

Fishermans Bend Planning Review Panel
Planning Panels Victoria
1 Spring Street
Melbourne VIC 3000

By email: planning.panels@delwp.vic.gov.au

29 March 2018

Dear Panel Members,

RE: FISHERMANS BEND DRAFT FRAMEWORK & PLANNING CONTROLS – SUSTAINABILITY

The Green Building Council of Australia (GBCA) appreciates the opportunity to provide further input on the draft Amendment GC81 to Melbourne and Port Phillip Planning Schemes, in addition to our submission dated 21 December 2017. We recognise the extensive work undertaken by the Taskforce to date, and look forward to maintaining our dialogue with Government as consultation on the draft Framework continues.

We wish to highlight our concern with several comments found in the expert witness report made on behalf of the City of Melbourne and City of Port Phillip as part of the Planning Review Panel process, dated 6 March 2018:

Certification

Our principal concern is the recommendation in the expert witness report for Green Star credits and criterion to be adopted in order to benchmark the sustainability performance of buildings in Fishermans Bend without undertaking any formal registration and certification (4.2.9). Worryingly the report appears to suggest that this can be justified as it is a 'commonplace practice'.

A key benefit of certification is that it lends the necessary independence, rigour and transparency to the assessment process. The value of certification is derived from not only the social, economic and environmental outcomes that have been achieved, but also from the third party assessment which validates those outcomes. By encouraging the use of certification in development projects the local government authority can take advantage of the common language developed for the rating tool. Certification also enables measurement and reporting on the policy's performance against its regulatory objectives, without which it would be very difficult to track what progress has been made by the policy.

As noted in our recent submission to the Taskforce, the GBCA would only support an alternative independent third party certification to the Green Star rating tool, if this process has demonstrated that it meets the same standards of independence, outcomes, verification, transparency and integrity as the assessment and certification process surrounding Green Star.

Equivalency

In relation to the use of 'or equivalent' wording in the planning provisions (4.2.12), we would urge caution in supporting an approach to ESD policy that is associated with a higher risk of non-compliance. Such an approach would require greater rigour on the part of the statutory planners within council and the state government as they often rely on the expertise of internal ESD advisers to self-assess the detailed design of buildings to validate 'as equivalent' outcomes. Given the lack of an independent process, various

factors can lead to a lack of uniformity in the way that projects are assessed for 'equivalency'. Anecdotally industry members have also conveyed that without this assurance, it is debatable that the content of the ESD Statement will always be delivered on site.

Independence

The GBCA is concerned that the expert witness report appears to call into question the independence of Green Star Design and As Built, as it is a "(paid) product for compliance, that is owned by a third party" (4.2.8) (6.3.1).

Green Star is Australia's only holistic rating system for the sustainable design, construction and performance of buildings, fitouts and communities. It defines a holistic approach to benchmarking sustainability that includes not just environmental considerations, but also liveability, health and wellbeing, productivity and resilience.

Green Star uses registered certification trademarks approved by the Australian Competition and Consumer Commission. A certification trademark (CTM) indicates to consumers that a product or service meets a particular standard. The use of a certification trade mark is governed by *the Trade Marks Act 1995* which establishes clear requirements and processes to help ensure the integrity and independence of certification trademarks.

Green Star rating tools are an industry and government led initiative. This suite of tools has been developed, and continues to evolve and expand, in collaboration with industry and government. The GBCA has more than 650 member organisations - among them local, state and federal governments in addition to private companies. We work with these members to continually improve and refine the Green Star rating tool suite and ensure these tools can meet the needs and expectations of our members and the community. As members of the GBCA, local governments such as the City of Melbourne and City of Port Phillip are well positioned to participate in processes to evolve the Green Star rating system and ensure the tool is fit for purpose.

Trade-offs

The expert witness report notes that one of the issues of using Green Star Design & As Built as an instrument within formal planning controls is that development applicants can "pick and choose across a broad range of environmental categories, and effectively trade-off between categories for the most cost effective list of credits or environmental benefits" (4.2.2). While it is true that developers seeking certification have a certain level of flexibility in selecting which rating tool credits they wish to target, in reality, certified projects do not ignore environmental credits. Projects must achieve a minimum level of performance in the energy category and mandatory requirements in land use and ecology. The environmental categories within the Design & As Built rating tool (energy, water, materials) make up a significant amount of the points available towards a Green Star certification. Therefore projects are incentivised to address those issues in order to achieve their rating. Moreover, the more credits a project pursues, the better the sustainability outcomes and the higher the rating score is likely to be. This is another benefit of formal certification, that an 'or equivalent' approach does not address.

Conclusion

In light of these comments, and as the planning controls will have long-term implications for this project of state significance, we would welcome the opportunity to meet with members of the Taskforce and Panel to discuss in more detail the issues and information outlined.

Should you have any questions about the information presented in this submission, please contact Sandra Qian, Senior Advisor – Policy and Government Relations on 0430 304 168 or sandra.qian@gbca.org.au

Yours Sincerely,



Jonathan Cartledge
Head of Public Affairs