
Request to be heard?: No - Copy of Directions and

Precinct: General

Full Name: William Tolis

Organisation:

Affected property:

Attachment 1: William_Tolis_-_S

Attachment 2:

Attachment 3:

Comments: Please refer to uploaded submission - thank you.

15th December 2017

Dear Fishermans Bend Planning Review Panel,

**RE: Submission in relation to Draft Fishermans Bend
Planning Framework and Planning Scheme Amendment GC81**

As an individual that is familiar with and grown-up within the City of Port Phillip, a future occupant; proximate to the Fishermans Bend precinct, and as a suitably qualified professional, providing services within the sustainability and environmental discipline, please find enclosed a response to the Draft Fishermans Bend Planning Framework and Planning Scheme Amendment GC81. **The area for consideration pertains to Sustainability Goal 7 – A low-carbon community.**

1.0 Draft Planning Scheme Review and Context

A review was undertaken for the proposed **Draft Planning Scheme Amendment GC81** with respect to **clause 37.04 Capital City Zone for Schedule 4 and 1** respectively pertaining to the Fishermans Bend Urban Renewal Area for each the City of Melbourne and the City of Port Phillip.

Under clause 37.04, controls are introduced to support **Objective 7.2: Design buildings to best practice green building standards – Strategy 7.2.1** indicated in the Draft Fishermans Bend Framework. The controls are applied as conditions to permits subject to buildings and works under subclause 4.0. An excerpt from the relevant subclause is detailed as follows:

For a permit granted to construct a building, other than alterations and additions to an existing building, conditions must be included to the effect that:

- *Prior to the commencement of any works, evidence must be submitted that demonstrates the project has been registered to seek a minimum 4 Star Green Star Design & As-Built rating (or equivalent).*
- *Prior to the occupation of the building, evidence must be submitted that demonstrates the building has achieved minimum 4 Star Green Star Design Review certification (or equivalent).*
- *Within 12 months of occupation of the building, certification must be submitted that demonstrates that the building has achieved a minimum 4 Star Green Star Design & As Built rating (or equivalent).*



Figure 1: Objective 7.2 of Sustainability Goal 7 – A low-carbon community requiring new developments to meet a 4 Star Green Star Standard or equivalent.
[Source: Draft Fishermans Bend Framework 2017]

Additionally, under 'Application Requirements', the following point is stated:

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- *Details on how the proposal will achieve a minimum 4 Star Green Star Design & As-Built rating (or equivalent).*

As understood, a developer will need to satisfy the Responsible Authority; in accordance with the *Planning and Environment Act 1987* (Vic), that the proposed development will achieve a minimum of 4 Stars with respect to the **Green Star Design & As Built rating system or equivalent**.

I believe, the mechanism, as detailed, is sound, in that it should encapsulate a broader range of developments and will require developments to go beyond the current Environmentally Sustainable Design (ESD) requirements detailed in clause 22.13 *Environmentally Sustainable Development* for the City of Port Phillip and clause 22.19 *Energy, Water and Waste Efficiency* for the City of Melbourne.

Additionally, clause 22.13 *Environmentally Sustainable Development* for the City of Port Phillip is set to expire on 30 June 2019 which leaves the current mechanism open for the question as to whether it will continue beyond such date. The amended clause 37.04 should address this sunset clause to ensure the longevity applying ESD principles to buildings within the precinct dependent on the precinct's governance structure, moving forward.

2.0 Areas to Review and for Consideration

2.1 Governance and Resources to Ensure Delivery

Given the content of the draft Planning Controls (clause 37.04 Capital City Zone), there will be a large responsibility placed on the Responsible Authority to ensure compliance with the ESD standards specified. That is, the Responsible Authority will need to ensure that the development (1) *prior to the commencement of any works*, (2) *prior to the occupation of the building* and (3) *within 12 months of occupation of the building* will (1) register, (2) achieve and be (3) certified that it is a minimum 4 Star Green Star or equivalent development.

For Consideration:

The Green Star process is extensive and detailed, compared to adhering to current LPP ESD Policies. The developments that will be proposed within Fishermans Bend will not be standard, conventional, developments. They will include multiple occupancies/dwellings in confined and highly dense, unprecedented, spaces requiring detailed attention, analysis and review to ensure that the developments remain 'functional' ensuring ESD provisions and respective ratings are met.

To provide context, from my knowledge, usually there are only a few ESD Officers appointed at a City Council at a given time and sometimes respective personnel are only engaged on a part-time basis. The LPPs for such Councils, enforcing ESD provisions, are less stringent than the ESD requirements that are proposed in the draft Planning Controls noted above, aligning with Green Star. Therefore, it should be recognised that the role required to be undertaken, to achieve the relevant ESD objectives in line with Green Star, will be more cumbersome for the Responsible Authority to accurately review ESD features and applications, in greater

detail, as opposed to the norm. Thus, a greater amount of resources will be required to ensure that there is consistency, comparability and transparency with respect the Responsible Authority’s approach, in order to uphold policy. Given the information specified in the draft Planning Controls, the role may become demanding considering the volume of development referrals and iterations that will be required to be reviewed in order to issue a permit and later ensure certification for the development, post-occupation. The ESD review process, undertaken by the Responsible Authority, should not be considered or become subjective, nonchalant or a ‘check-the-box’ type process given the pressure placed on the system and the demand to rapidly process applications. It should rather be considered objective and a passive approach towards achieving integrated targets, beyond sustainability, for Fishermans Bend – given that it’s promoted as a leading sustainable precinct. The number of resources allocated to the role will certainly reflect on the due process and ultimately the culture towards integrating ESD and achieving set objectives.

2.2 Establishing and Applying a Minimum Standard/Criteria for each Sustainable Building Category

Given that each development will be unique and challenge the Responsible Authority to grant approval with respect to satisfying the 4 Star Green Star or equivalent criteria specified, the Responsible Authority may factor in ‘trade-offs’, where appropriate, to ensure ‘overall satisfaction’. For example, a high-density development may impinge on dwelling size and available living space, in turn, affecting building ventilation and daylighting. In order for the development to satisfy the Responsible Authority and its 4 Star Green Star equivalent rating, the development may maximise its energy efficiency or renewable energy potential to address any shortfall, as earlier described.

For Consideration:

The standard to achieve a 4 Star Green Star or equivalent development should be consistent across all sustainable building categories with a levelised benchmark established for the precinct. A minimum criteria score should, therefore, be established for certain sustainable building categories (i.e. achieve a minimum score/criteria for energy and water efficiency, stormwater and indoor environment quality as a minimum threshold to qualify). A minimum score/threshold system for categories is integrated within the Green Star Communities Rating System. A similar framework should be adopted for Design & As Built pertaining to buildings.

2.3 Integrating the WELL Building Standard

It is understood that a minimum 4 Star Green Star or equivalent rating is required for developments within the precinct. **The requirement should be set higher than the level of ‘Australian Best Practice’, in accordance with the Green Star Rating System**, given that the precinct is promoting that it will be ‘a thriving place that is a leading example for environmental sustainability, livability, connectivity, diversity and innovation’.¹

AIR	Quality standards including filtration, cleaning protocols, microbe control, material safety
WATER	Testing and monitoring to control public water additives and system contaminants
NOURISHMENT	Promotion of healthy food options, nutrition labeling, safe food preparation and sourcing
LIGHT	Glare free and circadian lighting design, effects of surfaces & contrast, light quality, daylighting
FITNESS	Active design, enhanced ergonomics, activity incentives, and structured fitness programs
COMFORT	Physical and visual ergonomics; thermal, olfactory, and acoustic comfort
MIND	Organizational policies and transparency, biophilic design, flexible and adaptable spaces

Figure 2: The WELL Building Standard Categories.
 [Source: International WELL Building Institute™ (IWBI™)]

¹ Department of Environment, Land, Water and Planning 2016, *Fishermans Bend Vision*, http://www.fishermansbend.vic.gov.au/data/assets/pdf_file/0018/72117/Final_Vision_web_version.pdf.

For Consideration:

The shortfall, in order to achieve a higher rating, should be addressed by incorporating the WELL Building Standard. The WELL Building Standard is a leading tool for advancing health and well-being in buildings.² The WELL Building Standard assesses additional criteria, beyond ESD, looking into the wellness, living conditions and behaviours of people and buildings; aligning with evidence-based medical and scientific research.³ Unique assessable categories include Nourishment, Fitness, Comfort and Mind. A joint publication by the Green Building Council of Australia (GBCA) and the International WELL Building Institute (IWBI) compares the Green Star Rating System and the WELL Building Standard, indicating relevant shortfalls and opportunities to provide a more 'liveable' and integrated precinct. It is recommended that such report is reviewed to address the relevant shortfalls when promoting the core values and vision for the precinct.

I appreciate your consideration on the matters detailed to positively influence and ensure a greater outcome for the urban renewal of Fishermans Bend.

Yours sincerely,

William Tolis

Director – WIDA Solutions

Environmental & Professional Services Consultant

² Chapa, J. & Whitaker, J. 2017, *Green Star & WELL Building Standard™*, Green Building Council of Australia and International WELL Building Institute, <https://www.wellcertified.com/sites/default/files/resources/Green-Star-WELL-2017-Crosswalk-020117.pdf>.

³ Ibid.

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