



[REDACTED]

Amendment C190 - Immediate concerns/Overall feedback

Thank you for the opportunity to provide feedback to Amendment C190. We acknowledge that council is always striving for improved design apartments and townhouses.

Amendment C190 is introducing planning law across Moreland for future developers to build dual-occupancy houses through the VicSmart avenue of application.

[REDACTED] is concerned that such a significant change to the planning scheme is being made without individual residents being written to, or resident groups given an initial seat at the so called 'round-table' at the start of this process. Tens-of-thousands of Moreland householders could be affected by C190. Simply put, a householder whose neighbour wishes to build two 'ResCode standard dwellings', will not be notified or have rights of objection or appeal. Consultation of, and notification of the amendment via email and postage was not extensive, if at all done to residents.

[REDACTED] believes council should strive to achieve better outcomes through the usual clear channel of applying for a planning permit, and better using the tools available in the state provisions. [REDACTED] objects to any system change that takes away a resident's right to be notified, object, or appeal.

Moreland's new avenues of permit application are increasingly making the planning system in Moreland unclear for residents. This is the second time in recent times council has created new permit avenues for developers, and each time it takes away resident rights.

Our network support mandatory requirements for ResCode ESD and Livable Housing certification requirements, however not at the expense of 3rd party rights for residents.

As we have maintained for many years, we take strong issue with council progressively removing resident third party rights. There is a "trade-off" culture that does not sit well, that of always seeking ways to incentivise development at residents' expense, and by taking away clarity.

We acknowledge that the amendment may have a relatively negligible effect on Brunswick. This is based-on the currently low number annually of dual occupation planning applications

in Brunswick that are not under heritage overlays, and that some small blocks limit the ability to build Rescode compliant single or two dwellings. However, we are concerned for the whole of Moreland, and don't believe potential unintended consequences have been explored.

General long-term concerns

Ultimately, residents do want better planning outcomes. Instead of repeatedly hearing about council-driven incentives, and fast-track avenues, we would like to see 'resident-driven' change for improved outcomes realised in Moreland. With the above amendment to the planning scheme, it seems Council has decided (through cost rationalising) that it is not worth council's staff time to allow residents to have the rights of most residents across Victoria.

A meaningful and purposeful way to engage with residents in the process would be to investigate and consult with residents on other planning tools at Moreland's disposal that can drive the outcomes it is trying to achieve, along with the neighbourhood character aspirations of residents. They could for instance be bundled into Amendment C190.

Neighbourhood character Objectives

One of the purposes of the NRZ is to respect the identified neighbourhood, heritage, environment or landscape characteristics.

The NRZ is the only zone, through its Clause 32.09-1, to have NC Objectives

A schedule to this zone must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for this zone

It could be argued that because Moreland has not put NC Objectives in its NRZ, as required by the zone it technically cannot win against appeals at VCAT. Specifically, it is a REQUIREMENT TO PUT the above characteristics into the zone, and Moreland has a blank schedule.

Moreland must quickly investigate doing work to justify inserting neighbourhood character objectives into the Neighbourhood Residential Zone.

This would be done for streetscape features sought by C190 (such as canopy tree on nature strip, and in front yard, lower-level age-in place living) and could go identifying what the community is seeking, adding features derived from revising current NH statements, and adding features such as from heritage experts and community. Features could be, canopy trees, ground level dwelling, respect for bluestone driveways.

Neighbourhood character statements are a long time coming in Moreland. I am aware of such characteristics such as 'slate roofs' being stipulated to developments in other councils. This tool to insert the NC objectives has been available since March of 2017, but it was flagged in the reform as far back as 2012. Our position on NC statements being revised was made then.

Moreland should develop detailed precinct statements that align with the maps in Moreland Clause 22.05, and details of:

- key characteristics (such as building era, predominant dwelling style, fencing heights, gardens, front and side)
- threats to its character (such as loss of historic buildings; bulky or 'box like' buildings; boundary to boundary development setbacks, extensions, streetscapes and trees)
- strategies for maintaining its character (such as setting buildings back from boundaries; encouraging large tree retention; landscape garden, low fencing, encouraging living areas on ground level)

Moreland should work on striving to make "design excellence" the new compliance, by toughening up its scheme. This way the times it spends incentivise development, could go into officer time for VCAT, or overturning of permit decisions on NH grounds would be reduced.

Understanding why Moreland is top developer target

Moreland receives the largest number of planning applications for medium-density dwellings in Victoria per year.

█ is contacted by residents, and resident groups, and holds public meetings. point of view that is received by us general perceptions are: that receiving the largest number of applications in Victoria is "self-inflicted": result of past failed 'trade-off schemes' planning schemes - be it 'better' design or 'ESD' or 'architectural excellence'.

Unintended consequences of 'incentive' schemes,

To date, incentive schemes for developers Moreland created to improve outcomes usually, have not had the intended consequence.

Perhaps Moreland attracting more developers than other council's is a result of developers choosing to use Moreland's usual planning application process to maximise yield. As residents have battled developers and VCAT over the years, and sometimes watched with dismay, as non-compliance was permitted by Moreland, or at appeal at VCAT, because Moreland has already usually permitted the non-compliance elsewhere.

Moreland's tolerance for non-compliance at its coalface, with non-compliant dwellings becoming the norm, may have resulted in this need to create 'incentives'.

Height Leverage: Tall mistakes leave long shadows

Residents observe past examples in Brunswick where a height 'trade off' was given with mediocre dwelling outcomes. Years of 'interim' height controls in the Design and Development Overlays for Brunswick (DDO18,19,20) left residents dismayed because "Environmental features, and Architectural excellence" installed as a decision guideline

backfired. I have first-hand experience of seeing The LPD development in Edward Street remove 'accessibility' and officer reversed 'ESD' features during planning and building permit amendments. Accessible features were removed from development during building stage, because the future resident did not require it, and did not want to pay the extra purchase price it required.

█ is concerned that at building permit stage, a builder could appeal to the VBA that the off-plan purchaser, does not require the accessible features.

The 'Design Excellence scorecard' application scheme was recently created for multi-unit developers, however. There has been minimum uptake for the scheme. Yet the number of applications through the usual planning channel continued to grow.

This Amendment C190 should be postponed until a review of the 'Design Excellence Scorecard' and any unintentional consequences of that pathway be published and addressed.

Getting background/research on why Moreland needs to incentivise

Q) Can we not ask, "why are current applications through the planning desk not seeking alternative design solutions", and how does this compare to other councils? It would be useful to understand.

Q) *Can we also ask, if "Engagement should be purposeful and meaningful" how are you going to deal with residents who are upset that two dwellings are built one day next to a resident with no notice, it's easy to predict that resident engagement with council will not be purposeful and meaningful – it will be potentially causing more distrust and anger at being left out of the process.*

Q) What is the ratio of standards approved through meeting objective versus meeting the numerical standard. This data should be available for each suburb. Taken on notice in the meeting.

In conclusion, we'd like to say that we did not have any awareness that a Medium Density Housing review was done last year, or that it was heard at Panel in February this year. Although council said it had notified █ on February 15 2019, but we did not recall seeing the email. In future, please notify individual working group members. We think that the lack of participation in the hearings should have been a warning sign that maybe engagement was not widespread enough.

Sincerely,



