

# Have your say - Draft Ministerial Direction: Climate Change Consideration



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This submission is prepared by the Council Alliance for the Sustainable Built Environment and the Victorian Greenhouse Alliances:

- Barwon South-West Climate Alliance (BSWCA),
- Central Victorian Greenhouse Alliance (CVGA),
- Eastern Alliance for Greenhouse Action (EAGA),
- Gippsland Alliance for Climate Action (GACA),
- Goulburn Murray Climate Alliance (GMCA),
- Northern Alliance for Greenhouse Action (NAGA),
- South East Councils Climate Change Alliance (SECCCA)
- Western Alliance for Greenhouse Action (WAGA)

We commend the Minister for Planning on the amendment to the Planning and Environment Act and efforts to date on the Ministerial Direction: Climate Change Consideration and Guidelines. This is a welcome and important step towards delivering climate resilient communities for Victorians.



## 1. Questions on the draft Ministerial direction

a. Are the expectations of the Ministerial direction clearly set out? No, Comment

### Modifications to the Ministerial Direction (MD) are required to clarify expectations.

#### Our understanding of the MD is as follows:

Section 1 sets out the purpose of the MD, specifying the climate change related matters that a planning authority must have regard to in preparing a planning scheme or amendment. It is noted that this does not apply where transitional provisions at section 230 of the Act apply, and that the Minister may publish additional guidance from time to time on the application of this MD.

Section 2 specifies that consideration of the likely extent to which the planning scheme or amendment minimises emissions will have regard to Victoria's emissions reductions targets will be limited to consideration of:

- a) Land use and transport integration through urban structure and layout that facilitates public and active transport access and solar access for future development.
- b) Precinct scale electric vehicle infrastructure; and
- c) Precinct scale planning to support energy efficiency and renewable energy and storage including consideration of neighbourhood batteries and microgrids.

Section 3 specifies that an amendment must consider the following matters:

- The impact of climate change risks on natural hazards.
- How future use and development will be resilient to the impact of climate change on natural hazards.
- The provisions of the planning scheme that relate to those natural hazards and climate change risks.
- The advice and views of relevant emergency management and natural resource management agencies in relation to those natural hazards and climate change risks.

Section 4 specifies the types of planning scheme amendments which the MD applies to.

Section 5 specifies the types of planning scheme amendments which are exempt from the MD.

Section 6 specifies that the planning authority is not required to quantify the direct or indirect greenhouse gas (GHG) emissions likely to be generated by the use or development of land envisaged by the proposed planning scheme or amendment.

Section 7 limits the extent of consideration to the matters outlined in Section 2 and 3 of the MD.

Section 8 specifies how the requirement under section 12(2A) is to be met, namely that the explanatory report for the proposed planning scheme or amendment will need to respond to matters in Section 2 and 3 of the MD.

Section 9 specifies that the MD does not alter the planning authority obligations, including the consideration of other Ministerial Directions, but notes there may be some overlap.



Section 10 specifies that the Minister may exempt the planning authority from needing to comply with the MD.

Section 11 specifies that any exemption may be subject to conditions.

**Our feedback on the clarity of expectations in the MD is as follows:**

- There is a gap with regard to urban precincts. The primary focus of the MD is currently on greenfield sites rather than infill development, thus targeting metropolitan or regional growth area precincts. We assume that this applies to development on greenfield sites which may be delivered through Precinct Structure Plans, Structure Plans, Development Plan Overlays or Incorporated Plan Overlays. Greater consideration is required for urban precincts.
- For urban infill amendments, precinct stage matters are not often dealt with at planning scheme amendment stage.
- Sections 2(a) - (c) are insufficient to deliver climate resilient communities. This is further discussed in Section C of this submission.

**We believe that modification is required to clarify the expectations in the MD.**

Key modifications needed include:

- Section 2(b) and (c): 'Precinct' scale requires further definition.
  - A clear distinction needs to be made between Precinct Structure Plans and urban infill.
  - How would 'precinct' be defined in an urban area? Is it intended to refer to urban renewal sites and activity centres?
  - If urban renewal sites, how would they be defined. Eg. Would they be state agency led such as Development Victoria or Victorian Planning Authority? Or, are there other criteria to define them?
  - If applying to activity centres, how would an activity centre be defined?
    - Land in the Activity Centre Zone (ACZ)?
    - All existing activity centres in a municipal activity centre hierarchy? We note that some, but not all activity centres are in the ACZ. Some may be small neighbourhood centres in the Commercial 1 Zone (C1Z) or Mixed Use Zone (MUZ) with no built form controls. We assume that it doesn't apply only to the ACZ and that there might be local policies that apply to activity centres.
    - Would the definition of 'activity centre' include the proposed activity centres in the State Government's recently announced Activity Centre program? It is understood these will be introduced via an activity centre plan with a built form overlay applied to the ACZ and 800 metres around it.
  - There is a need to recognise differences between metropolitan and regional / rural urban centres in the drafting of this guidance. This may require further definition for these 'precincts' (eg. Also include reference to Township Plans) as well as considering differing infrastructure needs.
- Differing infrastructure requirements for 'urban precincts' need further exploration and State government support for implementation. For example:
  - Precinct scale energy such as microgrids or neighborhood batteries



- There is a need to consider the location of energy infrastructure such as neighbourhood batteries at the start of the planning process to ensure there is adequate space allocation for this infrastructure, recognising that locating infrastructure may be more challenging in an existing urban area.
- Electric vehicle (EV) infrastructure in infill areas:
  - We support requirements for EV infrastructure however barriers exist to implementation, such as unmet electrical service requirements.
  - Additional policy levers are required to support EV deployment in infill areas, such as grid modernisation, implementing smart charging systems, integrating renewable energy, fostering public-private partnerships, streamlining permitting, and strategically placing charging stations.
- Developer vs. precinct-level requirements
  - While it's feasible to require developers to provide necessary electrical infrastructure on individual buildings and lots, there is uncertainty about how this can be scaled to precinct-wide developments.
  - Collaboration will be crucial to implementing neighborhood-scale energy solutions like community batteries and microgrids. The Victorian Planning Authority's Innovation Pathway pilot offers a case study for tackling the design and delivery challenges of innovative demonstrations such as energy solutions, with the aim of promoting best practices in precinct-level planning.
- Further considerations for urban infill stage:
  - The precinct-scale matters required under Clauses 2b and 2c are often not addressed through a planning scheme amendment. Both applicants and Planning Panels frequently argue that it is premature to set these requirements in stone at the amendment stage. This is despite councils preferring to have this level of detail determined upfront. For example, at the planning scheme amendment stage, the proposed bus routes, bus stop locations, and even the full road layout are often not yet known. However, the Guidelines for addressing greenhouse gas emission reductions have included questions relating to bus connections and zero-emission vehicle infrastructure. In these instances, the Guidelines must clearly outline the pathways and implications when the full precinct-scale details are not available during the amendment process.
  - The Guidelines include the following metric to demonstrate that the amendment reduces greenhouse gas (GHG) emissions: “Does lot distribution (or density) provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop...” If an amendment proposed to rezone land to residential and introduce a Development Plan Overlay (DPO), would DTP and Planning Panels Victoria be satisfied that the amendment reduces GHG emissions as required by the MD and Guidelines? Or would they still require further strategic justification to ensure future use and development reduces GHG emissions?
- There is an inconsistency between the MD and the Guidelines regarding the requirements for the explanatory report. Specifically:
  - **MD:** Section 8 specifies that to meet the requirement under section 12(2A), the matters in Sections 2 and 3 of the MD *are to be met by the explanatory report*.
  - **Guidelines:** The guidelines state that the requirement under section 12(2A) *can be satisfied by an explanation in the explanatory report*, including references to supporting documents and reports. Additionally, an analysis in a Climate Change Consideration Report explaining how the amendment supports Victoria's path to net-zero emissions is considered sufficient.



- As referenced earlier in this submission, the guidance is unclear which makes it difficult for councils as the planning authority to understand what is required to meet the MD and associated guidelines for Climate Change Consideration Reports for different amendment types and explanatory reports.

### **Recommendations:**

- **That ‘Precinct’ scale in Section 2(b) and (c) of the MD be clearly defined, including urban renewal sites, existing and proposed activity centres including regional / rural activity centres as well as greenfield sites.**
- **That further consideration be given to the different infrastructure requirements for urban and greenfield precincts and regional / rural activity centres noting that this MD is largely geared toward greenfield precincts.**
- **Ensure consistency between MD and Guidelines, specifically in relation to the requirements for Climate Change Consideration Reports for different amendment types and explanatory reports.**



- b. Is it clear which planning scheme amendments the Ministerial direction applies to?  
No, Comment

**Modifications to the MD are required to provide clarify as to the applicability of the MD.**

**Our understanding is that the MD applies as below:**

Section 4 specifies the types of planning scheme amendments which the MD applies to. Specifically:

- (a) if the planning authority prepares a planning scheme under section 8(1) of the Act
- (b) where the planning authority prepares an amendment to a planning scheme that will:
  - (i) implement the findings of a review of a planning scheme prepared under section 12B of the Act
  - (ii) incorporate a precinct structure plan that will apply to land in an Urban Growth Zone or any other zone that provides for urban growth
  - (iii) approve or adopt a strategic document, policy or plan that facilitates or supports new or intensified urban growth
  - (iv) enabling a significant change or intensification enabling non-urban land for urban use or development
  - (v) have the effect of enabling a significant change or intensification of the use or development of urban land
  - (vi) have the effect of enabling a new use or development of land (whether or not subject to a planning permit) that may be exposed to a natural hazard.

Section 5 specifies the types of planning scheme amendments which are exempt from the Ministerial direction.

- (a) a class of amendment prescribed in accordance with section 20A of the Act (prescribed amendments)
- (b) an amendment which does not do any of the things specified in paragraph (4)(b)
- (c) an amendment that only applies or amends an existing Heritage Overlay.

**Our feedback on the clarity of expectations in the MD is as follows:**

[Section 4 \(b\) \(i\) implement the findings of a review of a planning scheme prepared under section 12B of the Act](#)

The term, Planning Scheme reviews, has a very broad remit. The four yearly council review of their Planning Schemes essentially set the strategic work program for the next four years. It may recommend substantial programs such as strategy reviews through to minor “mapping anomalies” amendments. This essentially would be a ‘catch all’ for all the amendments in a municipality. It is considered “mapping anomalies” amendments should be exempt as procedural amendments.



## Section 4 (b) (iv) enabling a significant change or intensification enabling non-urban land for urban use or development

It is unclear how “significant change or intensification” would be defined. What scale of a rezoning would meet this threshold?

This MD appears to be largely geared towards greenfield developments and is missing land use changes in green wedge, industrial and some urban infill circumstances. The guidance seems to suggest the MD does not apply to Green Wedge land (unless it is rezoned from non-urban to urban land).

It appears the MD is attempting to focus on reducing GHG emissions in residential scale rezonings while missing the impact land use changes in the green wedge and industrial land can have on the climate, as well as the impact climate change can have on these land uses.

It is unclear how “significant change or intensification” would be defined in the context of Green Wedge Zone land. As an example, if an amendment on unutilised agricultural land related to future use and development of a market garden, this would be viewed as ‘intensification’ of use and development. However, this would have a positive impact in the sequestering of carbon.

Another example would be applying a Development Plan Overlay (DPO) on existing industrial land. This would manage change but not necessarily intensify it, a notable gap. What would be the threshold for intensification?

## Section 4 (b) (v) have the effect of enabling a significant change or intensification of the use or development of urban land

Clarification is required regarding wording and definitions:

- “...have the effect of *enabling a significant change or intensification* of the use or development of urban land”

The word “enable” is defined by the Macquarie dictionary as “to make possible”.

Refer to the following case studies for example of how the wording in this clause may be unclear.

### Case study: Yarra City Council - Cremorne Precinct Permanent Planning Provisions

Amendment C318yara Cremorne Precinct Permanent Planning Provisions represents an example which is not “making something possible” or intensifying development as the development potential is enabled through existing zoning. However, this example seeks to manage change that’s already happening in a high-density area.

An example which would not fit under the criteria provided but facilitates urban intensification is a combined permit application and amendment under Section 96(a) of the Planning & Environment Act 1987.





## Case study: Yarra City Council - Priority Projects referral 35: Victoria Gardens

### Priority Projects referral 35: Victoria Gardens expansion:

- Aims to facilitate the expansion of the Victoria Gardens site in Richmond by altering the planning controls that apply to the existing Victoria Gardens Centre, Doonside Precinct, River Boulevard Precinct, and Barkers Road Bridge Precinct.
- Draft Planning Permit PA2201662 seeks approval for demolition and construction of a multistorey mixed-use development, the use of the land for a hotel, and a reduction in the standard car parking requirements.
- The residential component of the proposed development includes 827 apartments.

This development would not be triggered by any of the criteria designated as it is managing change in an existing high-density area, but it is considered that this quantum of development should consider EV infrastructure and precinct scale energy.

### Example: Commercial re-zoning

An example of an urban rezoning which may not result in significant change or intensification would include Commercial Zones to residential (for example, the Commercial 2 Zone to residential), but should not be exempt from the considerations of the MD and Guidelines.

### Section 5(a) a class of amendment prescribed in accordance with section 20A of the Act

Prescribed amendments, specified in Regulation 8 of the Planning & Environment Regulations 2015, have a very narrow remit for procedural matters such as technical or grammatical errors, deletion or duplication or redundant provisions which are appropriate to exempt from this MD.

### Section 5 (b) an amendment which does not do any of the things specified in paragraph (4)(b)

An amendment that does not do any of the things specified in paragraph (4)(b) is too vague. It is unclear what amendments would actually fit into this category. The existence of Clause (5)(b) opens the section up to inconsistent interpretation and the ability to not consider climate change matters.

There are some notable gaps in Section(4)(b) such as:

- Definition needed: The term “significant change and intensification” needs a clear definition to ensure proper application, especially in urban areas.
- Urban infill consideration: The application should also cover areas “managing change” in high-density housing areas, not just those “intensifying development”.
- Large site-specific amendments: Proposals resulting in substantial change should be included in Section 4(b) to ensure aspects like EV infrastructure are assessed. The Section 96(a) amendment for the Victoria Gardens expansion represents a development of 827 apartments which would be exempt under the MD as drafted, however should consider precinct scale EV and energy matters. If ‘precinct’ was determined to include Activity Centres in urban areas, the Victoria Gardens expansion example would not be captured, as it is a sub-section of the Victoria Street Activity Centre.





## Section 5 (c) an amendment that only applies or amends an existing Heritage Overlay.

An amendment to apply or amend an existing Heritage Overlay is appropriate to exempt from this direction. However, mapping anomalies or other minor amendments which may result from the recommendations of a planning scheme review should also be exempt.

### Exemption by Minister

(10) The Minister may exempt a planning authority from the requirement to comply with this Direction in relation to a proposed planning scheme or planning scheme amendment.

(11) An exemption granted by the Minister under paragraph (10) may be subject to conditions.

Exemptions for the Minister or by the Minister appear to be standard inclusions, however it is vital the Minister considers these matters in an amendment. The State Government has committed to these targets and should be demonstrating how they respond to them in all decisions. The Minister should clearly and transparently publish the reasons for exemption granted under this MD.

### **Recommendations:**

- **That the State further consider the planning scheme review to ensure minor amendments which should be exempt from the MD are not included.**
- **A ‘proportionality test’ be included for major and minor amendments to ensure there is a nexus between the impact and the requirements of the MD/guidelines.**
- **That section (4)(v) of the MD be modified as follows “...have the effect of enabling or managing a significant change or intensification of the use or development of urban land”.**
- **That the terms “significant change and intensification” be defined, especially as they apply to urban areas.**
- **That large site-specific amendments (including Section 96(a) amendments) resulting in substantial change be included to ensure major proposals are required to address this MD.**
- **That substantial change as it relates to large site-specific amendments (in urban and greenfield areas) be defined.**
- **Exemptions granted by the Minister should include clear, publicly available reasons for any exemption granted under this MD.**



c. Is the scope of the Ministerial direction sufficient to address climate change at a precinct scale or planning scheme amendment scale? If not, what additional considerations could be adopted?

**The scope of the MD is NOT sufficient to address climate change at a precinct scale or planning scheme amendment scale.**

The scope is defined in Section 2 and Section 3, Section 6 and Section 7. This in and of itself is confusing. The scope must be very clearly defined. From what we read into the draft MD, the scope considers GHG emissions as outlined in Section 2 (a-c), hazards, as outlined in Section 3, and limitations as outlined in Section 6 and 7.

General comments – the scope of the MD is limited – climate resilience is much more than emissions.

We provide the following comments where addition scope must be considered and / or clarified:

Definition of urban precincts

The definitions and additional requirements for urban precincts are discussed in Section B of this submission.

Greenhouse gas emissions

Section 6 of the MD states that *“a planning authority is not required to quantify the direct or indirect greenhouse gas emissions likely to be generated by the use or development of land envisaged by the proposed planning scheme or amendment”*.

We understand that rezoning land introduces a broad range of permissible uses and development and that the quantification of unknown future use and development is a challenge.

Further, we note that the Guidelines state that *“this Ministerial Direction specifies that it is not intended to require or support interventions by planning authorities to mandate building or plumbing matters dealt with through the Building Act 1993 and subordinate legislation, Plumbing Regulations 2018 and the National Construction Code”*.

However, around 40% of the world's energy resources are used in our buildings – both residential and commercial according to the International Energy Agency and building construction currently consumes around 50% of raw materials worldwide. Embodied carbon emissions have largely been overlooked historically but contribute around 11% of all global carbon emissions and are increasing as a proportion of overall emissions. Any consideration of greenhouse emissions from the built form must include both operational and embodied emissions. We note the current work being undertaken with the Embodied Carbon NABERS tool.

Measuring the emissions of future use and development would be difficult to quantify, however there is a need to ensure that future development does not **exacerbate the** risk of increased climate change.



## Broaden the scope of climate resilience / gaps in the scope of the MD

### 3(b)

While it is noted that the layout of the urban structure is clear and appropriate at a high level, section 3(b) rightly highlights that climate change risk and resilience must be considered as follows:

*(3) For the purposes of section 12(2A)(b) of the Act, a planning authority must consider as relevant:*

*(b) how the use and development of land envisaged by the planning scheme or amendment will be **resilient to the impact of climate change** on natural hazards, including through:*

*(i) avoiding or minimising exposing future use and development to risks posed by projected magnitude or intensity, frequency, duration, timing and spatial extent of natural hazards*

*(ii) **ensuring new use and development does not exacerbate risk** to existing residents, property, infrastructure and the natural environment*

*(iii) ensuring new use and development will be located and designed and how protection measures will be applied that are proportionate to the risk*

There are two aspects to not exacerbating risk. One is to avoid emitting more GHG so as to not exacerbate climate change. The other is to avoid exacerbating risks due to the impact of climate change, which is referenced in 3(b) above.

Built form strategies for reducing emissions also provide resilience outcomes, in that a more efficient building envelop will provide more thermally comfortable conditions in period of extreme weather such as a heat wave. However, there are many additional approaches to climate resilience that are missing from the proposed MD including:

- Operational energy (potential to impact GGE emissions and climate resilient buildings)
- Embodied carbon (potential to impact GGE emissions)
- Sustainable transport, including modal shifts and reduction of car parking requirements (potential to impact GGE emissions and climate resilient communities)
- Integrated water management (potential to impact flooding and water security)
- Green infrastructure and biodiversity (potential to impact GGE emissions and climate resilient communities)
- Indoor environment quality (potential to impact GGE emissions and climate resilient buildings)
- Waste and resource recovery (potential to impact GGE emissions and climate resilient buildings and communities)

Where an amendment meets Section (2)(a)-(c) of the MD for urban layout, precinct EV infrastructure and energy requirements, consideration of conditional requirements could be considered for incorporating Environmentally Sustainable Development (ESD) principles as an appropriate design response to ensuring that development does not increase risk and is climate resilient.

The proposed Elevating ESD Targets amendment submitted to the State Government in July 2022 by 24 Victorian councils provides objectives and standards that will reduce Victoria's GHG emissions and deliver climate resilient buildings.

The Guidelines for the MB should consider adaptation pathways for land use in Victoria, informed by a climate vulnerability analysis which would identify how decision making would occur over time. This needs to be based on the best available climate science data.



## Recommendations:

- **Include a requirement to consider adaptation pathways for land use in Victoria, informed by a climate vulnerability analysis.**
- **Support the MD by authorising the Elevating ESD Targets Planning Amendment.**
  
- **Include the following themes in the MD in addition to the GHG emissions reductions matters in Section 2:**
  - o **Embodied carbon**
  - o **Sustainable transport**
  - o **Integrated water management (including flooding indirectly)**
  - o **Green infrastructure (including biodiversity)**
  - o **Climate resilience**
  - o **Indoor environment quality**
  - o **Waste and resource recovery**



d. Are the climate change matters that a planning authority must have regard to straightforward to understand?      Comment

**The climate change matters that a planning authority must have regard to are incomplete, particularly Section 2a – 2c.**

**Our understanding of the climate change matters that a planning authority must have regard to is as follows:**

Section 2 specifies that consideration of the likely extent to which the planning scheme or amendment minimises emissions having regard to Victoria’s emissions reductions targets will be limited to consideration of:

- a) Land use and transport integration through urban structure and layout that facilitates – public and active transport access and solar access for future development.
- b) Precinct scale electric vehicle infrastructure; and
- c) Precinct scale planning to support energy efficiency and renewable energy and storage including consideration of neighbourhood batteries and microgrids.

Section 3 specifies the climate change risks and natural hazards which must be considered as well as emergency management and natural resources agency expertise and support planning policy. Specifically:

- a) the impact of climate change on natural hazards, including but not limited to bushfire and flood (riverine, drainage, coastal), erosion, landslip and landslide, heat and drought
- b) how the use and development of land envisaged by the planning scheme or amendment will be resilient to the impact of climate change on natural hazards, including through:
  - (i) avoiding or minimising exposing future use and development to risks posed by projected magnitude or intensity, frequency, duration, timing and spatial extent of natural hazards
  - (ii) ensuring new use and development does not exacerbate risk to existing residents, property, infrastructure and the natural environment
  - (iii) ensuring new use and development will be located and designed and how protection measures will be applied that are proportionate to the risk
- c) the provisions of the planning scheme, including State and regional planning policies in the Planning Policy Framework that relate to those natural hazards and climate change risks
- d) the advice and views of relevant emergency management and natural resource management agencies in relation to those natural hazards and climate change risks.

**Our feedback on the MD is as follows:**

Refer to Section A of this submission for discussion regarding precinct definitions and different requirements for urban precincts and associated recommendations.

Refer to Section B of this submission for discussion regarding “significant change and intensification” and gaps including “managing change” and site-specific development’s which result in substantial change and associated recommendations.



## Climate change matters

The climate change matters that a planning authority must have regard to are incomplete, particularly Section 2a – 2c. For example, green infrastructure provides for both climate mitigation, adaptation responses and resilience. See the Elevating ESD Targets amendment for the full range of considerations needed for climate change mitigation in the built environment.

Refer to Section C for recommendations for these which should be included in the MD in addition to mitigation through GHG emissions reduction.

## Transport

A key consideration in the reduction of GHG emissions is the reduction of State car parking requirements. This would support modal shift transport measures.

It is noted that precinct scale energy and EV infrastructure are important considerations for amendments which may set the urban structure. However, it is unclear who would be responsible for delivering some of these requirements. Is the developer responsible for delivering this infrastructure? If so, how would council ensure it is provided? Would this be considered as part of the Development Contribution Plan (DCP) or Section 173 Agreement?

It is also unclear what are the implications are if the guidelines to address zero emission vehicle infrastructure aren't met? Often this level of detail is not known at the planning scheme amendment stage.



e. Would you know how to demonstrate compliance with the Ministerial direction when preparing a new planning scheme or relevant planning scheme amendment? Comment

**It is potentially straight forward to demonstrate compliance with the MD, however the MD has a narrow remit and is missing important matters for both mitigation and adaptation such as urban greening.**

The MD states:

For the purposes of section 12(2A)(a) of the Act and subject to paragraph (7), a planning authority must have regard to Victoria's emissions reductions targets by considering the likely extent to which the planning scheme or amendment minimises emissions, including through:

(a) supporting an urban structure and layout that facilitates:

- access to and use of public transport
- active transport, including pedestrian and bicycle networks
- solar orientation of lots and solar access for future development

While this is straight forward to demonstrate, it has a narrow remit and is missing important matters for both mitigation and adaptation such as urban greening.

(b) planning for projected increases in zero emissions vehicles at a precinct scale, including consideration of necessary infrastructure

The definition of precincts is unclear which would make it difficult for the planning authority to demonstrate compliance. See discussion and recommendations in Section A of this submission regarding the need for clear definitions and greater consideration of the different needs of urban precincts to the greenfield growth focus of this MD.

(c) supporting precinct scale planning to support energy efficiency and substitution of fossil gas with the supply of renewable energy and storage for new precincts, including consideration of neighbourhood batteries and microgrids.

The definition of precincts is unclear which would make it difficult for the planning authority to demonstrate compliance. See discussion and recommendations in Section A of this submission regarding the need for clear definitions and greater consideration of the different needs of urban precincts (including the urban infill, urban renewal sites, activity centres and regional / rural urban centres) to the greenfield growth focus of this MD.

(3) For the purposes of section 12(2A)(b) of the Act, a planning authority must consider as relevant:

(a) the impact of climate change on natural hazards, including but not limited to bushfire and flood

(riverine, drainage, coastal), erosion, landslip and landslide, heat and drought

(b) how the use and development of land envisaged by the planning scheme or amendment will be resilient to the impact of climate change on natural hazards, including through:

(i) avoiding or minimising exposing future use and development to risks posed by projected magnitude or intensity, frequency, duration, timing and spatial extent of natural hazards





- (ii) ensuring new use and development does not exacerbate risk to existing residents, property, infrastructure and the natural environment
- (iii) ensuring new use and development will be located and designed and how protection measures will be applied that are proportionate to the risk
- (c) the provisions of the planning scheme, including State and regional planning policies in the Planning Policy Framework that relate to those natural hazards and climate change risks
- (d) the advice and views of relevant emergency management and natural resource management agencies in relation to those natural hazards and climate change risks.

**Our understanding of the requirement to demonstrate compliance with this part of the MD is as follows:**

A Climate Change Consideration Report should be prepared for all amendment types specified in the MD. The requirement is intended to apply proportionality, and the level of detail will depend on the complexity of the project. The guidelines refer to two scales, including:

- Major projects such as state led projects, housing priority precincts, designated major activity centres and urban land use change subject to a precinct structure plan: It is suggested that the relevant technical reports could be used to test response options or alternative development scenarios and inform a Climate Change Consideration Report (or suitable equivalent report).
- All other amendments: It is suggested that a short report based on an annotated land use plan and checklist will generally be sufficient. Our understanding is that the checklist in the guidelines is intended to inform this short report.

Further, that for all cases a succinct explanatory report provides a description and rationale for the planning scheme changes that form the basis of the amendment.

**Our feedback is as follows:**

The Climate Change Consideration Report is considered an effective way to consider hazard and climate change risks. However, the expectations and scope of documentation required for this report are unclear. For example:

- **Information requirements for amendments:**  
The Guidelines lack clarity on the information requirements for different types of amendments. While a Climate Change Consideration Report is suggested for major projects like housing priority precincts, designated major activity centres, and urban land use changes subject to a precinct structure plan, the Guidelines do not define the level of information required for "all other amendments - a vague category that could encompass a wide range of changes. It is unclear the climate change information required to assess amendment types in this category, which could range from minor mapping issues to significant municipal policy shifts impacting housing, open space, and social infrastructure.
- **Content requirements:**  
Similarly, the content requirements for the Climate Change Consideration Report are unclear, particularly regarding the need for detailed assessments like vulnerability analyses, mitigation, adaptation or carbon drawdown strategies (as appropriate). The Guidelines for the "short report" also lack a clear definition of acceptable length or content. Without templates or



examples, planning authorities may struggle to demonstrate compliance with these ambiguous requirements. Additionally, there are no clear objectives or outcomes specified to ensure the scope and content of these reports facilitate meaningful discussion about climate change.

– **Report preparation:**

Are councils expected to prepare reports internally, or will they need to outsource this work to consultancies?

– **The Climate Change Consideration checklist in the Guidelines:**

The Climate Change Consideration checklist in the Guidelines (p.10) is confusing for users, as it references whether documents are "fit for purpose" in relation to climate change and includes other relevant considerations. However, in some cases, documents may not be considered fit for purpose, even though relevant considerations still apply - a situation that adds to the user's confusion.

– **Referral of amendment:**

The MD states that the advice and views of relevant emergency management and natural resource management agencies will be sought in relation to natural hazards and climate change risks. However, the Guidelines do not provide any guidance on how this will occur. Specifically:

- The Guidelines do not specify which agencies are considered 'relevant' or under what circumstances their views should be sought.
- There is no guidance on when and how the views of these agencies should be obtained.
- It is unclear how the views of these agencies will be considered and incorporated. The Guidelines do not outline any statutory referral requirements under Clause 66 referral provisions.
- The Guidelines lack clarity on what circumstances would trigger the need to seek agency advice for risks not captured in zone or overlays.

– **Data gaps:**

Will councils have access to relevant data? CASBE's [Transport | Sustainable Design Fact Sheets](#) reference CSIRO data ([Electric vehicle projections 2023: update to the 2022 projections report](#)) in relation to projected EV growth, however, it is unclear whether there is mapping and datasets available for EV infrastructure. Is there a centralised data set that councils can use? Would councils be expected to source their own data? To assist more resource constrained councils who have not undertaken their own strategic work in this area, it is suggested that a centralised data source be provided.

– **Procedural matters:**

Will this information be incorporated into the ATS Questionnaire (as a check box of 'does this MD apply?')?

## **The need for additional supporting resources**

We recommend that example Climate Change Consideration Reports for different amendment types would provide greater certainty regarding expectations. Clear expectations and / or sample reports should be provided for the following:



- mapping anomaly amendment,
- implementation of major strategies such as a Housing Strategy,
- updating an open space strategy,
- rezoning from Industrial to residential,
- PSP.

The State Government's Climate Change Consideration Reports for the announced Activity Centre program could be shared as an example report for a major project needing to deliver on the requirements of the MD. This will assist councils who are tasked with delivering development in activity centres.

Further clarification is also required to determine whether there are different expectations for different activity centre hierarchies (eg. Preston Markets v. Toorak village). As previously noted above, the test for proportionality is also an important consideration.

The State Government's resources for planning for bushfire are a successful case study in supporting councils to obtain the right information on a highly technical matter. We note however, that while bushfire has the relevant fire authority to review responses and determine their adequacy based on their expert feedback, there is no relevant referral agency applicable for addressing climate change and natural hazards. It is assumed that each hazard will be assessed by the relevant agency currently identified in planning schemes, however it is noted there are some gaps (eg. Natural hazards such as Heat).

It is unclear how to determine whether the report is prepared to the appropriate standard and the criteria for being 'satisfactory'. For example, should it be like heritage study/heritage citation? Or a Bushfire Assessment report or Native vegetation report? Is submitting the Climate Change Consideration checklist sufficient for minor amendments? What constitutes a minor amendment?

A lack of clarity in this regard could result in disputes at a Planning Panel.

The ability to seek additional information is useful in cases where Councils are assessing applications for amendments, however we note that as drafted, the MD and Guidelines do not apply to proponent led amendments. **We think this is a significant oversight which should be rectified.**

## **Our strong preference is for a State Led approach**

We strongly recommend that the State government take a lead role in providing clear guidance and standards to avoid future disputes at planning panels. The State's approach to bushfire planning sets a useful precedent for this state-led approach.

While templates would offer greater clarity around expectations, a more comprehensive strategy is warranted to ensure consistent and effective integration of climate change considerations across all levels of planning. We suggest the following approach:

- The State government should prepare a Climate Change Consideration Report for the Plan for Victoria and associated planning scheme amendments. This state-level report would update State and regional policies in the Planning Policy Framework and incorporate hazard identification and relevant climate data as a VicPlan mapping layer.



- The State plan should then establish a template for each council to use in preparing their own local Climate Change Consideration Report. As part of the first planning scheme review after the State plan is implemented, each council should create a report that references the State-level findings and incorporates any additional climate modelling data specific to their jurisdiction.
- Without appropriate tools for sustainability, emissions reduction, or climate change mitigation, effectively addressing natural hazards through the planning system will be challenging. Supporting materials will be key in addressing this gap.
- In addition to the State Climate Change Consideration Report and templates, the following resources will be required:
  - Guidelines for when climate change considerations are inadequate and when an amendment should be refused based on climate change considerations
  - Detailed training webinars and resources
  - Possible case studies
  - Sample land use plans, short reports and explanatory report descriptions
  - Template reports
  - Example reports
  - Updates to the Practitioner's guide to Victoria's planning schemes, Using Victoria's planning System and Practice notes so that councils can fulfill their obligations to address climate change matters in their planning schemes.

## Recommendations:

- **Our strong recommendation is that the State government lead the preparation of standard resource template for hazard identifications, including:**
  - **That the State Government prepare a Climate Change Consideration Report for the Plan for Victoria and associated planning scheme amendments. This State-level report would update State and regional policies in the Planning Policy Framework and incorporate hazard identification and relevant climate data as a VicPlan mapping layer.**
  - **That the State plan establish a template for each council to use in preparing their own local Climate Change Consideration Report. As part of the first planning scheme review after the State plan is implemented, each council should create a report that references the State-level findings and incorporates any additional climate modelling data specific to their jurisdiction.**
- **As part of the process of developing a Climate Change Consider Report, we recommend:**
  - **That the State Government develop criteria for inclusions in a Climate Change Consideration Report for 'major projects' with greater clarity regarding the amendment type this would apply to.**
  - **That the State Government develop criteria for inclusions in a 'short report' which responds to climate change considerations for all other amendments with greater clarity regarding the amendment type this would apply to.**
  - **That these report templates include overarching objectives or outcomes to they are fit for purpose and meaningful.**
  - **That the State Government develop and roll out:**
    - **A State-wide training package**
    - **Proforma report templates**



- **Example reports**
- **Case studies**
- **That the State Government provide clarity regarding guidelines for assessment of Climate Change Consideration Report/short report.**
- **That the State Government consider the role of referral authorities in assessing the adequacy of Climate Change Consideration Report/short report.**



## 2. Questions on the draft Guidelines

a. Are the guidelines fit for purpose? No, Comment

### The Guidelines are not fit for purpose.

The formatting of the Guidelines including the format of headings and sub-headings are unclear and make it difficult to read. As an example, it is unclear whether the headings under Climate Change Consideration Report are intended to be sub-headings for inclusion in the report, or if these are separate to the report. Are these sub-headings also applicable if only needing an 'annotated land use plan and checklist'?

Our feedback on the guidelines is grouped under a series of topics / themes.

### Incomplete consideration of climate change matters

The climate change matters that a planning authority must have regard to in the Guidelines are incomplete, particularly Section 2a – 2c. For example, green infrastructure provides for both climate mitigation and adaptation responses. These gaps are addressed by the proposed Elevating ESD Targets amendment for buildings, which includes the following areas for consideration, all of which contribute to resilience outcomes:

- Operational energy
- Embodied carbon
- Sustainable transport
- Integrated water management (including flooding indirectly)
- Green infrastructure (including biodiversity)
- Climate resilience
- Indoor environment quality
- Waste and resource recovery

Additionally, to support the modal shift transport measures in the amendment, the reduction of State car parking requirements is a key consideration in the reduction of GHG emissions.

See recommendations in earlier sections of this submission.

### Case study: Geelong City Council - Climate resilience in Precinct Structure Plans

A key issue for climate resilience in growth areas is that the design for infrastructure within the road reserve leaves insufficient space for street trees resulting in streets without trees.

It is common for the location of street trees and services within the road reserve to be considered too late in the planning process for easy inclusion. A combination of smaller lot frontages and a preference to avoid placing services under footpaths for maintenance reasons often results in inadequate space within the nature strip to support street trees and optimise canopy coverage, thereby mitigating the Urban Heat Island (UHI) effect.

Possible solutions:



1. The location of services and street trees within the road reserve is considered at the beginning of the planning process rather than at post permit stage.
2. Street tree and service location plan to be a planning permit application requirement. The plan is to demonstrate where the services are proposed to be located in comparison to the tree to ensure adequate room for optimal growth.
3. A nominated offset of services from the tree could be considered.

#### **Recommendation:**

- **That a street tree and service location plan is required early in the planning process to ensure trees in growth areas can thrive and meet canopy coverage targets.**

#### **Case study: Reducing emissions - Access to active and public transport**

The Sustainable Subdivisions Framework (SSF) has undergone a comprehensive review following a trial period. This review recommends

- Revised standards and;
- Recognises the importance of safe, connected and shaded off-road active transport plans as a critical submission requirement to ensure that applicants incorporate the appropriate infrastructure to enable cycling to become a viable transport alternative to the private car.

It is recommended that all PSPs should include active off-road transport linkages to locations/ destinations within and beyond the PSP area. Further, that an application requirement for planning permits within PSPs require the submission of an off-road active transport plan for each stage.

Increasingly, e-bikes and e-scooters are becoming efficient and effective transport modes internationally, especially where safe, separated bike paths are provided. These plans will ensure Victoria's communities are future-proofed and transport emissions reduced by shifting transport mode share.

#### **Recommendation:**

- **That an off-road active transport plan is required to demonstrate that new urban growth areas minimise GHG emissions.**

#### **Defining areas exposed to natural hazards**

##### **Our understanding of these definitions are as follows:**

The Guidelines identifies that the requirement applies to amendments that will facilitate or enable new land use and development of land that may be exposed to natural hazards, including but not limited to bushfire, flood (including riverine, drainage, coastal), coastal erosion, landslip and landslide, heat, drought.

However, more clarity is required (see below).

##### **Our feedback is as follows:**

We request clarification on the follows regarding the identification of hazards:





- How are these hazards identified?
- Do they rely on overlay mapping?
- What if overlays are out of date? (eg. Flood studies and associated mapping).
- How should councils identify areas at risk for matters that are not addressed by overlays, such as heat or drought?
- Erosion /landslip - Will this only apply where there is an Erosion Management Overlay? Geotechnical reports are costly and therefore there should be a clear nexus with the risk in determining its application.

We request greater clarity regarding reference to natural hazards in the MD as follows:

- Clearer relationship with reference documents: Each natural hazard should refer to the other relevant Ministerial Directions or Practice Notes where appropriate, rather than just having these referenced as additional resources.
- Clearer relationship with other Ministerial Directions: The section in the Guidelines on the 'relationship to other considerations and Ministerial direction' which requires a planning authority to have regard to other applicable Ministerial directions issued under s12(1A) of the Act even if those directions also require consideration of matters relating to climate change (including Ministerial Direction 11 - Strategic assessment of amendments and Ministerial Direction 13 - Managing coastal hazards). However, it is considered that more clarity could be given regarding the relationship between the directions. For example, if the only natural hazard applying to an amendment was coastal hazards and Ministerial Direction 13 was met, would it be considered that the natural hazards considerations under Section 3 of this MD are met? (i.e. That the Climate Change Consideration Report would only need to demonstrate that Section 2 (relating to integrated transport planning, precinct EV and energy infrastructure) is met?)

### Recommendation:

- **That the State Government provide guidance as to how natural hazards will be identified and greater clarity regarding the inter-relationship with other MDs and guidelines.**

### Heat

We support the considerations for heat as a natural hazard; and the proposed inclusion of Green Infrastructure and Climate Resilience considerations to help to address the consideration of Heat.

We note that the heat related considerations relate to the public realm rather than the private realm; and largely appear to be geared toward precinct scale outcomes. This misses the opportunity to consider tree retention in the private realm. For inner urban contexts, one of the key drivers of increase in urban heat is the loss of tree canopy on private realm land when infill occurs.

We recommend that urban cooling responses should also be provided in the private realm, through a range of design measures.

This has been a core aspect of CASBE's policy and project work in the existing Environmentally Sustainable Design (ESD) policies held by 27 Victoria councils, supported by the Sustainable Design Fact Sheets.



The Elevating Targets project builds on CASBE's longstanding work in this area and incorporates measurable IWM and Green Infrastructure targets, through minimum standards or the use of the City of Melbourne's Green Factor tool. This includes the establishment and maintenance of green roofs, walls and facades.

Gaps and opportunity areas include more guidance for:

- Cool materials.
- The intent and purpose of the 'possible case studies' seem unclear. This could be improved with case studies which have broader remit.
- Retention of canopy trees with an emphasis placed on avoiding clear-scaping due to loss of evapotranspiration and resulting increase in urban heat.
- Provision of canopy trees/increased canopy cover, including how this might be achieved in built up urban areas such as provision of front or rear setbacks. However, flexibility should be provided for councils to undertake their preferred approach based on their strategic work.

Greater clarity is sought regarding:

- Whether the State Government endorsed data and climate science on the potential for increased future heat of an area has been released. Clarity regarding public and centralised data sources would assist councils. We note the *'Trees for Cooler and Greener Streetscapes – Guidelines for Streetscape Planning and Design'* is referenced under additional resources and recommend this is included in the Heat section.
- In which instances each of the heat criteria would apply across different amendment types.

CASBE's program for the Sustainable Subdivisions Framework (SSF) seeks urban cooling in a greenfield subdivision setting and identifies light coloured roofs as a key opportunity area for housing to reduce heat absorption (eg. [Alkimos Beach case study](#)).

## Recommendations:

- **That the State Government endorsed data and climate science on the potential for increased future heat of an area be released and referenced in the Guidelines.**
- **That the State Government confirm when the heat criteria would apply for different amendment types.**
- **In addition to earlier recommendations regarding the Climate Change Consideration report, clarification about when the checklist should be used and improved clarity in how this should be used (noting that considerations apply despite being deemed 'not fit for purpose').**
- **That the guidance also includes provision of urban cooling responses in the private realm (rather than only the public realm), through a range of design measures (see above discussion on gaps and opportunities).**

## Drought

We query whether Drought is the appropriate hazard descriptor and suggest that water security may be a more suitable hazard descriptor. It is noted that the [Melbourne Water System Strategy](#) identifies water shortages as early as 2028 under a rapid change scenario which will have significant implications. The proposed inclusion of Integrated Water Management (IWM) as a response approach, which includes



consideration of both water efficiency and stormwater management and re-use, will help to address this hazard.

## **Flood**

The Guidelines require “an evaluation of alternate low-risk locations for new land use and development, or settlement growth to avoid or minimise the exposure of people and future development to high-risk”. Flood hazard thresholds are currently managed individually by councils, and additional guidance would be beneficial. The MD and Guidelines focus on assessing, not avoiding or minimising, climate change-exacerbated natural hazards. Melbourne Water is updating flood modelling for 38 Councils up to 2100, including new hazard ratings. The Commonwealth’s *Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia (Handbook 7)* guide recommends a hierarchy to manage flood risk through avoidance, minimisation, and mitigation. More guidance potentially would be required pending the outcomes of this flood modelling as it is assumed new overlays and zones would be introduced. There is a need for localised climate vulnerability assessments to enhance climate resilience at the local level.

### **Case study: Stonnington City Council Chapel Precinct Climate Vulnerability Assessment**

A climate vulnerability assessment was conducted to address the risks of flood and heat hazards to local infrastructure, assets, and people, aiming to enhance climate resilience in the precinct.

Key issues identified in this built-up area include:

- Limited drainage capacity and constraints on underground drainage upgrades due to the low percentage of public realm (10 per cent) which is already highly used by transport and other infrastructure needs.
- Limited space for canopy cover to mitigate urban heat.

The project recommended local responses to avoid maladaptation:

- **Risk avoidance**: Avoiding exposure to flood risk in accordance with Commonwealth Handbook.
- **Sponginess**: Enhancing permeability and stormwater capture and reuse to optimize ‘sponginess’ beyond Water Sensitive Urban Design measures.
- **Thermal sensitivity**: Implementing design measures like insulation and external blinds.

While templates are important for councils who have not undertaken strategic work, the Guidelines should also allow councils to develop evidence-based bespoke design responses to address local climate risks. For instance, light-coloured roofs alone would not address the principles of sponginess and thermal sensitivity required to avoid maladaptation in this precinct.

### **Recommendation:**

- **That the State Government build in the flexibility for councils to develop localised adaptation responses to address climate risks and natural hazards.**



## **Landslip and erosion**

This expertise is outsourced to suitably qualified experts as there is no nominated agency to review any technical reports. This would require councils to pay for a peer review for proponent led amendments to ensure that the recommendations are scrutinised. It is requested that the State consider either, a dedicated State Government agency to assess such reports, or that funding assistance for councils be considered for peer reviews.

## **Cumulative impacts across municipal boundaries**

How will the interrelationship of natural hazards and climate change responses (upstream/downstream impacts) will be considered across municipal boundaries. For example, cumulative impacts of flooding or canopy cover corridors between municipalities? The views of Melbourne Water or the relevant Catchment Management Authority would be critical in determining catchment scale impacts across municipal boundaries. Notification of amendments to adjacent municipalities could seek the views of neighbouring councils regarding cumulative impacts of localised flooding, canopy cover or other relevant matters.

### **Recommendation:**

- **That the State Government give further consideration to cumulative impacts of climate risks across municipal boundaries.**

## **Best available data**

The Guidelines seek the use of the best available data. CASBE queries whether this may be precise enough and whether this could be disputed in the future. It may be beneficial to specify preferred data sets (eg. CSIRO data or other data sources which are kept up to date).

Potential tools such as the following could be helpful reference tools:

- Climate Change in Australia's Climate Analogues Explorer:  
<https://www.climatechangeinaustralia.gov.au/en/projections-tools/climate-analogues/analogues-explorer/>
- The Future Climate Tool (FTC): <https://engage.vic.gov.au/victorias-future-climate-tool-update>

### **Recommendation:**

- **That the State Government recommend consistent data sets to inform analysis.**

## **Information requirements – gap for proponent led amendments**

This MD proposed that Climate Change Consideration Reports are a requirement for planning authorities. There is no corresponding requirement however for proponent led projects (private amendments) to prepare these reports/responses, when arguably, these amendments may have even less information available than council led amendments. It is suggested that proponents should also pass this test, through Climate Change Consideration Reports or some documentation which informs this requirement in Explanatory reports.

### **Recommendation:**

- **That the MD and Guidelines also apply to proponent led amendments.**

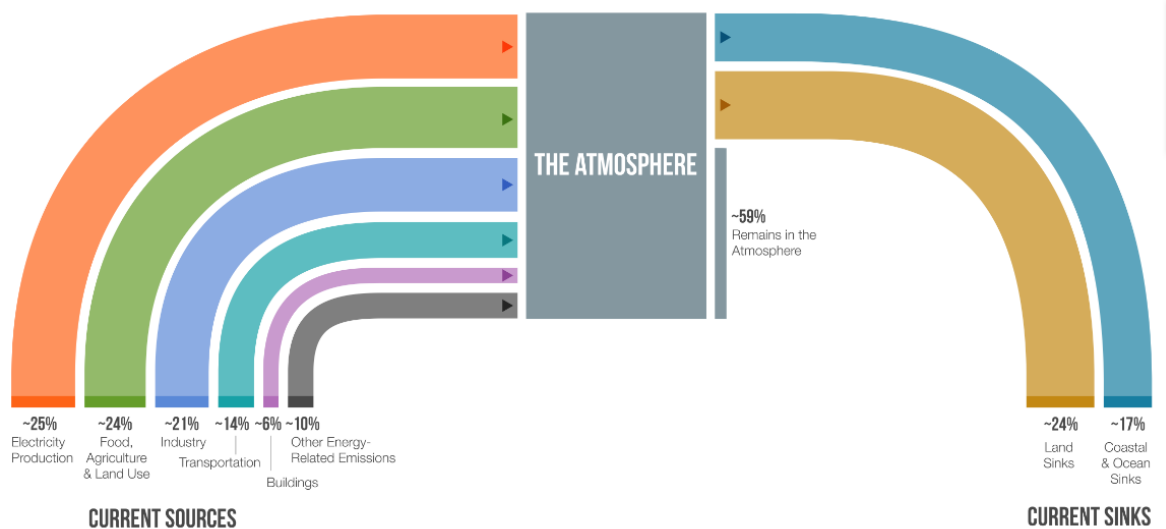


## Carbon sequestration opportunities

### Drawdown Foundations | Project Drawdown

Project Drawdown identifies Drawdown Foundations which identify three foundational elements to drawdown carbon. This includes, reducing emissions, supporting sinks by uplifting nature's carbon cycle and improving society by fostering equality for all. The framework identifies current sinks including land sinks and coastal and ocean sinks.

## EMISSIONS SOURCES & NATURAL SINKS



Victoria's Climate Change Strategy identifies trees, soil carbon and blue carbon as sources for carbon sequestration. It is considered that provision should be made in the guidelines for carbon sequestration opportunities as a response to climate change consideration, noting that research and policy will evolve over time in this space.

**3: Resilient farms and forests**

**BENEFITS OF MANAGING OUR FARMS AND FORESTS**

**CARBON EMISSIONS**

**Trees**

As trees grow, they take in carbon dioxide from the atmosphere and store it as wood. Harvesting plantation trees has the benefit of locking the carbon away in buildings and wood products.

**Soil carbon**

Soil absorbs significant amounts of carbon from the atmosphere. Farmers play a key role in managing the soil on their farms, with many now managing grazing and cropping to increase the storage of carbon. These practices can also improve farm

**Blue carbon**

Coastal ecosystems such as mangroves, salt marshes and mud flats capture significant amounts of carbon via the plants and animals that live in them. We can use and manage these ecosystems in ways that can help them to store more carbon.



The State Government provides guidelines and policies for deep soil planting zones (eg. Through apartment design guidelines to ensure sustainable urban development and support for large vegetation. These are noted as important for biodiversity and urban cooling and also provide carbon sequestration opportunities.

It is expected that studies will continue to emerge and gain traction for carbon sequestration opportunities. By referencing the opportunity for carbon sequestration, this will ensure that innovative approaches can be explored into the future.

We provide Appendix 1 for your information which outlines a series of case studies on how carbon drawdown could be realised (See free form comments section).

**Recommendation:**

- **That the State Government include the potential for carbon sequestration opportunities to be included in Climate Change Consideration Reports.**

b. Are the guidelines user friendly and easy to navigate? No, Comment

**The Guidelines are not user friendly or easy to navigate.**

The Guidelines should clearly articulate to planning authorities what information is needed for different amendment types. Greater clarity regarding definitions, information requirements and supporting guidance materials is needed to support their successful implementation. There are gaps in amendment types including for proponent led amendments which need to be corrected. These matters are discussed throughout this submission and are supported by recommendations to improve the user friendliness of the Guidelines.

**Format and lacking clarity**

Overall, the Guideline's structure and presentation need to be revised to enhance clarity, structure, and usability for the reader.

The current format of the Guidelines lack clarity on what is relevant for greenfield development versus established areas, particularly in relation to GHG emissions reduction. To improve understanding, these two distinct contexts should be separated.

A matrix or table format would be useful to clearly break down the different triggers/amendment types and outline the relevant considerations for each. This should include distinct sections for greenfield development and established areas (including consideration of metropolitan, regional and rural contexts).

Additionally, the format should consolidate all information pertaining to a specific climate theme (e.g. natural hazards) into a single, unified section. This would bring together the requirements, considerations, data links, and references in one place, rather than having them dispersed across different sections.

**Recommendation:**

- **That the State Government completely reconsider the structure, format and content of the Guidelines.**





c. Is sufficient detail and information provided? No, Comment
<p><b>There is insufficient detail and information provided in the Guidelines.</b></p> <p>As highlighted throughout this submission, significant improvements could be made. These are detailed in our feedback and recommendations in earlier sections of this submission.</p>
d. Will the Guidelines help responsible authorities to deliver on climate change consideration obligations under the Ministerial direction? If not what further assistance is needed? Comment
<p><b>Our feedback is as follows:</b></p> <p>The above question refers to responsible authorities. Does this question mean that responsible authorities at permit stage will have confidence that development at the site level has sufficiently considered climate change through earlier planning scheme amendments? Or is this question intended to apply to planning authorities?</p> <p>We support the need for climate resilient communities. We understand that this is a step in the right direction and is critical to transitioning our communities to ensure they are climate resilient.</p> <p>However, a challenge for councils is that this is new work for councils in an already constrained and under resourced environment.</p> <p>Therefore, to enable our councils to undertake this critical work in a way that responds to these challenges, we believe it is critical for State Government to provide resources to ensure this is manageable for councils to take this step. We refer to recommendations for greater clarity in the MD and Guidelines and supporting resources and training in earlier sections of this submission.</p>
e. Is there any additional information that would help users meet their climate change consideration obligations? If so what? Comment
<p><b>Please find following additional information.</b></p> <p><b>Energy infrastructure</b></p> <p>Neighbourhood batteries are an emerging area and may be more challenging for planning authorities to demonstrate, particularly in urban areas. The location of the energy infrastructure should also be considered in precinct scale planning.</p> <p><b>Impact of state rolling reforms on Climate Change considerations</b></p> <p>The State Government has delivered a series of rolling policy reforms in response to the Housing Statement which aims to build 800,000 homes over the next decade; contributing to the broader National target of 1.2 million homes.</p>





While these reforms are critical in delivery supply in a housing crisis, it is crucial to consider the long-term affordability of the home by building in climate resilience at the outset. We are of the view that both quality and sustainable homes can be delivered in a timely fashion, and we would welcome working with the State Government to achieve these outcomes.

Notwithstanding the importance and urgency of delivering homes in a housing crisis, we must not forget the climate crisis. Long-foreshadowed policy reforms such as Stage 2 of the ESD Roadmap and cooling and greening reforms were placed on hold for a significant period of time and we are concerned about the siloed nature of policy reform rather than the integrated policy approach needed.

The recent ResCode reform documentation suggests a significant streamlining of ESD considerations. It is also unclear how the recently announced activity centre reforms will impact ESD outcomes. For example, with higher density, canopy cover will be challenging to achieve.

Despite these concerns regarding the potential for compromised ESD outcomes at the building scale, we do acknowledge that delivering more housing close to jobs, transport and amenities in existing urban areas will enable sustainable transport options and have a positive impact for the climate.

To ensure the success of the planning scheme reforms, the State Government should implement the climate change and emissions reduction measures outlined in the ESD Roadmap program, along with this MD and Guidelines.

### **3. Please provide comment on any climate change technical issues you would like to raise.**

Please refer to Section 1 and 2 regarding technical recommendations.

In addition, as mentioned in earlier sections of this submission there is a need for the state government to provide state led clear supporting resources and technical information including:

- Clear and consistent data sets
- Clarification regarding the role of referral authorities and
- Guidelines for when climate change considerations are inadequate and when an amendment should be refused based on climate change considerations

### **4. Do you have any further comments about the draft Ministerial direction?**

**We commend the State Government on the preparation of the MD and Guidelines.**

CASBE's joint research with Victoria's Greenhouse Alliances "*Climate change and planning in Victoria: Ensuring Victoria's planning system effectively tackles climate change*" and the subsequent joint advocacy campaign "*Planning for a Safe Climate*" sought the following outcomes:

- Immediately amend the Planning and Environment Act and the Climate Change Act to explicitly mandate addressing climate change at all levels of the planning process.
- Require every planning amendment at all levels of government, and at all levels of the planning framework, to include an assessment against relevant climate change considerations.



- Introduce mandatory climate change related minimum standards into planning schemes.
- Use appropriate climate science by adopting science-based targets for high level policy and aligning the Planning Framework to the most up-to-date climate science.

We commend the Minister on the amendment to the Planning and Environment Act and the MD and Guidelines which will assist councils as planning authorities to understand how to implement the new legislative requirements. However, more work is needed to ensure that councils as planning authorities understand the information requirements for each amendment type and have the necessary supports to implement this work with confidence, enabling them to deliver climate resilient communities.

## 5. Do you have any further comments on the draft Guideline?

The Ministerial Guidelines may benefit from definition of key terms. In addition to definitions raised earlier in this submission, clarification is sought regarding the following definitions:

- How is higher density development defined? By the number of storeys or maximum height?
- While the Guidelines do not define 'appropriate solar orientation', reference is made in the checklist to VPP clause 56.04-3: Solar orientation of lots objective as the guidance for the abatement strategy for 'Urban form and infrastructure to support supply and use of renewable energy and the energy efficiency of new developments'. For user friendliness it is suggested that the Solar orientation of lots objective be included here (unless it is deliberately excluded due to proposed changes in ResCode proposed reforms).

## 6. Free form comments.

In 2022, the Victorian Government released seven sectoral Adaptation Action Plans, mandated under the Climate Change Act 2017, alongside six Regional Climate Change Adaptation Strategies. The Built Environment Climate Change Adaptation Action Plan 2022-2026 is a welcome step forward in making our built environment more climate-resilient. However, progress under this plan is constrained because the proposed actions remain largely unfunded. We urge the state government to fund and support the implementation of these adaptation plans.

## Appendix 1 – Carbon Sequestration opportunities:

Examples include:

### Soil carbon sequestration in urban areas:

Though generally thought to be relevant only in non-urban areas (eg. farmland or conservation areas), urban areas also have the ability to sequester a great deal of carbon and can help offset some of the substantial carbon emissions that urban areas produce by storing stable organic carbon (SOC) in their soils. This suggests that the role of food sensitive urban planning could be further explored to sequester carbon in public spaces.



### Biochar:

A research group at Cornell University, led by Johannes Lehmann, found that using biochar made from sustainably sourced biomass could offset up to 12% of global GHG emissions. This suggests that the role of biochar for carbon sequestration in parks and open spaces could be explored as a carbon drawdown opportunity.

### Industrial hemp:

Hemp captures atmospheric carbon twice as effectively as forests and provides carbon-negative biomaterials, according to Darshil Shah, a senior researcher at the Centre for Natural Material Innovation at Cambridge. Hemp absorbs 8 to 15 tonnes of CO<sub>2</sub> per hectare, compared to forests' 2 to 6 tonnes per hectare per year. Numerous studies estimate that hemp is one of the best CO<sub>2</sub>-to-biomass converters, making it even more effective than trees. This suggests that the potential for new homes built from carbon negative natural materials could draw down carbon.

It is considered an emerging research area that the State Government should undertake further research into.



## Victorian Greenhouse Alliances, CASBE and contacts

- Barwon South-West Climate Alliance (BSWCA), Sue Phillips, Executive Officer, [sue.phillips@bswca.org](mailto:sue.phillips@bswca.org)
  - City of Greater Geelong
  - Golden Plains Shire
  - Surf Coast Shire
  - Borough of Queenscliffe
  - Colac Otway Shire
  - Warrnambool City Council
  
- Central Victorian Greenhouse Alliance (CVGA), Annika Kearton, Chief Executive Officer, [ceo@cvga.org.au](mailto:ceo@cvga.org.au)
  - Ararat Rural City Council
  - Ballarat City Council
  - Buloke Shire Council
  - Central Goldfields Shire Council
  - Gannawarra Shire Council
  - Greater Bendigo City Council
  - Hepburn Shire Council
  - Loddon Shire Council
  - Macedon Ranges Shire Council
  - Mildura Rural City Council
  - Mount Alexander Shire Council
  - Pyrenees Shire Council
  - Swan Hill Rural City Council
  
- Eastern Alliance for Greenhouse Action (EAGA), Scott McKenry, Executive Officer, [scott.mckenry@maroondah.vic.gov.au](mailto:scott.mckenry@maroondah.vic.gov.au)
  - City of Boroondara
  - Glen Eira City Council
  - City of Knox
  - Maroondah City Council
  - Monash City Council
  - Stonnington City Council
  - Whitehorse City Council
  - Yarra Ranges Council
  
- Gippsland Alliance for Climate Action (GACA), Tiffany Harrison, Coordinator, [tiffany.harrison@gccn.org.au](mailto:tiffany.harrison@gccn.org.au)
  - Baw Baw Shire Council
  - East Gippsland Shire Council
  - Latrobe City Council
  - South Gippsland Shire Council
  - Wellington Shire Council



- Goulburn Murray Climate Alliance (GMCA), Carole Hammond, Executive Officer, [eo@gmca.org.au](mailto:eo@gmca.org.au)
  - Alpine Shire Council
  - Benalla Rural City Council
  - Campaspe Shire Council
  - Greater Shepparton City Council
  - Indigo Shire Council
  - Mansfield Shire Council
  - Mitchell Shire Council
  - Moira Shire Council
  - Murrindindi Shire Council
  - Towong Shire Council
  - Strathbogie Shire Council
  - Wangaratta Rural City Council
  - Wodonga City Council
  - Alpine Resorts Victoria
  - Goulburn Broken Catchment Management Authority
  - North East Catchment Management Authority
  
- Northern Alliance for Greenhouse Action (NAGA), Dean Thomson, Executive Officer, [dean@naga.org.au](mailto:dean@naga.org.au)
  - Banyule City Council
  - City of Darebin
  - Hume City Council
  - Manningham City Council
  - City of Melbourne
  - Merri-bek City Council
  - Nillumbik Shire Council
  - City of Whittlesea
  - City of Yarra
  
- South East Councils Climate Change Alliance (SECCCA), Helen Steel, Chief Executive Officer, [hsteel@seccca.org.au](mailto:hsteel@seccca.org.au)
  - Bass Coast Shire Council
  - Bayside City Council
  - Cardinia Shire Council
  - City of Casey
  - Greater Dandenong City Council
  - Mornington Peninsula Shire Council
  - City of Kingston
  - City of Port Phillip



- Western Alliance for Greenhouse Action (WAGA) Fran MacDonald, Executive Officer, [franm@brimbank.vic.gov.au](mailto:franm@brimbank.vic.gov.au)
  - Brimbank City Council
  - Maribyrnong City Council
  - Hobsons Bay City Council
  - Melton City Council
  - Moonee Valley City Council
  - Moorabool Shire Council
  - Wyndham City Council
  
- Council Alliance for a Sustainable Built Environment (CASBE) Natasha Palich, Executive Officer, [NPalich@mav.asn.au](mailto:NPalich@mav.asn.au)
  - City of Ballarat
  - Banyule City Council
  - Bass Coast Shire Council
  - Bayside City Council
  - City of Boroondara
  - Brimbank City Council
  - Cardinia Shire Council
  - City of Darebin
  - East Gippsland Shire Council
  - Frankston City Council
  - City of Glen Eira
  - City of Greater Bendigo
  - Greater Dandenong City Council
  - City of Greater Geelong
  - Hepburn Shire Council
  - Hobsons Bay City Council
  - Hume City Council
  - Indigo Shire Council
  - City of Kingston
  - Knox City Council
  - Manningham City Council
  - Maribyrnong City Council
  - Maroondah City Council
  - City of Melbourne
  - City of Melton
  - Merri-bek City Council
  - Mitchell Shire Council
  - City of Monash
  - City of Moonee Valley
  - Mornington Peninsula Shire Council
  - Mount Alexander Shire Council
  - Murrindindi Shire Council
  - City of Port Phillip
  - Stonnington City Council
  - Strathbogie Shire Council



- Surf Coast Shire Council
- Warrnambool City Council
- Whitehorse City Council
- City of Whittlesea
- City of Wodonga
- Wyndham City Council
- City of Yarra
- Yarra Ranges Council

*This submission does not necessarily represent the views of all members.*