



[www.sos.asn.au](http://www.sos.asn.au)  
G.P.O. Box 5042  
Melbourne 3001

## **New Residential Zones for Victoria - 2012**

### **Comment by Save Our Suburbs, Inc (Vic) - Sept. 2012**

#### **SUMMARY:**

We believe the new zone proposals have the following serious flaws :

#### **Minimum lot sizes and maximum dwelling heights?**

Councils will have to strategically justify their decisions on these two parameters so the big amenity question for residents will be whether the limits that individual councils adopt are acceptable to communities AND to the planning department and the minister. Large minimum size lots are unlikely - while some residents value the big back garden, others will want to retain the option to develop a dual occupancy (eg, to fund their retirement). Councils will have to balance these and other strategic planning demands.

It is also unclear how mandatory any new "mandatory" provisions will be, in terms of the text provided in the new draft zones and schedules - mandatory provisions are usually provided for in overlays rather than zones and none of the new zones contain the mandatory clause used in overlays to identify mandatory controls, which states that "*a permit cannot be granted to construct a building that does not meet these requirements*".

While the minister has allegedly promised some residents groups verbally that he will approve these "mandatory" controls (even if DPCD disapproves), this is NOT the message he has conveyed publicly or to professional and industry planning bodies. History shows a consistent tendency of present and former ministers to refuse height restrictions asked for by the community.

#### **More delay, uncertainty and cost:**

Along with the above uncertainties, delays and uncertainty will actually be worse in residential zones because proposed neighborhood character protection will be via variations to zone schedules, most of which will not be mandatory (eg, variations to Rescode standards). So these will be a source of yet more argument and VCAT appeals, in direct contrast to the stated aim of the reforms.

**Commercial development:**

Replacement of existing residential and business zones with new residential and simplified commercial zones will increase as-of-right commercial development, including in parts of many existing residential areas (ie, with no notice or appeal rights for residents). Any height limits in residential zones will only apply to dwellings, not the new as-of-right medical centres and shops. In a typical example of "the devil in the detail" not having been thought through fully, it will be possible for buildings without height restriction for medical centres or shops in residential zones to be subsequently converted to residential use, resulting in apartment buildings in a residential area that will not conform to either height limits or rescode standards and objectives.

**No strategic planning justification:**

There has been no strategic planning justification given for the biggest shake-up of planning controls in decades (except a simplistic, economically-motivated relaxation of restrictions). The imperative for the proposed changes appears to be driven by short-term economic imperatives based largely on recent VCEC and Productivity Commission reports which certainly do not represent strategic planning research. They don't take into account the lack of infrastructure and risks posed by climate change, fires and floods or consider the potential impact of deregulated uses on residential amenity, traffic congestion, and sustainability provisions in general.

Councils will be hard-pressed to use the new zones to effectively control and direct appropriate uses to appropriate locations because the boundaries between different uses in different zones is blurred.

We echo the PIA Vic's concern that insufficient background information has been provided to enable the proposed reforms to be assessed against the objectives they are supposed to support, or to show how they will interact with other aspects of the planning system. Given that DPCD has been working on the new zones for several years now, it is hard to believe that such a poorly-justified set of controls could have been proposed for adoption, even in draft form

**Cart before the horse:**

A logical integrated approach to re-shaping Victorian planning controls would have seen the proposed overall metro planning strategy for Melbourne worked out and introduced first, with full prior public consultation. This would then provide a framework to guide any other proposals like new zones.

**No deliberative, informed community consultation:**

No informed public consultation process has been undertaken on either the new zones or any other aspects of the Coalition Government's planning reforms. They have been

developed in conjunction with industry and presented largely as a fait accompli – communities which will bear the brunt of these changes should have a major say in formulating them. Being able to make submissions, and access to a simplistic website bereft of relevant strategic explanations of the issues facing the future of our city, are no substitute for a full deliberative community consultation process that includes independent experts and proper debate of the issues and their alternatives.

**The uncertainties and inadequacies above underscore the fundamental flaws of the new planning proposals. It is pointless to comment much further because these new zone proposals have no strategic justification and they have not been integrated with other planning controls or the Act, nor subject to any real form of informed community consultation.**

**The deregulatory nature of these changes are the antithesis of what's needed to allow a reformed planning regime to efficiently and successfully achieve the goals of the Planning Act and meet the challenges that face us, including climate change, peak oil and traffic congestion and sustainability in general.**

**The whole point of a planning system is not to allow speculative market forces to determine the type and location of development, but to ensure that the planning blueprint for the city (ideally developed in full consultation with residents) firmly guides development in both the short and long-term interests of the community, in an integrated way that balances residents' rights and amenity, as well as economic, transport, employment, health, social and sustainability goals.**

Unless new planning reforms are introduced with the appropriate degree of real consultation, they will not be accepted by the Melbourne community and will continue to be a growing political liability for the incumbent government.

*Ian Wood  
President  
Save Our Suburbs Inc. (Vic)*