Zones and overlays~~

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None specified

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~~Policy and exercise of discretion~~ [guidelines](#)

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- Implementing the *Doncaster Hill Strategy* (2002).
- [Applying the Environmentally Sustainable Development Policy \(clause 22.12\) in considering an application for development specified in Table 1 of that policy.](#)
- [Assessing all planning permit applications for new developments against the objectives and strategies of this Clause and ensuring development incorporates best practice sustainable design principles and techniques.](#)

~~Further strategic work~~

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- Investigating appropriate options for the capture and recycling of water.
- ~~Developing~~ Continue development of Environmentally~~ecologically~~ Sustainable Development Guidelines for the municipality.
- ~~Investigating the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.~~

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Other actions

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- Encouraging best practice water sensitive design.
- Providing/distributing information on water sensitive design.
- Promoting and distributing the *Doncaster Hill Sustainability Guidelines* (2004).
- ~~Encouraging Best Practice Environmental Design through suitable building and development, including best practice in resource use, demonstrating low environmental impact.~~
- Encourage compliance with the Manningham Stormwater Targets (2008), and Stormwater Blueprint (2012), Manningham Stormwater Management Plan (2001).
- Implementing the *Manningham Drainage Strategy 2004 to 2014* (2004).
- Implementing Manningham's ~~Water15 - Sustainable~~ *Water Management Plan (2005)*.

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21.10-4

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External environmental amenity and internal healthy environment

Key issues

- Impact of noise on residential and working environments.
- Stormwater pollution.
- Adequate provision of good indoor environmental quality.

Objectives

- To reduce the impact of noise pollution.
- To minimise site disturbance and pollution of stormwater.
- To achieve healthy indoor environmental quality.

Strategies

Strategies to achieve these objectives include:

- Encourage appropriate wall construction types to ensure that sound transmittance levels between rooms or buildings meet the appropriate levels for the intended use.
- Consider the location of uses and plant equipment, such as exhaust fans, in relation to noise generation.
- Ensure plant equipment is positioned and baffled to minimise any noise impact.
- Encourage the use of appropriate acoustic treatment such as double-glazing windows and acoustic fencing to minimise any noise impact.

- ~~Encourage~~ the preparation of construction management plans, which aim to minimise any environmental impacts.
- Minimise site disturbance, including protecting existing vegetation and top soil where appropriate.
- Require the preparation of sustainability management plans or sustainable design assessments for developments, where required, which demonstrate how the external and internal environmental quality will be improved.

Implementation

These strategies will be implemented by:

Zones and overlays

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None specified

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Policy and ~~exercise of discretion~~ guidelines

- Implementing the *Doncaster Hill Strategy* (2002).
- Applying the Environmentally Sustainable Development Policy (clause 22.12) in considering an application for development specified in Table 1 of that policy.
- Assessing all planning applications for new developments against the objectives and strategies of this Clause and requiring developments to incorporate current best practice sustainable design principles and techniques.

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Further strategic work

- ~~Developing~~ Continue development of Environmentallyeologically Sustainable Development Guidelines for the municipality.
- ~~Investigating the appropriateness of a local planning policy to guide ecologically sustainable development for the municipality.~~

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Other actions

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- Promoting and distributing the *Doncaster Hill Sustainability Guidelines* (2004).

21.10-5 Waste management

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Key issues

- Minimise materials going to landfill.
- Minimise emissions, and pollution from waste.
- Minimise resource depletion.

Objectives

- To encourage the provision of recycling facilities on site and in public spaces.
- [To incorporate integrated waste management in development including best practice that demonstrates low environmental impact.](#)

Strategies

Strategies to achieve this objective include:

- Promote easily accessible recycling facilities on site to encourage use by tenants and facilitate ease of collection by contractors.
- [Require the preparation of sustainability management plans or sustainable design assessments for developments, where required, which demonstrate improved waste management that reduces waste.](#)

Implementation

These strategies will be implemented by:

~~Zones and overlays~~

~~None specified~~

~~Policy and exercise of discretion guidelines~~

- Implementing the *Doncaster Hill Strategy* (2002).
- [Applying the Environmentally Sustainable Development Policy \(clause 22.12\) in considering an application for development specified in Table 1 of that policy.](#)
- [Assessing all planning applications for new developments against the objectives and strategies of this Clause, and requiring developments to incorporate current best practice sustainable design principles and techniques.](#)

~~Further strategic work~~

- ~~Developing~~ [Continue development of Environmentally ecologically](#) Sustainable Development Guidelines for the municipality.
- ~~**Investigating the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.**~~

~~Other actions~~

- Promoting and distributing the *Doncaster Hill Sustainability Guidelines* (2004).
- Implementing the [Interim Waste Management Strategy \(2012-2017\)](#) (05).

21.10-6 Quality of private and public realm

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[Proposed GC42](#)

Key issues

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- Accessibility.
- Retention of vegetation and opportunities for landscaping.
- Safer design.
- Size and quality of open space areas for private and public realm.

Objectives

- To ensure that private and public spaces are safe and accessible.
- To ensure public spaces are appropriately designed and located to promote activity and use of these areas and enhance the quality of developments.
- To promote solar access to private and public spaces.
- To encourage appropriate landscaping within private and public spaces.
- To encourage safe, and useable areas of open space in developments, including best practice that demonstrates low environmental impact.

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Strategies

Strategies to achieve these objectives include:

- Encourage development to be designed to meet the highest levels of accessibility.
- Site buildings to have regard to adjacent public and private space and limit unreasonable overshadowing.
- Improve accessibility by making attractive, vibrant, walkable environments.
- Encourage the design of buildings, subdivisions, street layout, car parks and public open space that are safe.
- ~~Encourage~~ Require the preparation of sustainability management plans or sustainable design assessments for developments, where ~~appropriate~~ required, which ~~minimise use of resources, waste, emissions and energy~~ demonstrate improvements to the quality of the private and public realm.

-

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Implementation

These strategies will be implemented by:

Zones and overlays

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None specified

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Policy and exercise of discretion

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- Implementing the *Doncaster Hill Strategy* (2002).
- Using Local Policy to promote design that addresses public safety (*Safety through urban design policy, Clause 22.08*).

- Using Local Policy to promote the same level of access for people with limited mobility to buildings, public spaces, services and facilities as any other person (*Access for disabled people policy, Clause 22.09*).
- [Requiring that development specified in Table 1 at clause 22.12 meets the requirements of environmentally sustainable development policy.](#)
- [Assessing all planning permit applications for new developments against the objectives and strategies of this Clause, and requiring development to incorporate best practice sustainable design principles and techniques.](#)

Further strategic work

- ~~Developing Ecologically~~ [Continue development of Environmentally Sustainable Development Guidelines for the municipality.](#)
- ~~Investigating the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.~~

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Other actions

- Promoting and distributing Council's Policy for *Disability Access* [and Inclusion Policy 2013-2017](#) to the *Built Environment (2003)*.
- Promoting and distributing the *Doncaster Hill Sustainability Guidelines (2004)*.
- ~~Encouraging Best Practice Environmental Design through suitable building and development, including best practice in resource use, demonstrating low environmental impact.~~

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21.10-7 Transport

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Key issues

- Minimising car dependency
- Limitations of the local public transport system.
- Environmental impacts of vehicular traffic.
- [Reducing car dependency.](#)

Objectives

- To encourage the design and construction of car parking areas for future adaptability.
- To ~~ensure~~encourage that the built environment is designed to promote the use of public transport, walking and cycling.
- To ~~ensure~~allow opportunities for equitable access to all services and activities.
- To encourage new development to incorporate sustainable transport principles and adopts best practice in environmentally sustainable development, including best practice that demonstrates low environmental impact.

Strategies

Strategies to achieve these objectives include:

- Provide appropriate bicycle parking and after trip facilities.
- Require the preparation of sustainability management plans and sustainable design assessments for developments, where required, which demonstrate how sustainable transport will be promoted and encouraged.

Implementation

These strategies will be implemented by:

~~Zones and overlays~~

None specified

~~Policy and exercise of discretion~~guidelines

- Implementing the *Doncaster Hill Strategy* (2002).
- Implementing the *Manningham Integrated Transport Strategy* (20094).
- Requiring that development specified in Table 1 at clause 22.12 meets the requirements of environmentally sustainable development policy.
- Assessing all planning permit applications for new developments against the objectives and strategies of this Clause and requiring development to incorporate best practice sustainable design principles and techniques.

~~Further strategic work~~

- ~~Developing Ecologically~~Continue development of Environmentally Sustainable Development Guidelines for the municipality.
- ~~Investigating the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.~~

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Other actions

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- Promoting and distributing the *Doncaster Hill Sustainability Guidelines* (2004).
- Conducting a review of the *Manningham Bicycle Strategy* (2013~~04~~).
- Continuing to advocate to the State Government for improved public transport in Manningham.

21.10-8

~~21.10-8~~ **Urban Ecology**

02/10/2008
CS2
[Proposed GC42](#)

Key issues

- Impact of hard paved areas or impervious surfaces.
- Retention of existing significant vegetation.
- Creation of urban heat island effect.

Objectives

- To encourage healthy external environments with increased vegetation, and landscaping.
- To protect and enhance environmental values and significant landscapes.

Strategies

Strategies to achieve these objectives include:

- Increasing natural habitat through plant selections and water features.
- Promoting sustainable garden techniques.
- Encouraging new residential and commercial development to incorporate best practice environmentally sustainable design principles.
- Creating healthy and consistently landscaped environment that incorporates native and indigenous planting.

Implementation

These strategies will be implemented by:

Zones and overlays

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None specified

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Policy guidelines

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- Require that development specified in Table 1 at clause 22.12 meets the requirements of environmentally sustainable development policy.

MANNINGHAM PLANNING SCHEME

- Assessing all planning permit applications for new developments against the objectives and strategies of this Clause, and requiring that development incorporates best practice sustainable design principles and techniques.

Further strategic work

- Continue development of Environmentally Sustainable Development Guidelines for the municipality.

Other actions

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21.10-9 Reference documents

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22.12 ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT

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This policy applies throughout the City of Manningham to residential and non-residential developments that require a planning permit in accordance with the thresholds in Table 1 of this Policy (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster Hill).

22.12-1 Policy Basis

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This policy builds on and implements the sustainability objectives and strategies expressed in Clause 21.10 of the MSS relating to environmentally sustainable development.

Manningham City Council is committed to Environmentally Sustainable Development (ESD) which recognises, values and protects the natural and ecological process on which life depends, both now and in the future, consistent with Clause 21.10-1 of the MSS. Critical to achieving this commitment is for development to meet appropriate environmental design standards.

This policy provides a framework for early consideration of environmental sustainability at the building design stage in order to achieve the following efficiencies and benefits:

- Easier compliance with building requirements through passive design;
- Reduction of costs over the life of the building;
- Improved affordability over the longer term through reduced running costs;
- Improved amenity and liveability;
- More environmentally sustainable urban form; and
- Integrated water management.

If environmentally sustainable design is not considered at the time of planning approval, the ability to achieve environmentally sustainable development may be compromised by the time these matters are considered as part of a building approval. In addition, there may be difficulties or extra costs associated with retro-fitting the development to implement environmentally sustainable design principles.

This policy does not prescribe performance outcomes. The policy enables the provision of information and provides decision guidelines which will assist in the assessment of whether development meets environmentally sustainable development objectives.

This policy complements a range of non-statutory measures aimed at encouraging environmentally sustainable development. These measures include educating residents and applicants, assisting applicants to use Environmentally Sustainable Development (ESD) tools, leading by example with Council projects, promotion of exemplary private projects and promotion of the use of materials with favourable life cycle impacts.

22.12-2 ObjectivesDD/MM/YYYY
Proposed GC42

The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

In the context of this policy, best practice is defined as a combination of commercially proven techniques, methodologies and systems, appropriate to the scale of development and site specific opportunities and constraints, which are demonstrated and locally available and have already led to optimum ESD outcomes. Best practice in the built environment encompasses the full life of the build.

It is a policy to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

The following objectives should be satisfied where applicable:

Energy performance

- To improve the efficient use of energy, by ensuring development demonstrates design potential for ESD initiatives at the planning stage.
- To reduce total operating greenhouse gas emissions.
- To reduce energy peak demand through particular design measures (eg, appropriate building orientation, shading to glazed surfaces, optimise glazing to exposed surfaces, space allocation for solar panels and external heating and cooling systems).

Water resources

- To improve water efficiency.
- To reduce total operating potable water use.
- To encourage the collection and reuse of stormwater.
- To encourage the appropriate use of alternative water sources (eg, greywater).

Indoor environment quality

- To achieve a healthy indoor environment quality for the wellbeing of building occupants, including the provision of fresh air intake, cross ventilation, and natural daylight.
- To achieve thermal comfort levels with minimised need for mechanical heating, ventilation and cooling.
- To reduce indoor air pollutants by encouraging use of materials with low toxicity chemicals.
- To reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
- To minimise noise levels and noise transfer within and between buildings and associated external areas.

Stormwater management

- To reduce the impact of stormwater run-off.
- To improve the water quality of stormwater run-off.

- To achieve best practice stormwater quality outcomes.
- To incorporate the use of water sensitive urban design, including stormwater re-use.

Transport

- To ensure that the built environment is designed to promote the use of walking, cycling and public transport, in that order.
- To minimise car dependency.
- To promote the use of low emissions vehicle technologies and supporting infrastructure.

Waste management

- To ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development.
- To ensure durability and long term reusability of building materials.
- To ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.

Urban ecology

- To protect and enhance biodiversity within the municipality.
- To provide environmentally sustainable landscapes and natural habitats, and minimise the urban heat island effect.
- To encourage the retention of significant trees.
- To encourage the planting of indigenous vegetation.
- To encourage the provision of space for productive gardens, particularly in larger residential developments.

22.12-3 Policy

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It is policy that applications for the types of development listed in Table 1 be accompanied by information which demonstrates how relevant policy objectives will be achieved.

It is policy that applications for larger non-residential developments (as specified in Table 1) be accompanied by a Green Travel Plan.

22.13-4 Application Requirements

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An application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan as specified in Table 1, as appropriate.

A Sustainable Design Assessment will usually not need to be prepared by a suitably qualified professional. It should:

- Provide a simple assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and

- Identify environmentally sustainable development measures proposed in response to policy objectives, having regard to the site’s opportunities and constraints.

A Sustainability Management Plan should:

- provide a detailed assessment of the development. It may use relevant tools from the examples listed in the table or an alternative assessment approach to the satisfaction of the responsible authority; and
- identify achievable environmental performance outcomes having regard to the objectives of this policy (as appropriate); and
- demonstrate that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site’s opportunities and constraints; and
- document the means by which the performance outcomes can be achieved.

Various assessment tools have been listed in Table 1 which may be used to assess how the proposed development addresses the objectives of this policy, as appropriate.

Table 1 – ESD Application Requirements

TYPE OF DEVELOPMENT	APPLICATION REQUIREMENTS	EXAMPLE TOOLS
Accommodation /Mixed Use with residential component of:		
<ul style="list-style-type: none"> ▪ 3- 9 dwellings; or ▪ Development of a building for accommodation other than dwellings with a gross floor area between 500m² and 1000m²; or ▪ Alterations and additions creating 500m² or more of additional gross floor area (excluding outbuildings). 	Sustainable Design Assessment (SDA)	BESS STORM
<ul style="list-style-type: none"> ▪ 10 or more dwellings; or ▪ Development of a building for accommodation other than dwellings with a gross floor area of more than 1000m². 	Sustainability Management Plan (SMP) Green Travel Plan (GTP)	BESS Green Star MUSIC STORM

TYPE OF DEVELOPMENT	APPLICATION REQUIREMENTS	EXAMPLE TOOLS
Non-residential:		
<ul style="list-style-type: none"> ▪ Development of a non-residential building with a gross floor area between and including 500m² and 1000m²; or ▪ Alterations and additions of between and including 500m² and 1000m². 	Sustainable Design Assessment (SDA)	BESS MUSIC STORM
<ul style="list-style-type: none"> ▪ Development of a non-residential building with a gross floor area of more than 1000m²; or ▪ Alterations and additions greater than 1000m². 	Sustainability Management Plan (SMP) Green Travel Plan (GTP)	Green Star BESS MUSIC STORM

Note 1: Development (in Table 1) has the same meaning as in Section 3 of the Planning and Environment Act 1987, but does not include subdivision. To remove any doubt, development also includes alteration and additions. In the case of alterations and additions, the requirements of the Policy apply only to the alterations and additions.

Note 2: Mixed Use developments are required to provide the information applicable to each use component of the development.

22.12-5 Decision Guidelines

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In determining an application, the Responsible Authority will consider as appropriate:

- The extent to which the development meets the objectives and requirements of this policy from the design stage through to construction and operation.
- Whether the proposed environmentally sustainable development performance standards are functional and effective to minimise environmental impact.
- Whether the proposed environmentally sustainable development initiatives are reasonable having regard to the type and scale of the development and any site constraints.
- Whether an appropriate assessment method has been used.

- Whether an ESD plan or framework has previously been approved by the responsible authority (whether under a planning control or otherwise)

22.12-6 Reference Documents

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BESS (Built Environment Sustainability Scorecard) bess.net.au, Council Alliance for a Sustainable Built Environment (CASBE), 2015

Green Star, Green Building Council of Australia, www.gbca.com.au

~~*Guide for Best Practise for Waste Management in Multi Unit Developments, Sustainability Victoria, 2010*~~

Nationwide House Energy Rating Scheme (Nat HERS), Department of Climate Change and Energy Efficiency, www.nathers.gov.au

STORM, Melbourne Water, www.storm.melbournewater.com.au

Urban Stormwater Best Practice Guidelines, CSIRO, 2006.

Note: The above reference documents and websites may be amended from time to time. It is intended that these documents and websites (or amended versions) are relevant reference documents to this policy.

22.12-7 Commencement

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The ESD Application requirements in Table 1 do not apply to applications received by the responsible authority before the gazettal date of this clause.

22.12-8 Expiry

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This policy will expire if it is superseded by an equivalent provision of the Victoria Planning Provisions.

GC42 Amendment – ESD Local Policy

Summary of Submissions

No.	Submitter	Submission	Officers' Response
1.	Shire of Bass Coast	Strongly supports the proposed policy changes which are considered an appropriate way to progress environmentally sustainable development (ESD) outcomes by utilising the planning scheme.	Noted
2.	Moreland City Council	Strongly supports a consistent approach in relation to ESD assessment process which is considered crucial in obtaining acceptance of an ESD planning policy across the State. Moreland City Council was one of the six Councils which prepared ESD Local Planning Policy Amendment, under Amendment C71.	Noted
3.	Municipal Association of Victoria (MAV)	Strongly supports an ESD Policy into the Local Planning Policy Framework of the Darebin and Manningham Planning Schemes. MAV commenced consultation with local Councils in October 2014 about improved ESD standard in new development (residential, commercial and industrial), following a State Council resolution.	Noted
4.	Council Alliance for a Sustainable Built Environment (CASBE)	CASBE operates under the auspices of the MAV on behalf of member Councils which include Manningham and Darebin. CASBE supports the introduction of an ESD Policy into the Local Planning Policy Framework of the Darebin and Manningham Planning Schemes.	Noted
5.	City of Yarra	Strongly supports the introduction of an ESD Policy into the Darebin and Manningham Planning Schemes using a consistent approach to the Policy that was introduced by the six Joint Councils.	Noted
6.	City of Stonnington	Supports the amendment in its current form. The policy provides the statutory	Noted

No.	Submitter	Submission	Officers' Response
		<p>planners with the appropriate weight to require clear commitments from the applicants in relation to environmentally sustainable design. The implementation in the Planning Scheme also benefits the development community in providing clarity about Council's expectations for ESD outcomes.</p>	
7.	City of Boroondara	<p>Strongly supports the introduction of ESD application requirements into the Planning Scheme, as it will strengthen the ability of the Responsible Authority to consider ESD elements during the planning process.</p> <p>The City of Boroondara considers that improved ESD requirements should ultimately form part of the Building Regulations to ensure that the same standards apply to all development, not just those subject to a planning permit.</p> <p>The introduction of standardised ESD requirements through the SPPF and/or Building regulations would help to formalise the process and ensure there is consistency and certainty across councils as to what is expected from applicants. This will expedite the planning process as the expectations and requirements will be clear and the need for further information requests will be reduced.</p>	Noted
8.	Sustainability Victoria	<p>Sustainability Victoria notes that the proposed amendment does not conflict with the vision, purpose or goals of the <i>Statewide Waste and Resource Recovery Infrastructure Plan</i> (SWRRIP), which was published in June 2015.</p> <p>Sustainability Victoria notes the <i>Guide for Best Practice for Waste Management in Multi-Unit Developments</i> (Sustainability Victoria, 2010) as a reference document in proposed Local Planning Policy Clause 22.12 Environmentally Sustainable Development, is no longer considered current, nor is it supported by Sustainability Victoria and has been withdrawn from circulation. As a result Sustainability Victoria requests that this document is not referenced in the proposed policy.</p>	<p>Given that Sustainability Victoria has identified their own documents as redundant, removing reference to it is considered appropriate as it is a minor change and administrative.</p>

No.	Submitter	Submission	Officers' Response
9.	Yarra Ranges Council	Supports the introduction of Local Planning Policies by Manningham and Darebin Councils to ensure that development achieves best practice in environmental sustainability.	Noted
10.	Urbis on behalf of Mirvac Pty Ltd	<p>Generally supportive of the amendment. Comments provided were made specifically in regard to the ongoing development of the Eastern Golf Club site at Doncaster, in the City of Manningham. The submission raises the following points:</p> <ul style="list-style-type: none"> ○ Need to clarify the extent of sustainability efforts required. Council's policy should clearly state that developments are not required to embrace every listed sustainability criteria in order to reach an acceptable level of sustainability. Sustainability measures and the benefits they will provide should be considered against the cost of providing such measures – Council should not impose cost-prohibitive sustainability features on any development. ○ Implementation of sustainability policy should be matched by a commitment by Council to provide the resources required. Need to prevent unnecessary delays in providing feedback and approvals to developers within the City of Manningham. 	<p>This was a late submission received after the closing date.</p> <p>Clarification was provided in writing by Manningham Council Officers in response to the matters identified by Urbis on behalf of Mirvac Pty Ltd.</p> <p>Urbis on behalf of Mirvac Pty Ltd have re-confirmed in writing they are supportive of the amendment and provided no objection to the amendment and are not seeking changes.</p>
11.	Housing Industry Association Ltd	<p>The late submission objects to the proposed amendment on the basis that the clauses:</p> <ul style="list-style-type: none"> ○ Overlaps and contravenes the role of the National Construction Code (NCC) for buildings ○ Goes against the decisions made at VCAT regarding what is reasonable for local government to require as part of a planning permit 	<p>This was a late submission received after the closing date.</p> <p>It was noted in the Monash Amendment C113 Panel Report that <i>"the issues raised</i></p>

No.	Submitter	Submission	Officers' Response
		<ul style="list-style-type: none"> ○ Has not been tested through a rigorous and comprehensive cost benefit analysis ○ Disregards that changes on construction detail may occur and should not be bound by planning permit. ○ Would create enforcement issues and difficulties to the building surveyor. ○ Does not adequately consider housing affordability. ○ Alternatives to additional planning scheme policies or permit requirements have not been adequately considered. 	<p><i>by HIA were considered comprehensively in the EEDAC report, and there is nothing new in the submissions that would suggest a diversion from the key findings of that report."</i></p> <p>It is noted that the submission raises identical grounds to the points raised at the Monash Amendment C113 and considered by Planning Panels.</p> <p>The proposed ESD policy has been prepared to adopt a consistent approach across the two municipalities as recommended by the Department of Environment, Land, Water and Planning.</p>