Changes to medium density housing provisions (Amendment VC267)

A combination of changes at once:

- Changing standards to deemed to comply (a process started in 2023).
- Making many standards more permissive.
- Removing the general neighbourhood character objective / standard.
- Removing ability to consider local policies when standard compliant / limiting application of policy.
- Removing customization of local zones.
- Removing the general cl 65 discretion.
- Removing review rights.

This has been done without careful review of the existing standards, or of the underlying application of zones.

Removal of community appeal rights, if pursued, should follow careful testing and consultation.

The Committee agrees with submissions that the complex nature of meaningful assessment of proposals cannot be distilled down to a series of quantifiable requirements which do not require the exercise of judgement. Neighbourhood character is a clear example of an issue which cannot be reduced to simple rules. It requires qualitative assessment and the exercise of judgement. Similarly drafting a prescriptive standard to achieve objectives of building articulation to reduce bulk has proved unsuccessful. The focus of assessment of development proposals should always be on outcomes, not the satisfaction of rules for their own sake.

ResCode 2000: Part 1 Report (Advisory Committee Report, 20 December 2000)

Table 2: Aligning housing change areas and residential zones

Zone	Minimal	Incremental	Substantial
Low Density Residential Zone	~		
Mixed Use Zone		~	\checkmark
Township Zone	~	~	
Residential Growth Zone		~	\checkmark
General Residential Zone		~	\checkmark
Neighbourhood Residential Zone	~	~	
	1	1	

Planning Practice Note 91: Applying the Residential Zones

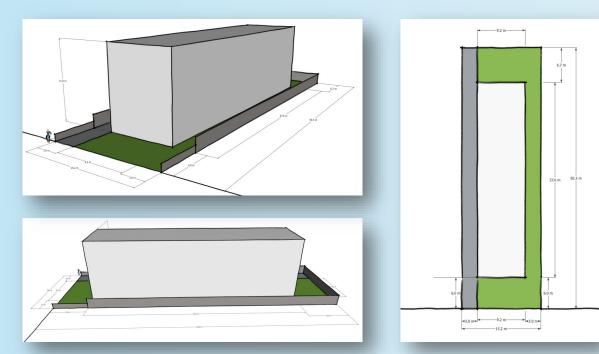


Outcomes

The best target for deemed-to-comply provisions is simple, low-risk proposals.

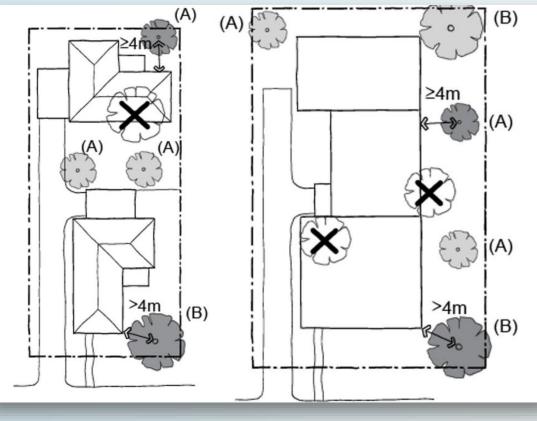
That said, in-principle it could be done (and has been done in the past). But this would require careful design of new form-based provisions.

Should start with a massing diagram, codify that, and test for workability and outcomes in a variety of situations.



An example of concerns: very low tree canopy obligations. No ability to ask for more landscaping.

Likely to lead to "moonscaping."



Townhouse and Low-Rise Codes Guidelines



Complexity

Deemed to comply provisions are black-letter law in a way the old code was not. Legal challenges can arise if any error is made.

The provisions are much too complex to be used in this way. This makes promises of system efficiency very dubious.



		VICTORIA PL	ANNING PRO	ISIONS				
Site area	Site area Canopy cover							
More than 1000	souare metres		20% of s					
	aquare menes		20 % 01 8	ile alea				
Existing trees to	o be retained meet all of th	ne following:						
 Has a height 	of at least 5 metres,							
 Has a trunk of 	circumference of 0.5 metre	es or greater at 1.4 metro	es above ground level	l,				
 Has a trunk t 	that is located at least 4 me	etres from proposed bui	ldings.					
The minimum of	canopy cover is met using	any combination of tree	es specified in Table I	32-7.2.				
Existing trees the	Existing trees that are retained can be used in calculating canopy cover.							
Table B2-7.2	Tree type, canopy cov	er deen soil and pla	ntor roquiromonte					
Tree type	Minimum canopy	Minimum height at	Minimum mature	Tree in deep soil	Tree in planter	Minimum depth of		
	diameter at maturity	maturity	canopy cover	Area of deep soil	Volume of planter	planter soil		
A	4 metres	6 metres	12.6 sqm	12 square metres	12 cubic metres	0.8 metre		
				(min. plan dimension	(min. plan dimension			
				2.5 metres)	2.5 metres)			
в	8 metres	8 metres	50.3 sqm	49 square metres	28 cubic metres	1 metre		
				(min. plan dimension 4.5 metres)	(min. plan dimension 4.5 metres)			
				,	,			
С	12 metres	12 metres	113.1 sqm	121 square metres	64 cubic metres	1.5 metre		
				(min. plan dimension 6.5 metres)	(min. plan dimension 6.5 metres)			
Trees are locate	one new or retained tree i	in the front setback and	the rear setback.					
	eep soil as specified in Tab specified in Table B2-7.2.							
-	-							
Any tree requir relevant geogra	red to be planted under the phic factors.	is standard must be of	species to the satisfa	ction of the responsible	authority, having reg	ard to the location a		
Decision gui	delines							
Before deciding	g on an application, the res	sponsible authority mus	t consider:					
 Any relevant 	t neighbourhood character	objective, policy or sta	tement set out in this	scheme.				
 The site cont 	text and design response.							
 The extent to 	which the existing and pr	roposed canopy trees co	ontribute to a greener	environment and reduce	urban heat.			
 Whether the 	growth characteristics of e	existing trees and propo	sed canopy trees will	provide the required ca	nopy cover.			
 The suitabili 	ty of the planting location,	, deep soil areas and pla	inter soil volume for p	proposed canopy trees.				
 Whether the 	species of canopy tree is s	suited to the soil conditi	ons of the site.					

55.02-8 Front fences objective

To encourage front fence design that responds to the existing or preferred neighbourhood character

Stan dard B 2-8

Streets in a Transport Zone 2

A front fence within 3 metres of a street is:

- · The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.

Table B2-8 Maximum front fence height