

### 8.3. CITY OF BALLARAT ENVIRONMENTALLY SUSTAINABLE DESIGN POLICY FOR PLANNING APPLICATIONS

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#### PURPOSE

1. To provide the City of Ballarat with a consistent approach to assessing Environmentally Sustainable Design (ESD) for new planning applications by introducing greater clarity and guidance associated with Clause 15.01-2S of the Ballarat Planning Scheme.
2. To introduce Council level thresholds for requiring environmentally sustainable design measures in new residential and non-residential developments. These measures would be required via the Statutory Planning assessment process and would be interim only until such time as the Ballarat Planning Scheme is formally amended to introduce alternate ESD measures.

#### BACKGROUND

3. The objectives of Clause 15.01-2S of the City of Ballarat's Planning Scheme include:  
*'To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.'*
4. This objective is complemented by a number of supporting strategies which collectively promote the use of renewable energy sources and seek to ensure new development is energy efficient.
5. The City of Ballarat is collaborating with the Municipal Association of Victoria (MAV), the Council Alliance for Sustainable Built Environment (CASBE) and 31 other Victorian Councils to introduce a Planning Scheme Amendment to incorporate a new ESD Particular Provision into participating Council's planning schemes.
6. The proposed Particular Provision provides clear decision guidelines on the assessment of applications against Clause 15.01-2S and was submitted to the Department of Transport and Planning (formerly the Department of Environment Land Water and Planning) on 14 July 2022 for review and authorisation to exhibit. Later changes to the National Construction Code (NCC), machinery of government changes and a new Minister of Planning have caused delays at State level in the assessment of this new Particular Provision. The timescale for a Ministerial decision is unknown.
7. The Particular Provision (Amendment C237ball) sets out a wide-ranging policy for assessing qualifying developments against ESD principles. The Particular Provision also sets out development thresholds that will trigger assessments and how Councils should undertake these. At present, no such requirement exists in the Ballarat Planning Scheme

8. In the interim, it is essential that Council establish its own mechanism for the assessment of qualifying developments. This mechanism is proposed to take the form of an adopted Council policy and give clarity to the local development industry pending a decision on Amendment C237ball.
9. This proposed policy will engage Clause 15.01-2S requirements supporting environmentally sustainable development by asking applicants to provide ESD measures through a variety of assessment tools, including:
- A **Sustainable Design Assessment** including a **Built Environment Sustainability Scorecard (BESS)**. This tool is designed to evaluate energy, water efficiency, thermal comfort and overall environmental performance.
  - A STORM report. This tool was developed by Melbourne Water to assess Water Sensitive Urban Design measures within a property. **Model for Urban Stormwater Improvement Conceptualisation (MUSIC)** is a more advanced method of computer modelling stormwater treatments
  - Green Star. This is a** voluntary internationally recognised sustainability performance rating system certified by the Green Building Council(?) of Australia.
  - Green Travel Plans. These Plans are** designed to reduce reliance on motor vehicles and minimise the negative impacts of private transport on the environment, manage the car parking demands associated with larger developments and improve opportunities for those without access to a car. By reducing our reliance on private transport, Green Travel Plans in turn seek to promote alternate, sustainable forms of transport in order to maximise environmental, health and financial benefits.
10. The following thresholds and guidelines are proposed to be applied when assessing planning permit applications (Note: These thresholds are consistent with CASBE policy noted above)

Development threshold	Requirement related to Clause 15.01-2S
<b>Residential</b>	
2-9 dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
10 or more dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
A building used for accommodation other than a dwelling with a gross floor area between 100 and 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
A building used for accommodation other than dwellings with a gross floor area of 1,500 square metres or more	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed method and a Green Travel Plan.

<b>Non-residential</b>	
A non-residential building with gross floor area between 300 and 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
An extension to a non-residential building adding between 300 and 1,500 square metres of additional gross floor area	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
A non-residential building with a gross floor area of more than 1,500 square metres	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
An extension to a non-residential building adding 1,500 square metres of additional gross floor area;	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
Mixed-use development	Apply residential and non-residential requirements as above based on land use/gross floor areas.

11. Applying the above thresholds and assessment tools would also align with Council's existing strategic priorities and projects with respect to carbon neutrality and environmental sustainability, specifically;

- Goal 1 of the Council Plan 2021-2025: 'An environmentally sustainable future',
- The Carbon Neutrality and 100% Renewables Action Plan 2019-2025,
- The Ballarat Integrated Transport Action Plan, 2020,
- The Ballarat Circular Economy Framework,
- The Ballarat Zero Emissions Plan (emerging),
- In March 2021, Council supported an aspirational target of community-wide net zero emissions by 2030, and
- Council acknowledged the MAV's declaration of climate emergency in 2017, acknowledging that urgent action on greenhouse gas emissions is required by all levels of government.

12. The City of Ballarat is forecast to experience significant population growth and it is crucial that qualifying new developments embed commensurate ESD measures. Currently this opportunity is missed and Council risks not fulfilling its obligations as set out in Clause 15.01-2S.

13. This proposed new policy will establish improved and clear thresholds for sustainable design standards and controls in the assessment of future planning applications. It is considered necessary that Council give the local development industry and property owners certainty on the way in which Clause 15.01-2S will be applied through the

planning application process until such time as a Ministerial decision Amendment C237ball is made.

14. Importantly, the proposed policy closely aligns with the approaches currently adopted by both the City of Greater Bendigo and the City of Greater Geelong. Both these Councils have formally introduced these measures into their respective planning schemes via amendments.
15. Equally importantly, it should be noted that based on the 800 standard planning applications received in 2022, 148 applications (or 24%) would have been required to provide some form of ESD treatment in accordance with the above recommended thresholds. This represents a significant contribution to the ESD credentials of the City of Ballarat.

### KEY MATTERS

16. In the absence of the proposed Particular Provision requiring the consideration of ESD in development applications an internal policy outlining ESD thresholds will enable the facilitation and assessment of Clause 15.01-2S of the Ballarat Planning Scheme.
17. The proposed Council ESD Policy for Planning Applications will require that both residential and non-residential development proposals be accompanied by a Sustainable Design Assessment using BESS, STORM or another agreed method. Larger applications will also require a Green Star, MUSIC, (or other agreed method) and a Green Travel Plan.
18. The additional workload created by this Policy is not currently resourced and as such in adopting the Policy, consideration should be given in the 2023-2024 budget process to providing resources that support the policy's application.

### OFFICER RECOMMENDATION

**19. That Council:**

**19.1 Adopt the ESD Policy for Planning Applications as per Attachment 2.**

**19.2 Note that information and workshops will continue to roll out across the development/construction and broader community. This includes information sessions for the local development industry, in addition to the preparation of written/visual information to further support applicants.**

### ATTACHMENTS

1. Governance Review
2. Environmentally Sustainable Design Policy for Planning Applications

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**ALIGNMENT WITH COUNCIL VISION, COUNCIL PLAN, STRATEGIES AND POLICIES**

1. This report aligns with the relevant Council strategies and policies. This report has been prepared with specific reference to the Council Plan 2021-2025, the Ballarat Planning Scheme, and Ballarat Strategy 2040.

**COMMUNITY IMPACT**

2. The Ballarat Planning Scheme requires decision-making that balances competing policy considerations in favour of net community benefit and sustainable development outcomes for current and future generations. The ESD Policy provides a mechanism for ensuring environmental matters can be properly considered in the permit assessment process.

**CLIMATE EMERGENCY AND ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

3. The ESD Policy for Planning Applications will enhance and improve environmental sustainability outcomes in new developments. In doing so it will assist Council in proactively addressing climate change issues and addressing the climate emergency.

**ECONOMIC SUSTAINABILITY IMPLICATIONS**

4. This report addresses the economic sustainability issues raised by the introduction of enhanced environmental sustainability outcomes in the built environment. Improved environmental efficiency in new developments will reduce the costs associated with heating, cooling, stormwater treatment and travel.

**FINANCIAL IMPLICATIONS**

5. The introduction of an ESD Policy for Planning Applications could have financial implications for Council via the requirement to have additional resources that support the policy's application, that will be incorporated into the draft 2023/24 Budget.

**LEGAL AND RISK CONSIDERATIONS**

6. The Ballarat Planning Scheme and the *Planning and Environment Act 1987* were considered in this report.

**HUMAN RIGHTS CONSIDERATIONS**

7. It is considered that the report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

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**COMMUNITY CONSULTATION AND ENGAGEMENT**

8. The ESD Policy for Planning Applications is an internal policy to facilitate the requirements of Clause 15.01-1S, not a planning policy nor does it require a planning scheme amendment, as such, community consultation is not a requirement.

**GENDER EQUALITY ACT 2020**

9. There are no gender equality implications identified for the subject of this report.

**CONFLICTS OF INTEREST THAT HAVE ARISEN IN PREPARATION OF THE REPORT**

10. Council officers affirm that no general or material conflicts need to be declared in relation to the matter of this report.

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## ESD POLICY FOR PLANNING APPLICATIONS

### 1.0 Purpose

To provide the City of Ballarat with a policy to attain best practice in Environmentally Sustainable Development (ESD) from design stage through to construction and operation. This policy will facilitate development that minimises environmental impacts and encourages environmentally sustainable development.

### 2.0 Scope

The policy applies to all residential and non-residential development planning permit applications, excluding subdivisions, in accordance with the thresholds detailed in this policy. This policy enables the facilitation of Clause 15.01-2S (Building Design) of the City of Ballarat Planning Scheme.

### 3.0 Policy Statement

The following thresholds and guidelines are to be applied when assessing a planning permit application:

Development threshold	Clause 15.01-2S requirement
<b>Residential</b>	
2-9 dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM or other agreed method.
10 or more dwellings	A Sustainable Design Assessment, including an assessment using BESS, STORM, Green Star, MUSIC or other agreed methods and a Green Travel Plan.
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