

Save Our Suburbs - Planning eUpdate, 3.12.13:

Plan Melbourne, VicSmart and New Residential Zones

NB: submissions on Plan Melbourne are due by COB this Friday (Dec.6) to:
Planmelbourne@dptli.vic.gov.au

We strongly suggest that you at least complain about the significant reduction of regulatory control and accountability and the lack of *informed* deliberative consultation with the community in the formulation of this document. The government at least needs to know if you are not happy with the process or the result. We hope the brief analysis below is helpful.

Ian Wood, President SOS

Critique of Plan Melbourne

NB: a longer detailed version of this analysis can be found on the SOS website here:

<http://www.sos.asn.au/category/sos-critique-plan-melbourne-make-submission-friday-dec6>

Like its predecessor “Melbourne 2030”, Plan Melbourne is replete with motherhood statements which all Melburnians would agree with. A few examples include “protecting the suburbs” (p2), “improve transport infrastructure and services in Melbourne’s newer suburbs” (p15) and “make our city greener” (p16).

However, on closer inspection it is obvious that the focus of Plan Melbourne is to drive delivery and facilitate development in general, as stated bluntly in Direction 7.1 (p.163). Virtually every aspect of the planning regime is to be modified to facilitate the economic vision of Plan Melbourne and make it “more relevant”. This includes the entirety of each planning scheme - not only the new zones and changes to existing Overlays and Particular Provisions but also the state and local planning policy frameworks (SPPF and LPPF) which will soon be rolled into one PPF.

This new Planning Policy Framework is supposed to “better align” and integrate state, regional and local policy together, thus ***“shifting the focus of planners from a regulatory mindset under the current system to a facilitative mindset that encourages development”*** (Page 163). This indicates that current local policies will be superseded by the new overriding state policy.

Interestingly, the phrase “Local Planning Policy Framework” doesn’t occur once in the entire 190 page Plan Melbourne document. Yet it is local policy which helps guide development in areas where standard state policy is a poor fit. This is especially true at VCAT where councils and residents alike complain about the lack of emphasis the Tribunal often gives to local policy. Soon that will no longer be an issue - in less than 6 months there will be no local policy framework.

The SPPF will “rationalize” references to “broad documents” (eg, river management plans) and also “specify the role” of neighbourhood centres. Other vague changes will be made to overlays such as Heritage and Development Overlays or Particular Provisions such as Clause 52.06 (car parking). Heritage protection is only briefly and vaguely addressed in Plan Melbourne – eg, “improve heritage planning and assessment” and “investigate the potential of transferable development rights for significant heritage conservation and development projects” (Page 115).

A hint to the state government's financially pragmatic approach to Heritage protection is the statement that *"in some instances, public benefits flow from private sector developments that involve significant heritage assets. This can include the conservation and **adaptive reuse** of heritage assets that would otherwise deteriorate and cease to contribute to Melbourne's **economic development**. Examples of this include the conversion of Melbourne's former GPO into a landmark retail complex"* (Page 103).

A new "good planning guide" is also being prepared to "improve Rescode and streamline the planning system" to guide multi-unit development and the application of the reformed residential zones (Page 53 & 67). Again, there is no indication of the specific changes or how these might interact with other aspects of the new planning regime.

In making the above recommendations, the SPPF Review Advisory Committee "consulted widely" with 77 organisations and 34 councils, and received 74 informal submissions. But again the community have been overlooked.

The powers of the Planning Minister will be greatly increased. The Planning and Environment Act 1987 will be amended to specify where notice exemptions (such as s20(4)) for matters of state-significance are appropriate and to enable the Planning Minister to delegate decision-making powers to the Metropolitan Planning Authority (MPA) to facilitate such projects. Section 20(4) exempts the minister from having to notify councils or affected landowners, or give public notice of an amendment or make it available for public inspection.

The MPA is not independent but will answer to the planning minister, who is the responsible authority for projects of state significance (which have no 3rd party rights of notification, objection or appeal). These include development proposals within "city-shaping projects" such as the Expanded Central City, National Employment Clusters, Metropolitan Activity Centres and transit-orientated urban renewal projects (p.31).

While a few references to regulation seem to involve positive initiatives such as new apartment design guidelines, these are in danger of being white-anted before they've even been developed: *"The review will need to assess the economic impact, impact on housing affordability, and potential red tape burden of introducing any new regulations to the construction sector"* (Page 59).

Plan Melbourne bemoans the lack of scope to provide more open space for a growing inner urban population (Page 107): *"There are limited opportunities to provide new open space in Melbourne's established areas.... (which) include identifying opportunities for new or enhanced open space in urban renewal precincts, on surplus government-owned land and as part of precinct-wide redevelopment plans"*. Yet the government appears to prefer selling off surplus public land to developers to boost the budget: *"develop a framework to identify under-utilised government land, including a system to manage, value capture and dispose of it"* (Page 149).

VicSmart – not fast-track "code assess", just deregulation

Finally, as feared last year upon its introduction, the severely-flawed VicSmart process is now to be applied to multi-unit development in the Residential Growth Zones (Page 67). Yet last year we were assured that VicSmart would only apply to streamlining permit assessments for minor applications like fences and carports.

VicSmart has also been burdened with a series of complex decision guidelines which ironically mean that it cannot function as a "code assess" process but will become yet another layer of discretionary decision-making - see planning scheme draft clauses 90-

95: http://www.dpcd.vic.gov.au/data/assets/pdf_file/0004/198850/Consultation_Draft_VicSmart_Planning_Scheme_Provisions.pdf

Under VicSmart, there are no third party notice or appeal rights and permit decisions must still be made within 10 days (possibly by non-planning staff appointed by a council CEO), without the ability of council to request further information. Consequently, the degree of compliance with these guidelines and the transparency with which decisions are made are likely to be compromised.

NB: For an excellent professional planning critique of the above issues, see:

[The Circle of Life: Plan Melbourne, Zones, and Notice Rights: http://www.sterow.com/?p=4071#more-4071](http://www.sterow.com/?p=4071#more-4071)
and
[The Wrong Idea Not Implemented Properly \(Submission on VicSmart\): http://www.sterow.com/?p=4050](http://www.sterow.com/?p=4050)

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Implementation of the New Residential Zones:

While a few councils are allocating relatively large areas of their former R1Z land to the new Neighbourhood Residential Zone, others appear to be doing the opposite. Many are not specifying minimum subdivision areas or have varied the mandatory height provision. One has drafted NRZ schedules which over time will homogenize development density across all existing R1Z areas by allowing proportionately more dwellings on larger lots, where lot sizes currently range from 500 to over 3,000sqm.

So find out about your council's strategy for implementing the new zones and lobby council planning staff, the CEO & councilors. Ask that the following areas be designated as Neighbourhood Residential Zones:

- where over 80% of an area currently has detached dwellings
- Neighbourhood Character Overlay and Heritage Overlay areas

Also ask for the NHR zone schedule(s) to include the mandatory 8m height limit and to specify a mandatory maximum number of dwellings for small lots and a mandatory minimum lot size typical of your area.

Refer to DTPLI practice note 78: <http://www.dpcd.vic.gov.au/planning/theplanningsystem/improving-the-system/new-zones-for-victoria/new-and-reformed-residential-zones>.