

The purpose of this feedback form is to help inform the preparation of new residential zones. A second and more detailed draft of the proposed residential zones will be prepared in response to your feedback and you will be given a further opportunity to comment on the draft zones in mid-2008.

If you have any questions about making a submission please call 9637 8610 during normal business hours or email to [planning.systems@dpcd.vic.gov.au](mailto:planning.systems@dpcd.vic.gov.au).

**The closing date for lodging submissions is 5.00 pm, Friday 18 April 2008.**

Completed feedback form should be submitted to the Department of Planning and Community Development either by:

**email** - [planning.systems@dpcd.vic.gov.au](mailto:planning.systems@dpcd.vic.gov.au)

**or**

**mail** - Planning Systems  
 Department of Planning and Community Development  
 GPO Box 2392  
 Melbourne VIC 3001

**Questions marked with \* are required to be answered.**

**If the space provided below is insufficient please attach a separate sheet to this form.**

**\*Your Details:** (Please Note: We do require you to supply your name and address details, however you may enter NA in the "Organisation, Your position and Email" fields if not applicable to you.)

**Name:** Ian Quick

**Organisation  
(if relevant):** Save Our Suburbs (Vic)

**Your position:** President

**Address:** PO Box 2233, Richmond South, 3121

**Email:** [ian.quick@sos.asn.au](mailto:ian.quick@sos.asn.au)

**The Department of Planning and Community Development (DPCD) provides the assurance that any details you provide will be used for DPCD project communication and not for any other purpose, in accordance with the Victorian Information Privacy Act 2000.**

**\*Which of the following best describes you?**

general public

**community based organisation**

council planner

other person employed by a council

planner in a State government department or agency

other person employed in a State government department or agency

development industry representative organisation

person in the development industry

planning consultant

other consultant

legal practitioner

other, please specify: \_\_\_\_\_

### ▶ Question 1

**Do you agree with the proposed concept of three new residential zones reflecting substantial change, incremental change and limited change areas?**

**Strongly Disagree**

In principle we agree that there should be incremental and limited change areas – however, we do not agree with any of the actual details as outlined in the discussion paper, or in the establishment of a ‘substantial’ change zone which could not only be implemented anywhere new public transport or shops, but would be extremely unfair on existing residents.

See our attached paper for more detail.

## Questions about the Substantial Change Zone

### ▶ Question 2

**Do you agree with the proposed purpose of this zone?**

**Strongly disagree**

**Comments:**

This zone would effectively be a ‘planning free’ zone and as such should not exist.

### ▶ Question 3

**Do you agree with the suggested notice and review provisions for this zone?**

**Strongly disagree**

**Comments:**

The loss of any right to notification or of appeal is totally unacceptable. Community members as individuals or as community groups have a right to be part of the planning process.

The experiences broadcast by the 7:30 Report (ABC Monday 14 April 2008) about Tweed and Wollongong councils show what can happen when planning is not subject to public scrutiny. The planning process is already badly flawed, with most higher density developments being granted permits even though they fail to comply with all ResCode standards. A situation in which a council or one of its officers can declare a proposal compliant without any possible public scrutiny, is simply unacceptable

 Question 4

Do you agree that there should be the ability to apply different controls to different areas within this zone?

Agree

*Comments:*

This zone shouldn't exist but if it did, there should be the ability to apply different controls to different areas. This ability wouldn't have to be used if the zone covered a homogenous development area, but would be otherwise be available.

 Question 5

Do you agree that there should be the ability to specify design and development objectives for different areas in this zone?

Agree

*Comments:*

This zone shouldn't exist but if it did, design and development objectives for different areas must be included - otherwise the areas within these zones will all be developed with the same design response. Developers do not have a good record for responding to neighbourhood character or site constraints but in nearly all cases demonstrate their own self-interest in maximising profits by pushing the boundaries of planning to the limit, and beyond.

 Question 6

Which residential standards do you think should be able to be varied in this zone?

*Comments:*

None

▶ Question 7

Do you agree that there should be the ability to specify a maximum building height for different areas in this zone?

Strongly agree

*Comments:*

Yes, and Councils should be allowed to do this **without** approval from the state government. There should also NOT be any minimum maximum height and the current practice (ie in Res zone 3) of not allowing a height limit if any building in the area is higher – even if it was built many decades years ago – should be abolished.

▶ Question 8

What other measures do you think should be introduced to assist with increasing housing intensity and diversity in strategic locations?

*Comments:*

Prior implementation of upgraded and integrated mass public transit infrastructure (ie NOT more buses - they are only suitable for low density suburbs; too much traffic congestion & pollution already in inner denser suburbs)

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▶ Question 9

Do you agree that this zone should provide for a greater range of non-residential uses, particularly at street level to encourage greater activity, diversity and to meet the needs of residents?

Strongly disagree

*Comments:*

Non-residential uses are primarily **not** for residential zones. If a non-residential use is intended in a residential zone, it should always require a permit and a significant hurdle on amenity grounds.  
If Councils don't want that to be the case, they should zone the area mixed use, business, etc.

 **Question 10**

**What do you think is the best way to ensure that underdevelopment does not occur on single lots?**

***Comments:***

This should not be part of the planning system, it should not force property developers to develop a site **MORE** than they want to.

The bigger problem under Melbourne 2030 has been the opposite – ie overdevelopment on a single lot.

 **Question 11**

**Do you agree that development that complies with local residential standards in this zone should be exempt from notice and review at VCAT?**

**Strongly disagree**

***Comments:***

The loss of any right to notification or of appeal is totally unacceptable.

Community members as individuals or as community groups have a right to be part of the planning process.

It is a fundamental democratic right that all development proposals should be able to be scrutinised by the community, and the community must have the right of review at VCAT.

 **Question 12**

**What else do you think should be considered to ensure that the purpose of this zone is achieved?**

***Comments:***

We disagree entirely with the stated purpose of this zone. The proposals offer no certainty for anyone but developers who are given an 'as of right' green light for development under this proposal.

## Questions about the Incremental Change Zone

### ▶ Question 13

Do you agree with the proposed purpose of this zone?

Agree

**Comments:**

However, the Use and Development Provisions do not appear to implement the stated purpose (which is OK)

Nothing in the Notice, Use, and Development Provisions seem to address the stated purpose - they do the opposite.

This zone, we assume, would be the one to automatically replace most “residential 1” zones, and under the given draft provisions would be a disaster.

### ▶ Question 14

Do you agree with the suggested notice and review provisions for this zone?

Strongly disagree

**Comments:**

The loss of any right to notification or of appeal is totally unacceptable. Community members as individuals or as community groups have a right to be part of the planning process.

It is a fundamental democratic right that all development proposals should be able to be scrutinised by the community, and the community must have the right of review at VCAT.

**How could this be an “incremental change zone” when most residents would have lost the right to even be notified of the permit application, let alone appeal it?**

### ▶ Question 15

Do you agree that there should be the ability to apply different residential standards to different areas within this zone?

Strongly agree

**Comments:**

Some residential standards should be able to be varied by Council so that responsive development can be achieved, rather than there being a blanket design and development regime for the zone

 **Question 16**

**Which residential standards do you think should be able to be varied in this zone?**

***Comments:***

This should be up to Councils to decide in proper consultation with their local communities

 **Question 17**

**Do you agree that there should be the ability to specify a maximum building height for different areas in this zone?**

**Strongly agree**

***Comments:***

This ability should be available but a minimum maximum height of 9 metres is unacceptably high as 3 storey development may be inappropriate within some areas in this zone that require a lesser maximum limit to protect neighbourhood or heritage character, etc

 **Question 18**

**Do you agree that there should be the ability to require a planning permit to remove vegetation in this zone?**

**Strongly agree**

***Comments:***

'Permit requirements' for vegetation removal appear to offer some protection for neighbourhoods but this system has failed throughout the urban area – either permits are granted automatically (irrespective of the value of the vegetation in question), or developers just accept a fine and remove what they like. Unless these provisions had real 'teeth', they would be useless.

 Question 19

Do you agree that there should be the ability to specify the number of dwellings that can be built on one lot in this zone?

Strongly agree

*Comments:*

Yes, local communities with their council should be able to have a planning scheme that controls development density and gives them an assurance of what can and cannot happen in their neighbourhood.

 Question 20

Do you agree that development that complies with local residential standards in this zone should be exempt from notice and review at VCAT?

Strongly disagree

*Comments:*

The loss of any right to notification or of appeal is totally unacceptable.

Community members as individuals or as community groups have a right to be part of the planning process.

It is a fundamental democratic right that all development proposals should be able to be scrutinised by the community, and the community must have the right of review at VCAT.

**How could this be an “incremental change zone” when most residents would have lost the right to even be notified of the permit application, let alone appeal it?**

In addition, how will developments be judged to ‘comply’? Why would this not become open to wide scale abuse?

 Question 21

What else do you think should be considered to ensure that the purpose of this zone is achieved?

*Comments:*

The problem with this proposed zone is that its purpose is simply not met at all by the given draft provisions. It will not be an ‘Incremental Change’ zone but will provide developers with an open invitation **to build up to 3 storey multi-unit developments anywhere in the zone without restriction. This is unacceptable**

## Questions about the Limited Change Zone

### ▶ Question 22

**Do you agree with the proposed purpose of this zone?**

**Strongly agree**

***Comments:***

The purpose of this zone is fine, however there is little in the Notice, Use, and Development Provisions to support the purpose.

In addition, it is clear from the Planning Minister's refusal to allow Councils to implement the current Res Zone 3 – which has a 9m height limit – that applications of this zone are going to be hard to achieve.

### ▶ Question 23

**Do you agree with the suggested notice and review provisions for this zone?**

**Strongly disagree**

***Comments:***

The loss of any right to notification or of appeal is totally unacceptable.

Community members as individuals or as community groups have a right to be part of the planning process.

It is a fundamental democratic right that all development proposals should be able to be scrutinised by the community, and the community must have the right of review at VCAT.

**How can this be an “limited change zone” when most residents have lost the right to even be told about the permit application, let alone appeal it?**

### ▶ Question 24

**Do you agree that there should be the ability to apply different residential standards to different areas within this zone?**

**Strongly agree**

***Comments:***

Some residential standards should be able to be varied by any Council so that responsive development can be achieved rather than there being a blanket design and development regime for the zone

 **Question 25**

**Do you agree that there should be the ability to specify design and development objectives for different areas in this zone?**

**Agree**

***Comments:***

It is difficult to see this Zone being applied to large enough areas to require this.

 **Question 26**

**Which residential standards do you think should be able to be varied in this zone?**

***Comments:***

This should be up to Councils to decide in proper consultation with their local communities.

However, the suggested ones seem reasonable ie

- Statement expressing the existing values or development constraints.
- Design objectives to be achieved by new development.
- Maximum number of dwellings on a lot.
- Minimum lot size for subdivision applications.
- Maximum building height.
- A permit requirement for vegetation removal.
- Specified ResCode standards to protect existing values or respond to existing constraints.

 **Question 27**

**Do you agree that non-residential uses should be prevented from establishing or expanding in this zone?**

**Strongly agree**

***Comments:***

Clearly any non-residential use would be in conflict with the 'special' characteristics of this zone.

If any non-residential usages were envisaged, they should be separately zoned e.g. a specific site for a milk bar.

 **Question 28**

**Do you agree that there should be the ability to require a planning permit to remove vegetation in this zone?**

**Strongly agree**

***Comments:***

'Permit requirements' for vegetation removal appear to offer some protection for neighbourhoods but this system has failed throughout the urban area – either permits are granted automatically (irrespective of the value of the vegetation in question), or developers just accept a fine and remove what they like. Unless these provisions had real 'teeth', they would be useless.

 **Question 29**

**Do you agree that there should be the ability to specify a maximum building height for different areas in this zone?**

**Strongly agree**

***Comments:***

This is the only way these areas could be protected

 **Question 30**

**Do you agree that there should be the ability to specify the maximum number of dwellings that can be built on one lot for different areas in this zone?**

**Strongly agree**

***Comments:***

This is the only way these areas could be protected

### ▶ Question 31

**Do you agree that there should be the ability to specify the minimum lot size for new subdivisions for different areas in this zone?**

Strongly agree

*Comments:*

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### ▶ Question 32

**Do you agree that development that complies with local residential standards in this zone should be exempt from notice and review at VCAT?**

Strongly disagree

*Comments:*

The loss of any right to notification or of appeal is totally unacceptable. Community members as individuals or as community groups have a right to be part of the planning process. It is a fundamental democratic right that all development proposals should be able to be scrutinised by the community, and the community must have the right of review at VCAT.

**How can this be an “limited change” zone when most residents have lost the right to even be told about the permit application, let alone appeal it?**

In addition, how will developments be judged to ‘comply’? Why would this not become open to wide scale abuse?

### ▶ Question 33

**What else do you think should be considered to ensure that the purpose of this zone is achieved?**

*Comments:*

This should be up to Councils to decide in proper consultation with their local communities but could include:

- allow any maximum height limits
- make all ResCode Standards compulsory to improve certainty, reduce the exercise of discretion and speed up all planning assessments and facilitate planning enforcement.
- Expand the current (let alone suggested) notice and review rights.
- Require a permit for all single dwellings, regardless of block size to protect neighbourhood character and sustainable design principles.
- Strengthen the role of heritage and neighbourhood character in the planning system

 Question 34

**Are there any other comments you would like to make?**

**Comments:**

The proposed new zones are completely unacceptable, for the following reasons -

1. **No** new zone should compulsorily replace the existing Residential 1 Zone. If a new zone is required, it should be made available to Councils to use at **their** discretion.
2. All of the proposed zones weaken the system of planning controls by allowing an unspecified 'fast track' for permit approval. This will be open to abuse and **it is unacceptable that resident rights to appeal a decision, and to get notice of an application, are being removed!** The fast track process should be reversed, ie there should be a **fast track refusal process** for applications that do not meeting a minimum set of ResCode standards.
3. Notice and Review rights **can not** be limited to the **adjoining and opposite properties, or not all!** Many developments impact the surrounding area for a considerable distance.
4. Non residential uses, such as the listed medical centre, child care centre and supermarket, should **always require a permit in a residential zone** ie not be exempt from requiring a permit.
5. The reduction of block size from 500m<sup>2</sup> to 300m<sup>2</sup> for requiring a planning permit for a single dwelling will mean most single dwellings will not require a permit, even in the inner city. This is the opposite of what should be done.
6. Notification of these proposed zone changes has been appalling. Given the impact that they will have on Melbourne, there should have been wide spread publicity – many people normally not interested in planning **WOULD** be interested if they knew their Residential 1 zone was to become a fast tracked development zone!
7. The suggested zones – aimed at increasing density and making it easy to get a permit, while also reducing residents' rights – do not address any of the fundamental problems with the current planning system, and it's only developers who will be happy with them. The current problem is not that higher density isn't allowed, the problem is not being able to stop excessive inappropriate higher density development!
8. If the point of the new zones is to 'streamline' the planning system, there are much better ways achieving this, as we have documented in many other submissions.

**In short, the new zones should be completely abandoned in their current form. While some of the purposes appear acceptable, their actual implementation – from the details that are available – indicate that they will not achieve the purpose described.**

We have no confidence that the New Zones would provide certainty to anyone but developers. They provide no protection for existing residents.

***Additional Comment:***

We also have no faith in the present process of consultation regarding the new zones. All submissions should be placed on the dept. website so there is a public record of what the community, councils, planning professionals and industry bodies think about the new zone proposals.

Instead, "any details provided will be used for DPCD project communication and not for any other purpose, in accordance with the Victorian Information Privacy Act", which removes any accountability (of both the govt and submitters) and allows the govt to "sell" its zone proposals by tailoring its spin to meet common criticisms.

**Thank you for your submission. If you have any questions about this survey or about making a further submission please call 9637 8610 during normal business hours or email to [planning.systems@dpcd.vic.gov.au](mailto:planning.systems@dpcd.vic.gov.au)**