



Town Planning Evidence Statement

Planning Panels Victoria
Amendment C376melb to the Melbourne Planning Scheme

Statement prepared by John Glossop, Director
Glossop Town Planning Pty Ltd
Date: 7 August 2024



Table of Contents

1. INTRODUCTION.....2

2. PLANNING EVIDENCE 5

 2.1What is the broad strategic context? 5

 2.2Does the amendment implement broad State, regional and local policy? 12

 2.2Is the DDO the appropriate tool to use to introduce the new requirements? 14

 2.3Are the broad principles of DDO73 appropriate?.....17

 2.4Is the drafting of DDO73 appropriate?.....24

 2.5Are the zone changes and sustainable transportation provisions appropriate?
 33

 2.6Are the policy changes appropriate? 35

 2.7Are there any other relevant town planning matters? 37

3. CONCLUSION 39

REQUIREMENTS UNDER PLANNING PANEL’S GUIDE TO EXPERT
EVIDENCE 41

APPENDIX A: INSTRUCTIONS.....43

APPENDIX B: POLICY CONTEXT 44

APPENDIX C: THE AMENDMENT 51





1. INTRODUCTION

1. I received instructions from Melbourne City Council (Council), to prepare a statement of planning evidence in relation to Amendment C376melb (the Amendment) to the Melbourne Planning Scheme (the Planning Scheme).
2. The Amendment seeks to strengthen controls in the Planning Scheme relating to environmental sustainability and green infrastructure. More specifically it will:
 - Apply a new Design and Development Overlay – Schedule 73 (DDO73) to all land covered by the Melbourne Planning Scheme outside of Commonwealth land and land in a Transport Zone. DDO73 contains mandatory and discretionary provisions in relation to environmentally sustainable design, energy efficiency and renewables, waste and resource recovery, urban heat island response, urban ecology and integrated water management.
 - Modify Schedules 1-5 & 7 of the Capital City Zone and Schedules 1-6 of the Docklands Zone to reflect new policy and requirements relating to parking.
 - Make consequential changes to the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF).
 - Introduce a series of background and incorporated documents into the Planning Scheme.
3. I was not involved in the preparation of the Amendment. I was only engaged following exhibition of the Amendment.
4. My instructions dated 12 May 2023, 7 May 2024 and 13 May 2024 are attached to my evidence at **Appendix A**. My instructions in preparing this statement are (as set out in Brief to Expert dated 12 May 2023):

a) consider, formulate and express opinions on matters relating to your area/s of expertise, including by having regard to;



- 
- a. the Scheme;*
 - b. the exhibited Amendment;*
 - c. relevant background material as provided in your electronic brief;*
 - d. a version of the Amendment that Council prepares as its preferred version of the Amendment.*
 - b) consider and respond to the issues raised in all submissions to the Amendment as referred to the Panel in areas relating to your area/s of expertise (noting that some submissions may not disclose any substantive matters to respond to).*
 - c) be prepared in accordance with the Practice Note 1: Expert Evidence, published by Planning Panels Victoria (a copy is enclosed in your brief).*
5. In preparing this statement, I have:
- Read the exhibited Amendment documentation;
 - Considered relevant aspects of the Planning Scheme;
 - Considered the Practitioner's Guide to Victorian Planning Schemes;
 - Considered relevant Practice Notes (including PPN07: Vegetation Protection in Urban Areas, PPN22: Using the Car Parking Provisions, PPN46: Strategic Assessment Guidelines, PPN57: Parking Overlay and PPN59: The Role of Mandatory Provisions in Planning Schemes);
 - Considered relevant Ministerial Directions (including the Ministerial Direction on the Form and Content of Planning Scheme and Ministerial Direction No. 11 – Strategic Assessment of Amendments);
 - Read the submissions received by the planning authority to the Amendment; and

- 
- Reviewed the evidence of Mr. Gavin Ashley on the Green Factor tool and viewed a video link titled Green Factor - 20240621 143235 - Meeting Recording, where Mr. Ashley demonstrates use of the Green Factor Tool.
6. My evidence is based on the exhibited version of the Amendment and the ordinance which was endorsed by Council at the Future Melbourne Committee (FMC) meeting on 21 May 2024 (the FMC version).
 7. I do not propose to respond to each and every submission in turn although I have had regard to them in preparing my statement. I respond where appropriate to some of the themes raised in my evidence.
 8. My opinion on the Amendment is in **Section 2** of my statement and my conclusion in **Section 3** summarises my opinion.



2. PLANNING EVIDENCE

2.1 What is the broad strategic context?

9. Planning schemes are (and should be) dynamic documents¹ to respond and adjust to societal demands and emerging environmental, economic and infrastructure challenges.
10. 'Climate change' is not a term defined in the Planning Scheme but is globally accepted to mean long term shifts in temperatures and weather patterns, mainly caused by human activities, especially the burning of fossil fuels.² 'Climate emergency' was chosen as the word of the year in 2019 by the Oxford Dictionary³, which it defines as *'a situation in which urgent action is required to reduce or halt climate change and avoid potentially irreversible environmental damage resulting from it.'*
11. The theory of anthropogenic climate change is that humans are causing most of the current changes to climate by burning fossil fuels. Climate change is an issue affecting the world and unsurprisingly there are international frameworks that attempt to address it. The United Nations Framework Convention on Climate Change (UNFCCC) has adopted the Paris Agreement, which aims to limit global warming to well below 2°C, with an aspirational goal of 1.5°C. It marked the beginning of a shift towards a net-zero emissions world. We can achieve this goal by reducing the production of greenhouse gases, in part, by moving away from energy sources that consume carbon.
12. The most recent meeting of the United Nations Climate Change Conference was in Dubai, Conference of the Parties 28 (COP28). According to UNFCCC⁴ the COP28 was momentous as it marked the conclusion of the first 'global stock take' of the world's efforts to address climate change. The stock take showed that progress was too slow across all areas of climate action⁵. Governments were requested to once again revisit and

¹ See for instance, Clause 71.02-1 which says that the 'Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change'.

² World Meteorological Organisation <https://public.wmo.int/en> and United Nations <https://www.un.org/en/climatechange/what-is-climate-change>

³ <https://www.macquariedictionary.com.au/blog/article/640/>

⁴ <https://unfccc.int/cop28>

⁵ From reducing greenhouse gas emissions, to strengthening resilience to a changing climate, to getting the financial and technological support to vulnerable nations.





strengthen the 2030 targets in their national climate plans and accelerate efforts towards the phasedown of coal power and phasing-out of inefficient fossil fuel subsidies.

13. COP28 closed with an agreement said to signal the “beginning of the end” of the fossil fuel era by laying the groundwork for a swift, just and equitable transition, underpinned by deep emissions cuts and scaled-up finance.
14. There are many who feel that the impacts of climate change are here to stay (to some extent), and that the human population will be forced into adaptation and mitigation approaches. In other words, the process of global warming is irreversible: the only questions are how severe the impact will be and what can we do to mitigate these impacts?
15. The impacts of climate change will affect the look of our cities in different ways and our response to it has potential to improve not just our health, safety and amenity but also our built environment.
16. While climate change is a global issue, there is a recognition (at the policy level at least) that national, state, regional and local responses are required. Relevantly, both the Victorian State and Commonwealth governments have made commitments to address sustainability. On 26 October 2021, the Prime Minister and Federal Minister for Industry, Energy and Emissions Reduction jointly released *Australia’s Long Term Emissions Reduction Plan*⁶, a whole-of-economy plan to achieve net zero emissions by 2050. The Commonwealth *Climate Change Act 2022* specifies Australia’s greenhouse gas emissions reduction targets of a 43% reduction from 2005 levels by 2030 and net zero by 2050⁷.
17. Victoria was one of the first jurisdictions in the world to legislate a net-zero emissions target with the *Climate Change Act 2017*⁸. It has also produced the Climate Change Strategy which is a road map to net-zero emissions and climate resilience by 2050. The Strategy is

⁶ <https://www.dcceew.gov.au/climate-change/publications/australias-long-term-emissions-reduction-plan>

⁷ Section 10

⁸ A reference document at Clause 13.01-1S and policy guideline at Clause 19.01-1S.





supported by Victoria's *Climate Change Strategy Economic Analysis*, which summarises the economic case for strong climate action as follows⁹:

Climate change poses a significant threat to our environment and to our social and economic future. By contrast, the costs of reducing greenhouse gas emissions to help avoid the worst impacts of climate change are relatively low.

Victoria is already experiencing the effects of climate change and could face far more damaging impacts in coming decades if the world does not take further action to tackle climate change. A recent study conservatively estimated the state would incur damage costs of about \$1 trillion by 2100 if no further global action was taken. Other studies confirm that the economic benefits of limiting further climate change significantly outweigh the costs (Section 1). Delaying action would also be more expensive than acting now – and would put a significant burden on future generations (Section 2).

Through its climate change legislation, the Victorian Government is committed to playing its part in the global effort to combat climate change and reaching net-zero emissions by 2050. And the most cost-effective way to do that is by acting now.

18. Relatedly, the Analysis found that early action results in a greater cost benefit. Specifically,¹⁰:

Expert analysis commissioned by the Victorian Government demonstrates the benefits of early action. The analysis found that pathways to net-zero that achieved greater emissions reductions by 2030 had lower overall economic costs than pathways that delayed strong action until after 2030 (all pathways have the same limit on cumulative emissions consistent with keeping global warming to 2 degrees Celsius).²¹ For example, a pathway that led to Victoria reducing emissions by 45 per cent by 2030 (relative to 2005 levels) would cost the state economy between 15 and 25 per cent less than a pathway that reduced emissions by just 28 per cent by 2030.²² This is

⁹ https://www.climatechange.vic.gov.au/_data/assets/pdf_file/0023/521357/Victorias-Climate-Change-Strategy-Economic-Analysis.pdf Page 4

¹⁰ Page 7.





because early action makes greater use of relatively low cost opportunities that either exist now or are rapidly emerging – and early experience with reducing emissions can drive down later costs through ‘learning by doing’.

The findings were tested under various assumptions, using a range of discount rates and cost curves. In each case, the main finding – that is it not cost effective to delay action – was found to be robust.

19. The State Government has also prepared the *Built Environment Climate Change Action Adaptation Action Plan 2022-2026*¹¹ (the AAP). Principally directed at adaptation strategies, the Action Plan contains the following vision for Victoria:

*Our cities, towns, homes, buildings and essential infrastructure are located, designed and modified to support safe, vibrant, healthy and inclusive communities in a changing climate and contribute to emission reduction*¹².

20. The AAP contains a series of principles¹³. The following are relevant to this amendment:

Benefits for all: Consider adaptation responses in terms of maximising community benefits.

Certainty: Use fit-for-purpose regulation, practical guidance and access to climate change information to support timely and consistent decision making.

Community engagement: Trust and involve the community in setting policy directions, priorities and co-designed solutions.

Immediate response: Recognise the urgency required in responding to climate change.

21. Although the AAP looks at adaption measures at a much broader scale than Amendment C376melb does, one is the ‘key issues’ for the planning for long term community responses

¹¹ https://www.planning.vic.gov.au/_data/assets/pdf_file/0034/635965/Built-Environment-Climate-Change-Adaptation-Action-Plan-2022-2026.pdf

¹² Page 10.

¹³ Page 10.





to support adaptation, resilience and transition is 'strengthening design standards for new buildings and infrastructure'¹⁴

22. At the local level, Melbourne City Council has a long and well-known history of proactively advancing environmentally sustainable development (ESD) outcomes. In 1996, it first introduced environmental management plans for development in Docklands, which was the first planning requirement of its kind in Victoria. Subsequently, on 8 December 2005, it introduced its first ESD policy (Clause 22.19 Sustainable Office Buildings) via Amendment C60 to the Melbourne Planning Scheme. Subsequently, on 4 April 2013, this policy was updated to a more comprehensive Clause 22.19 (Energy, Water and Waste Efficiency). This clause continues to exist in a similar form at Clause 15.01-2L-01 (Energy and Resource Efficiency) of the Melbourne Planning Scheme.
23. Although the Melbourne City Council was the first municipality to introduce a comprehensive ESD policy, numerous other Councils have followed suit. These later iterations are usually heavily derived from Melbourne's model.
24. The Council was also an 'early adopter' of water sensitive urban design policy by introducing Clause 22.23 (Stormwater Management) on 13 March 2014. This policy now exists at Clause 19.03-3L of the Planning Scheme and is also generally replicated across various other municipalities.
25. Council has prepared and adopted a succession of strategic policies in the lead up to the Amendment. In 2018, it adopted its Climate Change Mitigation Strategy in 2018 which set the goal that all new buildings and precincts will be net zero emissions by 2040¹⁵. Subsequently, in 2019 it made a Climate and Biodiversity Emergency Declaration and in 2020 identified 10 priorities for accelerated climate action¹⁶.
26. One of these priorities provides the impetus for this Amendment: *Mandate greening and zero emissions buildings through the Planning Scheme*. Relatedly, the Green Our City

¹⁴ Page 36.

¹⁵ 10 years earlier than the State's target of 2050.

¹⁶ Refer Responding to the Climate and Biodiversity Emergency (18 February 2020).





Strategic Action Plan 2017-2021 identifies as Action 4.1: *Pursue changes to the planning scheme to require all types of development in the City to play a part in achieving environmentally sustainable design targets, including green roofs and vertical greening.*

27. To achieve its targets for environmental sustainability, Council must start doing things differently as the existing policy context will not deliver the outcomes that Council seeks. The *Green Our City Strategic Action Plan* (Arup, 2019) reviews the existing policy context (among other things) and found¹⁷:

Green infrastructure, climate change adaptation and biodiversity have the most limited representation in the planning scheme and must be the focus area for developing new tools and standards.

Transport, flooding, sunlight, vegetation and resource efficiency targets were the most well-defined in terms of clarity and objectivity.

The most robust planning provisions incorporated measurable targets, usually facilitated by a sustainability rating scheme such as Green Star.

Planning provisions addressing Fishermans Bend also represented readily interpretable guidelines and targets for planners.

28. In respect to the outcomes achieved by Council's current ESD policy matrix it found¹⁸:

The policy has had a small impact on eliciting the uptake of sustainability measures in the residential sector.

It is unlikely to have been a driver for awareness, motivation or capability in the commercial sector, where the sustainability benchmarks are already industry standard practice in Melbourne municipality.

The review identified that the main impediment to translating policy to built outcomes is the non-mandatory nature of certification under the Green Star scheme. This means that there is no As-Built compliance process and therefore no certainty in built outcomes.

¹⁷ Page 29.

¹⁸ Page 32.





29. This background sets the context for this Amendment.
30. Broadly, the Amendment seeks to influence a range of matters pertaining to the design of new buildings to ensure they are energy efficient, provide green cover and respond to climate change impacts. The strategic basis of the Amendment is brought together in the *Green Our City Strategic Action Plan* (Arup 2019) and the *Sustainable Building Design Background Report* (Hansen 2020). In particular, there is a helpful summary of the strategic work from which specific components of the Amendments are derived at Table 5 of the *Green Our City Strategic Action Plan* (Arup, 2019)¹⁹ although some of these parameters have evolved as the project has evolved²⁰.
31. The Amendment builds on ESD related progress Council has made in specific area planning, including Fishermans Bend (Capital City Zone – Schedule 4), West Melbourne (Special Use Zone – Schedule 6) and Arden (Special Use Zone – Schedule 7). These zone controls already contain various requirements which relate to matters of ESD (including transport) (refer summary in **Appendix B**).
32. The Amendment primarily seeks to improve ESD outcomes by implementing DDO73 across the municipality²¹. The Amendment also proposes consequential updates to the MPS and the PPF.
33. I am not an expert in the technical subject matter of ESD, nor the specific tools which are part of the Amendment. My analysis is based on town planning issues only. In this context, the key matters which require consideration are:
- Does the Amendment implement broad State, regional and local policy?
 - Is the DDO the appropriate tool to use to introduce the new requirements?
 - Are the broad principles of DDO73 appropriate?

¹⁹ Page 45.

²⁰ Some of these are explained in Appendix E and some in the Sustainable Building Design Background Report (Hansen 2020).

²¹ Except across Transport Zone land.



- Is the drafting of DDO73 appropriate?
- Are the zone changes and sustainable transportation provisions appropriate?
- Are the policy changes appropriate?
- Are there any other relevant town planning matters to consider?

2.2 Does the amendment implement broad State, regional and local policy?

34. I have summarized some relevant global, Commonwealth, State and local policy settings above. It is also relevant to note that the Amendment is supported by the *Planning and Environment Act 1987*, which includes the following objectives for planning in Victoria:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*

35. The outcomes sought by the Amendment are also supported by existing State, regional and existing local planning policy, most relevantly:

- Clause 01 Purposes of this planning scheme
- Clause 11 Settlement
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 13.01 Climate change impacts
- Clause 15.01-2L-01 Energy and resource efficiency



- Clause 18.01-1 Land use and transport planning
- Clause 18.01-3S Sustainable and safe transport
- Clause 19.01-1S Energy supply
- Clause 19.01-2S Renewable energy – Metropolitan Melbourne
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Stormwater management

36. The Amendment will implement Plan Melbourne 2017-2050, which identifies climate change (and the need for both mitigation and adaptation) as a key challenge. It further states:

Climate change is an economic, social, environmental and public health issue.

Climate modelling shows that Victoria is becoming hotter and drier, facing more periods of extreme heat (days over 35°C) and drought, reductions in annual rainfall and increases in intense rainfall events, and an increased risk of extreme weather events such as flood and bushfire.

Vulnerable groups—such as the elderly, the chronically ill and low-income households—are more likely to be affected by the economic and social impacts of climate change, including rising food prices and increased demand for essential services.

Adapting to a changing climate is about taking deliberate steps to manage and mitigate these potential impacts.

Australians are among the highest emitters of greenhouse gases, per capita, in the developed world.... Taking steps to transform Melbourne into a low-carbon city is both necessary and an opportunity. That's why Victoria aims to reduce greenhouse gas emissions to net zero emissions by 2050—an initiative that will create a low-carbon economy, generate new jobs, drive innovation within new and traditional industries, and improve the city's liveability.





37. Principle 4 (Environmental resilience and sustainability) of Plan Melbourne states:

Protecting Melbourne's biodiversity and natural assets is essential for remaining a productive and healthy city. There is an urgent need for Melbourne to adapt to climate change and make the transition to a low carbon city.

38. Outcome 6 is: Melbourne is a sustainable and resilient city. Directions include:

Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050.

Reduce the likelihood and consequences of natural hazard events and adapt to climate change.

Integrate urban development and water cycle management to support a resilient and liveable city.

Make Melbourne cooler and greener.

Protect and restore natural habitats.

Improve air quality and reduce the impact of excessive noise.

Reduce waste and improve waste management and resource recovery.

39. It is clear to me that the Amendment implements and supports the objectives for planning set out in the Act and the Planning Policy Framework. Having established this, I now turn to the implementation measures proposed by the Amendment.

2.2 Is the DDO the appropriate tool to use to introduce the new requirements?

40. A key implementation tool of the amendment is the application of a new Design and Development Overlay (DDO) to control built form outcomes. The Purpose of the DDO is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.





41. Pursuant to Clause 43.02-2 (Buildings and Works), a permit is required to construct a building or construct or carry out works, unless a schedule specifies otherwise, or the construction is a small second dwelling which meets specified requirements.

42. The Practitioner's Guide to Victoria's Planning Schemes (March 2024) says that the DDO²²:

*....is principally intended to implement requirements based on a **demonstrated need** to control built form and the built environment. The **intended built form outcome**, and the **way in which the imposed requirements will bring this about**, must be clearly stated. Where possible, performance-based requirements should be used rather than prescriptive requirements.*

(My emphasis)

43. It further states²³:

Mandatory provisions can be specified in a zone or an overlay if required by the Victoria Planning Provisions. The Design and Development Overlay is the most appropriate tool to implement mandatory built form requirements.

44. There is no Practice Note which guides the drafting or application of the DDO although there is a template in the *Ministerial Direction on the Form and Content of Planning Schemes*, which I have considered.

45. On the whole, there is broad scope to use the DDO to control buildings and works and to specify the sort of built form outcomes that are proposed here.

46. It is more unusual to apply a DDO across (virtually) the entire municipality in the manner proposed here. That said, large parts of the municipality are affected by an overlay of one sort or another already (whether that be a Heritage Overlay, Design and Development Overlay, Development Contributions Plan, Parking Overlay, Land Subject to Inundation Overlay and so on). It is clear to me that the City of Melbourne has evolved a much more

²² Page 41.

²³ Page 58.





sophisticated suite of planning controls than any other municipality in Victoria in response to the complex nature of the planning challenges that confront it and that City's importance to Victoria.

47. Provided the application is strategically justified, the application of the DDO to the entire City can be contemplated. A factor driving the municipal wide application of the control is the Council's desire to achieve a consistent level of control to all land and to achieve municipal wide improvements in energy efficiency (among other things). Given the nature of the issue to be addressed, it is essential that this particular Amendment has a wide reach to ensure consistent outcomes are achieved.
48. The strategic work supporting the Amendment has demonstrated a need to establish defined built form controls by way of the DDO. The strategic basis for the Amendment is clearly expressed in the Amendment's Explanatory Report under the heading: *Why is the amendment required?* and *Environmental Effects*. This states:

The City of Melbourne's Climate Change Mitigation Strategy to 2050 (2018) details how Greater Melbourne's emissions per capita in 2017 of 13.89 tonnes per person are very high by international comparison. In contrast, Melbourne's fellow members of C40, a global network of cities collaborating to reduce emissions, averaged 5.1 tonnes per person in 2015. The emissions per capita of the City of Melbourne are even greater at 31 tonnes per person – one of the highest in the world. The City of Melbourne performs particularly poorly on a per capita basis because of the high number and large size of its buildings. As a result, buildings account for approximately two-thirds of municipal emissions. To reduce emissions in line with the goals of both the City of Melbourne and the Victorian Government, efforts in the City of Melbourne need to focus particularly on designing and constructing buildings to be more sustainable. As noted above, the vast majority of these buildings are in private ownership.

The amendment will have positive environmental effects in promoting energy efficiency and renewables, waste limitation and resource recovery, reducing the urban heat island effect, enhancement of urban ecology, water efficiency, stormwater management and use of sustainable transport.



- 
49. I consider that the Amendment's strategic basis supports the application and extent of the DDO.

2.3 Are the broad principles of DDO73 appropriate?

50. The proposed DDO will introduce a new permit requirement to construct a building or construct or carry out works for:

The construction of a new building for the purposes of Accommodation, Retail²⁴, Office, Education centre, Research and development centre or Place of assembly.

Buildings and works which result in more than 1000 sqm additional gross floor area for the purposes listed above.

51. It is worth noting that DDO73 will not generate a permit requirement for additions of less than 1,000sqm. This avoids capturing projects like extensions to dwellings or other similar works where the majority of an existing building is being retained. It will capture new single dwellings though and other entirely new buildings, where ESD measures can be readily 'designed in'. The line has to be drawn somewhere between 'what is' and 'what is not' captured and the application of DDO73 is reasonable in my view.
52. Some land use categories are excluded altogether, including Industry (except Research and development centre), Leisure and recreation and Warehouse. These land uses are relatively rare in the municipality and have different standards around design and landscaping. They are also often located in discrete areas. I understand from the Sustainable Building Design Background Report (Hansen 2020) that feasibility testing showed that the drafted parameters would need to be modified to fit industrial and warehouse settings and consequently they are not being pursued at this time²⁵. This is reasonable.
53. There will be some debate about the proportionality of the changes being contemplated. Council has carried out some feasibility testing which indicates that the proposed initiatives

²⁴ The word 'premises' is appropriately inserted after 'Retail' as part of Council's FMC version.

²⁵ Page 16.



will increase the cost of building in the municipality. Further, while there will be benefits in terms of future energy requirements and amenity, it may also be that the initiatives increase the cost of developing land in Melbourne²⁶.

54. I do not accept (as a principle) that a planning scheme change can only occur where no-one is 'worse off'. Town planners do not subscribe to the Pareto improvement paradigm where social change is possible only if at least one person is made better off and nobody is made worse off²⁷. In practice, such an outcome is impossible and if that were the test, there would be no change.
55. Rather, planners typically (even if unknowingly) subscribe to the Kaldor-Hicks principle which says that a decision or policy will be more efficient for the society if the gain in welfare by the beneficiaries is greater than the loss in welfare for those adversely affected.
56. In other words, a regulatory initiative would be warranted if the beneficiaries could, if required, compensate those adversely affected and still be better off. This is where the term 'net community benefit' comes from.
57. In town planning it is necessary to weigh up competing objectives in favour of net community benefit and in this case, this means weighing up social, economic and environmental impact. While I am not an expert in economics, I understand that the planning system does not concern itself with private economic impacts but instead focusses on broader community level impacts. In the context of extensive background work, including Council's endorsed position of net zero emissions by 2040 as well as broader State planning policy, the content of the Amendment is proportionate and reasonable on town planning grounds.

²⁶ Although obviously the cost of not planning for climate change are also substantial.

²⁷ The Pareto test is that an initiative is only warranted if there are no losers in the process. The Pareto test is not sanctioned in regulatory impact assessment because it places an unworkable onus of proof on the economic merits of regulatory change.





58. The proposed DDO73 is comprised of four design objectives²⁸, definitions, permit exemptions and then requirements. The requirements of DDO73 rely upon use of a series of third party tools, which are external to the Planning Scheme, specifically:
- Green Star (discretionary and mandatory)
 - BESS (discretionary and mandatory)
 - NatHERS (mandatory)
 - NABERS (mandatory)
59. Green Star, BESS, NatHERS and NABERS are privately owned tools, which sit outside the Planning Scheme. I am not an expert in these tools themselves, so I have no view on the relevant benchmarks which have been set. Instead I have confined my assessment to the principle of using mandatory measures in the proposed way.
60. Firstly, Clause 15.01-2L-01 of the Planning Scheme already refers to NABERS and Green Star, although it also allows use of an 'equivalent' tool. Other Planning Schemes include reference to STORM, MUSIC, NaTHERS and BESS, but do not apply them as mandatory requirements. For example, the Stonnington Planning Scheme lists specific tools but allows '*other methods*'. There are a number of councils which have nearly identically worded ESD policies. It is commonly accepted that these tools can be referenced in the Planning Scheme.
61. I also note that Capital City Zone – Schedule 4 (Fishermans Bend Urban Renewal Area) (CCZ4) includes mandatory permit condition requirements that certain buildings achieve specified Green Star rating²⁹. This requirement appears to have been inserted as part of Amendment GC81, which implemented the *Fishermans Bend Framework, September 2018*. Amendment GC81 was introduced by the Minister for Planning. I have reviewed the report of the Review Panel which considered the Amendment and note that it supported

²⁸ Which is in keeping with the Ministerial Direction on the Form and Content of Planning Schemes.

²⁹ See Clause 4.3. It also includes a requirement for third pipe infrastructure.





the mandatory nature of the Green Star controls³⁰. The Amendment's Explanatory Report does not specifically address these requirements although it does identify that Amendment GC81 (among other things) is required to promote sustainable transport patterns and best practice environmental sustainability³¹.

62. CCZ4 is contextually relevant for introducing mandatory requirements using a third party tool (Green Star). It indicates that the Minister for Planning has previously found such an approach to be acceptable.
63. I note that Section 6.6 (How to Apply External Documents) of the *Practitioner's Guide to Victoria's Planning System* says:

Webtools are not 'documents' and are not assigned an incorporated or background document status. Webtools differ from documents in the planning system in that they may include changeable content and are dependent on electronic software for computations. Webtools in planning schemes cannot provide mandatory controls (as is possible with an incorporated document). A webtool may be referenced in a planning scheme as a nonstatutory tool, such as part of a policy guideline or decision guideline instead of using a document when:

The content is more effectively addressed in a webtool over a document.

It performs a function beyond the scope of a static document.

The content relies on an interactive format (e.g. calculators or assessment tools such as Melbourne Water's STORM calculator).

It is made available online.

64. These comments are made in the context of a party deciding whether to incorporate or reference a webtool. I take them to mean that a webtool cannot be incorporated (which is not proposed here) but the meaning of *Webtools in planning schemes cannot provide mandatory controls* is unclear. This statement could mean that the use of a particular

³⁰ Refer discussion starting Page 142.

³¹ Page 3.





webtool cannot be mandatory (which is also not proposed here). It might also mean that use of a webtool alone (without any specified or substantiated benchmark) would not meet any particular objective and would not be appropriate, with which I agree.

65. The Amendment differs from this scenario though in that it seeks to ensure an outcome meets a *specified benchmark* when using a specified webtool (or equivalent). Furthermore, as I have indicated above, there is already an example where Green Star is a mandatory requirement in the Planning Scheme (in CCZ4). I do not read Section 6.6 of the Practitioner's Guide as a prohibition upon the use of webtools as proposed.
66. The tools proposed to be used in DDO73 are established, well regarded and used for development in Victoria. The FMC version of the Amendment states: *applicants may use an alternative tool, provided it is demonstrated to be equivalent to the identified tool and results in equivalent or better outcomes to the satisfaction of the responsible authority*. I support this position as it provides applicants with a degree of flexibility in the tool they select. The proposed exemption provides adequate 'maneuverability' should it be required.
67. The use of specified tools is a demonstrated way in which to consistently achieve a specified outcome, without prescribing exactly how this must occur. DDO73 is in keeping with the rules for writing planning scheme provisions as set out in the *Practitioner Guide to the Victorian Planning Schemes* (refer image below)³²:

³² Page 19.



Entry Rules



1. A provision must be within the scope of the objectives and power of the Act.
2. A provision must implement the objectives of planning and be supported by a sound strategic planning and policy basis.
3. A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

Application Rules



4. The application of a provision must be necessary and proportional to the intended planning outcome.
5. A provision must be consistent with the operational provisions of the scheme, any parent provision and any relevant Ministerial Direction.
6. The application of a provision must be clear.

Drafting Rules



7. The requirements of a provision must be clear and unambiguous.
8. A provision must be structured to be clear and unambiguous.
9. A provision must be written to be clear and unambiguous.

Excerpt from the Practitioner's Guide to Victoria's Planning Schemes (March 2024)

68. It further states³³:

Achieving greater consistency in the application and performance of planning scheme provisions is particularly important in aligning the VPP and planning schemes with the VPP principle of 'digital ready'. To successfully transition planning schemes from paper-based to data base driven information, it is essential the provisions are drafted to reinforce user expectations about their operation and effect.

69. The Amendment will self-evidently result in consistent outcomes. The requirements of DDO73 are clear and unambiguous³⁴ and leave users in no doubt about the extent of their obligation to obtain a permit or to meet a requirement. The approach is consistent with

³³ Page 20.

³⁴ Subject to some suggested drafting improvements.





what is incrementally becoming a more prescriptive based Victorian planning system. While there will always need to be some performance based considerations in the planning system, it seems to me that the technical nature of an ESD response lends itself to a more prescriptive approach.

70. The DDO is proportionate when considering a) the demonstrated risk to the municipality in a 'business as usual approach' and b) this Council's pro-active approach to sustainability going back some decades.
71. *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes (PPN59)* provides a list of criteria to guide an assessment of the appropriateness of a proposed mandatory control. In response to these criteria, I note:
- For the reasons expressed above, the mandatory provisions have a solid strategic basis.
 - The *Green Our City Strategic Action Plan* (Arup, 2019) substantiated that the existing discretionary policy context is not achieving the intended outcomes for ESD. This suggests that performance based options will not achieve the desired planning outcomes.
 - While there will be consequences from requiring a higher standard of ESD, they are not the usual consequences anticipated by PPN59. PPN59 seeks to avoid any unnecessary loss of flexibility and opportunity available in a performance based approach. This would usually relate to architectural license and creativity of design. In this case, the flexibility lost is only that development will be obligated to achieve the performance measures Council seeks. The way in which it does so remains performance based and entirely flexible.
 - The mandatory provisions therefore will not lead to one development outcome. Furthermore, it will avoid unsatisfactory outcomes in a way that the performance based approach has failed to.

72. I conclude that the broad principles of DDO73 are appropriate.



2.4 Is the drafting of DDO73 appropriate?

73. The drafting of DDO73 is generally in keeping with practice guidance. Its structure and layout are also generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes. The proposed objectives and definitions in DDO73 are appropriate and uncontroversial. Overall, I am supportive of the new control. The following sections contain a detailed analysis of the control.

74. Section 2.3 of DDO73 contains the main ‘requirements’ applying to six different ESD related categories. The preamble at Section 2.3 touches on a series of matters, which I discuss below:

- An exemption from the usual requirements pertaining to notice, submission and review is written into DDO73. Given the content is technical, it is appropriate that Council is the only interested party. This provision will avoid unnecessarily delaying projects.
- The second paragraph of Section 2.3 states that: *A permit cannot be granted to vary a requirement expressed with the term ‘must’ or a requirement that relates to a minimum (mandatory) standard.* There is an exemption, however, to the urban ecology requirement³⁵ in circumstances where it can be demonstrated that the requirement cannot be met *‘having regard to the context and constraints’*, whereby a different prescribed standard ought to be met. Council has clarified this provision since exhibition to allow for some discretion, which I support. It might be simpler though if this exemption is located directly under the Urban ecology sub-heading.

Recommendation: Relocate the exemption to the urban ecology requirements under the urban ecology heading.

- There is an exemption for permits issued before the introduction of DDO73 whereby any amendment to the permit affecting a mandatory component of the control does not increase the extent of non-compliance. It appears this is discretionary, although this should be clarified.

³⁵ In Table 6.



Clause 7.0 contains transitional provisions applying to applications (including applications for amendments) made before the introduction of DDO73. The exemption says that *‘the requirements of this clause do not apply’* in specified circumstances. That said, a planning permit would still be required under the overlay and it is unclear whether it would be required to satisfy the Design objectives at Clause 1.0 as well as the decision guidelines in the parent provision.

I also note that there is an exemption from certain mandatory requirements at Clause 2.3 for permits *‘issued before the commencement of Amendment C376melb to this scheme’*. It is unclear how both exemptions work together.

This may require further exploration.

Recommendation: Clarify the role and relationship of the exemptions and Clause 2.3 and Clause 7.

75. The Amendment will introduce both discretionary and mandatory standards against which applications will be assessed. There are six different categories of requirements. I consider the drafting and content of these areas in turn below.
76. I note that the specific provisions have evolved and changed over the course of this project and often the specific strategic justification requires a review of different documents. Most of the evolution however is described in the *Green Our City Strategic Action Plan* (Arup, 2019) and the *Sustainable Building Design Report* (Hansen, 2020). There have been changes following consultation, which form the basis of my review. Taken together, this evolution demonstrates a refinement of detail and a more workable product. As I have said, I am not an expert in the ‘mechanics’ of the ratings tools being introduced or the specific parameters and benchmarks proposed to be achieved. I have concentrated my review upon matters of town planning and statutory drafting.

Environmentally sustainable design & Energy efficiency and renewables

77. These two sections of DDO73 are drafted similarly. Council has altered the exhibited provisions in its FMC version to enhance its functionality in response to my suggestions.



This includes removing what was previously inappropriately vague language to guide the exercise of discretion (specifically terms like ‘*technically achievable*’ and ‘*economically feasible*’). The provisions now require development achieve the minimum standard (which remains mandatory) or a preferred standard (which is discretionary).

78. These provisions are intended to be read in conjunction with the first of the decision guidelines listed at Clause 6.0, which states:

*If the development is a new building of more than 5000sqm or buildings and works which result in more than 5000sqm additional gross floor area, or a landmark or if the land is in public ownership, whether the following matters impede achieving a preferred standard in **Table 1** and **Table 2**:*

- *Site context.*
- *Technical impediments.*
- *Economic impacts.*

79. The intention of this decision guideline is to encourage larger, landmark and publicly owned buildings to achieve the preferred (rather than the minimum) standard. The drafting of this provision has been improved in the FMC version, however, the meaning of the word ‘landmark’ is not clear and likely to be up for debate in the future. I think this word should be deleted or clarified.

Recommendation: Delete or clarify the word ‘landmark’ from the first decision guideline at Clause 6.0.

80. The ESD and energy efficiency and renewals provisions require development be constructed to achieve a relevant standard and for this to be satisfied within a designated timeframe. This requirement seeks to overcome a shortcoming in the existing planning policy framework. The FMC version has allowed a consent mechanism for the timeframe within which to submit certification documentation which is appropriate.
81. Table 3 (under Energy Efficiency and Renewables) indicates that development *should* incorporate on site renewable energy generation (which is appropriate) and *should not* incorporate connections to gas or other non-renewable energy.

- 
82. Firstly, I understand that new gas connections are no longer permitted for residential development in Victoria pursuant to Clause 53.03 (Residential Reticulated Gas Service Connection) of the Planning Scheme. Secondly, a requirement to not incorporate a connection to any other non-renewable energy seems an extremely high bar and may need to be reconsidered. From reviewing the Hansen Partnership Background Report (Sustainable Building Design Planning Scheme Amendment C376), it appears that the objective of this requirement is to disincentive new gas connections and for the majority of uses, transition to 100% electricity (ultimately with 100% renewable generation)³⁶.
83. Even though this requirement is discretionary, it might be better reflected as a policy statement at Clause 15.01-2L-01. Perhaps: *New development should incorporate connections to renewable energy where possible in preference to non renewable energy.*

Recommendation: Reconsider the discretionary requirements in Table 3.

Waste and resource recovery

84. Table 4 under the Waste and resource recovery sub-heading includes a mandatory requirement that development provide waste and resource recovery facilities meet the requirements of the *City of Melbourne's Guidelines for Waste Management Plans* (the Guidelines for WMPs). It is not clear to me though, whether this is intended to mean that all parts of the Guidelines for WMP are mandatory.
85. There are a number of very specific standards, which appear in the Guidelines for WMPs such as:
- For developments of more than 55 dwellings, bins must be collected on site, via a loading dock designated to accommodate the City of Melbourne's waste collection vehicles.
 - Development with four dwellings or more will require communal bins.

³⁶ Page 20.



- On street collection is not permitted where waste needs to be collected more than once a week.
- There are minimum waste storage requirements including for hard waste.
- Commercial waste can only be collected three times per week for each waste stream.

86. I am not sure if it is appropriate to remove discretion entirely in respect to such matters. I do not think such requirements would achieve PNP59. I am not an expert in the area of waste management so I cannot comment on whether these requirements are reasonable, but on the face of it would seem more appropriate that these matters be discretionary since there are often a variety of acceptable solutions.

87. If compliance with the Guidelines for WMPs remains mandatory, the document should be an incorporated document at Clause 72.04 because it is essential to the administration or enforcement of the planning scheme³⁷.

Recommendation: Reconsider the application of the Guidelines for Waste Management Plans as mandatory requirements.

Urban heat island response

88. Table 5 provides a mandatory requirement that all development must (mandatory) provide the equivalent of at least 75% of the development's total site area as building or landscape elements that reduce the impact of the urban heat island effect. These elements include:

Green infrastructure

Roof or facade materials with a minimum Solar Reflectance Index (SRI) of 0.65

Solar panels

Shading structures

Hardscaping materials with a minimum SRI of 0.65

³⁷ See page 104 of A Practitioner's Guide to Victoria's Planning Schemes.





89. According to DDO73:

Green infrastructure means infrastructure that directly provides ecosystem services or supports the provision of these services including green cover, stormwater and rainwater harvesting interventions, permeable surfaces, waterways and wetlands.

90. Hardscaping means landscape elements (including paving) other than green cover.

91. I note that there is similar, albeit discretionary provision at Clause 11.03-6L-06 (Fishermans Bend Urban Renewal Area), which states:

At least 70 per cent of the total site area to comprise building or landscape elements that reduce the impact of the urban heat island effect, including:

Vegetation, green roofs and water bodies.

Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index.

92. I understand that the increase from 70% to 75% is to reflect the equivalent provision in Green Star. At first glance, this appears to set a high bar given that the elements can include materials with a specified minimum SRI, but it does not necessarily call for new interventions. While I cannot comment on the technical nature of the controls, I have reviewed this matter with a view of achieving consistency across all aspects of the planning scheme. In this respect, it would seem necessary to update or delete the content from Clause 11.03-6L-06 to ensure consistency. I consider policy changes further in Section 2.5.

Recommendation: Consider whether changes are required to Clause 11.03-6L-06 to ensure consistency with DDO73.

Urban ecology

93. Table 6 introduces a mandatory requirement for development to achieve a minimum Green Factor score using Council's Green Factor Tool. The introduction of such a tool was one





of the priorities identified when Council made its climate declaration. 'Greening' the municipality has been an objective of Council's for some time.

94. In 2014, Council published *A Guide to Green Roofs, Walls and Facades* (City of Melbourne, 2014), which provides general information on the benefits of greening buildings, as well as a technical guide on the design, installation of maintenance of these features. In 2017, Council published *Green Our City Strategic Action Plan 2017-2021 – Vertical and Rooftop Greening in Melbourne*, which provides a description of the challenges in implementing green infrastructure, including shortcomings with the existing policy matrix in achieving these outcomes.
95. Extensive work was undertaken by Council in the public realm through its *Urban Forest Strategy* (City of Melbourne 2016). However, given that Council only owns or manages one-third of land in the municipality, private realm interventions are clearly required.
96. The Green Factor Tool has been developed in-house by the Council in conjunction with Hip v Hype³⁸ and the University of Melbourne. There are a number of comparable, international models for measuring green coverage, including in Berlin, Chicago, London, New York, Malmo, Seattle, Singapore, Tokyo and Toronto³⁹, which have informed the Council's model.
97. In terms of the formulation, testing and resolution of the Green Factor Tool, I defer to the evidence of others. For my purposes though it is necessary to consider whether it is appropriate to introduce a mandatory control on this basis.
98. Firstly, many councils have introduced a type of green cover standard in the form of minimum landscaping requirements (usually by way of variations to Clause 54/55 standards). There are also requirements under Clause 58.03-6 (Landscaping). In addition, vegetation removal and replacement are often controlled by a statutory control such as the Significant Landscape Overlay, Environmental Significance Overlay or the Vegetation Protection Overlay. Generally, the focus of these controls is canopy tree planting. This focus is not necessarily consistent with Melbourne City Council's objectives, which lean

³⁸ <https://hipvhype.com/>

³⁹ Page 27 Sustainable Building Design (Hansen, 2020)





towards 'greening' generally including in high rise, high density contexts, like the Central Business District. In this context, it is logical that a different approach would be required.

99. The Green Factor Tool has been constructed as a website⁴⁰, where users enter key particulars including site and development details as well as green infrastructure elements. Different inclusions have different weights making an infinite number of ways to achieve the required score. While the overall requirement is prescriptive, it could not be said that the tool itself is or that it limits creativity or innovation – to the contrary. It will produce a variety of outcomes, yet also consistent improvements for urban ecology.
100. The Tool diverges from the other ESD tools proposed for inclusion in DDO73 in that it will be administered by Council. I observe that while BESS is now operated by CASBE, it was originally developed by the Port Phillip and Merri-Bek municipalities as a Council-operated tool. The proposed approach, therefore has some precedent.
101. The Green Factory Tool will be supported by technical data which sits in the background, invisible to users outside of Council. It seems important that the formulas and assumptions that inform the Tool are static and cannot be modified without the opportunity for third party involvement. This will avoid changes to the Tool which are not rigorously supported by strategic justification. The best means of achieving this may be to insert a version number for the Green Factor Tool into DDO73 along with an undertaking that the version is not modified. In making this recommendation, I do not seek to prevent any and all changes to the Tool, only those that would change (particularly increase) the obligations upon applicants. Revisions to the user interface for example, or to correct bugs and glitches ought to still be allowed.

Recommendation: The background calculations of the Green Factor Tool should be finalized with the gazettal of the Amendment. The Green Factor Tool should not be able to be changed in a way which results in a different built form outcome than the gazetted version without a planning scheme amendment.

⁴⁰ <https://www.greenfactor.com.au/>





102. I note from the evidence of Mr. Ashley that a draft Governance Framework for the Green Factor Tool has been prepared. Among other things, this provides guidance around maintenance and minor and major updates. The Framework should clarify the level of engagement required for different types of changes to the tool.

Recommendation: The draft Governance Framework should be finalized which clarifies the level of engagement required for different types of changes to the Green Factor Tool.

103. I support the introduction of the urban ecology requirements in the DDO73 as otherwise proposed by the Amendment.

Integrated water management

104. Pursuant to the FMC version of the proposed DDO73, the requirement to comply with the best practice water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999* is discretionary rather than mandatory.
105. *The Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999* is already a background document in the Planning Scheme, listed in the Schedule to Clause 72.08. If these Guidelines are intended to be used in decision making in the manner prescribed, they would ordinarily be incorporated rather than background documents however, they are currently used in a similar manner at Clause 53.18 Stormwater Management in Urban Development. This clause states (among many things) that stormwater management ought to be designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)*.
106. I am unsure why this document has never been incorporated into the Planning Scheme. While this is a matter that is beyond the scope of this amendment, the Panel might consider making a recommendation to the Department of Transport and Planning that this be investigated.





Recommendation: The Urban Stormwater - Best Practice Environmental Management Guidelines be considered as an incorporated document at Clause 72.04.

2.5 Are the zone changes and sustainable transportation provisions appropriate?

107. It is proposed to update Schedules 1-5 & 7 of the Capital City Zone and Schedules 1-6 of the Docklands Zone generally as follows:

- To modify the purpose to include an objective to encourage a less car dependant transport system.
- To require that car parking areas be retained in common property and be designed to facilitate adaption to alternative uses in the future.
- To specify minimum bicycle, motorcycle and car share parking and design requirements.

108. The changes affect all the CCZs and DZs in the Planning Scheme, except Capital City Zone – Schedule 6 (Carlton Connect Site – Former Royal Women’s Hospital Site) (CCZ6). It appears that CCZ6 is just applied to one property at 700 Swanston Street.

109. I am instructed that changes are not being proposed to this schedule since its area of application is already developed with little further change anticipated in the short term. I understand that in the longer term Council is likely to rezone this land to an alternative CCZ schedule.

Recommendation: Consider the future of CCZ6

110. In terms of the changes to the proposed zone schedules I note:

- The new purpose statements align with the broad intent of the Amendment and support the Council’s ESD objectives including its adopted position to transition to a 70% mode share for public transport, walking and cycling⁴¹.

⁴¹ Transport Strategy 2030 (City of Melbourne, 2020)

- Car parking areas comprise large portions of buildings and often those which are above ground. Considering how these spaces can put to an effective purpose in a (desirable) future where private transport is far less prevalent is proactive and intelligent. The related requirement to retain car parking on common property⁴² will increase the likelihood of an adaptive reuse. These aspects of the Amendment are in keeping with broader aspirations to both facilitate a model shift towards sustainable transport and to efficiently use land.
- The schedules are proposed to introduce requirements for bicycle, motorcycle and car share parking as well as specific requirements around the design of these spaces. The rates and requirements are discretionary. There has also been a change inserted in the FMC version of the Amendment to clarify that the bicycle parking rates set out in the zones, supersede the rates set out at Clause 52.34.

111. I am not qualified to comment on the proposed merits of the metrics and requirements. In relation to statutory drafting matters, I note that:

- The parking rates are requirements and not permit triggers. This means that in terms of bicycle facilities, Clause 52.34 will continue to trigger a permit requirement however, the rates in the zone will prevail⁴³. Similar provisions already exist in CCZ4.
- It appears to be acceptable in terms of the practitioner guidance to specify rates for bicycle, motorcycle and car share parking in a zone. This can be contrasted with car parking requirements, which Planning Practice Note 22: Using the Car Parking Provisions says can only be varied by way of a Parking Overlay.
- There is a new application requirement to submit a Green Travel Plan with applications which result in more than 5,000sqm of additional gross floor area. There are also decision guidelines to assist the exercise of discretion.

⁴² Unless otherwise agreed by the responsible authority

⁴³ The schedules contain the following wording: 'The bicycle parking rates supersede the relevant parking rates specified at Clause 52.34'. That language might be superfluous given the wording of Clause 72.06, which says that 'Land may only be used or developed in accordance with this planning scheme' which I take to mean that if there are two comparable provisions, both need to met (i.e. the more restrictive).



- 
112. Finally in terms of zones, I note that within the proposed CCZ4 (which applies to Fishermans Bend) there is proposed to be a duplicated Application Requirement. There is an existing requirement in CCZ4 for a Sustainable Transport Plan and a new requirement for a Green Travel Plan for development of more than 5000sqm. I recommend that one of these requirements be deleted.

Recommendation: Remove the duplication for a Green Travel / Sustainable Transport Plan from CCZ4.

2.6 Are the policy changes appropriate?

113. The exhibited version of the Amendment included changes to Clauses 02.03, 15.01-2L and 19.03-3L. Council has further refined this policy in its FMC version of the Amendment.
114. There are quite extensive changes proposed to existing ESD policy. In a context where most parts of DDO73 are mandatory I wonder how much of this new policy is necessary? I understand that Council is still considering the transitional provisions it will include in DDO73. In the event existing permits and applications are exempt, there is obvious value in retaining the policy generally as drafted. But if it is only intended to guide development outcomes for the relatively confined number of applications which will not be subject to DDO73 (such as smaller extensions and industrial / warehouse proposals) it has far less utility. Overall, I consider the extent of policy should remain but that the Council should consider this issue further when it next reviews the Planning Scheme.
115. An example to illustrate my point as to the applicability of the new policy is in the following objective of Clause 02.03-2 (Environmental and Landscape Values):

Ensure green cover for buildings supports the creation of complex and biodiverse ecosystems and provides a layered approach, incorporating both understorey and canopy planting.

116. Is green cover still expected for all buildings, including industrial buildings? And if not, given the Green Factor Tool is mandatory, what utility does this statement afford? The same questions arise in reviewing Clause 15.01-2L-01, which includes strategies such as:



Ensure that buildings are designed to reduce greenhouse emissions and contribute to the City of Melbourne's zero emissions target.

Ensure building design integrates green infrastructure to reduce the urban heat island effect, support biodiversity and increase occupant amenity.

117. It might be appropriate to insert statements which identify when these policies apply (for example, they might only apply when a permit is not required under DDO73).

Recommendation: Policy changes should be reviewed to clarify their application

118. Separately, it would appear that the ESD objectives, strategies and guidelines at Clause 11.03-6L-01 Arden Precinct and Clause 11.03-6L-06 Fishermans Bend require review. These clauses list specific benchmarks which might be either duplicated or made otherwise redundant by the Amendment.

Recommendation: Clause 11.03-6L-01 Arden Precinct and Clause 11.03-6L-01 Fishermans Bend should be reviewed to avoid duplication or conflict with DDO73 and the proposed policy.

119. I also have the following more specific commentary:

- Clause 02.03-7:
 - States that Council will: *Support private vehicle access to the city for deliveries, servicing and for people who need to use a car.* Is this policy statement necessary, and who would qualify as people who need to use a car?
 - Uses the term 'micro-mobility', which is a term that I am unfamiliar with.
- At Clause 15.01-2L-01 it states: *Where a tower is proposed, support development that is well spaced and offset to provide good access to an outlook, daylight and to minimise overlooking.* It is unclear to me what this objective is meant to achieve, noting that there



are already provisions in the Planning Scheme around tower separation. What is and is not a 'tower' may also be unclear.

- At Clause 15.01-2L-01, there is strategy to: *Require Green Travel Plans for larger development*. What is 'larger' should be defined.
- Clause 19.03-3L states that it applies to new buildings and extensions greater than 50sqm. There will be many cases when it is applicable *in addition to DDO73*, as well as Clause 53.18 (Stormwater Management in Urban Development). Much of the content of this clause is being removed and what remains seems generally covered by Clause 19.03-3S (Integrated Water Management).

Recommendation: Reconsider aspects of the policy drafting as described above.

2.7 Are there any other relevant town planning matters?

120. The Amendment proposes to introduce one incorporated document (which I discuss above) and a series of background documents into the Planning Scheme. It also deletes a series of redundant documents.

121. The Practitioner's Guide to Victoria's Planning Schemes (March 2024) states⁴⁴:

Incorporated and background documents may be referenced in the text of the MPS where a document has directly informed the creation of a strategic direction. Documents that generally inform the creation of the MPS do not need to be specifically listed within it.

122. I am not sure if there is value in referencing the full list of proposed documents in the Planning Scheme, especially those whose 'life' is now past (such as the Green Our City Strategic Action Plan 2017-2021). On the other hand, I do not see any particular disadvantage in doing so as these documents provide useful background and at times information (such as the Growing Green Guide – A Guide to Green Roofs, Walls and Facades (2014)).

⁴⁴ Page 70.





123. The exception may be the *Fishermans Bend Water Sensitive City Strategy* (May 2022). While this is a contemporary document, it does not appear to have informed any related changes to CCZ4. The Strategy also includes flood modelling results⁴⁵ and management protocols⁴⁶ which are not reflected in existing overlays as well as some specific targets not otherwise reflected in the Amendment⁴⁷. From my review, the Strategy might need a broader piece of work to integrate its findings, as the purpose of a background document is not to introduce new concepts.

Recommendation: Reconsider the list of background documents, in particular the Fishermans Bend Water Sensitive City Strategy May 2022.

⁴⁵ Page 9.

⁴⁶ Page 16.

⁴⁷ Such as the urban heat island effect is reduced so that Fishermans Bend will be no hotter than inner Melbourne.





3. CONCLUSION

124. My conclusions are summarised below:

- AmendmentC376melb is strategically justified.
- The selection of the Design and Development Overlay to implement the prescribed built form outcomes proposed by the Amendment is appropriate.
- DDO73 is generally well drafted, subject to some clarification.
- The changes to zones are generally appropriate subject to some minor matters.
- Policy changes are appropriate however, text should be inserted to clarify their application.

125. Summary of Recommendations:

DDO73

1. Relocate the exemption to the urban ecology requirements under the urban ecology heading.
2. Clarify the role and relationship of the exemptions and Clause 2.3 and Clause 7.
3. Delete or clarify the word 'landmark' from the first decision guideline at Clause 6.0.
4. Reconsider the discretionary requirements in Table 3.
5. Reconsider the application of the Guidelines for Waste Management Plans as mandatory requirements.
6. The background calculations of the Green Factor Tool should be finalized with the gazettal of the Amendment. The Green Factor Tool should not be able to be changed in a way which results in a different built form outcome than the gazetted version without a planning scheme amendment.

- 
7. The draft Governance Framework should be finalized which clarifies the level of engagement required for different types of changes to the Green Factor Tool.

Zones

8. Consider the future of CCZ6.
9. Remove the duplication for a Green Travel / Sustainable Transport Plan from CCZ4.

Policy

10. Policy changes should be reviewed to clarify their application.
11. Clause 11.03-6L-01 Arden Precinct and Clause 11.03-6L-01 Fishermans Bend should be reviewed to avoid duplication or conflict with DDO73 and proposed policy.
12. Reconsider aspects of the policy drafting as described at Paragraph 119.

Documents

13. The Urban Stormwater - Best Practice Environmental Management Guidelines be considered as an incorporated document at Clause 72.04.
 14. Reconsider the list of background documents, in particular the Fishermans Bend Water Sensitive City Strategy May 2022.
126. I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



John Glossop FPIA
Director, Glossop Town Planning Pty Ltd
7 August 2024



REQUIREMENTS UNDER PLANNING PANEL'S GUIDE TO EXPERT EVIDENCE

1. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, Level 5, 111 Cecil Street, South Melbourne VIC 3205. The firm has been in business since 1997. I am the firm's Director.
2. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:
 - Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
 - Strategic and Social Planning Manager, Shire of Melton until 1997.
 - Sessional member, Planning Panels Victoria between 1997-2012.
3. I have sat as a Chairman or member on several planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.
4. Sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02).
 - Member of the ResCode Advisory Committee 2000.
 - I have considerable experience in statutory and strategic planning and new format planning schemes.
5. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors.
6. I have been instructed by Melbourne City Council to provide an opinion on the planning merits of Amendment C376melb to the Melbourne Planning Scheme.





7. My office was not involved in the preparation of the amendment. I was engaged following the exhibition of the amendment.
8. I have relied on the documents referred to in the introduction section of my statement.
9. There were no tests undertaken in the preparation of this statement.
10. I was assisted in this statement by Edwina Laidlaw of my office.





APPENDIX A: INSTRUCTIONS



AMENDMENT C376MELB TO THE MELBOURNE PLANNING SCHEME

MELBOURNE CITY COUNCIL

BRIEF TO EXPERT – PLANNING

INTRODUCTION

1. Amendment C376melb to the Melbourne Planning Scheme (**Amendment**) has been prepared by Melbourne City Council (**Council**).
2. Council is the Planning Authority for the Amendment.
3. The Amendment was on public exhibition from 2 March 2023 – 17 April 2023. Seventy three (73) submissions have been received.
4. Pre-set Panel/Advisory Committee hearing dates are scheduled as follows:¹
 - 4.1 Directions Hearing in the week commencing Monday 2 October 2023;
 - 4.2 Panel Hearing in the week commencing Monday 13 November 2023 (anticipated to extend for 2-4 weeks) (**Hearing**).
5. Subject to your preliminary opinion, we may engage you to prepare an expert evidence statement and appear at the Hearing of this matter in November 2023.

AMENDMENT C376

Amendment Land

6. All land in the municipality is proposed to be affected by the Amendment².

Contents of Amendment C376

7. In terms of what the Amendment does:³

This amendment implements sustainability and green infrastructure policy into the Melbourne Planning Scheme, and new mandatory and discretionary sustainable building design standards and requirements.
8. The Amendment uses the schedule 73 to the Design and Development Overlay (**DDO73**) as the key planning control to achieve sustainable outcomes. The basis for drawing on the Design and Development Overlay as the primary planning tool is outlined at pp 30-37 in the Sustainable Building Design: Planning Scheme Amendment C376, Hansen Partnership, September 2020 (**Hansen Background Report 2020**).⁴

¹ See Planning Panels Victoria letter, dated 22 December 2022, in Folder #2.

² Amendment C376melb, *Explanatory Report*, at page 1 (see Folder #4).

³ Ibid.

⁴ A background document to the Amendment.

9. The strategic assessment of the Amendment is set out in the Explanatory Report, stating:⁵

Climate change is happening now.

Melbourne is already dealing with a hotter climate, and our climate in Victoria has already warmed by 1°C. Our city currently averages 11 days greater than 35 degrees. By 2050 we will experience an average 16 days greater than 35 degrees (Department of Environment, Land, Water and Planning, 2019).

Victoria has had longer fire seasons since the mid-1990s and fire days are projected to increase by 42 per cent per year in Melbourne by 2050. The deadly bushfires of 2019-2020 across Australia destroyed more than 10 million hectares (Rumpf, Legge, van Leeuwen, Wintle & Woinarski, 2023), damaging thousands of homes and properties and killing at least 34 people. Professor Dickman estimated one billion animals were killed (University of Sydney, 2020), and many more bats and insects are likely to die as a result of lost habitat and food sources.

By 2050, there will be 20 per cent less spring rainfall. We are also facing far more severe rainfall events, flooding and storm surges. The 2016 thunderstorm asthma events in Melbourne resulted in serious health impacts for thousands and some fatalities. The Victorian Government estimates that by 2050 sea levels will rise by 24 cm on 1990s levels (DELWP, 2019).

Temperature increases mean we could lose 35 per cent of the city's trees in the next 20 years (Kendal & Baumann, 2016). Elms and some species of indigenous eucalypts won't survive. Melbourne is home to many threatened species including the powerful owl, grey-headed flying fox and the swift parrot.

Climate change could cost our local economy \$12.6 billion by 2050 (City of Melbourne, 2018), impacting agriculture, tourism, insurance and finance.

The Intergovernmental Panel on Climate Change (IPCC) 2022 report found that even more urgent action to adapt to climate change and to cut greenhouse gas emissions is required - including by amending planning regulations to stop dangerous development. The IPCC also found that if emissions remain high, deaths caused by climate change related heat are estimated at 600 people each year in Melbourne, Sydney and Brisbane between 2031 and 2080, totalling 30,000 people over 50 years.

On 16 July 2019, the City of Melbourne declared a climate and biodiversity emergency, recognising that a temperature rise above 1.5°C would cause major and irreversible damage to the City and its ecosystem. On 18 February 2020, the City of Melbourne endorsed the acceleration of the ten priority actions to respond to the climate and biodiversity emergency including mandating greening and zero emission buildings through the Planning Scheme.

Currently the Melbourne Planning Scheme encourages sustainable development at clause 2.03-4 of the Scheme. While sustainability outcomes are being negotiated through the development application process, the current planning framework requires updating to achieve the baseline needed for Council to reach its target of zero net emissions by 2040, to improve biodiversity, to reduce the urban heat island effect, to manage water effectively, and to reduce the amount of waste going to landfill.

10. In explaining why the Amendment is required, the Explanatory report outlines:⁶

The amendment is required to introduce new sustainable building design standards into the Planning Scheme and will apply to new buildings as well as substantial alterations and additions that meet a specified size threshold. The standards address environmentally sustainable design, energy efficiency and renewables, waste and resource recovery, urban heat island response, urban ecology, integrated water management and for the Central City and Docklands, sustainable transport. The standards draw on established and industry accepted rating tools (Green Star, NatHERS, NABERS and BESS) as well as the Green Factor Tool which has been developed by the City of Melbourne.

⁵ Amendment C376melb, *Explanatory Report*, at page 2, in Folder #4.

⁶ Amendment C376melb, *Explanatory Report*, at page 2.

The amendment will introduce minimum mandatory requirements for certain standards and preferred requirements. The preferred requirements provide a greater contribution towards Council's sustainability, greening and emissions goals.

Sustainable building design requires current generations to choose how they meet their needs without compromising the ability of future generations to be able to do the same. The City of Melbourne owns and controls less than one third of the municipality's land area, with the majority of the land in private ownership or other government ownership.

In terms of built form, City of Melbourne owns less than 2 per cent of the buildings in the municipality. Private development is therefore a critical contributor to any overarching municipal goals or targets. While the City, in partnership with other public entities, can drive change on public land, the planning system remains a key tool in facilitating changed practices on private land for public benefit.

11. At an ordinance level, the Amendment proposes to:⁷

- 11.1 Amend the Municipal Planning Strategy (MPS) to ensure alignment between the MPS and the purpose of the amendment, by making changes to Clauses: 02.03-2 Environment and landscape values; 02.03-4 Built environment and heritage; and 02.03-7 Transport.
- 11.2 Amend the Planning Policy Framework (PPF) to ensure alignment between the PPF and the purpose of the amendment, by making changes to Clauses: 15.01-2L Sustainable development and 19.03-3L Stormwater management (Water Sensitive Urban Design).
- 11.3 Insert Schedule 73 to Clause 43.02 (Design and Development Overlay – Sustainable Building Design) to include provisions for:
 - environmentally sustainable design;
 - energy efficiency and renewables;
 - waste and resource recovery;
 - urban heat island response;
 - urban ecology; and
 - integrated water management.
- 11.4 Amend Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone) to include provisions for:
 - bicycle, motorcycle and car share parking;
 - electric vehicle infrastructure;
 - the design of car parking facilities; and
 - the retention of car parking spaces as common property.
- 11.5 Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to include reference to the new map sheets for Schedule 73 to Clause 43.02 (Design and Development Overlay – Sustainable Building Design).
- 11.6 Amend the Schedule to Clause 72.04 (Incorporated Documents) to include:

⁷ Amendment C376melb, *Explanatory Report*, at page 1.

- 11.6.1 the Guidelines for Waste Management Plans, (City of Melbourne, June 2021).
- 11.7 Amend the Schedule to Clause 72.08 (Background Documents) to include relevant background documents as listed below:
 - 11.7.1 Climate Change Adaptation Strategy Refresh (City of Melbourne, 2017)
 - 11.7.2 Climate Change Adaptation Strategy Refresh (City of Melbourne, 2017)
 - 11.7.3 Climate Emergency Response (City of Melbourne, 2020)
 - 11.7.4 Fishermans Bend Water Sensitive City Strategy (DJPR, 2022)
 - 11.7.5 Green Our City Strategic Action Plan 2017-2021 (City of Melbourne, 2017)
 - 11.7.6 Green Our City Strategic Action Plan: Strategic justification for C376melb regulatory requirements for sustainability (Arup, 2019)
 - 11.7.7 Growing Green Guide (City of Melbourne, 2014)
 - 11.7.8 Municipal Integrated Water Management Plan (City of Melbourne, 2017)
 - 11.7.9 **Hansen Background Report 2020;**
 - 11.7.10 Transport Strategy 2030 (City of Melbourne, 2019)
 - 11.7.11 Waste and Resource Recovery Strategy 2030 (City of Melbourne, 2019)
- 12. The following documents are 'supporting documents' to the Amendment:
 - Supporting*
 - 12.1 Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, HillPDA, November 2020;
 - 12.1.1 Attachment 1 – GOCAP Standards Testing, Breathe Architecture, Rev 0, 4 November 2020
 - 12.1.2 Attachment 2 – GOCAP – Cost Summary, Rider Levett Bucknall, May 2020
 - 12.2 Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, Addendum (5 Additional Sites), HillPDA, January 2022
 - 12.2.1 Attachment 1 – GOCAP Standards Testing, Breathe Architecture, 24 January 2022;
 - 12.2.2 Attachment 2 – GOCAP – Cost Summary, Rider Levett Bucknall, 19 January 2022.
 - 12.3 Off-street Bicycle & Motorcycle Parking Review, Final Report, Phillip Boyle & Associates, 16 March 2016
 - 12.4 Transport Strategy refresh, Background paper, Increasing the Use of Bicycles for Transport, Phillip Boyle & Associates, May 2018

13. The Exhibition documentation, including the Explanatory Report, all background and supporting documents are provided in the OneDrive Brief at Folder #4.
14. A number of Planning Panels have considered, in part, aspects sought to be advanced by the Amendment. We enclose a sample of Planning Panels reports at Folder #6 of the OneDrive Brief.

Exhibition & Submissions

15. The Amendment was on public exhibition from 2 March 2023 – 17 April 2023.
16. Exhibition attracted 73 submissions⁸.
17. A number of submissions are supportive of the Amendment, or parts of the Amendment.
18. Many submissions raise concerns with the Amendment, or aspects of the Amendment. On a preliminary review of the submissions, key issues/themes arising from submissions include:
 - 18.1 concerns with using the Planning Scheme as the tool for achieving sustainability measures;
 - 18.2 content and drafting concerns with the Amendment, particularly DDO73;
 - 18.3 use of mandatory provisions in the DDO73/Inconsistent with PPN059;
 - 18.4 ongoing challenges with the future updating of Green Star and BESS standards;
 - 18.5 concerns with the Green Factor Tool;
 - 18.6 potential use of alternative tools;
 - 18.7 requested exemptions sought from parts of the Amendment;
 - 18.8 need for transitional provisions;
 - 18.9 concerns to project/planning permit application delays;
 - 18.10 implementation concerns;
 - 18.11 economic feasibility/affordability, including costs to be passed on to purchasers;
 - 18.12 relationship with the National Construction Code (NCC)/ the Amendment should not pursue more ambitious standards;
 - 18.13 gas connections and the implications for cooking;
 - 18.14 risks of green infrastructure and maintenance costs;
 - 18.15 concerns with the proposed car parking provisions being retained in common property;
 - 18.16 EV charging, including possible safety issues;
 - 18.17 questioning the science and need to respond to climate change.

⁸ A copy of all submissions received to the Amendment can be found in Folder #5.

Future Melbourne Committee (FMC) consideration

Future Melbourne Committee – 21 November 2017 (Green Our City Action Plan)

19. At its meeting on 21 November 2017, the Future Melbourne Committee (**FMC**) resolved as follows⁹:

That the Future Melbourne Committee:

Endorses the Green Our City Strategic Action Plan to enhance the City of Melbourne's existing education and incentive-based approach whilst developing a business case for a future regulatory mechanism, for Council consideration.

Authorises the Director City Strategy and Place to make any further minor editorial changes to the Green Our City Strategic Action plan prior to publication.

20. The *Green Our City Action Plan* (**GOCAP**) is proposed as a Background Document in the schedule to Clause 72.08.¹⁰

21. One of the actions in the (GOCAP) is to:

Pursue changes to the planning scheme to require all types of development in the City to play a part in achieving environmentally sustainable design targets, including green walls and vertical greening. Review the planning scheme to determine the most effective planning scheme tools to deliver improved green infrastructure outcomes. Include an economic feasibility study to ensure that green infrastructure can be delivered by developers without compromising feasibility. Economic analysis should include consideration of other planning requirements such as affordable housing provision and design requirements to understand the cumulative impact of all controls. Considerations will include: - how best to work with other Councils, including the work of CASBE, and the State and build on existing reforms - how to ensure that real change is delivered, while engaging productively with the development community and ensuring the commercial context is understood - how best to adapt world leading initiatives such as Seattle's Green Factor in a City of Melbourne context.

Future Melbourne Committee – 18 February 2020 (City of Melbourne's response to the Climate and Biodiversity Emergency Declaration)

22. At its meeting on 18 February 2020, the FMC resolved as follows¹¹:

That the Future Melbourne Committee endorses management's review and response to the Climate and Biodiversity Emergency, and the acceleration of the ten priority actions, subject to future annual plan and budget processes.

23. The document, *Responding to the Climate and Biodiversity Emergency, 18 February 2020*, is proposed to be listed as a Background Document in the schedule to Clause 72.08.¹²

24. One of the actions from *Responding to the Climate and Biodiversity Emergency, 18 February 2020*, is:

Mandate greening and zero emissions buildings through the Planning Scheme.

Future Melbourne Committee – 15 September 2020 (Green Factor Tool)

⁹ The FMC report and minutes are provided in Folder #3a.

¹⁰ A copy is provided at Folder #4aa of the OneDrive Brief.

¹¹ The FMC report and minutes are provided in Folder #3b.

¹² A copy is provided at Folder #4aa of the OneDrive Brief.

25. At its meeting on 15 September 2020, the Future Melbourne Committee resolved as follows¹³:

That the Future Melbourne Committee:

Endorses the Melbourne Green Factor Tool for use through the Melbourne Planning Scheme as the preferred approach for demonstrating urban ecology outcomes on new developments.

Authorises the establishment of a governance structure to oversee technical updates to the tool and to ensure the tool continues to meet its objectives.

26. Use of the Green Factor Tool is embedded in the DDO73 as a mandatory and discretionary requirement.

Future Melbourne Committee – 15 September 2020 (Amendment C376 Sustainable Building Design)

27. At its meeting on 15 September 2020, the Future Melbourne Committee resolved as follows¹⁴:

That the Future Melbourne Committee:

Seeks authorisation from the Minister for Planning to prepare and exhibit Melbourne Planning Scheme Amendment C376 Sustainable Building Design (refer to Attachment 2 of the report from management).

Requests that the Chief Executive Officer write to the Minister for Planning to request that he:

- introduce a state-wide planning provision to champion environmentally sustainable design, city greening and green infrastructure with a local schedule to enable mandatory requirements and allow tailoring by councils, attaching draft provision to assist (refer to Attachment 3 of the report from management);
- work with the City of Melbourne and Council Alliance for Sustainable Built Environments councils to finalise and implement the state-wide provision, enabling local governments to localise their requirements in line with their Council's endorsed positions.

Commends the development of the Green Factor tool, as a method to achieve and assess an urban ecology standard, and endorses its use through the Melbourne Planning Scheme.

Authorises the General Manager Strategy, Planning and Climate Change to make any minor and editorial and referencing changes and as required to accord with the Victorian Government's planning policy framework translation to Melbourne Planning Scheme Amendment C376 (refer to Attachment 2 of the report from management).

INSTRUCTIONS

28. You are kindly instructed to:

28.1 Review the documents in the OneDrive brief including:

28.1.1 All exhibited documents in Folder #4;

28.1.2 Submissions received to the Amendment in Folder #5, particularly the following submissions:

¹³ The FMC report and minutes are provided in Folder #3c.

¹⁴ Ibid.

- (a) #8 – Beulah;
- (b) #32 - Ewan Ogilvy;
- (c) #33 – RMIT;
- (d) #38 – Master Builders;
- (e) #40 – South East Water;
- (f) #42 – John Blake;
- (g) #43 – Housing Institute of Australia (HIA);
- (h) #45 – Urban Development Institute of Australia (UDIA);
- (i) #46 - RSA Holdings Pty Ltd;
- (j) #49– Rockford Constant Velocity Pty Ltd;
- (k) #50 – Ark Resources;
- (l) #52 – GoGet Carshare;
- (m) #53 – MAB Corporation Pty Ltd;
- (n) #57 – Southbank Residents Association;
- (o) #59 –Melbourne Climate Futures of the Faculty of Architecture, Building and Planning, University of Melbourne;
- (p) #61 – Bernd Bartl;
- (q) #62 – Australian Institute of Landscape Architects (AILA);
- (r) #64 – Fishermans Bend Taskforce (Department of Transport and Planning);
- (s) #65 – NABERS;
- (t) #66 – Property Council of Australia (PCA);
- (u) #67 - Planners Declare;
- (v) #68 – University of Melbourne;
- (w) #69 – ADP Consulting
- (x) #72 – Ausvest Holdings Pty Ltd.

28.2 Provide us with a preliminary opinion on Amendment C376 on matters within your area of expertise, including identifying any issues (arising from submissions, or otherwise) which warrant further consideration.

29. Please advise us if you require anything further to inform your views.

30. Please be clear if a particular issue or matter falls outside your area of expertise.

31. We would be grateful if we could meet to discuss your preliminary views on the Amendment in conference on 31 May 2023. We'll confirm the time closer to the date.
32. Subject to your preliminary opinion, we may engage you to prepare an expert evidence statement and appear at the Hearing of this matter in November 2023. We understand you are available to prepare an evidence report and give evidence at the Hearing which is scheduled to commence on **13 November 2023**.
33. Before starting any work, we kindly request you provide us with an electronic copy of your fee proposal for work to inform your preliminary opinion, as well for preparing an expert evidence report and appearing as an expert witness at the Hearing. Please also provide a schedule of fees and rates in the event that you are required to perform additional tasks in the future relating to this matter.
34. As an independent expert, it is important that you are free from any possible conflict of interest in providing your opinion. We understand you have no such conflict. If any conflict or potential conflict becomes apparent to you during your work on this matter, please advise without delay.
35. This instruction and any communications arising from this instruction are subject to legal professional privilege. You must as far as legally possible treat all communications relating to the scope of works as confidential.
36. Link to OneDrive Brief [City of Melbourne C376 – Expert Briefing material](#)

Date delivered: **12 May 2023**

Index – Brief to Expert

No.	Document
Folder #1 – Brief to Expert	
	Brief to expert
Folder #2 – Panel related	
a	Planning Panels Victoria – Practice Note PN01 – Expert Evidence
b	Pre-set Panel hearing letter from Panel's Victoria (December 2022)
Folder #3 - Future Melbourne Committee (FMC) meetings	
a	Future Melbourne Committee, 21 November 2017 - Report – Green Our City Strategic Action Plan - Minutes
b	Future Melbourne Committee, 18 February 2020 - Report –Climate and Biodiversity Emergency 2020 - Minutes
c	Future Melbourne Committee, 15 September 2020 - Report – Amendment C376: Sustainable Building Design - Report – Melbourne Green Factor Tool - Minutes
Folder #4 – Exhibited documents	
	- Amendment C426 Explanatory report - Amendment C426 Instruction Sheet
a	Exhibited Policy, Ordinance, Mapping and Incorporated Document - Clause 2.03 Strategic Directions - Clause 15.01-2L-01 Sustainable development - Clause 19.03-3L Stormwater management (Water Sensitive Urban Design) - Schedule 73 to the Design and Development Overlay (DD073); - Schedule 1 to the Capital City Zone (CCZ1) - Schedule 2 to the Capital City Zone (CCZ2) - Schedule 3 to the Capital City Zone (CCZ3) - Schedule 4 to the Capital City Zone (CCZ4) - Schedule 5 to the Capital City Zone (CCZ5) - Schedule 7 to the Capital City Zone (CCZ7) - Schedule 1 to the Docklands Zone (DZ1) - Schedule 2 to the Docklands Zone (DZ2) - Schedule 3 to the Docklands Zone (DZ3) - Schedule 4 to the Docklands Zone (DZ4) - Schedule 5 to the Docklands Zone (DZ5) - Schedule 6 to the Docklands Zone (DZ6) - Schedule to Clause 72.03 What Does this Planning Scheme consist of? - Schedule to Clause 72.04 Incorporated Documents - Schedule to Clause 72.08 Background Documents - Guidelines for Waste Management Plans, 2021, City of Melbourne (Proposed Incorporated document);

No.	Document
aa	Background documents - Green Our City Strategic Action Plan: Strategic Justification for regulatory requirement for sustainability, Arup, 18 October 2019 - Sustainable Building Design, Planning Scheme Amendment C376, Background Report, Hansen, September 2020 - Climate Change Adaptation Strategy Refresh, City of Melbourne, 2017 - Climate Change Mitigation Strategy to 2050, City of Melbourne, 2018 - Climate Emergency Response, City of Melbourne, 2020 - Fishermans Bend Water Sensitive City Strategy, DJPR, 2022 (Part 1) - Fishermans Bend Water Sensitive City Strategy, DJPR, 2022 (Part 2) - Green Our City Strategic Action Plan 2017-2021, City of Melbourne, 2017 - Growing Green Guide, City of Melbourne 2014 - Municipal Integrated Water Management Plan, City of Melbourne, 2017 - Transport Strategy 2030, City of Melbourne, 2019 - Waste and Resource Recovery Strategy 2030, City of Melbourne, 2019
ab	Supporting Documents - Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, HillPDA, November 2020; - Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, Addendum (5 Additional Sites), HillPDA, February 2022; - Off-street Bicycle & Motorcycle Parking Review, Final Report, Phillip Boyle & Associates, 16 March 2016; - Transport Strategy refresh, Background paper, Increasing the Use of Bicycles for Transport, Phillip Boyle & Associates, May 2018.
Folder #5 – Submissions	
	Various (Submissions #1 - #73)
Folder #6 – Panel Reports	
a	Victorian Planning Authority Projects Standing Advisory Committee - Referral 6 (AC) [2022] PPV 24 (2 May 2022)
b	Melbourne C309 (PSA) [2019] PPV 55 (11 October 2019)
c	Fishermans Bend Planning Review Panel (AC) [2018] PPV 71
d	Environmentally Efficient Design Local Policies (AC) [2014] PPV 40 (7 April 2014)
e	Melbourne C187 (PSA) [2012] PPV 132 (7 November 2012)

7 May 2024

John Glossop
Director
Level 5/ 111 Cecil Street
South Melbourne VIC 3205



CITY OF MELBOURNE

GPO Box 1603
Melbourne VIC 3001
Telephone (03) 9658 9658
Facsimile (03) 9654 4854
DX210487

ABN 55 370 219 287

By email to john@glossopco.com.au

Dear Mr Glossop

**LETTER OF INSTRUCTIONS TO PREPARE INDEPENDENT EXPERT EVIDENCE
AMENDMENT C376 TO THE MELBOURNE PLANNING SCHEME – ENVIRONMENTALLY
SUSTAINABLE DEVELOPMENT**

Purpose

1. The purpose of this letter is to retain you as an independent expert witness in the proceeding concerning Amendment C376 to the Melbourne Planning Scheme (**Amendment**) which is anticipated, in due course, to be considered by an independent planning panel (**Panel**).

Key Dates

2. The Panel hearing to consider the Amendment is scheduled to commence in the week beginning Monday 19 August 2024 (**Panel Hearing**) and is expected to be held at Planning Panels Victoria, 1 Spring Street, Melbourne.
3. You will be expected to be available to appear before the Panel and present your expert evidence. Your expert evidence will be filed and served prior to the commencement of the Panel Hearing. We will be in a position to advise when you can expect to attend the Panel once we've had the Directions Hearing, and a Panel Hearing timetable is issued.
4. While we don't yet know when final expert evidence statements will be due, we kindly request a draft copy of your expert evidence statement be provided by **Thursday 16 May 2024**. We will then ask you to update that draft, as necessary, after the consideration of the Amendment by the Future Melbourne Committee (**FMC**).
5. In addition to the preparation of your expert evidence statement, it would be helpful for you to prepare a "Powerpoint style" summary document for the presentation of your evidence. The presentation must not contain any new material to that within your expert evidence statement. We will advise you of the date the presentation is due for circulation following the Directions Hearing.

Documents

6. Below is the link to your electronic brief containing material you are to consider to prepare and inform your evidence.

[City of Melbourne C376 - John Glossop Briefing material](#)

7. Please advise if you require anything further to inform your views.

Overview

8. The Amendment, among other things, seeks to use the schedule 73 to the Design and Development Overlay (DDO73) as the key planning control to achieve sustainable building design outcomes, while the sustainable transport outcomes of the Amendment are to be achieved by the proposed changes to Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone).
9. The Amendment was on public exhibition from 2 March 2023 – 17 April 2023.
10. Exhibition attracted 73 submissions.
11. At an upcoming meeting, the FMC will consider management's response to the submissions received where it is anticipated the FMC will resolve to refer all submissions received to the Amendment to the Panel for its consideration.

Instructions

12. You are kindly instructed to:
 - a. review and consider the documents provided in your electronic brief;
 - b. prepare an expert evidence statement and "*Powerpoint style*" presentation; and
 - c. appear as an independent expert witness in relation to this proceeding.
13. Your statement of independent expert evidence is to:
 - a. consider, formulate and express opinions on matters relating to your area/s of expertise, including by having regard to;
 - a. the Scheme;
 - b. the exhibited Amendment;
 - c. relevant background material as provided in your electronic brief;
 - d. a version of the Amendment that Council prepares as its preferred version of the Amendment.
 - b. consider and respond to the issues raised in all submissions to the Amendment as referred to the Panel in areas relating to your area/s of expertise (noting that some submissions may not disclose any substantive matters to respond to).
 - c. be prepared in accordance with the Practice Note 1: Expert Evidence, published by Planning Panels Victoria (a copy is enclosed in your brief).
14. In the preparation of your expert evidence statement we will expect that you've had regard to the materials in your brief (as you see relevant) and any additional documentation we upload to your brief upon it becoming available.

Conflict of Interest

15. Thank you for confirming you have no conflicts and that you are able to accept these instructions.
16. If any conflict or potential conflict becomes apparent to you during your work on this matter, please advise us without delay.

Please do not hesitate to contact me on the details below if you have any queries or require anything further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ann Maree Drakos', with a stylized flourish at the end.

Ann Maree Drakos

Legal Counsel, Planning (Finance and Corporate)
City of Melbourne

E-mail: ann-maree.drakos@melbourne.vic.gov.au

Phone: 0481 097 494

From: [Ann-Maree Drakos](#)
To: [John Glossop](#)
Cc: [Cecilia Glossop](#)
Subject: Amendment C376melb - Update regarding Future Melbourne Committee meeting
Date: Monday, 13 May 2024 1:09:36 PM
Importance: High

Dear John

I want to provide you an update regarding Amendment C376melb (**Amendment**).

The Amendment will be considered at the Future Melbourne Committee (**FMC**) meeting on Tuesday 21 May 2024.

The Council officer report summarising and responding to submissions received to the Amendment has been uploaded to your brief at [3d FMC 21 May 2024 - Consideration of submissions](#)

Also forming an attachment to the FMC report is:

- a summary of recommended changes to the exhibited version of the Amendment; and
- a preferred version of the Amendment to be considered by the FMC.

Please have regard to this FMC report in the preparation of your draft expert evidence report.

I will update you once FMC has considered the FMC report.

Please don't hesitate to contact me should you have any questions.

Kind regards

Ann-Maree

Ann-Maree Drakos | Legal Counsel – Planning | Finance and Corporate

City of Melbourne | Town Hall, Level 3, 90 Swanston Street, Melbourne 3000 | GPO Box 1603
Melbourne 3001

m. 0481 097 494 e: Ann-Maree.Drakos@melbourne.vic.gov.au
www.melbourne.vic.gov.au | [whats.on@melbourne.vic.gov.au](https://www.whatsapp.com/channel/0029va833333333333333333)
[Our values](#) | Think before you print

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi Wurrung and Bunurong Boon Wurrung peoples of the Eastern Kulin and pays respect to their Elders past, present and emerging. We acknowledge and honour the unbroken spiritual, cultural and political connection the Wurundjeri, Bunurong, Dja Dja Wurrung, Taungurung and Wadawurrung peoples of the Eastern Kulin have to this unique place for more than 2000 generations. We are committed to our reconciliation journey, because at its heart, reconciliation is about strengthening relationships between Aboriginal and non-Aboriginal peoples, for the benefit of all Victorians.

This email is intended solely for the named addressee.

If you are not the addressee indicated please delete it immediately.



APPENDIX B: POLICY CONTEXT

Plan Melbourne 2017-2050

1. Plan Melbourne 2017-2050 identifies climate change (the need for both mitigation and adaptation) as a key challenge.
2. Principle 4 (Environmental resilience and sustainability) states: Protect Melbourne's biodiversity and natural assets is essential for remaining a productive and healthy city. There is an urgent need for Melbourne to adapt to climate change and make the transition to a low carbon city.
3. Outcome 6 is: Melbourne is a sustainable and resilient city. Directions include:

Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050

Reduce the likelihood and consequences of natural hazard events and adapt to climate change.

Integrate urban development and water cycle management to support a resilient and liveable city.

Make Melbourne cooler and greener.

Protect and restore natural habitats.

Improve air quality and reduce the impact of excessive noise.

Reduce waste and improve waste management and resource recovery.

Melbourne Planning Scheme

Municipal Planning Strategy

4. The Municipal Planning Strategy identifies the Council's 'Vision' at Clause 2.02, which includes six high level goals including 'an eco city'.

- 
5. Clause 02.03-3 (Environmental Risks and Amenity) includes the heading: Climate Change. It states that in planning for climate change, Council will encourage development that is resilient to heatwaves, water shortages, extreme storm events and sea level rises.
 6. At Clause 02.03-4 (Built Environment) it states:
 - *The City will plan and design to become an environmentally sustainable city that is energy, water and waste efficient and adapted to predicted climate change.*
 - *In promoting sustainable development, the Council will:*
 - *Ensure an environmentally sustainable urban environment and building design that facilitates reduced greenhouse emissions, integrated water management, and efficient resource use and waste reduction.*
 - *Ensure the built environment resilient to heatwaves, water shortages, extreme storm events and sea level rise.*
 - *Encourage environmentally sustainable building design innovation.*
 - *Encourage the connection of buildings to district energy, water and waste systems through a precinct-wide approach.*
 7. Clause 02.03-7 (Transport) seeks an integrated and sustainable transport system. Under Clause 02.03-8 (Infrastructure) it states that Council will encourage stormwater management to minimise the impact of development on waterways.

Planning Policy Framework

8. Within the Planning Policy Framework (the "PPF"), the following policies are considered particularly relevant to this matter:
 - Clause 11.03 'Planning for Places'
 - Clause 12 'Environment and Landscape Values' including:

- Clause 12.01 Biodiversity
- Clause 13 'Environmental Risks and Amenity' including:
 - Clause 13.01 Climate Change Impacts
- Clause 15 'Built Environment and Heritage' including:
 - Clause 15.01-2L-01 Energy and Resource Efficiency
- Clause 18 'Transport'
- Clause 19 'Infrastructure'

Review of relevant zones

Capital City Zone

9. Schedules 1 (Outside the Retail Core) and 2 (Retail Core) of the CCZ include references to now outdated decision guidelines regarding bicycle parking.
10. Schedule 4 (Fishermans Bend Urban Renewal Area) includes a greater focus on environmentally sustainable design. It includes the following Purpose:

To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.
11. Under 3.1 Subdivision Requirements it states: Car parking areas must be retained in a single or a consolidated title as common property, unless the responsible authority agrees otherwise.
12. An Application Requirement is: Information that demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time. There are also related Decision Guidelines.

- 
13. 4.0 Buildings and Works Requirements includes minimum bicycle, motorcycle and car share parking rates for development of more than 50 dwellings and with over 10,000sqm non residential floor space.
 14. The following mandatory permit conditions also apply to all applications:
 - New building or additions that contain 10 or more dwellings or 5,000sqm of floor space must submit evidence that the project has been registered to seek a minimum 5 Star Green Star Design and As Built rating (or equivalent) and within 12 months of occupation certification must be provided.
 - Other buildings more than 50sqm in size must provide evidence has been registered to seek a minimum 4 Star Green Star Design and As-Built rating (or equivalent) and within 12 months of occupation certification must be provided.
 - A third pipe must be installed for recycled and rain water unless otherwise agreed.
 - A rainwater tank must be provided that meets specified requirements.
 15. Application requirements include a Sustainability Management Plan, a Sustainable Transport Plan and a Landscape Plan.
 16. There are also related Decision Guidelines including:
 - The proposed sustainability rating of the building.
 - Whether appropriate sustainable water, waste and energy management is proposed.
 17. Schedules 3, 5-7 include few references to environmentally sustainable design.

Dockland Zones

18. There are seven existing schedules to the Docklands Zone in the Planning Scheme. They do not currently emphasis matters of ESD.



Special Use Zone – Schedule 6 (West Melbourne)

19. Purpose includes:

- *To encourage a less car dependent transport system by facilitating the adoption of sustainable transport alternatives, and ensuring that opportunities to adapt and repurpose car parks are protected.*

20. 2.0 Use of land for Car Park

An application to use land for a Car Park must be accompanied by a document demonstrating that any existing car parking spaces to be repurposed as a Car Park are not needed for the other uses conducted on the land

21. 3.0 Application Requirements

An application for a permit under this schedule must be accompanied by the following as appropriate, to the satisfaction of the responsible authority:

A report which addresses whether the subdivision provides for the transition of car parks and car spaces on common property to alternative uses over time.

22. 4.0 Buildings and Works

The following requirements apply to the construction of a building or the carrying out of works:

All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.



Special Use Zone – Schedule 7 (Arden)

23. Purpose includes:

To create a world leading sustainable urban renewal precinct that achieves best practice sustainable design, promotes sustainable transport patterns and a less car dependent community, and built form that ensures development provides flexibility to facilitate adaptation and change over time.

24. 3.0 Subdivision Decision Guidelines

Whether the subdivision will facilitate the future adaptation or repurposing of proposed car parking areas.

Whether the subdivision promotes consolidated car parking.

The contribution the proposed subdivision makes to pedestrian and bicycle permeability.

Any potential flood risk to life, health and safety associated with the development and the delivery of precinct wide flood management.

25. 4.0 Buildings and Works

Where carparking is proposed, a minimum of one motorcycle space per 40 car parking spaces should be provided, unless the responsible authority agrees to a lesser number.

Development must provide bicycle parking in accordance with Table 2, unless the responsible authority agrees to a lesser number.

An application for a permit for buildings and works greater than 5000 square metres gross floor area must be accompanied by an operational management, prepared by a suitability qualified person and include the following:

Proposed maintenance of key energy systems.

Any commitment to 100 per cent renewable electricity supply response.



Green travel plan.

Proposed maintenance of stormwater treatment (rainwater, raingardens etc.).

Any organics collection and in building management of waste.

Proposed irrigation and maintenance for green infrastructure.





APPENDIX C: THE AMENDMENT

26. The Amendment, as exhibited, seeks to:

- Amend to following clause of the Planning Scheme to reflect the objectives of the broader Amendment:
 - Clause 02.03-2 Environment and Landscape Values
 - Clause 02.03-4 Built Environment and Heritage
 - Clause 02.03-7 Transport
 - Clause 15.01-2L Sustainable Development
 - Clause 19.03-3L Stormwater Management
- Insert a new Design and Development Overlay – Schedule 73 (DDO73) into the Planning Scheme, which would cover the entire municipality⁴⁸. DDO73 contains mandatory and discretionary provisions in relation to:
 - environmentally sustainable design;
 - energy efficiency and renewables;
 - waste and resource recovery;
 - urban heat island response;
 - urban ecology; and
 - integrated water management.
- Amend Schedules 1-5 & 7 of the Capital City Zone and Schedules 1-6 of the Docklands Zone by:

⁴⁸ Outside of land in a Transport Zone

- 
- Modifying the Purpose to encourage a less car dependent transport system.
 - In all schedules except CCZ4 (which applies to Fishermans Bend⁴⁹):
 - Modifying the section on Subdivision to require that car parking areas be retained as common property, unless the Responsible Authority agrees otherwise and to insert related Decision Guidelines.
 - Modifying the section on Buildings and Works to:
 - insert a new Requirement for minimum bicycle, motorcycle and car share parking spaces, which must be provided unless the Responsible Authority is satisfied that a lesser number is sufficient.
 - Insert a new Requirement for the design of car parking facilities, which should be designed to facilitate adaption to an alternative use and which should include design features, such as EV charging points and which should be located and designed to specified requirements.
 - To include related Decision Guidelines.
 - In Schedule 4 of the CCZ to modify:
 - Section 4.2 Requirements to include the same Requirements for the design of car parking facilities, which should be designed to facilitate adaption to an alternative use and which should include design features, such as EV charging points and which should be located and designed to specified requirements.

⁴⁹ CDZ4 already contains a requirement that parking remain on common property, as well as specific bicycle, motorcycle and car share parking requirements



- Section 4.6 to include related Decision Guidelines.

- Incorporate new Guidelines for Waste Management Plans (CoM June 2021).
- To insert the documents summarised in the table below as either incorporated or background documents.

Proposed Incorporated Document	Summary
Guidelines for Waste Management Plans, (City of Melbourne, June 2021)	Relates to Table 4 of DDO73, which states that all development must provide waste and resource recovery facilities in accordance with the Guidelines.
Proposed Background Documents	Summary
Growing Green Guide – A Guide to Green Roofs, Walls and Facades (City of Melbourne, 2014)	Provides general information on the benefits of 'greening buildings, as well as a technical guide on the design, installation of maintenance of these features. While the document is note somewhat aged, its technical information presumably remains relevant.
Green Our City Strategic Action Plan 2017-2021 – Vertical and Rooftop Greening in Melbourne (City of Melbourne, 2017)	Provides a description of the challenges in implementing green infrastructure requirements, including shortcomings with the existing policy matrix in achieving these outcomes. The document provides actions, which include (4.1) pursue changes to the planning scheme to require all types of development to play a part in achieving EDS targets including green roofs and vertical greening.
Municipal Integrated Water Management Plan (City of Melbourne, 2017)	Buildings on the earlier Total Watermark Strategy and identifies (among other things) the value of reducing run off (and flooding) by increasing permeability as the city grows. This includes by increasing the quantity and quality of green roofs for the capture and retention of rainwater.



Climate Change Adaptation Strategy Refresh (City of Melbourne, 2017)	This document updates the Climate Change Adaptation Strategy 2009 (and the subsequent Adaptation Action Plan 2010) and details increased efforts and new ways to adapt to climate change. The 2009 and 2017 Strategy identifies the four main climate change risks for Melbourne as insufficient water supply, floods (including from rising sea levels), heatwaves and storms. The strategy identifies key challenges for the future including inundation from floods and sea level rise and increasing greening in the future. An identified principles are: <i>Continue to act as a global leader in climate change adaptation across our city and drive innovation in adaptation by remaining open to experimentation and continuing to push boundaries.</i> Five goals are identified: <i>Goal 1: Enhance the natural environment and green spaces of our municipality</i> <i>Goal 2: Shape our built form and urban renewal areas to withstand future climate change impacts</i> <i>Goal 3: Strengthen the resilience of our inclusive, family friendly and culturally diverse community</i> <i>Goal 4: Protect and enhance our diverse economy</i> <i>Goal 5: Continue to build Melbourne's climate change adaptation capabilities and expertise</i>
Waste and Resource Recovery Strategy 2030 (City of Melbourne, 2019)	The Strategy seek to significantly reduce waste to landfill by implementing more effective recycling. Key targets by 2030 are: 90 per cent of waste diverted from landfill 1.2Mt CO₂-e in greenhouse gas emissions avoided 20 per cent reduction in household waste produced Key Action 6.1 from the Strategy seeks to strengthen the Waste Management Guidelines to ensure higher recover rates in new development, while Key Action 7.2 and implement successful





	organic waste solutions. A further target is no private bins in the public realm.
Green Our City Strategic Action Plan: Strategic justification for C376melb regulatory requirements for sustainability (Arup, 2019)	This report provides the strategic justification for enhanced regulatory requirements, as set out in Action 4.1 of the Green Our City Strategic Action Plan. The report reviews the existing policy context, identifies gaps and resolves the original, proposed standards for DDO73.
Transport Strategy 2030 (City of Melbourne, 2019)	Identifies the following 'Vision': <i>Walking on our streets and laneways will be safe and comfortable with expansive unobstructed footpaths, seating and substantial tree canopy coverage.</i> <i>We will extend Melbourne's renowned laneway culture linking the 'Little' streets. Our future laneways will be places for people, knowledge exchange and hospitality, walking, meeting, eating and drinking.</i> <i>Melbourne will be Australia's premier bicycle city. More people will be confident to ride with a connected network of safe and protected bicycle lanes and high-quality bicycle parking facilities.</i> <i>Our train stations will be international gateways to our city – iconic public spaces celebrating arrival to our city for hundreds of thousands of people, with seamless interchange between transport modes that is intuitive and easy.</i> <i>Public transport will be safe, accessible, fast and frequent.</i> <i>Private vehicle access to the city will be prioritised for efficient deliveries, servicing and for people who need to use a car.</i> <i>We will embrace the future with smart city and micromobility trials that deliver public benefit. Disruption will be co-ordinated, managed and communicated.</i> The Strategies identifies desired outcomes including: ■ Fewer non essential vehicles in the municipality (Outcome 4).



	- More people riding bikes (Outcome 6). - Zero emissions transport (Outcome 12). It identifies as a target 'increase public transport, walking and cycling mode share to 70 per cent of all trips'.
Responding to the Climate and Biodiversity Emergency (City of Melbourne, 2020)	Council has endorsed a response to the Climate and Biodiversity Emergency Declaration it made on 16 July 2019. The response identifies ten priorities for accelerated action, as follows: - Transition Council operations from fossil fuels. - Fast track delivery of 44 km of protected bike lanes outlined in the Transport Strategy 2030. - Stimulate end market circular economy solutions. - Embed climate change and biodiversity action into Council processes, programs and design and construction of assets. - Mandate greening and zero emissions buildings through the Planning Scheme. - Accelerate renewable energy purchasing by businesses and residents. - Incentivise good building environmental performance (including renewable energy use) through rates. - Build a business coalition to advance the clean and circular economy. - Tell Melbourne's climate change story. - Undertake bold advocacy on behalf of our community.
Sustainable Building Design Background Report (Hansen Partnership, 2020);	Provides an overview of the history and evolution of the Amendment documentation and supports the strategic basis of the Amendment.
Fishermans Bend Water Sensitive City Strategy (DJPR, 2022)	Identifies a Vision as: A water sensitive, climate resilient, biodiverse and liveable Fishermans Bend. The Purpose of the document is to outline how water will be managed and integrated into the urban landscape.



Climate Change Mitigation Strategy to 2050	This document outlines Council’s List of Priority Actions which reduce the City’s greenhouse gas emissions. Strategic priorities as set out in the Strategy are: 1. 100 per cent renewable energy 2. zero emissions buildings and precincts 3. zero emissions transport 4. reducing the impact of waste.
--	---



