

OFFICIAL

Planning Delegated Committee Meeting

Agenda

12 May 2021 at 6:30pm

**Council Chamber, Town Hall, Sturt Street,
Ballarat**



ORDER OF BUSINESS:

1. Welcome To Country3

2. Apologies For Absence.....3

3. Declaration Of Conflict Of Interests.....3

4. Confirmation Of Minutes.....3

5. Officer Briefing.....3

6. Planning Delegated Committee Reports3

 6.1. Elevating ESD Targets Planning Scheme Amendment Project.....3

7. General Business - Matters Arising From The Agenda9

8. Close9

1. WELCOME TO COUNTRY



The City of Ballarat acknowledges the Traditional Custodians of the land we live and work on, the Wadawurrung and Dja Dja Wurrung People, and recognises their continuing connection to the land and waterways. We pay our respects to their Elders past, present and emerging and extend this to all Aboriginal and Torres Strait Islander People.

2. APOLOGIES FOR ABSENCE

3. DECLARATION OF CONFLICT OF INTERESTS

4. CONFIRMATION OF MINUTES

5. OFFICER BRIEFING

PUBLIC SUBMISSIONS

- Due to COVID-19 restrictions around public gatherings the following has been put in place.
- Public representations may be made on any items listed on the agenda in a Planning Delegated Committee Meeting.
- Submissions must be submitted in writing to governance@ballarat.vic.gov.au by no
- later than 4.30pm on the day of Planning Delegated Committee; and limited to no more than 200 words that will be read out by the Chief Executive Officer or nominated delegate at the meeting prior to the matter being considered; or
- If you do wish to attend the meeting in person to make your submission, please contact governance@ballarat.vic.gov.au to make arrangements which align with COVID-19 restrictions.

6. PLANNING DELEGATED COMMITTEE REPORTS

6.1. ELEVATING ESD TARGETS PLANNING SCHEME AMENDMENT PROJECT

Division: Development and Growth
Director: Natalie Robertson
Author/Position: Joanna Cuscaden – Executive Manager Development Facilitation

PURPOSE

1. To seek endorsement to proceed with Stage 1 of the 'Elevating Environmentally Sustainable Design' project.

BACKGROUND

2. Victorian councils are invited to join a joint planning scheme amendment to seek zero carbon and resilient development.
3. The invitation involves participating councils formally agreeing to be part of the project by signing a Memorandum of Understanding (MoU) that outlines the expectations for councils involved. Participating councils would commit to financial and in-kind contributions which are highlighted in the sections below for Stage 1.
4. Key components of the ESD Categories:
 - a. **Energy:** introduce minimum requirements for developments to produce zero carbon emissions to align with the Victorian Government's target of zero net emissions by 2050.
 - b. **Integrated Water Management:** refine current targets for water efficiency and stormwater management, including additional consideration of flood mitigation.
 - c. **Indoor Environment Quality:** refine current requirements to achieve safe and healthy indoor environments including thermal comfort, access to clean and fresh air and access to daylight.
 - d. **Circular Economy:** refine current requirements to support development that considers lifecycle impacts of resource use, enables operational waste recovery and supports innovation of material use.
 - e. **Transport:** update to include minimum requirements for electric vehicle charging and bicycle facilities.
 - f. **Urban Ecology:** additional requirements to protect, retain and enhance canopy vegetation, indigenous landscapes and habitat for biodiversity.
 - g. **Climate resilience:** to support development that strengthens resilience and adaptive capacity to climate related hazards and natural disasters.
5. The City of Ballarat is well placed strategically to participate in this project, as it has already prepared several highly relevant strategies which seek to strengthen and elevate the City of Ballarat's response toward mitigation of greenhouse gas emissions. These include:
 - The Carbon Neutrality and 100% Renewables Action Plan 2019-2025
 - The Ballarat Integrated Transport Action Plan, 2020
 - The Ballarat Circular Economy Framework
 - City of Ballarat acknowledged the MAV's declaration of climate emergency in 2017, acknowledging that urgent action on greenhouse gas emissions is required by all levels of government.
 - City of Ballarat has committed to partner with stakeholders to co-author an emissions reduction target and action plan for the municipality. Development of the plan will occur through 2021/22.

6. With a list of city-shaping strategic planning projects underway, including the Ballarat Housing Strategy, Growth Areas and the CBD Urban Design Framework, there is an opportunity to embed progressive ESD principles and policies in a statutory framework that require both the public and private sector to elevate their ESD standards through a new Local Planning Policy in the Ballarat Planning Scheme.
7. For Ballarat to complete a similar planning scheme amendment, the full cost of such an amendment would be borne entirely on the City. In addition, this process will lend Council additional resources and expertise which otherwise would be difficult and expensive to procure. This recommendation however would require commitment from Council to an ESD or Environmental officer who would be committed to driving this project alongside the Strategic Planning team.

KEY MATTERS

8. The project will run through two (2) stages as follows:
 - Stage 1** – Finalise evidence base for proposed policy objectives and standards. The anticipated timing of Stage 1 is from March 2021- midyear 2021. Much of the work for this stage of the work has already been undertaken. Council will enter an MoU with all project participants to commence Stage 1.
 - Stage 2** - Planning Scheme Amendment Process:
The anticipated timing of Stage 2 is estimated to be from July – September 2021. Commencement of Stage 2 will be contingent on the completion of Stage 1, and Council being satisfied with the evidence and justification prepared as part of Stage 1.
9. The total cost of the stage 1 evidence-based research is \$100,000. **Table 1** below provides a breakdown of the costs involved which is dependent on how many Councils participate.
10. Table 2 below provides a breakdown of the cost associated with the number of Councils involved in Stage 1. Advice has been provided so far that more than 10 Councils have tentatively expressed interest in participating in the project.

Table 1

REQUIRED WORKS	STAGE 1 ESTIMATED COSTS
1. Technical Feasibility Study	\$ 40,000
2. Financial Viability Study	\$ 40,000
3. Planning Standard and Objectives Peer and Legal Review	\$ 40,000
TOTAL	\$ 120,000
CASBE Contribution	\$ 20,000
TOTAL (less CASBE)	\$ 100,000

Table 2

COUNCIL INVOLVEMENT (depending on the number of Councils involved)	STAGE 1 SHARED ESTIMATED COSTS
2 Councils involved (i.e. Yarra and Moreland)	\$ 50,000 each
3 Councils involved	\$ 33,333 each
4 Councils involved	\$ 25,000 each
6 Councils involved	\$ 16,666 each
8 Councils involved	\$ 12,500 each
10 Councils involved	\$ 10,000 each

11. The total cost of stage 2 (Planning Scheme Amendment) is \$300,000. **Table 3** below provides a breakdown of the costs involved which is also dependent on how many Councils participate.

Table 3

ITEM	DETAIL/ COMMENT	STAGE 2 ESTIMATED COSTS
Statutory Costs	Advisory Committee/ Panel	\$ 120,000 *
Representation at Panel	Legal Representation	\$ 100,000 **
Expert Witnesses	Planning and ESD Representation	\$ 80,000 **
TOTAL		\$ 300,000

COUNCIL INVOLVEMENT (depending on the number of Councils involved)	STAGE 2 SHARED ESTIMATED COST
2 Councils involved (i.e.. Yarra and Moreland)	\$ 150,000 each
3 Councils involved	\$ 100,000 each
4 Councils involved	\$ 75,000 each
6 Councils involved	\$ 50,000 each
8 Councils involved	\$ 37,500 each
10 Councils involved	\$ 30,000 each

12. Consideration must be given to the flow-on effect of this policy in the planning scheme should Council proceed with Stage 2. Once in the planning scheme, the policy will require upskilling of statutory planning staff and/or an expert in built form sustainability who has the training, expertise and experience to assess the ESD assessments which will be lodged with the planning applications. It is estimated that a full time ESD officer (1EFT) would be required to assist with assessing applications and providing advice to other Council officers.
13. City of Ballarat will need to individually consider an appropriate trigger for planning applications which will trigger the ESD assessment and will likely be different to metropolitan councils.
14. Alongside other Councils, City of Ballarat will continue to advocate for the introduction of State-wide ESD planning policy to enable new developments to achieve elevated ESD outcomes which would be consistent across the state.

OFFICER RECOMMENDATION

15. That the Planning Delegated Committee:

- 15.1 **Endorses City of Ballarat's participation in Stage 1 of the Elevating Environmentally Sustainable Design (ESD) Planning Scheme Amendment Project through entering into an Memorandum of Understanding (MoU) with the project initiators.**
- 15.2 **Authorises the Director Development and Growth to allocate funding required to progress with Stage 1.**

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

- 15.3.1 Introduce a state-wide planning provision to champion environmentally sustainable design within a local schedule to the Victorian Planning Provisions to enable new developments to achieve elevated Environmentally Sustainable Design outcomes.**

ATTACHMENTS

Nil

7. GENERAL BUSINESS - MATTERS ARISING FROM THE AGENDA

8. CLOSE