

VICTORIA PLANNING PROVISIONS

AMENDMENT VC216

EXPLANATORY REPORT

Who is the Planning Authority?

This amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this amendment.

What the amendment does

Amendment VC216 makes changes to the Planning Policy Framework (PPF) in the *Victoria Planning Provisions* (VPP) and all planning schemes to support environmentally sustainable development (ESD). The amendment implements *Plan Melbourne 2017-2050* Action 80 'Review of planning and building systems to support environmentally sustainable development outcomes'. The amendment also implements aspects of Action 89, 91, 94, 96, 97 and 101 relating to water management, cooling and greening, air and noise pollution, and recycling and resource recovery. These changes to the PPF are part of stage one of the *Environmentally sustainable development of buildings and subdivisions - A roadmap for Victoria's planning system* (Department of Environment, Land, Water and Planning, 2020).

The amendment changes the *Victoria Planning Provisions* and all planning schemes by:

- amending clause 01 (Purposes of this planning scheme) to add supporting responses to climate change as a new purpose of the planning scheme;
- amending clause 11 (Settlement) to include amended biodiversity objectives, add consideration of waste and recycling and replace specific reference to energy efficiency with broader reference to climate change mitigation and adaptation;
- amending clause 11.01-1S (Settlement) to include strategies that contribute to net zero emission outcomes, integrate water resource management and support metropolitan and regional climate change strategies.
- amending clause 11.02-2S (Structure planning) to update the objective, include strategies relating to climate hazards, reference to the 17 United Nations Sustainable Development Goals, renewable energy generation, natural and cultural significance, active and sustainable transport, and integrated water management when undertaking structure plans or precinct structure plans and add a policy guideline;
- amending clause 12 (Environmental and landscape values) to update the reference to the current national biodiversity strategy, *Australia's Strategy for Nature 2019-2030* (Commonwealth of Australia, 2019);
- amending clause 12.01-1S (Protection of biodiversity) to update the objective, include a new strategy focussed on enhancing biodiversity in urban areas and add a policy guidance document;
- amending clause 13.01-1S (Natural hazards and climate change) to add consideration of climate change and health and include new policy guidelines and a policy document;
- amending clause 13.05-1S from (Noise abatement) to (Noise management), include a new strategy on minimising noise impact and add policy documents on key design responses to avoid noise exposure impacts;
- amending clause 13.06-1S (Air quality management) to include strategies aimed at minimising exposure of sensitive uses to air pollution and add a policy document;
- amending clause 15 (Built environment and heritage) to include planning policy to achieve ESD for buildings and subdivisions;

- amending clause 15.01-2S (Building design) to include ESD at the building scale in the objective, new and amended strategies relating to energy performance, waste and recycling, water management, cooling and greening, and a new policy document;
- amending clause 15.01-3S (Subdivision design) to update the objective and strategies, including a new strategy that supports biodiversity in urban areas, minimising air and noise pollution exposure near the transport system, urban structure responses to support ESD outcomes;
- removing clause 15.02 (Sustainable development) and re-locating content to relevant clauses;
- removing clause 15.02-1S (Energy and resource efficiency) and re-locating content to relevant clauses;
- amending clause 19 (Infrastructure) to include planning policy relating to minimising environmental impacts and increasing resilience to climate change risks;
- amending clause 19.01-1S (Energy supply) to introduce a strategy supporting resilience of energy infrastructure to impacts from climate change, modify strategies to better align with Victorian energy policy, support investment in energy supply infrastructure and include policy documents;
- amending clause 19.01-2S (Renewable energy) to clarify policy intent of the objective and strategies and include additional policy documents;
- amending clause 19.03-3S (Integrated water management) to update the objective and include additional policy documents; and
- amending clause 19.03-5S (Waste and resource recovery) to clarify the objective, update the strategies to support waste minimisation, recycling, and planning for waste and resource recovery hubs and remove and add policy documents.

The amendment changes local planning schemes by:

- making consequential changes to move all local policies under clause 15.02-1S (Energy and resource efficiency) to clause 15.01-2S (Building design) to align with the removal of clause 15.02 (Sustainable development).

Strategic assessment of the amendment

Why is the amendment required?

Amendment VC216 is required to embed ESD more comprehensively in the PPF. The amendment adds consideration of ESD within relevant planning policy themes and includes consideration of climate change into the purpose of *Victoria Planning Provisions* and all planning schemes.

Amendment VC216 delivers (in part) *Plan Melbourne 2017-2050* Action 80 'Review of planning and building systems to support environmentally sustainable development outcomes'; and aspects of Actions 80, 91, 94, 96, 97 and 101 relating to water management, cooling and greening, air and noise pollution and recycling and resource recovery. *Plan Melbourne 2017-2050* recognises that well designed and resource efficient buildings provide essential building blocks for creating more sustainable, liveable cities and towns.

This amendment focuses on changes to the PPF to improve and strengthen how it addresses ESD and better reflect existing state policies in key areas such as climate change, energy, water and waste.

Amendment VC216 supports improvements in the energy and water efficiency of new buildings and the performance of new subdivisions. This will contribute to more affordable living, help reduce greenhouse gas emissions and reduce stormwater discharges into our rivers and bays. The quality of life for Victorians is also enhanced by building design and subdivision features that make it easier to recycle, support more sustainable transport options and minimise the exposure of air pollution and noise. Introducing support for responses to climate change as an additional 'Purpose'

of planning schemes recognises the existential significance of this issue for all aspects of land use planning in Victoria.

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

The amendment implements the objectives in section 4(1) of the *Planning and Environment Act 1987* (the Act). In particular, it supports the objectives to:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land; and
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity; and
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
- (d) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c).

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

Amendment VC216 will have positive environmental, social and economic effects:

Environmental outcomes are improved by promoting ESD policies in building design, subdivision design and settlement planning. These changes aim to improve biodiversity, renewable energy deployment and generation, energy and water efficiency and resilience to climate change hazards and risks in new buildings and developments. This will also contribute to more affordable living, help reduce greenhouse gas emissions and reduce stormwater discharges into our rivers and bays.

Social benefits are elevated by increasing the liveability of urban areas through promoting design that reduces exposure of people to air and noise pollution, and aids protection of human health from climate change hazards such as urban heat. Quality of life is also enhanced by building design and subdivision features that make it easier to recycle, access sustainable transport options and enjoy exposure to urban biodiversity values.

Economic outcomes are supported by increasing the resilience of developments to climate change hazards, and therefore helping reduce the economic impact of natural disasters and contributing to more affordable living.

• Does the amendment address relevant bushfire risk?

The amendment does not increase the risk of bushfire hazard. The amendment does not introduce new settlement areas or enable existing settlements to intensify in bushfire prone areas. The focus of the amendment is to support ESD.

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

The amendment complies with relevant Ministerial Directions issued under section 12 of the Act.

The amendment complies with the *Ministerial Direction on the Form and Content of Planning Schemes* issued under section 7(5) of the Act.

How does the amendment support or implement the Planning Policy Framework (PPF) and any adopted state policy?

Amendment VC216 supports PPF clauses relevant to ESD including:

- Clause 11 (Settlement), clause 11.02-1S (Settlement) and clause 11.02-2S (Structure planning);
- Clause 12 (Environmental and landscape values), clause 12.01-1S (Protection of biodiversity) and clause 12.06-1S (Urban forest);
- Clause 13.05-1S (Noise abatement) and clause 13.06-1S (Air quality management);
- Clause 15 (Built environment and heritage), clause 15.01-2S (Building design), 15.01-3S (Subdivision design) and 15.02-1S (Energy and resource efficiency); and
- Clause 19 (Infrastructure), clause 19.01-1S (Energy supply), clause 19.01-2S (Renewable energy), clause 19.03-3S (Integrated water management) and Clause 19.03-5S (Waste and resource recovery).

The amendment supports these clauses by strengthening their ESD policy content, improving clarity and minimising duplication through updates to their objectives, strategies and policy or guidance documents.

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

The amendment makes proper use of the Victoria Planning Provisions by embedding ESD more comprehensively in the PPF. The amendment adds consideration of ESD into the purpose of all planning schemes and under each relevant PPF clause. This amendment removes clause 15.02 (Sustainable development) and clause 15.02-1S (Energy and resource efficiency), relocating its content and local clauses to their most relevant sections of the PPF. This ensures that ESD is considered as part of decision making across the most relevant sections of the PPF and minimises duplication.

- **How does the amendment address the views of any relevant agency?**

The Department of Transport, Victorian Planning Authority and Environment Protection Authority have been consulted and their views taken into account in the preparation of this amendment.

Does the amendment have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The amendment will not have a significant impact on the transport system, except to complement section “10 (c) promoting forms of transport and the use of forms of energy and transport technologies which have the least impact on the natural environment and reduce the overall contribution of transport-related greenhouse gas emissions”. The amendment focuses on built form outcomes in achieving ESD and includes strategies to facilitate the use of active and sustainable transport modes.

Resource and administrative costs

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

The amendment will have minimal impact on the resource and administrative costs of the relevant responsible authorities. Amendment VC216 ensures that new developments which require planning permits will demonstrate consideration of ESD principles. This consideration will support more sustainable water and energy management, low emission transport choices, responses to climate related hazards, promotion of urban biodiversity values, waste reduction and measures to minimise exposure to air and noise pollution. It will not increase permit applications, notice requirements or introduce new referrals.

Where you may inspect this amendment

A copy of the amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following Department offices:

Barwon South West Region

Geelong office

Level 4
30-38 Lt Malop Street
GEELONG VIC 3220

Barwon South West Region

Warrnambool office

78 Henna Street
WARRNAMBOOL VIC 3280

Gippsland Region

71 Hotham Street
TRARALGON VIC 3844

Grampians Region

Level 3, 402-406 Mair Street
BALLARAT VIC 3350

Hume Region

Level 1, 62 Ovens Street
WANGARATTA VIC 3676

Loddon Mallee Region

Cnr Midland Hwy and Taylor Street
EPSOM VIC 3551

The Amendment is also available for public inspection at www.delwp.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.