

6.1.2 Proposed Cardinia Planning Scheme Amendment C278card - New Environmentally Sustainable Development (ESD) Local Policy (Clause 22.11) and associated changes to the Municipal Strategic Statement (MSS)

Responsible GM: Lili Rosic
Author: Lorna Lablache

Recommendation(s)

That Council:

1. Receive and consider all submissions (including late submissions) made to proposed Planning Scheme Amendment C278card.
2. In accordance with Section 23 of the Planning and Environment Act 1987, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning.
3. Advise the submitters of Council's decision.

Attachments

1. C 278 card Frequently Asked Questions Exhibition CM Attachment 1 17 June 2024 [6.1.2.1 - 3 pages]
2. C 278 card Explanatory Report Exhibition Gazetted CM Attachment 2 17 June 2024 [6.1.2.2 - 11 pages]
3. C 278 card summary of submissions and officer response CM Attachment 3 17 June 2024 [6.1.2.3 - 19 pages]
4. C 278 card Explanatory Report Panel tracked changes CM Attachment 4 17 June 2024 [6.1.2.4 - 11 pages]

Executive Summary

Amendment C278card proposes to introduce an Environmentally Sustainable Development (ESD) Local Planning Policy into the Cardinia Planning Scheme. The policy will ensure specified developments achieve best practice in environmental sustainability from the design stage through to construction and operation. It is also proposed to make changes to the Municipal Strategic Statement (MSS) to support the new local policy.

The proposed Local ESD Policy will apply to new residential and non-residential developments within predetermined thresholds and will strengthen Council's position to consider principles of environmentally sustainable development through the statutory planning process. It is important to note that incorporating an ESD policy into the planning scheme does not trigger any additional planning permits and only applies to planning applications already required under other parts of the scheme. The policy does not apply to single dwellings, outbuildings or subdivision.

The Amendment brings Cardinia Shire Council into alignment with 27 other councils who have an equivalent ESD local policy.

At the Council meeting on 20 March 2023, Council resolved to seek authorisation to prepare Amendment C278card. Council received authorisation from the Minister for Planning to prepare Amendment C278card on 23 October 2023.

Amendment C278card was formally exhibited from the 29 February to 8 April 2024 in accordance with the requirements of the *Planning and Environment Act 1987*. At the conclusion of the exhibition of the Amendment, five submissions were received.

Some matters raised by submissions are not able to be resolved, it is therefore recommended to refer all submissions to a Ministerial Planning Panel for consideration.

Background

Council has a duty of care in exercising its functions to manage foreseeable risks and this is embedded in legislation such as the *Planning and Environment Act (1987)*, the *Climate Change Act (2017)* and Section 9(2) of the *Local Government Act (2020)*.

On 16 September 2019, Council supported a Declaration of a climate emergency. Council has committed to prioritising policy and actions that will provide for both mitigation and adaptation in response to accelerating global warming and climate change.

In addition to this, 'tackling climate change and its impact on our environment, economy and people' is identified as one of our most significant challenges and opportunities in the *Council Plan 2021-25 and Community Vision 2040 (June 2021)*. The Council Plan also identifies that the development of an Environmentally Sustainable Design (ESD) Policy is a Council priority (Year 1 - 2021-22) and it requires that the ESD Policy be incorporated in the Cardinia Planning Scheme (Year 2 - 2022-23).

A series of Council adopted documents, all of which have been informed by community consultation envision a sustainable built environment in Cardinia. This also includes specific local policy clauses, incorporated documents and reference documents within the Cardinia Planning Scheme that also direct planning applications to consider and address ESD principles.

In 2021 Cardinia Shire Council became a member of the Council Alliance for a Sustainable Built Environment (CASBE). CASBE is an alliance of councils committed to enabling change to bring about healthy, resilient and liveable urban places. The South East Council's Climate Change Alliance (SECCCA) also supports CASBE's advocacy for environmentally sustainable design. As a member of CASBE, Council proposes to follow the lead of 27 other Councils by implementing an ESD local policy utilising the CASBE Sustainable Design Assessment in the Planning Process (SDAPP) Framework.

The SDAPP framework provides a streamlined and consistent methodology for requesting, receiving and assessing built environment sustainability outcomes through the planning process. The ESD philosophy is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

At the Council meeting on 20 March 2023, Council resolved to seek authorisation to prepare Amendment C278card. Council received authorisation from the Minister for Planning to prepare Amendment C278card on 23 October 2023.

Proposed Planning Scheme Amendment C278card

What the amendment does

The amendment introduces a new Environmentally Sustainable Development (ESD) Local Planning Policy, for development to achieve best practice in environmental sustainability from its design stage through to construction and operation. This change is supported by refinements to the Municipal Strategic Statement (MSS).

The ESD policy provides statutory weight to what is currently a voluntary approach in the planning process, by requiring those developments which require a planning permit to achieve best practice environmental objectives. The amendment brings Cardinia Shire Council into alignment with 27 other councils who have an equivalent local policy.

The amendment proposes to:

1. Amend the following clauses in the Municipal Strategic Statement (MSS) of the Cardinia Planning Scheme to reflect the introduction of Clause 22.11 Environmentally Sustainable Development:
 - Clause 21.01 Cardinia Shire Key Issues and Strategic Vision (21.01-3 - Key issues - Environment, Settlement and housing and Particular use and development 21.01-4 Strategic vision)
 - Clause 21.02 Environment (21.02-1 Catchment and coastal management - Key issues & Objective 2 Strategies 21.02-2 Landscape – Strategies (Landscape values & Design and built form) 21.02-8 Resource conservation – Key issues, Strategies (Reduction of greenhouse gas emissions & Design and construction) and Implementation – Further strategic work)
 - Clause 21.03 Settlement and Housing (21.03-1 Housing – Key issues, Objective 1 Strategies)
 - Clause 21.04 Economic Development (21.04-2 Agriculture – Key issues 21.04-3 Activity centres – Key issues, Strategies (Design and location) 21.04-4 Industry – Key issues, Strategies (Design) 21.04-5 Tourism – Key issues, Strategies (Assets))
 - Clause 21.06 Particular Uses and Development (21.06-1 Urban Design – Key issues & Objective 1 Strategies)
2. Introduces a new Clause 22.11 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Cardinia Planning Scheme.
 - The proposed local policy provides objectives and strategies relating to energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology.
 - The local policy also sets out application requirements.
 - Based on the project's development size, the applicant must illustrate how they will achieve the relevant policy goals by either completing a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).

Amendment C278card applies to all land in the municipality of Cardinia Shire, where a planning permit is required for development. Incorporating an ESD policy into Cardinia's planning scheme does not trigger any additional planning permits and only applies to planning applications already required under other parts of the scheme.

The proposed ESD policy does not apply to single dwellings, outbuildings or subdivision applications.

What are the planning application requirements of Cardinia's proposed ESD policy?

Amendment C278card proposes the following planning permit application requirements for residential and non-residential developments:

1. Residential developments:
 - a. Comprising 2 - 9 dwellings or a building used for accommodation other than dwellings with a gross floor area between 100 sqm and 999 sqm will require a Sustainable Design Assessment (SDA).
 - b. Comprising of 10 or more dwellings or a building used for accommodation other than dwellings with a gross floor area equal to or more than 1000 sqm will require a Sustainability Management Plan (SMP) and a Green Travel Plan.
2. Non-residential development with:
 - a. A gross floor area of 300 sqm to 999 sqm or an extension to an existing non-residential building creating between 300 sqm to 999 sqm of additional gross floor area (excluding outbuildings) will require a Sustainable Design Assessment (SDA).
 - b. A gross floor area equal to or more than 1000 sqm or an extension to an existing non-residential building equal to or creating more than 1000 sqm of additional gross floor area (excluding outbuildings) will require a Sustainability Management Plan (SMP) and a Green Travel Plan.

What is the difference between ESD Assessments?

The prescribed ESD assessment is proportional to the scale of development to ensure that the proposed thresholds are reasonable whilst maximising environmental benefits.

1. A Sustainable Design Assessment (SDA) provides a simple assessment of how the development addresses the ESD principles and identifies sustainability measures. A SDA can be prepared by the applicant and commonly does not need to be prepared by an expert in the ESD field.
2. A Sustainability Management Plan (SMP) is more detailed than an SDA. A SMP provides a detailed assessment of the proposal and must identify performance standards and sustainability targets. A SMP will require expert advice from a suitably qualified person such as an environmental engineer or specialist ESD consultant.

A Frequently Asked Questions (FAQ) Sheet for this Amendment is contained in Attachment 1.

Policy Implications

Strategic Assessment

The full strategic assessment is provided in the Explanatory Report contained in Attachment 2.

The strategic assessment demonstrates that the proposed Amendment aligns with the outcomes and policy directions outlined in *Plan Melbourne: Metropolitan Planning Strategy 2017 – 2050*, is consistent with and supports the Planning Policy Framework (PPF) and Municipal Strategic Statement (MSS) of the Cardinia Planning Scheme.

The proposed Amendment is also consistent with a series of Council adopted documents, all of which have been informed by community consultation and the vision to create a sustainable built environment in Cardinia.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

3.1 We value our natural assets and support our biodiversity to thrive

3.1.1 Partner with community, business and industry to take action on, and adapt to, climate change.

3.1.2 Actively move towards zero waste through increasing waste recovery and reuse.

3.1.3 Work with community to improve and manage our natural assets, biodiversity and cultural heritage.

3.1.4 Plan and advocate for better water cycle planning and management to reduce environmental impacts.

4.1 We support our productive land and employment land to grow local industries

4.1.1 Facilitate better planning for our agricultural land to support industry, innovation, local food economy and local job growth.

4.1.2 Plan for sustainable employment precincts to entice new industries to the region and support new business.

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Climate Emergency Consideration

The development of a local ESD Policy and the incorporation of the ESD Policy into the Cardinia Planning Scheme will assist Council in responding to and addressing its legislative, state policy and local policy responsibility regarding climate change.

The ESD policy is a planning tool that will help strengthen the resilience and safety of communities by adopting a best practice environmentally sustainable development to help prepare for and respond to the impacts of climate change.

Consultation/Communication

Notification (formal exhibition)

Amendment C278card was formally exhibited for five weeks from 29 February to 8 April 2024 in accordance with the requirements of the *Planning and Environment Act 1987*.

Notice of the exhibited Amendment was sent to:

- 153 applicants (which was a targeted list of applicants that have applied for 3 or more planning permits (from April 2021 to January 2024)).
- Council Alliance for a Sustainable Built Environment (CASBE)
- Neighbouring Councils
- Relevant State Government and public authorities

- Prescribed Ministers

In addition, the Amendment was exhibited using the following methods:

- Circulated to the CASBE Network via the MS Teams CASBE Members Hub
- Public Notice in the Pakenham Gazette – 6 March 2024
- Public Notice in the Government Gazette – 29 February 2024
- An article in the Pakenham Gazette – 6 March 2024
- Display on the Department of Transport and Planning (DTP) website.
- Display on Cardinia Shire Council website.
- A post on the Cardinia Environment Coalition Facebook Page 27 February 2024
- A hard copy of the proposed Amendment documents made available for viewing at Cardinia Shire Council Civic Centre Customer Service.

Submissions and responses

At the conclusion of the public exhibition of the Amendment, five (5) submissions were received.

A summary of the submission and comments in relation to the matters raised are provided in Table 1

Table 1: Summary of Submissions

Submitter	Summary of submission	Comments on submission and proposed changes (if possible)
Submitter 1 Council Alliance for a Sustainable Built Environment (CASBE)	Welcomes and strongly supports the proposed introduction of a Local Planning Policy into the Cardinia Planning Scheme to provide policy guidance for Environmentally Sustainable Development (ESD).	Noted – no changes requested Refer to Attachment 3
Submitter 2 Landowner/Applicant of factory developments in Pakenham	Does not support the inclusion of mandatory ESD provisions in the Cardinia Planning Scheme.	Noted – some matters have not been resolved Refer to Attachment 3
Submitter 3 Puffing Bully Railway	Support the general principles and intent of the amendment but raised concerns with a number of aspects of the proposed amendment	Noted – some matters have not been resolved Refer to Attachment 3
Submitter 4 Country Fire Authority	Seeking further clarification on urban ecology principles and how the heat island effect will be managed regarding bushfire and risk. <i>(late submission)</i>	Noted – matter has been resolved through additional text in Explanatory Report Refer to Attachment 3 and 4

Submitter 5 South East Water	Has no objection.	Noted – no changes requested
---------------------------------	-------------------	------------------------------

Concerns raised by the submissions can be summarised as follows:

1. Seeking clarification about the Sustainable Design Assessment in the Planning Process (SDAPP) Framework regarding a range of elements such as (but not limited to):
 - a. best practice and mandatory requirements
 - b. the impact on the planning application assessment process
 - c. opportunity for negotiations, options and flexibility
2. Increase cost burden of ESD requirements and impact on affordability.
3. Increase in delays in the approval process.
4. Seeking further clarification on how the principles of urban ecology apply, as well as how the heat island effect impacts bushfire risk.

A full summary of issues raised by submissions and officer responses are included in Attachment 3.

Having considered the submissions, Council staff consider that Planning Scheme Amendment C278card:

1. Is supported by both State and local planning policy including *Council Plan 2021-25 and Community Vision 2040 (June 2021)* which identifies that the development of an Environmentally Sustainable Design (ESD) Policy is a Council priority (Year 1 for 2021 -22) and it requires that the ESD Policy be incorporated in the Cardinia Planning Scheme (Year 2 for 2022 – 23).
2. Is based on the Sustainable Design Assessment in the Planning Process (SDAPP) Framework. The SDAPP Framework was developed by Victorian councils to provide a streamlined and consistent methodology for requesting, receiving and assessing built environment sustainability outcomes through the planning process.
3. Brings Cardinia Shire Council into alignment with 27 other councils who have an equivalent ESD local policy and
4. Provides a net community benefit.

Next steps

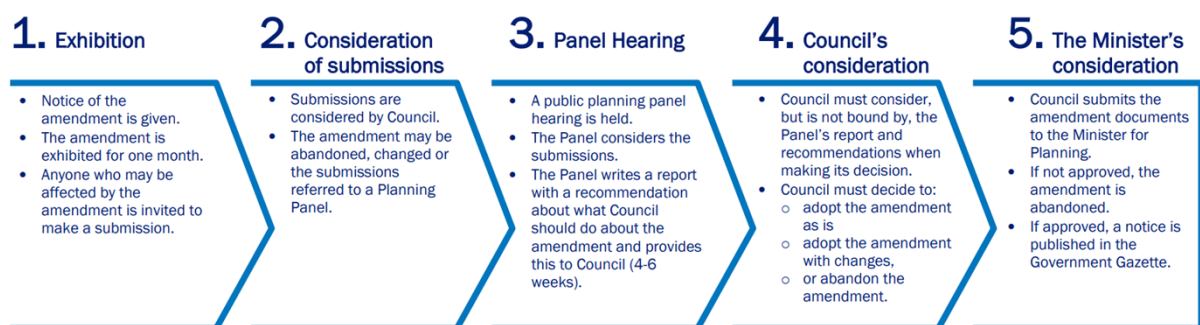


Figure 1: Steps in the Planning Scheme Amendment Process

We are at Stage 2 of the Planning Scheme Amendment process as detailed in Figure 1. As it is not possible to resolve all matters raised by submissions, it is recommended that all submissions are referred to an independent ministerial planning panel, thereby moving the Amendment on to Stage 3 of the process.

A Directions hearing is pre-set to commence in the week of Monday 22 July 2024, with a Panel hearing pre-set to commence in the week of Monday 26 August 2024.

Following the hearing, the Panel will prepare a report with recommendations on how to proceed with the Amendment. The Panel Report will then be considered by Council at a future Council meeting (Stage 4).

Financial and Resource Implications

Incorporating an ESD policy into the planning scheme does not trigger any additional planning permits and only applies to planning applications already required under other parts of the scheme.

The proposed ESD policy will place additional workload regarding the assessment of planning permit applications within Council. Council staff understand resourcing for an ESD Officer has been allocated in the 2023-2024 Council budget and will be an ongoing position.

Resourcing and any additional costs associated with the proposed Planning Scheme Amendment process are provided for by the current and proposed Planning Strategy and Urban Design teams budget.

Conclusion

Subject to Council reviewing and having considered the submissions to the proposed Planning Scheme Amendment C278card, it is recommended that Council refers all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning. All submitters will be advised of Council's decision.

Cardinia Planning Scheme Amendment C278card

Environmentally Sustainable Development (ESD) Local Planning Policy



Frequently Asked Questions

How will the amendment affect me?

You have been given notice of the amendment as you may be affected by or have an interest in the proposed changes.

This FAQ is for your information and you do not have to do anything further if you do not wish to do so.

What is the Cardinia Planning Scheme?

Each local government in Victoria is covered by a planning scheme. The Cardinia Planning Scheme sets out how land is protected and how it can be used and developed in Cardinia Shire.

Planning schemes require changes from time to time to achieve certain planning outcomes, support new policies and to ensure that requirements continue to meet the needs of the local community.

What does the amendment propose?

The amendment proposes to introduce a new Environmentally Sustainable Development Local Planning Policy (ESD Policy), for development to achieve best practice in environmental sustainability from its design stage through to construction and operation.

The proposed ESD policy is based on the Sustainable Design Assessment in the Planning Process (SDAPP) Framework¹.

The SDAPP Framework was developed by Victorian councils to provide a streamlined and consistent methodology for requesting, receiving and assessing built environment sustainability outcomes through the planning process.

The ESD policy sets out application requirements and the scale of a project will ultimately influence the level of information required to be submitted with an application.

The amendment also includes refinements to the Municipal Strategic Statement (MSS) to support the new policy.

Amendment C278card applies to all land in the Shire of Cardinia, where a planning permit is required for development.

Why is the amendment required?

An ESD Policy in the Cardinia Planning Scheme will:

- Provide statutory weight to what is currently a voluntary approach in the planning process.
- Strengthen the ability for Council to consider ESD early in the design process right through to construction and beyond for both new residential and non-residential buildings.
- Implement sustainable design principles in the planning process, resulting in improved development outcomes and significant economic, social, and environmental benefits in the short, medium and long term.

It is important to note that incorporating an ESD policy into the planning scheme does not trigger any additional planning permits and only applies to planning applications already required under other parts of the scheme.

The amendment brings Cardinia Shire Council into alignment with 26 other councils who have an equivalent ESD local policyⁱⁱ.

What is an ESD Policy?

The primary objective of an ESD Policy is to achieve best practice in environmentally sustainable development from design stage right through to construction and beyond for both new residential and non-residential buildings.

Considering ESD at the planning stage helps to achieve best practice environmental objectives, maximise integrated design outcomes and minimise costs for retrofitting and poor design.

An ESD Policy sets out application requirements for specified types of developments and thresholds for the two types of ESD assessments (a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP)).

This document aims to provide an understanding of the planning scheme amendment process and the terms used in correspondence regarding amendments. For further information go to our [Cardinia Planning Scheme Amendments](#) page or contact Planning and Design on 1300 787 624.

ESD Assessments

The prescribed ESD assessment is proportional to the scale of development to ensure that the proposed thresholds are reasonable whilst maximising environmental benefits.

- A Sustainable Design Assessment (SDA) provides a simple assessment of how the development addresses the ESD principles and identifies sustainability measures. A SDA can be prepared by the applicant and commonly does not need to be prepared by an expert in the ESD field.
- A Sustainability Management Plan (SMP) is more detailed than an SDA. A SMP provides a detailed assessment of the proposal and must identify performance standards and sustainability targets. A SMP will require expert advice from a suitably qualified person such as an environmental engineer or specialist ESD consultant.

ESD Assessment Tools

The Built Environment Sustainable Scorecard (BESS)ⁱⁱⁱ is the recommended tool under the SDAPP framework. BESS is a purpose-built tool to assess sustainable design at the planning permit stage.

BESS is the recommended tool for a SDA. A BESS report alone will not satisfy the requirements of a SMP.

Other ESD assessment tools include (but are not limited to) Melbourne Water tools STORM/MUSIC^{iv} and Green Star^v.

What are the planning application requirements of Cardinia's proposed ESD policy?

The *Environmentally Sustainable Development (ESD) Local Policy – Background Document* (Cardinia Shire Council, 20 March 2023) provides the strategic assessment for this amendment which includes the justification for the proposed thresholds in the ESD Policy. This is a supporting document that forms part of this planning scheme amendment.

Amendment C278card proposes the following planning application requirements:

Residential developments:

- comprising 2 - 9 dwellings or a building used for accommodation other than dwellings with a gross floor area between 100 sqm and 999 sqm will require a Sustainable Design Assessment (SDA).
- of 10 or more dwellings or a building used for accommodation other than dwellings with a gross floor area equal to or more than 1000 sqm with require a Sustainability Management Plan (SMP) and a Green Travel Plan^{vi}.

Non-residential development with:

- a gross floor area of 300 sqm to 999 sqm or an extension to an existing non-residential building creating between 300 sqm to 999 sqm of additional gross floor area (excluding outbuildings) will require a Sustainable Design Assessment (SDA).
- a gross floor area equal to or more than 1000 sqm or an extension to an existing non-residential building equal to or creating more than 1000 sqm of additional gross floor area (excluding outbuildings) will require a Sustainability Management Plan (SMP) and a Green Travel Plan.

How do I make a submission to the Amendment?

Any person who may be affected by the amendment may make a submission clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

All submissions must be made in writing and submitted to Council by 5pm on the final day of exhibition.

Submissions can be e-mailed to Council at mail@cardinia.vic.gov.au (please include Amendment C278card in the e-mail title).

Or mailed to:

Planning Strategy and Urban Design
Cardinia Shire Council
PO Box 7
PAKENHAM VIC 3810

What happens if I make a submission?

All submissions received are public documents and Council must consider all submissions as part of the amendment process.

If concerns cannot be resolved by making changes to the amendment, Council may refer submissions to an independent planning panel for review.

What is a Planning Panel?

The Planning Panel is appointed by the Minister for Planning and they will hold a public hearing where all submitters can present and be heard.

This document aims to provide an understanding of the planning scheme amendment process and the terms used in correspondence regarding amendments. For further information go to our [Cardinia Planning Scheme Amendments](#) page or contact Planning and Design on 1300 787 624.

What happens next?

The Planning Panel will review each submission individually and provide a report with recommendations to Council and the Minister for Planning.

When will the Planning Panel hearing occur?

A preliminary hearing date has been pre-set which is as follows:

- Directions hearing - Week commencing 22 July 2024
- Panel hearing - Week commencing 26 August 2024

Further details about any Planning Panel Hearing and specific dates will be provided at a later date to those who make a submission.

Where can I find more information?

Amendment documents and more information can be found on Council's website at <https://creating.cardinia.vic.gov.au>.

You can also contact Council's Strategic Planning Team on 1300 787 624 to discuss over the phone or to arrange a meeting to answer any questions.



ⁱ For more information go to [Sustainability in planning - The Council Alliance for a Sustainable Built Environment \(CASBE\)](#)

ⁱⁱ As part of the strategic assessment of the amendment, each local government determines thresholds relevant to their local development profile.

ⁱⁱⁱ BESS is an online sustainability assessment tool purpose built by Victorian councils for the SDAPP framework and is owned by the Municipal Association of Victoria and was developed with support by the Victorian Government.

^{iv} For more information go to [STORM and MUSIC tools | Melbourne Water](#)

^v For more information go to [Exploring Green Star | Green Building Council of Australia \(gbca.org.au\)](#)

^{vi} For more information to go [CASBE-06-Transport-v7-June-2022.pdf](#)

This document aims to provide an understanding of the planning scheme amendment process and the terms used in correspondence regarding amendments. For further information go to our [Cardinia Planning Scheme Amendments](#) page or contact Planning and Design on 1300 787 624.

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C278card

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by Cardinia Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Cardinia Shire Council.

Land affected by the amendment

The amendment applies to all land in the Shire of Cardinia, where a planning permit is required for the development in accordance with the thresholds in the proposed local policy.

What the amendment does

The amendment introduces a new Environmentally Sustainable Development (ESD) Local Planning Policy, for development to achieve best practice in environmental sustainability from its design stage through to construction and operation. This change is supported by refinements to the Municipal Strategic Statement (MSS).

The ESD policy provides statutory weight to what is currently a voluntary approach in the planning process, by requiring those developments which require a planning permit to achieve best practice environmental objectives.

The amendment brings Cardinia Shire Council into alignment with 26 other councils who have an equivalent local policy.

The amendment:

- Amends the following clauses in the Municipal Strategic Statement (MSS) to reflect the introduction of Clause 22.11 Environmentally Sustainable Development:
 - Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
 - 21.01-3 - Key issues - Environment, Settlement and housing and Particular use and development
 - 21.01-4 Strategic vision
 - Clause 21.02 Environment
 - 21.02-1 Catchment and coastal management - Key issues & Objective 2 Strategies
 - 21.02-2 Landscape – Strategies (Landscape values & Design and built form)
 - 21.02-8 Resource conservation – Key issues, Strategies (Reduction of greenhouse gas emissions & Design and construction) and Implementation – Further strategic work
 - Clause 21.03 Settlement and Housing
 - 21.03-1 Housing – Key issues, Objective 1 Strategies
 - Clause 21.04 Economic Development
 - 21.04-2 Agriculture – Key issues
 - 21.04-3 Activity centres – Key issues, Strategies (Design and location)
 - 21.04-4 Industry – Key issues, Strategies (Design)
 - 21.04-5 Tourism – Key issues, Strategies (Assets)

OFFICIAL

- Clause 21.06 Particular Uses and Development

21.06-1 Urban Design – Key issues & Objective 1 Strategies

- Introduces a new Clause 22.11 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Cardinia Planning Scheme.

The proposed local policy provides objectives and strategies relating to the following ESD principles:

- Energy performance
- Integrated water management
- Indoor environment quality
- Transport
- Waste management
- Urban ecology

The local policy also sets out application requirements. Depending on the scale of 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).

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to strengthen Council's ability to consider environmentally sustainable design measures in the Local Planning Policy Framework and to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.

There is currently limited ability under the Cardinia Planning Scheme to require a planning permit application to consider and implement ESD principles. This is considered a significant gap in the decision-making ability of Council and is having negative effects on the liveability of the Shire of Cardinia.

The proposed local policy:

- Provides clear objectives and application requirements for planning permit applications.
- Ensures best practice ESD initiatives are considered at the time of planning approval for new developments, to maximise integrated design outcomes and minimise costs for retrofitting and poor design.

The *Council Plan 2021–25 and Community Vision 2040* (Cardinia Shire Council, June 2021) is Council's key strategic document and incorporates the long-term Community Vision 2040. Council's Vision 2021 – 25 is identified as:

The unique identity of our urban, hills and rural areas is strengthened. We meet the challenges we face together as a community. How we respond balances the needs of our people, businesses, our productive land and natural environments.

The Council Plan is structured around 5 strategic objectives that underpin the overarching strategic direction: (1) Strong communities, (2) Liveable places, (3) Thriving environments, (4) Prosperous economies and (5) Responsible leadership. Strategic Direction 3 – Thriving environments, includes the development of an ESD policy in Year 1 (2021-22) and the incorporation of the ESD policy into the planning scheme in Year 2 (2022-23).

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

The amendment implements the following objectives of planning set out the *Planning and Environment Act 1987 (the Act)*:

- to provide for the fair, orderly, economic and suitable use, and development of the land (Sec 4 (1) (a))

OFFICIAL

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

The amendment is also consistent with the objectives of the planning framework established by the Act, in particular:

- to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels (Sec 4 (2) (a))
- to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels (Sec 4 (2) (c))
- to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land (Sec 4 (2) (d))
- to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes (Sec 4 (2) (e)) and
- to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities (Sec 4 (2) (g)).

The amendment achieves the section 4 objectives by supporting and strengthening the application of ESD design and construction principles and methods; an approach that is in the equitable interests of all Victorians.

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

The Amendment is expected to deliver a net community benefit by introducing a local planning policy to facilitate sustainable development through the planning process.

Likely benefits include:

Environmental effects

- creating more energy and water efficient development to reduce wastage and reliance on non-renewable resources
- improving indoor environmental quality for the health and productivity of building occupants
- improving stormwater management to mitigate the impacts of stormwater on the environment, and provide cooling, local habitat and amenity benefits
- avoiding more waste generation by promoting greater reuse and recycling (in that order) during the design, construction and operation stages of development
- increasing resource recovery and minimising materials sent to landfill
- encouraging better protection and enhancement of biodiversity
- reducing heat island effects through building design, landscape design, water sensitive urban design and the retention of canopy and significant trees
- minimising car dependency by ensuring that the built environment is designed to promote the use of walking, cycling and public transport (in that order) and
- promoting the use of low emissions vehicle technologies and supporting infrastructure.

Economic effects

- whilst the upfront cost of development may increase in some instances, the Amendment will facilitate better consumer outcomes by:
 - aligning ESD outcomes to development scale
 - maximising cost-neutral ESD outcomes and avoiding retrofitting costs through more considered design and planning of development

OFFICIAL

- reducing operating costs over the life of a building and
- lowering peak demands for energy and water consumption.

Social effects

- increasing affordability over the life of a building for commercial and residential occupiers through reduced servicing costs
- improving resilience to a warming climate and
- providing comfort, liveability and overall productivity for building occupiers.

Does the amendment address relevant bushfire risk?

The Amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

Whilst the Amendment proposes to introduce a local policy that contains strategies to retain and provide indigenous vegetation (including canopy and significant trees) within development to reduce the urban heat island effect and protect and enhance biodiversity, the following provisions of the Cardinia Planning Scheme take precedence (as relevant) where bushfire risk may be evident:

- Clause 13.02-1S Bushfire Planning
- Clause 21.02-4 Bushfire management
- Clause 44.06 Bushfire Management Overlay (BMO)
- Clause 52.12 Bushfire Protection Exemptions
- Clause 53.02 Bushfire Planning

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

The amendment is consistent with the following Ministerial Directions as outlined in the Act:

- *Ministerial Direction on the Form and Content of Planning Schemes* (Sec 7 (5))
- *Ministerial Direction No.9 Metropolitan Strategy (Plan Melbourne 2017-2050)* (Sec 12 (2) (a)) and
- *Ministerial Direction No.11 Strategic Assessment of Amendments* (Sec 12 (2) (a)).

The amendment aligns with the following key outcomes and policy directions outlined in *Plan Melbourne: Metropolitan Planning Strategy 2017 – 2050*:

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

- Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles.

Outcome 6: Melbourne is a sustainable and resilient city

- Direction 6.1 - Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050. Policy 6.1.1 specially seeks to 'improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades'.
- Direction 6.2 - Reduce the likelihood and consequences of natural hazard events and adapt to climate change.
- Direction 6.3 - Integrate urban development and water cycle management to support a resilient and liveable city.
- Direction 6.4 - Make Melbourne cooler and greener.
- Direction 6.5 - Protect and restore natural habitats.
- Direction 6.6 - Improve air quality and reduce the impact of excessive noise.
- Direction 6.7 - Reduce waste and improve waste management and resource recovery.

OFFICIAL

- *Plan Melbourne (Department of Environment, Land, Water and Planning, 2017)* is supported by the *Plan Melbourne Five Year Implementation Plan 2017-2022 (Department of Environment, Land, Water and Planning, 2019)* which focuses on the delivery of actions of Plan Melbourne.
- Action 80, Review the Victorian planning and building systems to support environmentally sustainable development outcomes for new buildings to consider their energy, water and waste management performance is identified as a short-term action (by the end of 2018 (0–2 years)).

The *Plan Melbourne 2017 – 2050, 2020 Report on Progress (Department of Environment, Land, Water and Planning, 2021)* identifies that:

The ‘Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria’s planning system document’ was released in early 2021 and outlines the government’s agenda for supporting Environmentally Sustainable Development through Victoria’s planning system. Work is currently underway to review planning standards on energy efficiency, air and noise pollution exposure, waste and resource recovery, and measures to ameliorate the impacts of urban heat extremes.

The amendment will help to achieve the above-mentioned outcomes of Plan Melbourne.

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

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

Clause 11 Settlement

- Planning is to recognise the need for, and as far as practicable contribute towards the following issues:
 - Health, wellbeing and safety
 - Diversity of choice
 - Adaptation in response to changing technology
 - Economic viability
 - A high standard of environmental sustainability, urban design and amenity
 - Climate change adaptation and mitigation
 - Prevention of land, water, air and noise pollution
 - Protecting, conserving and improving biodiversity, waterways and other natural resources
 - Accessibility
 - Land use and transport integration
 - Waste minimisation and resource recovery
- 11.01-1S (Settlement). It is a strategy to deliver networks of high-quality integrated settlements that will:
 - support resilient communities and their ability to adapt and change
 - integrate the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes
 - contribute to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design and
 - support metropolitan and regional climate change adaption and mitigation measures.
- 11.03-1S (Activity centres). It is a strategy to improve access by walking, cycling and public transport to services and facilities and to improve the social, economic and environmental performance and amenity of activity centres.
- 11.03-2S (Growth areas). It is strategy to develop precinct structure plans that provide better transport choices, respond to climate change and increase environmental sustainability.

OFFICIAL

Clause 12 Environmental and Landscape Values

- Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.
- 12.01-1S (Protection of Biodiversity) seeks to assist the protection and conservation of Victoria's biodiversity, including by ensuring that decision making considers the impacts of land use and development on Victoria's biodiversity.
- 12.05-1S (Environmentally sensitive areas) which seeks to protect and conserve environmentally sensitive areas.

Clause 13 Environmental Risks and Amenity

- Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach as well as prepare for and respond to the impacts of climate change.
- 13.01-1S (Natural hazards and climate change) objective is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. Strategies include:
 - Respond to the risks associated with climate change in planning and management decision making processes.
 - Identify at risk areas using the best available data and climate change science.
 - Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.

Clause 14 Natural Resource Management

- Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.
- 14.02-1S (Catchment planning and management) objective is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. Strategies include:
 - Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
 - Require appropriate measures to restrict sediment discharges from construction sites.
- 14.02-2S (Water quality) objective is to protect water quality.

Clause 15 Built Environment and Heritage

- Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.
- Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.
- Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.
- Planning should facilitate development that:
 - Is adapted and resilient to climate related hazards.
 - Supports the transition to net zero greenhouse gas emissions.
 - Minimises waste generation and supports resource recovery.
 - Conserves potable water.
 - Supports the use of, and access to, low emission forms of transport.
 - Protects and enhances natural values.

OFFICIAL

- Minimises off-site detrimental impacts on people and the environment.
- 15.01-2S (Building design) objective is to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. Strategies for this clause address several ESD elements, such as:
 - Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
 - Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
 - Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
 - Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
 - Encourage water efficiency and the use of rainwater, stormwater and recycled water.
 - Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
 - Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

Clause 16 Housing

- Planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.
- 16.01-1S (Housing supply) strategies include encouraging the development of well-designed housing that provides a high level of internal and external amenity.
- 16.01-2S (Housing Affordability) strategies include promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.

Clause 18 Transport

- Planning should ensure a safe, integrated and sustainable transport system that actively contributes to environmental sustainability and supports health and wellbeing.
- 18.01-1S (Land use and transport planning) seeks to support urban development that makes jobs and services more accessible by taking advantage of all available modes of transport and design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.
- 18.01-3S (Sustainable and safe transport) objective is to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. Strategies that relate to ESD elements include:
 - Prepare for and adapt to climate change impacts.
 - Prioritise the use of sustainable personal transport.
 - Avoid, minimise and offset harm to the environment by protecting biodiversity and reducing transport-related greenhouse gas emissions.
 - Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.
- 18.02-1S (Walking) objective is to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

OFFICIAL

- 18.02-2S (Cycling) objective is to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.
- Both 18.02-1S (Walking) and 18.02-2S (Cycling) strategies includes to plan and develop walking and cycling networks that provide routes that are safe, direct and comfortable to use and accommodating emerging forms of low-emission, low and moderate speed personal transport.

Clause 19 Infrastructure

- Infrastructure planning should avoid, minimise and offset environmental impacts, and incorporate resilience to natural hazards, including future climate change risks.
- 19.01-1S (Energy supply) objective is to facilitate appropriate development of energy supply infrastructure. Strategies that support ESD elements include:
 - Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy.
 - Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.
 - Facilitate renewable energy generation and storage to meet on-site energy needs.
- 19.01-2S (Renewable energy) objective is to support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met. Strategies that support ESD elements include:
 - Facilitate renewable energy development in appropriate locations.
 - Protect renewable energy infrastructure against competing and incompatible uses.
 - Set aside suitable land for future renewable energy infrastructure.
 - Consider the economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
- 19.03-3S (Integrated water management) objective is to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. Strategies include to:
 - Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:
 - Protect downstream environments, waterways and bays.
 - Manage and use potable water efficiently.
 - Reduce pressure on Victoria's drinking water supplies.
 - Minimise drainage, water or wastewater infrastructure and operational costs.
 - Minimise flood risks.
 - Provide urban environments that are more resilient to the effects of climate change.
 - Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.
 - Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- 19.03-5S (Waste and resource recovery) objective is to reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, community amenity and public health impacts. Strategies include:
 - Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste streams and maximise opportunities for resource recovery.
 - Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.

OFFICIAL

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

Cardinia Shire Council has a longstanding commitment to environmental sustainability. This commitment is embodied in Council's 16 September 2019 Climate Emergency Declaration which compels Council to act immediately and with urgency to reverse global warming.

Council Plan 2021-2025 identifies the development of an Environmentally Sustainable Design (ESD) Policy as a Council priority (Year 1 2021 -22) and it requires that the ESD Policy be incorporated in the Cardinia Planning Scheme (Year 2 2022 – 23).

Council's *Climate Change Adaptation Strategy 2022–33* acknowledges the *Council Plan 2021-25* commitment to the development (and timing) of the ESD Policy and Planning Scheme amendment. This Council Plan initiative would support long term adaptation benefits by raising the resilience of the built environment system to the accelerating impacts of climate change.

The Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) supports sustainability through environmentally focused land use and development planning.

The strategic vision for the municipality (as outlined in [Clause 21.01-4 Strategic vision](#)) is:

Cardinia Shire will be developed in a planned manner to enable present and future generations to live healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the Shire.

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

- An objective of Clause 21.02-1 Catchment and coastal management includes 'To protect and improve the environmental health and social and economic values of water resources and ensure their efficient management'. Other objectives refer to the management and treatment of stormwater as well as utilising recycled waste water.
- Clause 21.02-8 Resource conservation identifies that the community needs to respond to climate change through strategies to reduce greenhouse gas emissions and the implementation of adaptation strategies to reduce vulnerability to projected future impacts of climate change. Three key areas for reducing the impact on the environment within the municipality are air, water and general waste.

The objective of this clause is to develop and promote more environmentally sustainable ways of living and working, including greenhouse gas emission reductions.

Strategies identified to achieve this include the reduction of greenhouse gas emissions, reduction in water consumption and encouraging development to incorporate sustainable building design including design that promotes the health and wellbeing of occupants.

This clause also identifies the 'development of local sustainable buildings guidelines' as further strategic work.

- Clause 21.03-2 Urban Established Area - Beaconsfield and Pakenham and 21.03-3 Urban Growth Area objective is to create a functional, attractive, safe and sustainable urban environment for the existing and future community. Several key principles for development are listed in both sections, including to increase environmental sustainability.
- Clause 21.03-4 Rural townships includes an objective to provide for the sustainable development of townships in the municipality having regard to environmental and servicing constraints. Strategies include providing sewage treatment and stormwater management systems to minimise the impact of existing township development on the environment.
- Clause 21.04 Economic Development identifies that the 'Officer-Pakenham State-significant Industrial Precinct' that will be a major provider of employment and business opportunities for residents of Cardinia Shire and Melbourne's south-east region.

A key issue of this clause is 'recognising the need for innovation, diversification and resilience within the local economy to improve and develop employment opportunities and a strong employment base within the municipality to meet the demands of the growing population'.

- Clause 21.05-4 Public transport acknowledges the sparse nature of settlement in the municipality affects the viability of providing public transport to all residents, and there is a need to look at innovative and cost-effective means to maximise public transport services in the Cardinia Shire.

OFFICIAL

- Clause 21.05-5 Pedestrian and bicycle network identifies that alternative transport options such as walking and cycling are important in developing environmentally, socially and economically sustainable communities.
- Clause 21.06-1 Urban Design recognises that the long-term benefits of good design are a more attractive, functional and sustainable built environment. Enhancing the design and built form of existing industrial areas is identified as a key issue.

The Amendment is consistent with and supports the LPPF and MSS. The new ESD policy reinforces the need for future development to respond to sustainable development principles, providing guidance in achieving sustainability in the most efficient way. The policy provides a specific framework for the consideration of ESD during the planning permit process, specifying what types of development should implement ESD measures and to what degree.

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

The amendment has been prepared in accordance with *Planning Practice Note 8 - Writing a Local Planning Policy* and *Planning Practice Note 46 - Strategic Assessment Guidelines*.

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

- the Municipal Strategic Statement includes broad strategic support for the local planning 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 leverages off support agencies have previously given to similar ESD local policies. Relevant agencies will also have an opportunity to provide their views on this amendment as part of the Amendment's statutory exhibition.

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

The amendment will not have a significant impact on the transport system, as defined in the Transport Integration Act 2010, as it would not in itself result in any increase in demand on the transport system.

Resource and administrative costs

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

It is anticipated that the amendment will not have a significant impact on the resources and administrative costs of the responsible authority, given that:

- the amendment will not result in an increased number of planning permit applications;
- the policy will provide a transparent and consistent framework for decision making, reducing resources currently required to negotiate planning outcomes.

The Amendment will require the Responsible Authority to engage a dedicated ESD assessment resource and obtain relevant licensing to specified assessment tools. These resources will form part of Council's budget process.

Where you may inspect this amendment

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

Cardinia Shire Council

OFFICIAL

20 Siding Avenue

Officer 3809

The amendment can be inspected free of charge at:

- Cardinia Shire Council website at <https://creating.cardinia.vic.gov.au> and/or
- Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

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 5pm **8 April 2024**.

Electronic submissions are preferable and should be sent to mail@cardinia.vic.gov.au (please include Amendment C278card in the e-mail title).

Or mailed to:

Cardinia Shire Council

Planning Strategy and Urban Design

Amendment C278card

PO Box 7

PAKENHAM VIC 3810

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 Monday 22 July 2024.
- Panel hearing: To commence in the week of Monday 26 August 2024.

OFFICIAL

Submitter 01 - Strongly supports Council Alliance for a Sustainable Built Environment (CASBE). CASBE is an auspice of Municipal Association of Victorian (MAV). Cardinia Shire Council is a member of CASBE.	
Matters raised	Officer response
<ol style="list-style-type: none"> 1. The development of the local ESD Policy involved many years of local government leadership in research and development of pilot programs, purpose-built planning tools and procedures to demonstrate the value of including sustainability in the consideration of planning permit applications. 2. There are now 27 Councils with this local ESD policy and more utilising the methodology and purpose-built tools aimed at delivery ESD outcomes through the planning system. See Appendix A full list of Planning Schemes with a local ESD policy.. 3. The mainly consistent nature of these local ESD policies and the collective use of particular terms, objectives and assessment tools provides a consistent framework within the planning system across Victoria. 4. CASBE welcomes and strongly supports the proposed introduction of a Local Planning Policy into the Cardinia Planning Scheme to provide policy guidance for Environmentally Sustainable Development (ESD). 	<p>1.-4. Noted.</p> <p>CASBE to be advised of outcome of Council Meeting 17 June 2024.</p>
	CASBE to be advised of outcome of Council Meeting 17 June 2024.
Submitter 02 - Does not support Land owner / applicant of factory development	
Matters raised	Officer response
<ol style="list-style-type: none"> 5. While acknowledging the importance of sustainability and environmental stewardship, we contend that the current ESD regulations in other Councils impose undue burdens and constraints on development projects. Cardinia currently has an advantage as it hasn't implemented ESD requirements. 	<p>5. Council officers do not support the statement that it is at an advantage for not having an ESD local policy.</p> <p>Cardinia Shire Council has a longstanding commitment to environmental sustainability. The development of a local ESD Policy and the incorporation of the ESD Policy into the Cardinia Planning Scheme will assist Council in responding to and addressing it's legislative, state policy and local policy responsibility. Council is following the lead of 27 other Councils by implementing an ESD local policy (incorporated into the Planning Scheme)</p>

	and the Sustainable Design Assessment in the Planning Process (SDAPP) Framework.
<p>6. Financial Burden</p> <p>The mandatory incorporation of ESD features significantly increases the upfront costs of development projects and ongoing maintenance of these projects. These additional expenses often prove prohibitive for developers, particularly small businesses and individual property owners, leading to project delays or cancellations.</p> <p>In the commercial realm the additional build cost and loss of developable land causes rents to be higher with ESD requirements than not.</p>	<p>6. Council officers do not support the statement regarding the financial burden of the proposed local ESD Policy.</p> <p>As identified in the ESD Background Report (which was exhibited alongside the Planning Scheme Amendment) Table 5: Summary of ESD Planning Scheme Amendments of the Cardinia Shire (pg. 53 – 57) identifies that the issue of ‘cost’ has been addressed in several Panel Reports since the very first ESD planning scheme amendment in November 2015.</p> <p>The Advisory Committee and Panel Report, Environmentally Efficient Design Local Policies was completed on the 7 April 2014 (EEDAC) (pg. 68) concluded that:</p> <ul style="list-style-type: none"> • There are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning. • The proposed Local Policies are unlikely to impose an unreasonable impost on the resources and administrative costs of participating Councils. • The proposed Local Policies are unlikely to impose an unreasonable regulatory cost burden on applicants. • The consideration of ‘affordability’ should extend beyond construction and consider ongoing servicing costs. <p>More recently, the Bayside Planning Scheme Amendment C187bays, Panel Report dated 23 December 2022 found that <i>‘No evidence was presented to the Panel to substantiate the claim that proposed local planning policy considerations will result in unreasonable cost and time blowouts.</i></p> <p>The Panel agreed with Bayside Council that <i>‘there is likely to be a positive cost benefit ratio for buildings that incorporate ESD measures, resulting in efficiencies over the life of the building. Consistent with the principles underlying ESD measures which are intended to reduce resource demands, cost benefit assessment must go beyond the construction process.’</i></p>

<p>7. It is unclear if Cardinia wants to apply ESD requirements to dwellings and to what level.</p>	<p>7. The proposed ESD policy does not apply to single dwellings. Proposed Local Planning Policy 22.11 Environmentally Sustainable Development is very clear regarding dwellings (2 or more). Residential developments:</p> <ul style="list-style-type: none"> • 2 - 9 dwellings or a building used for accommodation other than dwellings with a gross floor area between 100 sqm and 999 sqm will require a Sustainable Design Assessment (SDA). • 10 or more dwellings or a building used for accommodation other than dwellings with a gross floor area equal to or more than 1000 sqm with require a Sustainability Management Plan (SMP) and a Green Travel Plan.
<p>8. The mandatory incorporation of Environmentally Sustainable Design (ESD) features significantly inflates the upfront costs of development projects. First home buyers, who are already grappling with the challenge of affordability in the housing market and the current escalation in construction costs, the financial impact of ESD mandates is further amplified. Placing an even greater burden on first home buyers. This combination of factors threatens to push homeownership out of reach for many, perpetuating socio-economic disparities and hindering social mobility.</p> <p>As such, the imposition of ESD requirements without adequate consideration for its impact on first home buyers is not only unjust but also counterproductive to the goal of promoting sustainable development. Keep in mind a lot of homeowners in Cardinia are first home buyers.</p>	<p>8. As mentioned in Council Response #6:</p> <ul style="list-style-type: none"> • To date, 'no evidence was presented to the Panel to substantiate the claim that proposed local planning policy considerations will result in unreasonable cost and time blowouts. • The consideration of 'affordability' should extend beyond construction and consider ongoing servicing costs. <p>As mentioned in Council Response #7 the proposed ESD policy does not apply to single dwellings. However, should a first home buyer choose to purchase a sustainable dwelling that formed part of a development project that required an ESD Assessment not only does the homes benefit the environment but it also contributes to the well-being of their occupants.</p> <p>Homeowners can significantly reduce their utility bills over the long term and by living in an eco-friendly home, occupants contribute to reducing their overall carbon footprint.</p>
<p>9. The implementation of 7 star energy requirements at a state level will implement further building constraints that will presumably cover any ESD gains</p>	<p>9. The proposed local ESD policy and the 7-star energy rating requirements are complementary but serve different purposes.</p> <p>Local ESD policies focus on broader sustainability aspects, while the 7-star rating specifically targets energy efficiency, making homes more comfortable and environmentally friendly. Both approaches contribute to creating better living spaces for the future.</p>
<p>10. Lack of flexibility</p>	<p>10. Like Council's with a local ESD policy, Cardinia's proposed ESD policy is based on the Sustainable Design Assessment in the Planning Process (SDAPP) Framework.</p>

<p>ESD regulations generally impose a one-size-fits-all approach that fails to account for the unique characteristics and requirements of individual projects.</p> <p>This lack of flexibility restricts design creativity and limits the ability to tailor solutions that balance sustainability with economic viability. Can also cause siting issues for smaller home sites.</p>	<p>The SDAPP Framework provides a framework for consideration of sustainable design elements of planning applications and offers a consistent method for identifying opportunities for improved environmental building performance.</p> <p>The SDAPP Framework is supported by the Built Environment Sustainability Scorecard (BESS tool) and the Sustainable Design Fact Sheets. The Sustainable Design Fact Sheets are a series of information sheets aimed at the development industry. They outline Best Practice Standards, offer sustainable design advice and provide information regarding ESD Tools.</p> <p>For example, BESS includes water, energy, stormwater quality, indoor environment quality, transport, waste, urban ecology, building management to support these and innovation. BESS also allows multiple options for demonstrating compliance - providing flexibility for the user while delivering sustainability outcomes.</p> <p>The SDAPP Framework is not a 'one-size fits all' and allows for alternatives to be considered where a proposal can demonstrate the overall objective of the relevant standard can be achieved.</p>
<p>11. Unintended consequences</p> <p>While ESD measures aim to reduce environmental impact, they may inadvertently result in unintended consequences. For instance, the implementation of certain energy-saving technologies may compromise occupant comfort or safety, undermining the overall quality of the built environment</p>	<p>11. The Sustainable Design Assessment in the Planning Process (SDAPP) Framework was developed to support the delivery of resilient, healthy and sustainable buildings and communities. Victorian councils have worked together for over two decades to develop and implement a consistent and rigorous framework for assessing sustainability in the planning approvals process.</p> <p>Modern sustainable design assessment tools such as BESS, consider occupant comfort and health in addition to energy efficiency, to ensure energy efficiency outcomes do not come at the expense of indoor environmental quality.</p>
<p>12. Market distortion</p> <p>The imposition of ESD requirements creates an uneven playing field in the property market, favouring larger developers with greater financial resources and technical expertise. This exacerbates inequalities and hampers competition, ultimately limiting consumer choice and affordability</p>	<p>12. The proposed local ESD Policy sets out application requirements for specified types of developments and thresholds for the two types of ESD assessments (a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP)).</p>

	<p>The prescribed ESD assessment is proportional to the scale of development to ensure that the proposed thresholds are reasonable whilst maximising environmental benefits.</p> <p>The thresholds proposed in the local ESD policy are consistent with other growth councils, as well as our neighbouring municipalities.</p> <p>For example:</p> <ul style="list-style-type: none"> • The requirement for 10 or more dwellings to provide a Sustainability Management Plan (SMP) is in all 27 Planning Schemes with a local ESD policy. • The requirement for a non-residential development of more than or equal to 1000 square metres provide a Sustainability Management Plan (SMP) is in 19 Planning Schemes, which includes 2 of the 3 growth Councils (Hume and Whittlesea) as well as Yarra Ranges. This threshold is also in the Casey proposed local ESD policy.
<p>13. Delays in Project Approval</p> <p>The enforcement of ESD requirements often leads to prolonged delays in obtaining project approvals. Developers are required to navigate a complex regulatory landscape, submitting additional documentation and undergoing multiple rounds of review to demonstrate compliance. These delays not only increase project costs but also contribute to uncertainty and unpredictability in the development process.</p>	<p>13. The SDAPP Framework:</p> <ul style="list-style-type: none"> • Establishes a common language and approach for assessing sustainable design, promoting consistency and objectivity across Victoria's councils. • Provides a structured and rigorous methodology for evaluating sustainability during the planning approvals process. • Outlines specific criteria and standards that planners can consistently apply. <p>Furthermore, the use of sustainable design assessment tools such as BESS will work to ensure the same process and requirements apply for all applications. A pre-application meeting is encouraged to ensure the preliminary design and ESD response is adequate, and to ask any questions relating to assessment tools, sustainability and innovation.</p> <p>As mentioned in Council's response #6 to date, 'no evidence has been presented to a Panel to substantiate the claim that proposed local planning policy considerations will result in unreasonable cost and time blowouts.</p>
<p>14. Additional costs for Council</p> <p>Municipal councils incur significant administrative expenses in reviewing and verifying ESD compliance for development proposals. The allocation of</p>	<p>14. The proposed local ESD policy is in line with Council's longstanding commitment to environmental sustainability.</p>

<p>resources to assess ESD requirements diverts limited council funds away from essential services and infrastructure projects, further straining municipal budgets. There would need to be an increase in the amount of Council officers to review ESD compliance</p>	<p>Council has an ongoing committed budget for an ESD Officer to assist with the implementation of the new local policy.</p>
<p>15. Limited Environmental Impact</p> <p>Despite the considerable time, effort, and resources invested in meeting ESD requirements, the incremental improvements achieved may not significantly enhance environmental outcomes in the grand scheme.</p> <p>The marginal benefits derived from ESD compliance must be weighed against the substantial costs and trade-offs involved, particularly considering the broader challenges facing our environment.</p> <p>For EXAMPLE it is common for rain gardens to be an ESD requirement Say a residential neighbourhood (or commercial neighbourhood) where owners are required to install rain gardens or other stormwater management features on their properties to treat runoff water. These rain gardens are designed to capture and filter rainwater, reducing the volume of pollutants that flow into nearby waterways and ultimately improving water quality. However, while private property owners are held to strict standards for managing stormwater runoff, the hundreds of kilometres of public roads within the same municipality remain untreated. Runoff from these roads, laden with pollutants such as oil, sediment, brake dust and debris, flows directly into storm drains and is discharged untreated into local streams or rivers. This discrepancy highlights a fundamental flaw in the ESD approach to stormwater management. While individual property owners are tasked with shouldering the responsibility for mitigating the environmental impact of stormwater from their land, which is cleaner than public roads, the larger contributors to stormwater pollution, such as public roads, are overlooked. The untreated runoff from public roads continues to degrade water quality and harm aquatic ecosystems. Not only does this inequity place an unfair burden on private property owners, but it also undermines the effectiveness of stormwater management efforts as a whole. As this example demonstrates , to address this issue effectively, a more holistic approach to stormwater management is needed, one that recognizes the collective responsibility of all stakeholders, including local authorities responsible for maintaining public infrastructure. By investing in green infrastructure projects to treat runoff from public roads and other municipal assets,</p>	<p>15. See Council officer's response #5.</p> <p>As part of Council's commitment to environmental sustainability, work is ongoing regarding improving stormwater quality from public roads.</p>

communities can achieve more comprehensive and equitable stormwater management, ultimately protecting water resources for future generations rather than ESD requirements to property owners.	
	Council Officers provided a response to address points of clarification 30 April 2024. No further correspondence has been received from Submitter 02. The matters raised in submission 02 have not been resolved.
Submitter 03 - Puffing Billy (PBR) - Support of the general principles and intent / Concerns with a number of aspects of the proposed amendment	
Matters raised	Officer response
<p>16. Puffing Billy <i>acknowledges</i> and supports in general the principles and intent behind the proposed amendment however, we are also concerned with regard to a number of aspects which are summarised below. Please note that these are not exhaustive.</p> <p>In general, there are repeated references in the amendment documents to the following phrases:</p> <ul style="list-style-type: none"> a) Encouraging best practice environmentally sustainable development principles. b) Ensure that development considers and incorporates best practice environmentally sustainable design measures from the design stage through to the construction and operation of the new development. 	16. Noted.
17. How will Council clearly define and communicate what are, "best practice environmentally sustainable design measures"?	<p>17. Like Council's with a local ESD policy, Cardinia's proposed ESD policy is based on the Sustainable Design Assessment in the Planning Process (SDAPP) Framework. The SDAPP Framework provides a framework for consideration of sustainable design elements of planning applications and offers a consistent method for identifying opportunities for improved environmental building performance.</p> <p>The SDAPP Framework is supported by the Built Environment Sustainability Scorecard (BESS tool) and the Sustainable Design Fact Sheets. The Sustainable Design Fact Sheets are a series of information sheets aimed at the development industry. They outline Best Practice Standards, offer sustainable design advice and provide information regarding ESD Tools.</p> <p>Like other Council's with a local ESD policy, Cardinia will prepare a website regarding our ESD policy.</p>

	<p>The websites will include details regarding relevant sustainable design assessment tools and fact sheets to communicate what is ESD and 'best practice'. This information forms an integral part of pre-application meetings and ESD enquiries.</p>
<p>18. Given that best practice is a dynamic definition, subject to change over time, how will developers and parties applying for planning approvals know what the latest expectations are and be assured that the "goalposts" will not shift during an application?</p>	<p>18. The SDAPP framework recommends 'best practice' tools such as Built Environment Sustainability Scorecard (BESS), Sustainable Tools for Environmental Performance Strategy (STEPS), Sustainable Design Scorecard (SDS), Green Star, NatHERS tools (including FirstRate, Accurate and Building Energy Ratings Scheme (BERS)), Stormwater Treatment Objective Relative Measure (STORM) and Model for Urban Stormwater Improvement Conceptualisation (MUSIC). Further information is available in the ESD Tools Fact Sheet.</p> <p>The SDAPP program refers to the inclusion of key environmental performance considerations into the planning permit approvals process in order to achieve more sustainable building outcomes for the long-term benefit of the wider community. There are 10 Key Sustainable Building Categories which are identified in the Sustainable Design Fact Sheets.</p> <p>For example, 2.0 Energy Efficiency explains <i>'how energy efficient design and specification principles can be incorporated into your next building project and the benefits that can be shared not only by you, but all Victorians'</i>. The fact sheet also states that <i>'developments which seek to vary from these best practice standards, must demonstrate how energy efficiency can be satisfactorily achieved'</i>.</p> <p>If the best practice 'goalposts' were to shift during an application, the ESD officers would review the application in light of the new 'best practice' standards. There is scope in the SDAPP process to ensure that alternatives can be considered to where the proposal can demonstrate the overall objective of the relevant standard can be achieved.</p>
<p>19. How can Council ensure that any assessment will not vary from Planner to Planner and will be conducted on an objective basis?</p>	<p>19. The SDAPP Framework:</p> <ul style="list-style-type: none"> • Establishes a common language and approach for assessing sustainable design, promoting consistency and objectivity across Victoria's councils. • Provides a structured and rigorous methodology for evaluating sustainability during the planning approvals process.

	<ul style="list-style-type: none"> • Outlines specific criteria and standards that planners can consistently apply. <p>SDAPP offers a consistent method for identifying opportunities for improved environmental building performance through the use of ESD tools (such as BESS) and the Sustainable Design Fact Sheets.</p>
20. What considerations will be put in place to assess cost benefit of initiatives and additional complicating factors such as heritage requirements?	<p>20. Any permit application, even if required solely on heritage grounds, must respond to relevant policies, including those found in the Local Planning Policy Framework, such as a local ESD policy. When assessing planning applications, the SDAPP Framework encourages councils to consider sustainable design elements even within areas covered by Heritage Overlays.</p> <p>The aim is to strike a balance between preserving heritage values and promoting sustainable development.</p>
21. In what form will, "Encouraging best practice environmentally sustainable development principles" take? How can applicants be assured that it is "encouragement" and not "enforcement"?	<p>21. Once Planning Scheme Amendment C278card has been approved, the local ESD policy (22.11-1) will apply to residential and non-residential development, excluding subdivision, in accordance with the detailed thresholds.</p> <p>The overall objective is to achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The policy outlines strategies of how the objective can be achieved.</p> <p>An application must achieve the objectives under Clause 22.11-2 of the Cardinia Planning Scheme. Where these cannot be met, the applicant will be required to provide adequate demonstration why they cannot be met.</p> <p>As mentioned in Council Officer's response #18 there is scope in the SDAPP process to ensure that alternatives can be considered to where the proposal can demonstrate the overall objective of the relevant standard can be achieved.</p>
22. Will any basis of appeal or negotiation be factored into assessments to avoid unnecessary need to settle via an external party such as VCAT or other?	<p>22. Once the local ESD policy is incorporated in the Cardina Planning Scheme, planning applications for residential and non-residential development (within a particular threshold) must consider environmentally sustainable design. Council officers encourage pre-application meetings with Council planning</p>

	<p>officers (including our ESD specialists) which will assist in ensuring the preliminary design and ESD response is adequate, as well as providing an opportunity to ask any questions relating to assessment tools, sustainability and innovation.</p> <p>The ESD element of a planning application becomes part of the assessment process of planning applications. Council's Planning team will make a preliminary assessment and Council's Sustainable Design Officer will either confirm the submission is acceptable or provide feedback and discuss some ideas and practical ways to improve the standard of ESD. The agreed ESD initiatives will be reflected in the details on the endorsed plans and in the endorsed ESD documentation such as the Sustainability Management Plan.</p> <p>By engaging in transparent discussions with all stakeholders, we can address concerns, find common ground, and proactively resolve issues.</p>
23. Are there other examples of this initiative in practice that can be referred to, mindful that as per the Background document, "the requirements of the ESD policies vary across the 26 Victorian Councils"?	<p>23. There are now 27 Victorian Planning Schemes with a local ESD policy (see Appendix A).</p> <p>Victorian councils have a specific Environmentally Sustainable Design policy in their planning schemes. The policies are typically the same in each Council except for minor differences in the size and scale of development which triggers the policy.</p>
24. Has any consideration or estimate been given to impacts on planning application timelines, costs and commerciality as a result of the amendment?	24. See Council Officer's response #6 and #8.
With regard to the document, "Environmentally Sustainable Development (ESD) Local Policy for Cardinia Shire Council - Background Report", PBR seeks advice on the following:	
25. Pg 15: How does Council propose balancing potentially conflicting objectives such as bushfire mitigation and biodiversity protection?	<p>25. Page 14 - 18 provides a summary of the Local Planning Policy Framework - Clause 21 Municipal Strategic Statement. These controls are currently within the Cardinia Planning Scheme and are included in the ESD Background Report for context purposes.</p> <p>Planning Scheme Amendment C278card does not propose to make any changes to 21.02-3 Biodiversity or 21.02-4 Bushfire.</p>

<p>26. Pg 16: How will the term "Encourage" manifest itself in practice in planning assessments?</p>	<p>26. Unlike 'requirements', 'encourage' allows flexibility. It acknowledges that different contexts and projects may require tailored approaches. 'Encourage' also fosters innovation. Developers are able explore creative solutions beyond minimum requirements. New ideas emerge, which can often lead to better environmental outcomes.</p>
<p>27. Pg 17: With regard to 5.4. Clause 21.04 Economic Development, how might other employment areas rather than just south of the Prices Hwy be recognised in assessments for their actual and potential contribution to "improve and develop employment opportunities and a strong employment base within the municipality to meet the demands of the growing population."?</p>	<p>27. As outlined on page 3, the purpose of the Environmentally Sustainable Development (ESD) Local Policy - Background Report is to provide:</p> <p>A) Strategic Justification</p> <ul style="list-style-type: none"> • Provide a sound strategic justification for a Local Planning Policy on Environmentally Sustainable Development (ESD) in Cardinia Shire Council. • Draws on outcomes of targeted consultation of key Council policy and strategies that focus on actions to adopt and implement a local ESD planning policy. <p>B) Implementation Tools</p> <ul style="list-style-type: none"> • Provide background and context regarding: CASBE, ESD local policy (incorporated into the Planning Scheme) and the Sustainable Design Assessment in the Planning Process (SDAPP) Framework. • Information will also be provided about the Environmentally Efficient Design Local Policies Advisory Committee and past planning panels to local ESD policies. • Include an assessment of the planning thresholds approved in other planning schemes. <p>C) Thresholds</p> <ul style="list-style-type: none"> • Determine the likely impact of the policy / threshold on the Cardinia Shire Council, including resource implications for the Shire. <p>Planning Scheme Amendment C278card does not propose to make any changes to Clause 21.04 Economic Development.</p>
<p>28. Pg 27: 8.3. Emerald District Strategy (June 2009) - Will the "...sustainable design that is to incorporate ESD and site planning to attain at least a 6-star energy rating": be required of all built developments in the district? Including those subjected to Heritage Overlays?</p>	<p>28. Section 8 of the Background Report provides a summary of the Township Strategies within Cardinia Shire, with Section 8.3 being the Emerald District Strategy (June 2009) (EDS), which is an incorporated document of the Cardinia Shire Planning Scheme.</p> <p>The EDS states that it 'sets out the key issues facing the Emerald District and explains why they are important. The strategy then sets out objectives</p>

	<p>(what we are trying to achieve) and policies and actions (how the objectives will be achieved). Council, with the assistance of residents, local community groups and other government agencies will play a critical role in implementing the policies and actions set out in this strategy.' (pg. 1)</p> <p>The content which states 'Neighbourhood context guidelines in the EDS includes sustainable design that is to incorporate ESD and site planning to attain at least a 6-star energy rating' is taken directly from the EDS page 21. The text forms part of Section 4.11 Neighbourhood context guidelines which includes site planning, landscape response, setbacks/address/lot layout, fences, access, built form as well as sustainable design.</p> <p>In order to be read the sentence in context the section states the following: Sustainable design</p> <ul style="list-style-type: none">• Incorporate environmentally sustainable design and site planning to attain at least a 6-star energy rating. This may include:<ul style="list-style-type: none">• minimising fossil fuel energy use• maximising use of natural ventilation• larger wall openings/windows on the northern side where solar access is available• minimise glazing or provide shading devices to east and west facades to reduce heat loss and gain• use double-glazing on all windows and glazed doors to improve energy efficiency and help attenuate noise• use of environmentally friendly insulation products• using local and recycled materials, energy efficient and sustainable materials• consideration of Water Sensitive Urban Design initiatives such as swale trenches/bio retention cells.• If sewerage is not available, the land must be capable of containing all generated wastewater. <p>It is noted that the ESD elements listed (in the ESD) are consistent with the content that can be found in the Sustainable Design Fact Sheets that form part of the SDAPP Framework.</p> <p>Planning Scheme Amendment C278card does not propose to make any changes to the Emerald District Strategy (June 2009).</p>
--	--

29. Pg: 75 Table 13: What is the confidence of Council regarding the time required for review by an ESD? Given the potential complexity, are the times outlined realistic? Will adequate assessment of data provided be assured with this time allowed?

29. As outlined in 15.4.1 of the Background Report:

- The majority of Council's with a local ESD planning policy have an ESD Officer in some capacity, whether it be a full-time position, or a shared resource with other Councils.
- While training of planning staff in ESD principles and assessing planning applications against ESD planning provisions should occur to build internal knowledge and skill set, it is recommended that a dedicated ESD officer position be created at Cardinia Shire Council.
- Data was collected from Maroondah City Council, Mornington Peninsula Shire, Frankston City Council and City of Whittlesea to assist in the assessment of time required to assess ESD information submitted with applications. The source of the data is clearly identified in the footnotes.

Council has an ongoing committed budget for an ESD Officer to assist with the implementation of the new local policy.

It is also important to note that as a CASBE member Council, Council has access to peer-to-peer support through cross council collaboration as well as exchanging ideas around streamlining processes and procedures in assessing ESD information submitted with applications.

30. Pg 104: Several ratings/ assessment tools are listed. (BESS, STEPS, Green Star, Nabers, STORM, MUSIC). Is it anticipated that all of these will be applied or only some as is appropriate to the discipline being assessed?

30. Design consultants will be able to choose the appropriate tools that demonstrate best practice. For example, for stormwater, MUSIC or STORM could be used, for the overall sustainability assessment BESS or Green Star could be used. Table 1 below is an extract from ESD Tools Design Fact Sheet.

Table 1: Tool applicability overview

		Residential			Non-residential				
		Extension	Single	Multiple	Office	Retail	Food & Beverage	Public Building	Recreational Facility
	Mandatory	NatHERS	✓	✓	✓				
		NABERS				✓	✓		
	Requirement depends on Responsible Authority	BESS	✓	✓	✓	✓	✓	✓	
		STORM	✓	✓	✓	✓	✓	✓	✓
		MUSIC		✓	✓	✓	✓	✓	✓
		Green Star			✓	✓	✓	✓	✓

<p>31. What if any dispute mechanisms exist for resolving ESD issues (and time frames).</p>	<p>31. See Council Officer's response #6, #8 and #22.</p>
<p>32. Noting the regular use of the term, "best practise", how is this to be determined given several different assessment tools being available/ applied?</p>	<p>32. The Sustainable Design Fact Sheets identify best practice standards.</p> <p>For example:</p> <p>3.0 Water Efficiency</p> <ul style="list-style-type: none"> • Install WELS rated fittings within one Star of best available. • The installation of a rainwater tank that is sized to capture the vast majority of otherwise discharged rainwater and plumbed to a consistent year-round water use such as toilet flushing • The installation of separate water meters in individual dwellings and non-residential areas within the same development • Reduce water use for landscape irrigation by selecting low water consuming plants. • Incorporate measures to reduce water consumption for fire safety system testing, such as re-using water on site and fitting isolation valves or shut off points for sprinkler systems on each floor. <p>Developments, which seek to vary from these best practice standards, must demonstrate how water efficiency can be satisfactorily achieved.</p> <p>Or</p> <p>7.0 Waste Management</p> <ul style="list-style-type: none"> • Adopt a recycling target of at least 70% for all demolition and construction waste (by mass). • Provide recycling facilities that are at least as convenient for building occupants as general waste facilities. • Provide on-site management of food and garden waste. <p>Developments, which seek to vary from these best practice standards, must demonstrate how sustainable waste management can be satisfactorily achieved.</p> <p>BESS includes water, energy, stormwater quality, indoor environment quality, transport, waste, urban ecology, building management to support these and innovation. BESS also allows multiple options for demonstrating compliance - providing flexibility for the user while delivering sustainability outcomes.</p> <p>A pass in BESS or a Green Star certification demonstrate best practice.</p>

<p>33. Are there potential offsets/ penalties to be applied when the ESD framework targets cannot be met? And What if only some of the targeted initiatives can be met? Is there a weighting or overall assessment to be applied?</p>	<p>33. The ESD requirements are either met, or they are not. Within the assessment tools, in some cases, points in one area can be used to offset a lack of points in another area to achieve a pass result. There are certain key criteria where a minimum pass mark is required.</p> <p>BESS FAQ states that: In addition to the overall scoring and 'pass' rate of best practice, there are four mandatory categories with minimum pass rates. These minimum pass rates must be achieved in order to pass BESS. These categories are;</p> <ul style="list-style-type: none"> • Indoor Environment Quality (IEQ) • Energy • Water • Stormwater <p>Within these four categories, the minimum score varies, depending on the scale and typology of the development. The minimum score in the four categories above equates to only 40% overall. Therefore, applicants will need to find another 10% across any category in the tool (which can include extra points in the mandatory four categories). The minimum scores in the mandatory categories were developed with careful consideration to existing industry-based standards.</p> <p>These minimum scores are intended to demonstrate best practice and complement the current ESD Policy Amendment and the SDAPP Fact Sheets.</p>
<p>34. It is noted that Gembrook has been highlighted as an area of particular interest. Will Gembrook or other areas be subject to a higher standard of ESD principles, resulting in a potentially inconsistent approach to assessment?</p>	<p>34. Planning Scheme Amendment C278card applies to all land in the Shire of Cardinia, where a planning permit is required for the development in accordance with the thresholds in the proposed local policy.</p>
	<p>Council Officers provided a response to address points of clarification 02 May 2024. Further information has been requested – See 03a</p>
<p>Submitter 03a - Puffing Billy (PBR) – Response to additional information provided by Council Officers – seeking further clarification</p>	
<p>Matters raised</p>	<p>Officer response</p>
<p>35. Whilst it would appear that most of the developments which are proposed by PBR in the future will be below the 300m2 threshold. Some may still exceed that and due to new development or extension, trigger the ESD</p>	<p>35. For non-residential development the policy only applies to a new development or extension of over 300 m2. For extensions that exceed the threshold, the focus is typically on the new portion. Each case is unique, and</p>

requirements. Can you confirm that for extensions which trigger the limit, will there be a requirement to upgrade the entire facility / building to the higher standard? Does this also apply to significant maintenance works such as restorations?	consulting with experts (such as architects, engineers, and sustainability professionals) ensures the best approach for achieving ESD goals while balancing practical considerations
36. How would this also affect any heritage listed or registered properties which have no such ESD provisions? I cannot find specific references in this regard.	36. ESD standards aim to promote sustainability without negatively impacting heritage values. Each case is unique, but some examples of ESD practices that likely won't compromise heritage values include: <ul style="list-style-type: none"> • Installing energy-efficient lighting • Insulating walls or roofs for better energy performance • Collecting rainwater for irrigation or non-potable uses • Using sustainable materials (e.g., recycled timber) for repairs.
37. I do note the provision in the planning scheme for Council to allow for heritage in the requirement or not to install solar panels. Does this go to other ESD initiatives?	37. ESD standards are considered on a case-by-case basis, and in some instances, it is recognised that specific ESD requirements may not be suitable due to heritage considerations.
38. PBR is in the process of recreating sections of the railway previously lost. Our era of significance is 1020 to 1930 where the station buildings did not even have ceilings let alone insulation. Will there be any allowance for such buildings, perhaps based on type of use?	38. It is agreed that flexibility is necessary when dealing with heritage buildings (due to their constraints) and finding a fair, practical solution without compromising heritage values. PBR buildings are inherently unique, and if the ESD process is triggered (new developments or extensions of 300 m2 or more) Council aims to collaborate closely with PBR to determine what is feasible and practical.
39. You have suggested that PBR has the option of withdrawing our submission if we choose not to go to a Panel. Does that mean that our submission is not noted or recorded in any way? Whether or not PBR chooses to submit to a panel the Railway would like our concerns to have been recorded and noted for future reference. Can you advise accordingly?	39. A panel is appointed by the Minister for Planning to hear submissions about amendments to planning schemes, and to make recommendations or provide advice about if the amendment should proceed. When Council requests the appointment of a panel all submissions are referred to the panel. After a panel is appointed each submitter receives a letter that explains the process, invites them to participate in the hearing process, and provides indicative dates for the hearing. If a submitter chooses not to appear at the hearing, the written submission will be considered by the panel, unless the submitter advises the panel and the Council that they would like to withdraw their submission.
	The matters raised in submission 03 & 03a have not been resolved.
Submitter 04 – CFA (late submission) – seeking further clarification / resolved subject to additional content in Explanatory Report	

Matters raised	Officer response
40. Letter 1 Received 6 May 2024 CFA has reviewed the proposed planning scheme amendment and suggests that further consideration is had on where the principles of urban ecology apply and how the heat island effect will be managed.	40. – 42. Council Officers engaged in further discussions with CFA and provided further clarification (as requested), to ensure the concerns raised by CFA are addressed.
41. CFA is seeking further clarification around how managing the heat island effect will be applied including the siting of canopy trees in higher risk areas and the extent of understory vegetation that may be present, and what impact this may have to bushfire and risk.	
42. Should the heat island effect focus towards more urban areas (ie: Officer, Officer South and Pakenham), the risk is likely to be managed. However, the policy is unclear on whether this will apply in a higher risk bush setting which has potential to increase bushfire risk, or within existing urban areas.	
	Council Officers provided a response to address points of clarification 06 May 2024. CFA has advised its issue can be resolved through changes in the Explanatory Report – See 04a
Submitter 04a – CFA (late submission) – Response to additional information provided by Council Officers – issue can be resolved through additional wording in Explanatory Report	
Matters raised	Officer response
43. Email Received 15 May 2024 Thank you for providing additional information in response to our letter dated 6 May 2024. We now understand that the objectives of Urban Ecology would typically apply in urban areas where there is excessive hard surfaces and limited opportunities for extensive landscaping. CFA suggests that the Explanatory Report identifies this and <u>that our comments can then be considered resolved.</u>	43. Officers support the recommended change to the Explanatory Report. Submission considered to be resolved. The amended Explanatory Report (tracked changes) is provided as Attachment 4.
	The matters raised by is submission 04 & 04a have been resolved.
Submitter 05 – South East Water – no objection	

Matters raised	Officer response
44. No objection to the Scheme Amendment. Request that both your Council and Planning Panels Victoria do not provide any further correspondence to us regarding the Amendment.	39. Noted. No further correspondence be provided as requested.

APPENDIX A – FULL LIST OF ESD POLICIES (AS AT 27 MARCH 2024)

Planning Schemes with Local ESD Policies	Original Date of Gazettal
1. Banyule Planning Scheme	19 November 2015
2. Moreland Planning Scheme	
3. Port Phillip Planning Scheme	
4. Stonnington Planning Scheme	
5. Whitehorse Planning Scheme	
6. Yarra Planning Scheme	
7. Monash Planning Scheme	29 September 2016
8. Darebin Planning Scheme	31 August 2017
9. Manningham Planning Scheme	
10. Knox Planning Scheme	14 December 2017
11. Brimbank Planning Scheme	18 October 2018
12. Greater Bendigo Planning Scheme	
13. Greater Dandenong Planning Scheme	
14. Hobsons Bay Planning Scheme	
15. Kingston Planning Scheme	
16. Whittlesea Planning Scheme	
17. Wyndham Planning Scheme	
18. Greater Geelong Planning Scheme	17 October 2019
19. Moonee Valley Planning Scheme *	19 June 2020
20. Hume Planning Scheme *	11 November 2021
21. Hepburn Planning Scheme *	10 February 2022
22. Maroondah Planning Scheme *	07 April 2022
23. Glen Eira	20 April 2023
24. Frankston Planning Scheme	26 May 2022
25. Yarra Ranges Planning Scheme	2 December 2022
26. Mornington Peninsula Planning Scheme	24 August 2023
27. Bayside Planning Scheme	17 November 2023

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C278card

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by Cardinia Shire Council which is the planning authority for this amendment.

The amendment has been made at the request of Cardinia Shire Council.

Land affected by the amendment

The amendment applies to all land in the Shire of Cardinia, where a planning permit is required for the development in accordance with the thresholds in the proposed local policy.

What the amendment does

The amendment introduces a new Environmentally Sustainable Development (ESD) Local Planning Policy, for development to achieve best practice in environmental sustainability from its design stage through to construction and operation. This change is supported by refinements to the Municipal Strategic Statement (MSS).

The ESD policy provides statutory weight to what is currently a voluntary approach in the planning process, by requiring those developments which require a planning permit to achieve best practice environmental objectives.

The amendment brings Cardinia Shire Council into alignment with 26 other councils who have an equivalent local policy.

The amendment:

- Amends the following clauses in the Municipal Strategic Statement (MSS) to reflect the introduction of Clause 22.11 Environmentally Sustainable Development:
 - Clause 21.01 Cardinia Shire Key Issues and Strategic Vision
 - 21.01-3 - Key issues - Environment, Settlement and housing and Particular use and development
 - 21.01-4 Strategic vision
 - Clause 21.02 Environment
 - 21.02-1 Catchment and coastal management - Key issues & Objective 2 Strategies
 - 21.02-2 Landscape – Strategies (Landscape values & Design and built form)
 - 21.02-8 Resource conservation – Key issues, Strategies (Reduction of greenhouse gas emissions & Design and construction) and Implementation – Further strategic work
 - Clause 21.03 Settlement and Housing
 - 21.03-1 Housing – Key issues, Objective 1 Strategies
 - Clause 21.04 Economic Development
 - 21.04-2 Agriculture – Key issues
 - 21.04-3 Activity centres – Key issues, Strategies (Design and location)
 - 21.04-4 Industry – Key issues, Strategies (Design)
 - 21.04-5 Tourism – Key issues, Strategies (Assets)

OFFICIAL

- Clause 21.06 Particular Uses and Development

21.06-1 Urban Design – Key issues & Objective 1 Strategies

- Introduces a new Clause 22.11 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Cardinia Planning Scheme.

The proposed local policy provides objectives and strategies relating to the following ESD principles:

- Energy performance
- Integrated water management
- Indoor environment quality
- Transport
- Waste management
- Urban ecology

The local policy also sets out application requirements. Depending on the scale of 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).

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to strengthen Council's ability to consider environmentally sustainable design measures in the Local Planning Policy Framework and to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.

There is currently limited ability under the Cardinia Planning Scheme to require a planning permit application to consider and implement ESD principles. This is considered a significant gap in the decision-making ability of Council and is having negative effects on the liveability of the Shire of Cardinia.

The proposed local policy:

- Provides clear objectives and application requirements for planning permit applications.
- Ensures best practice ESD initiatives are considered at the time of planning approval for new developments, to maximise integrated design outcomes and minimise costs for retrofitting and poor design.

The *Council Plan 2021–25 and Community Vision 2040* (Cardinia Shire Council, June 2021) is Council's key strategic document and incorporates the long-term Community Vision 2040. Council's Vision 2021 – 25 is identified as:

The unique identity of our urban, hills and rural areas is strengthened. We meet the challenges we face together as a community. How we respond balances the needs of our people, businesses, our productive land and natural environments.

The Council Plan is structured around 5 strategic objectives that underpin the overarching strategic direction: (1) Strong communities, (2) Liveable places, (3) Thriving environments, (4) Prosperous economies and (5) Responsible leadership. Strategic Direction 3 – Thriving environments, includes the development of an ESD policy in Year 1 (2021-22) and the incorporation of the ESD policy into the planning scheme in Year 2 (2022-23).

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

The amendment implements the following objectives of planning set out the *Planning and Environment Act 1987 (the Act)*:

- to provide for the fair, orderly, economic and suitable use, and development of the land (Sec 4 (1) (a))

OFFICIAL

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

The amendment is also consistent with the objectives of the planning framework established by the Act, in particular:

- to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels (Sec 4 (2) (a))
- to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels (Sec 4 (2) (c))
- to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land (Sec 4 (2) (d))
- to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes (Sec 4 (2) (e)) and
- to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities (Sec 4 (2) (g)).

The amendment achieves the section 4 objectives by supporting and strengthening the application of ESD design and construction principles and methods; an approach that is in the equitable interests of all Victorians.

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

The Amendment is expected to deliver a net community benefit by introducing a local planning policy to facilitate sustainable development through the planning process.

Likely benefits include:

Environmental effects

- creating more energy and water efficient development to reduce wastage and reliance on non-renewable resources
- improving indoor environmental quality for the health and productivity of building occupants
- improving stormwater management to mitigate the impacts of stormwater on the environment, and provide cooling, local habitat and amenity benefits
- avoiding more waste generation by promoting greater reuse and recycling (in that order) during the design, construction and operation stages of development
- increasing resource recovery and minimising materials sent to landfill
- encouraging better protection and enhancement of biodiversity
- reducing heat island effects through building design, landscape design, water sensitive urban design and the retention of canopy and significant trees
- minimising car dependency by ensuring that the built environment is designed to promote the use of walking, cycling and public transport (in that order) and
- promoting the use of low emissions vehicle technologies and supporting infrastructure.

Economic effects

- whilst the upfront cost of development may increase in some instances, the Amendment will facilitate better consumer outcomes by:
 - aligning ESD outcomes to development scale
 - maximising cost-neutral ESD outcomes and avoiding retrofitting costs through more considered design and planning of development

OFFICIAL

- reducing operating costs over the life of a building and
- lowering peak demands for energy and water consumption.

Social effects

- increasing affordability over the life of a building for commercial and residential occupiers through reduced servicing costs
- improving resilience to a warming climate and
- providing comfort, liveability and overall productivity for building occupiers.

Does the amendment address relevant bushfire risk?

The Amendment will not result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire.

Whilst the Amendment proposes to introduce a local policy that contains strategies to retain and provide indigenous vegetation (including canopy and significant trees) within development to reduce the urban heat island effect and protect and enhance biodiversity (Urban Ecology). The objectives of Urban Ecology would typically apply in urban areas where there is excessive hard surfaces and limited opportunities for extensive landscaping.

The following provisions of the Cardinia Planning Scheme take precedence (as relevant) where bushfire risk may be evident:

- Clause 13.02-1S Bushfire Planning
- Clause 21.02-4 Bushfire management
- Clause 44.06 Bushfire Management Overlay (BMO)
- Clause 52.12 Bushfire Protection Exemptions
- Clause 53.02 Bushfire Planning

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

The amendment is consistent with the following Ministerial Directions as outlined in the Act:

- *Ministerial Direction on the Form and Content of Planning Schemes* (Sec 7 (5))
- *Ministerial Direction No.9 Metropolitan Strategy (Plan Melbourne 2017-2050)* (Sec 12 (2) (a)) and
- *Ministerial Direction No.11 Strategic Assessment of Amendments* (Sec 12 (2) (a)).

The amendment aligns with the following key outcomes and policy directions outlined in *Plan Melbourne: Metropolitan Planning Strategy 2017 – 2050*:

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

- Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles.

Outcome 6: Melbourne is a sustainable and resilient city

- Direction 6.1 - Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050. Policy 6.1.1 specially seeks to 'improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades'.
- Direction 6.2 - Reduce the likelihood and consequences of natural hazard events and adapt to climate change.
- Direction 6.3 - Integrate urban development and water cycle management to support a resilient and liveable city.
- Direction 6.4 - Make Melbourne cooler and greener.
- Direction 6.5 - Protect and restore natural habitats.
- Direction 6.6 - Improve air quality and reduce the impact of excessive noise.

OFFICIAL

- Direction 6.7 - Reduce waste and improve waste management and resource recovery.
- *Plan Melbourne (Department of Environment, Land, Water and Planning, 2017)* is supported by the *Plan Melbourne Five Year Implementation Plan 2017-2022 (Department of Environment, Land, Water and Planning, 2019)* which focuses on the delivery of actions of Plan Melbourne.
- Action 80, Review the Victorian planning and building systems to support environmentally sustainable development outcomes for new buildings to consider their energy, water and waste management performance is identified as a short-term action (by the end of 2018 (0–2 years)).

The *Plan Melbourne 2017 – 2050, 2020 Report on Progress (Department of Environment, Land, Water and Planning, 2021)* identifies that:

The 'Environmentally sustainable development of buildings and subdivisions: A roadmap for Victoria's planning system document' was released in early 2021 and outlines the government's agenda for supporting Environmentally Sustainable Development through Victoria's planning system. Work is currently underway to review planning standards on energy efficiency, air and noise pollution exposure, waste and resource recovery, and measures to ameliorate the impacts of urban heat extremes.

The amendment will help to achieve the above-mentioned outcomes of Plan Melbourne.

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

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

Clause 11 Settlement

- Planning is to recognise the need for, and as far as practicable contribute towards the following issues:
 - Health, wellbeing and safety
 - Diversity of choice
 - Adaptation in response to changing technology
 - Economic viability
 - A high standard of environmental sustainability, urban design and amenity
 - Climate change adaptation and mitigation
 - Prevention of land, water, air and noise pollution
 - Protecting, conserving and improving biodiversity, waterways and other natural resources
 - Accessibility
 - Land use and transport integration
 - Waste minimisation and resource recovery
- 11.01-1S (Settlement). It is a strategy to deliver networks of high-quality integrated settlements that will:
 - support resilient communities and their ability to adapt and change
 - integrate the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes
 - contribute to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design and
 - support metropolitan and regional climate change adaption and mitigation measures.
- 11.03-1S (Activity centres). It is a strategy to improve access by walking, cycling and public transport to services and facilities and to improve the social, economic and environmental performance and amenity of activity centres.

OFFICIAL

- 11.03-2S (Growth areas). It is strategy to develop precinct structure plans that provide better transport choices, respond to climate change and increase environmental sustainability.

Clause 12 Environmental and Landscape Values

- Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.
- 12.01-1S (Protection of Biodiversity) seeks to assist the protection and conservation of Victoria's biodiversity, including by ensuring that decision making considers the impacts of land use and development on Victoria's biodiversity.
- 12.05-1S (Environmentally sensitive areas) which seeks to protect and conserve environmentally sensitive areas.

Clause 13 Environmental Risks and Amenity

- Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach as well as prepare for and respond to the impacts of climate change.
- 13.01-1S (Natural hazards and climate change) objective is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. Strategies include:
 - Respond to the risks associated with climate change in planning and management decision making processes.
 - Identify at risk areas using the best available data and climate change science.
 - Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.

Clause 14 Natural Resource Management

- Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.
- 14.02-1S (Catchment planning and management) objective is to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment. Strategies include:
 - Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
 - Require appropriate measures to restrict sediment discharges from construction sites.
- 14.02-2S (Water quality) objective is to protect water quality.

Clause 15 Built Environment and Heritage

- Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.
- Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.
- Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.
- Planning should facilitate development that:
 - Is adapted and resilient to climate related hazards.
 - Supports the transition to net zero greenhouse gas emissions.
 - Minimises waste generation and supports resource recovery.
 - Conserves potable water.

OFFICIAL

- Supports the use of, and access to, low emission forms of transport.
- Protects and enhances natural values.
- Minimises off-site detrimental impacts on people and the environment.
- 15.01-2S (Building design) objective is to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. Strategies for this clause address several ESD elements, such as:
 - Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
 - Improve the energy performance of buildings through siting and design measures that encourage:
 - Passive design responses that minimise the need for heating, cooling and lighting.
 - On-site renewable energy generation and storage technology.
 - Use of low embodied energy materials.
 - Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
 - Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
 - Encourage water efficiency and the use of rainwater, stormwater and recycled water.
 - Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
 - Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

Clause 16 Housing

- Planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.
- 16.01-1S (Housing supply) strategies include encouraging the development of well-designed housing that provides a high level of internal and external amenity.
- 16.01-2S (Housing Affordability) strategies include promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.

Clause 18 Transport

- Planning should ensure a safe, integrated and sustainable transport system that actively contributes to environmental sustainability and supports health and wellbeing.
- 18.01-1S (Land use and transport planning) seeks to support urban development that makes jobs and services more accessible by taking advantage of all available modes of transport and design neighbourhoods to better support active living and increase the share of trips made using sustainable transport modes.
- 18.01-3S (Sustainable and safe transport) objective is to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing. Strategies that relate to ESD elements include:
 - Prepare for and adapt to climate change impacts.
 - Prioritise the use of sustainable personal transport.
 - Avoid, minimise and offset harm to the environment by protecting biodiversity and reducing transport-related greenhouse gas emissions.
 - Design development to promote walking, cycling and the use of public transport, in that order, and minimise car dependency.

OFFICIAL

- 18.02-1S (Walking) objective is to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.
- 18.02-2S (Cycling) objective is to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.
- Both 18.02-1S (Walking) and 18.02-2S (Cycling) strategies includes to plan and develop walking and cycling networks that provide routes that are safe, direct and comfortable to use and accommodating emerging forms of low-emission, low and moderate speed personal transport.

Clause 19 Infrastructure

- Infrastructure planning should avoid, minimise and offset environmental impacts, and incorporate resilience to natural hazards, including future climate change risks.
- 19.01-1S (Energy supply) objective is to facilitate appropriate development of energy supply infrastructure. Strategies that support ESD elements include:
 - Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy.
 - Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.
 - Facilitate renewable energy generation and storage to meet on-site energy needs.
- 19.01-2S (Renewable energy) objective is to support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met. Strategies that support ESD elements include:
 - Facilitate renewable energy development in appropriate locations.
 - Protect renewable energy infrastructure against competing and incompatible uses.
 - Set aside suitable land for future renewable energy infrastructure.
 - Consider the economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
- 19.03-3S (Integrated water management) objective is to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. Strategies include to:
 - Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:
 - Protect downstream environments, waterways and bays.
 - Manage and use potable water efficiently.
 - Reduce pressure on Victoria's drinking water supplies.
 - Minimise drainage, water or wastewater infrastructure and operational costs.
 - Minimise flood risks.
 - Provide urban environments that are more resilient to the effects of climate change.
 - Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.
 - Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- 19.03-5S (Waste and resource recovery) objective is to reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, community amenity and public health impacts. Strategies include:
 - Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste streams and maximise opportunities for resource recovery.

OFFICIAL

- Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.

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

Cardinia Shire Council has a longstanding commitment to environmental sustainability. This commitment is embodied in Council's 16 September 2019 Climate Emergency Declaration which compels Council to act immediately and with urgency to reverse global warming.

Council Plan 2021-2025 identifies the development of an Environmentally Sustainable Design (ESD) Policy as a Council priority (Year 1 2021 -22) and it requires that the ESD Policy be incorporated in the Cardinia Planning Scheme (Year 2 2022 – 23).

Council's *Climate Change Adaptation Strategy 2022–33* acknowledges the *Council Plan 2021-25* commitment to the development (and timing) of the ESD Policy and Planning Scheme amendment. This Council Plan initiative would support long term adaptation benefits by raising the resilience of the built environment system to the accelerating impacts of climate change.

The Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) supports sustainability through environmentally focused land use and development planning.

The strategic vision for the municipality (as outlined in [Clause 21.01-4 Strategic vision](#)) is:

Cardinia Shire will be developed in a planned manner to enable present and future generations to live healthy and productive lives and to enjoy the richness of the diverse and distinctive characteristics of the Shire.

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

- An objective of Clause 21.02-1 Catchment and coastal management includes 'To protect and improve the environmental health and social and economic values of water resources and ensure their efficient management'. Other objectives refer to the management and treatment of stormwater as well as utilising recycled waste water.
- Clause 21.02-8 Resource conservation identifies that the community needs to respond to climate change through strategies to reduce greenhouse gas emissions and the implementation of adaptation strategies to reduce vulnerability to projected future impacts of climate change. Three key areas for reducing the impact on the environment within the municipality are air, water and general waste.

The objective of this clause is to develop and promote more environmentally sustainable ways of living and working, including greenhouse gas emission reductions.

Strategies identified to achieve this include the reduction of greenhouse gas emissions, reduction in water consumption and encouraging development to incorporate sustainable building design including design that promotes the health and wellbeing of occupants.

This clause also identifies the 'development of local sustainable buildings guidelines' as further strategic work.

- Clause 21.03-2 Urban Established Area - Beaconsfield and Pakenham and 21.03-3 Urban Growth Area objective is to create a functional, attractive, safe and sustainable urban environment for the existing and future community. Several key principles for development are listed in both sections, including to increase environmental sustainability.
- Clause 21.03-4 Rural townships includes an objective to provide for the sustainable development of townships in the municipality having regard to environmental and servicing constraints. Strategies include providing sewage treatment and stormwater management systems to minimise the impact of existing township development on the environment.
- Clause 21.04 Economic Development identifies that the 'Officer-Pakenham State-significant Industrial Precinct' that will be a major provider of employment and business opportunities for residents of Cardinia Shire and Melbourne's south-east region.

A key issue of this clause is 'recognising the need for innovation, diversification and resilience within the local economy to improve and develop employment opportunities and a strong employment base within the municipality to meet the demands of the growing population'.

OFFICIAL

- Clause 21.05-4 Public transport acknowledges the sparse nature of settlement in the municipality affects the viability of providing public transport to all residents, and there is a need to look at innovative and cost-effective means to maximise public transport services in the Cardinia Shire.
- Clause 21.05-5 Pedestrian and bicycle network identifies that alternative transport options such as walking and cycling are important in developing environmentally, socially and economically sustainable communities.
- Clause 21.06-1 Urban Design recognises that the long-term benefits of good design are a more attractive, functional and sustainable built environment. Enhancing the design and built form of existing industrial areas is identified as a key issue.

The Amendment is consistent with and supports the LPPF and MSS. The new ESD policy reinforces the need for future development to respond to sustainable development principles, providing guidance in achieving sustainability in the most efficient way. The policy provides a specific framework for the consideration of ESD during the planning permit process, specifying what types of development should implement ESD measures and to what degree.

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

The amendment has been prepared in accordance with *Planning Practice Note 8 - Writing a Local Planning Policy* and *Planning Practice Note 46 - Strategic Assessment Guidelines*.

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

- the Municipal Strategic Statement includes broad strategic support for the local planning 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 leverages off support agencies have previously given to similar ESD local policies. Relevant agencies will also have an opportunity to provide their views on this amendment as part of the Amendment's statutory exhibition.

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

The amendment will not have a significant impact on the transport system, as defined in the Transport Integration Act 2010, as it would not in itself result in any increase in demand on the transport system.

Resource and administrative costs

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

It is anticipated that the amendment will not have a significant impact on the resources and administrative costs of the responsible authority, given that:

- the amendment will not result in an increased number of planning permit applications;
- the policy will provide a transparent and consistent framework for decision making, reducing resources currently required to negotiate planning outcomes.

The Amendment will require the Responsible Authority to engage a dedicated ESD assessment resource and obtain relevant licensing to specified assessment tools. These resources will form part of Council's budget process.

Where you may inspect this amendment

OFFICIAL

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

Cardinia Shire Council

20 Siding Avenue

Officer 3809

The amendment can be inspected free of charge at:

- Cardinia Shire Council website at <https://www.cardinia.vic.gov.au/> and/or
- Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.

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 5pm **8 April 2024**.

Electronic submissions are preferable and should be sent to mail@cardinia.vic.gov.au (please include Amendment C278card in the e-mail title).

Or mailed to:

Cardinia Shire Council

Planning Strategy and Urban Design

Amendment C278card

PO Box 7

PAKENHAM VIC 3810

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 **Monday 22 July 2024**.
- Panel hearing: To commence in the week of **Monday 26 August 2024**.

OFFICIAL