

**Our Planet, Our
People, Our Place,
Our Promise**



**Bayside City Council
Submission to
proposed changes to
Rescode**

September 2024

Acknowledgment of Country

Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging.

Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.

Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island elders who have guided and continue to guide the work we do.

Executive Summary

In the absence of any formal consultation from the Department of Transport and Planning ('DTP') this document represents Bayside City Council's '(Council)' written submission to DTP about the proposed changes to Rescode.

Local government is the closest level of government to the community. We play an important role in local planning outcomes. We continue to call on the Victorian Government to recognise the importance of local connections and to work with councils and communities in the development of any planning reforms so to considers the unique aspirations of our communities.

In response to the proposed changes to Rescode, we raise a number of concerns which should be addressed prior to adoption of the proposed changes.

Introduction

Bayside City Council ('Council') is disappointed at the lack of opportunity and consultation on the proposed changes to Rescode from the Department of Transport and Planning ('DTP'). The proposed changes are significant and will result in a major shift away from the current planning system. There are grave concerns at the lack of transparency in proposing momentous changes that will impact on local communities and neighbourhoods without proper consultation with local government.

It has been suggested Victoria is in a housing crisis and there is a need to review and strengthen the Planning system to support the delivery of housing. However, the changes to should not just be a tick box exercise with a one size fits all approach, but should take into account the character of localities and what draws people to live there. Each community in Victoria is unique – with its own set of challenges, and needs. To apply a blunt instrument, without the appropriate mechanisms or controls to achieve proper and orderly planning, will be to the detriment of our existing and future communities.

Right now, Bayside is home to 104,272 residents that enjoy the leafy surrounds of the municipality and the close proximity to the beach and access to open space. There is a strong sense of community and pride of place in Bayside. The proposed changes to Clause 54 and 55 (also known as ResCode) will have a significant impact on the strong sense of community and place and it is vital that those who represent the local community be engaged in genuine consultation.

The proposal moves away from proper and orderly planning, removing the third party right of appeal, yet retaining that right for developers. It is concerning that this approach is being pushed through with apparent subterfuge in order to deliver State Government housing targets without consideration of the broader implications.

State Government Intervention in Local Planning

Council is increasingly concerned with the impact of the centralisation of planning decisions by the State Government. This is currently being seen through the Suburban Rail Loop (SRL) and Activity Centre Programs (ACP), and an increase in the Ministerial intervention or facilitation of planning permits.

These programs, in conjunction with the Victorian Housing Statement, are changing the premise of planning in Victoria. The Victorian planning system has been built on the principle of local government making decisions for their local community, and providing that community the ability to influence decision making through making submissions and challenging decisions. This has made the planning process robust and requires decision makers to balance the needs of existing communities with strategic outcomes and the need for growth.

Council is concerned about the erosion of the community involvement in the planning decision making process, and what this impact will be.

The basis of this change to Victorian planning has been that Councils are a critical block in the delivery of housing. Bayside City Council refutes this – having consistently made timely decisions on planning permits, with 80.6% of permits delivered within 60 days in the 2023/2024 financial year compared with 68.13% among other metropolitan municipalities. Bayside had a median decision timeframe of 79 days for all planning applications compared to 85 days among other metropolitan municipalities in the last year. Bayside’s statutory planning service balances efficient decisions with the high-quality outcomes seen throughout the municipality.

Removing communities, and local governments, from planning decisions will not speed up the application process, however it will result in poorer planning decisions. The Planning Minister’s current focus is on the delivery of more housing, at the cost of all other considerations. The lack of transparency and third party involvement also removes accountability of the decision makers including State Government and Local Government along with the ability to hold developers accountable for the buildings they deliver.

The proposed shift in the ResCode provisions will shift all power to the developer with no consideration for the community.

State Government states that as notice is still required to be given, the community will still be able to have their say about certain relevant matters, however they will lose their ability to challenge a proposal considered deemed to comply even if they are significantly impacted. Removal of third party appeal rights where a proposal is deemed to comply with all standards is not considered to be a good outcome. This approach will also create community expectations that Council can resolve concerns where it will have no power to do so.

A clear example of this is the proposed changes to the overlooking standard B22 which will have a serious and significant impact on existing dwellings. Currently, Local Government manages community discontent with the level of protection provided by this control, the ability to test or challenge the current or proposed watered down version provides no confidence that existing community rights will be considered let alone maintained.

Neighbourhood character

Bayside has a rich history and heritage, of which the Bayside community is proud to celebrate and possess. Historic buildings, landscapes, places and objects all contribute to Bayside’s liveability, neighbourhood character and community cohesion. Protecting and celebrating these places, objects and artefacts is therefore a vital function of Council, for current and future generations.

Protecting the character of our neighbourhoods whilst allowing for urban growth has always been balancing act. Building typology, use of materials, greenery, landscapes, and heritage are all elements when considering character.

The removal of Neighbourhood Character and Street Integration Objectives from the ResCode highlights a major concern when the primary document to guide residential

design and development discounts its importance. This is a demonstration that the Minister for Planning and DTP have little regard for design and is open to rekindling the design approach of the 1960s walk up flats. The need to reinforce strong design principles in all developments is critical and the simplification of design expectations as proposed is alarming.

While the removal of Neighbourhood Character and Street Integration Objectives is objectionable, the application of Neighbourhood Character Local Policy Provisions in Planning Schemes is unclear. It is noted that if Local Policy is still critical to any planning application and given the relevant weight in the assessment of the built form, the proposed shift to remove the Objectives from ResCode may be less offensive, though not preferred.

The State Government's narrative that Neighbourhood Character will only be protected via Neighbourhood Character Overlays is also concerning. The introduction of such controls has seldom been used across Victoria and requires the State Government to authorise the implementation of such a control. It has been costly and difficult to introduce any planning scheme amendments over the last 5-10 years and it is considered that based on the current government approach such amendments, where completely justified would not be supported. The approach to introduce Neighbourhood Character Overlays would also place great regulatory burden on properties compared to the current assessment of character via Clause 54 and 55 that is implemented across the state. Bayside City Council believes the proposal to remove Neighbourhood Character and Street Integration Objectives to be contrary to proper and orderly planning and will likely result in building which are ill-conceived and will have a negative impact on the built environment.

Sustainable environments and Climate action

As an organisation, Bayside City Council has been tackling climate change for many years. Since declaring a Climate Emergency and adopting our *Bayside Climate Emergency Change Action Plan 2020-2025*, we have taken many actions including but not limited to:

- Reduced waste to landfill through the continued implementation of food and organic waste recycling, with the residential Waste Diversion Rate exceeding 70%. This means that over 70% of the material collected from residential properties was either disposed at the recycling processing or organics processing facilities.
- Maintained 'Carbon Neutral', to the 'Climate Active Carbon Neutral' Standard since 2020.
- Launched the Bayside Solar Savers Program and supported community groups as part of the Climate Emergency Grants program.
- Procured 100% of electricity for street lighting and Council buildings from renewable sources.
- Designed new Council buildings without the use of natural gas (a fossil fuel) and investigating the requirements to replace all-natural gas use in existing Council buildings.
- Delivered infrastructure improvements to enable active transport such as walking and cycling.

- Improved active transport and connectivity by installing more pedestrian crossings, improving the Bay Trail at two locations, introducing bike repair stations, 'Choose tap' water stations and lowering the speed limit on a number of roads.
- Introduced the Bayside City Council Climate Emergency Grants providing funding to not for profit groups to fund activities, events, projects and programs
- Implementation of an Urban Forest Strategy

Whilst we have already made progress, Council recognises that we need to take more action together with our community, and we need to do it faster.

Success cannot be achieved by working alone. Council has joined over 1380 other jurisdictions worldwide in acknowledging that now more than ever, we must be united and work in collaboration with our residents, businesses, community organisations, fellow local councils, and State and Federal government bodies.

Elevating ESD Targets - Amendment C195bays

Bayside City Council along with 23 other Councils on 22 July 2022 lodged a planning scheme amendment with the State Government, seeking to introduce planning policy that elevates sustainability requirements for new buildings and encourages a move towards net zero carbon development.

Council received a letter from the State Government on 3 August 2022 informing that the Amendment had been held for further review, with no further communication as to the progression of this review since this date. It has been over two years since receiving this letter with no further direction being provided by the State Government. Council requests an immediate response by the State Government as to whether it will seek to authorise the Amendment or alternatively seek to prepare its own State Policy which it has been proposing for several years.

The ESD Road Map

The proposed changes to Rescode around the update of existing ESD standards and introduction of new ones is welcomed and is considered to be a positive step forward which will lead to a more efficient assessment process. Whilst this is supported, it is considered that the requirements do not go far enough and Council would reinforce the work done in conjunction with other Councils around the planning scheme amendment that has been sitting with the Minister for over two years.

Response to proposed changes to standards

The proposed amendments to Clause 54 and 55 include many changes which have been assessed and commented on in the table below. However, Bayside City Council sees the Codification of planning controls to be concerning, with specific concerns associated with:

- Neighbourhood Character
- Residential Policy
- Integration with the street
- Street Setbacks
- Site Cover
- Landscaping
- Side and Rear Setback
- Walls on boundaries
- Overshadowing open space
- Overlooking
- Internal views
- Private Open Space
- Design Detail

In terms of the wider implications, Council is concerned that the proposed changes remove the ability to create liveable communities, respond to neighbourhood character and establish canopy tree planting. Furthermore, the changes to the overlooking standard essentially remove any right to privacy.

One of the hallmarks of Melbourne's architecture and urban design is that there are different approaches between buildings even when there are Design and Development Overlays in place. That is to say, setbacks vary; sometimes street walls do too within an acceptable range. Heights vary. It is that variation that produces acceptable outcomes when repeated in a precinct.

The Department should take note of much of what the planning community have been saying for many years in the context of the performance based VPP system; namely that prescription (or sameness) in the form of mandatory controls will stifle not encourage innovation.

Response to proposed changes to standards

ResCode Standard	Summary of Key Changes	Comments
B1 Neighbourhood Character	This standard would be removed entirely	<p>It is unclear as to whether the considerations of neighbourhood character will continue to be retained within local planning policy of each Planning Scheme and the weight that will be given to it in the assessment of planning applications.</p> <p>If the consideration of neighbourhood character is only to be implemented through the placement of Neighbourhood Character Overlay, this is not supported and it is imperative that this Standard be retained.</p> <p>As noted in the Department of Transport and Planning's own document <i>Understanding Neighbourhood Character</i>, it notes that</p> <p style="text-align: center;"><i>'designing and siting new dwellings to respect neighbourhood character is a fundamental objective of the residential development provisions in planning schemes'</i> [emphasis added].</p> <p>The consideration and relationship of a built form to its context is crucial as part of the design process and approval. The removal of such considerations would result in buildings which are ill-conceived in regards to their surrounds and will not provide proper or orderly planning. It is submitted that it is imperative for this Standard to be retained (should local policies also be removed).</p>
B2 Residential Policy	This standard would be removed entirely	<p>It is unclear as to whether the considerations of Local Planning Policy will continue to have any force of effect in consideration of any planning application if this clause was to be deleted.</p> <p>While the removal of Standard B2 maybe considered appropriate given the application requirements outlined within the Zone, its</p>

		<p>Decision Guidelines and the General Provisions there is concern about the weight that would be given to this in absence of this clause.</p> <p>There is considerable concern with codification in absence of design guidance, without it developments would be proposed in a vacuum and result in built form outcomes similar to the 1960s walk up flats.</p>
B3 Dwelling Diversity	<p>This standard would be modified to ensure that developments of ten or more dwellings provide diversity through:</p> <ul style="list-style-type: none"> - A minimum of 10% with one bedroom; - A minimum of 10% with two bedrooms; - A minimum of 5% with three bedrooms 	<p>Upon initial review, the changes appear to be largely supported given it will provide greater certainty in the delivery of more diverse and accessible housing across typologies.</p>
B4 Infrastructure	<p>This standard would be removed entirely</p>	<p>It is considered that the removal of this standard is inconsequential. Many of the servicing requirements are included in other parts of the planning scheme (such as state and local policy and zone objectives and decision guidelines) or other legislation.</p>
B5 Integration with the street	<p>This standard would be removed entirely</p>	<p>The consideration and relationship of a built form to its context is crucial as part of the design process and approval. The removal of such considerations would result in buildings which are ill-conceived in regards to their surrounds and will not provide proper or orderly planning.</p> <p>It is suggested that this Standard is to be absorbed within the Dwelling Entry standard (B26) and in this situation the proposed change would be inconsequential. However, it appears this will be watered down which would be detrimental in ensuring new developments complement and integrate with the street.</p>

<p>B6 Street Setback</p>	<p>This standard would be modified to reduce the front setback requirements as follows:</p> <ul style="list-style-type: none"> - Average of the two abutting or 6m (was previously 9m) - 4m if no adjoining properties (was previously 4m) 	<p>The proposed change to the front setback raises serious concerns to Bayside City Council where it has undertaken the relevant strategic work to introduce variation to the ResCode standard. If Council's existing variations are to be maintained than this creates a lesser issue. Council's Urban Forest Strategy and Landscape Guidelines seek to encourage the planting of canopy trees in the front setback and sufficient space is therefore needed to achieve this.</p> <p>The proposed reduction of the front setback to 6 metres would provide an appropriate distance for a car parking space (to the front of a garage or carport) and also a sufficient distance for canopy tree planting. While the distance can accommodate certain outcomes, it has no regard for the wider streetscape. The benefit of the current controls is that the encroachment of new buildings in incremental, while what has been proposed is a blunt response.</p> <p>Council also has significant concerns with the proposed 4m setback where no adjoining dwellings exist. A 4m setback is grossly insufficient to accommodate the required landscape plantings and would lead to unreasonably prominent dwellings that are unable to be framed by canopy trees. This would also struggle to provide adequate area for onsite parking.</p> <p>These proposed changes would result in a poor and badly designed outcome for the streetscape.</p>
<p>B7 Building Height</p>	<p>This standard would be modified largely by way of wording only. There is no actual nominated change to maximum building heights and these are still enforced through zone and overlay controls</p>	<p>The retention of current height controls in the Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone are supported.</p> <p>The change to the Mixed Use Zone (MUZ) height control, to 13.5 metres, is supported given at present there is no height control in the MUZ. This will provide certainty and height expectations within and adjacent to the zone.</p>

<p>B8 Site Coverage</p>	<p>This standard would be modified through the replacement of the consistent 60% across all zones to a separate break down as follows:</p> <p>Neighbourhood Residential Zone – 60% General Residential Zone – 70% Residential Growth Zone – 80% Mixed Use Zone – 80%</p>	<p>The increase of the site coverages for each Zone is of grave concern, particularly with regard to the General Residential Zone and Residential Growth Zone.</p> <p>Whilst it is acknowledged that the intent of these zones is for intensification of built form, these Zones still have a need for genuine landscaping and appropriate setbacks. Within the GRZ, a 70% site coverage would allow development to occur with minimal deep soil planting to soften the built form.</p> <p>Further, this would be a departure from Council's adopted <i>Urban Forest Strategy 2022-2040</i> which endeavours to reduce the heat island effect caused by climate change. The necessity for genuine canopy tree planting, on balance with intensified development opportunities, requires further consideration.</p>
<p>B9 Permeability</p>	<p>This standard would be modified mainly by way of wording only, and the required 20% impervious requirement would remain.</p>	<p>The retention of the 20% permeability requirement is supported, as is the more meaningful requirement to assist in reduce the heat island effect and delivering cooling outcomes.</p>
<p>B10 Energy Efficiency</p>	<p>This standard would be modified to provide more direct expectations that are measurable and require greater intent towards north facing orientation.</p>	<p>Whilst the intent of the changes to this Standard is broadly supported upon initial review, it is submitted that the wording may cause confusion.</p> <p>The Planning Scheme does not have a definition for a 'living area' and, as such, it is not clear how this is to be applied. Further clarity needs to be provided as to how this Standard applies.</p> <p>Bayside City Council would also strongly support greater ESD outcomes inline with our Planning Scheme Amendment C195bays which has been waiting authorisation since 30 August 2022.</p>

B11 Open Space Objective	This standard is to be removed entirely, however it has been incorporated into other standards.	It is noted that Standard B11 is absorbed within other Standards (Design Detail and Communal Open Space) and on face value, this is supported.
B12 Safety	This standard would be removed entirely, however it has been incorporated into other standards.	The removal of this standard, and partly absorbed within Standard B26, is supported given the duplication of requirements. This is further discussed at Standard B26.
B13 Landscaping	<p>This standard would be expanded significantly to require set landscape and canopy cover, including specified deep soil requirements.</p> <p>This would replace the previous standard that was quite generic in its intent.</p>	<p>On face value, the changes to this standard, by way of retaining and supporting canopy tree planting, are supported.</p> <p>However, the practicality of this is questioned as to how this could be achieved in Zones where an 70-80% site coverage is permissible and side, rear and front setbacks are being reduced from that which currently exists.</p>
B14 Access	<p>This standard would retain the existing crossover requirements across the specified frontage width.</p> <p>The standard would be expanded to include a requirement that garages are set back 0.5m behind the front wall of a dwelling.</p>	The retention of the existing numerical requirements is supported. Further, the requirement for garages to be set behind the front wall of the dwelling is strongly supported to reduce the visual prominence of garages.
B15 Parking Location	This standard is to be removed entirely, however it has been incorporated into other standards.	The deletion of this standard, and incorporation into Standard B14, is supported.
B17 Side and Rear Setbacks	The existing standard setbacks would be retained in their current form, however an alternative approach is offered to setback a building 3m for an 11m height (or 6m if its abuts a southern boundary)	<p>The retention of the existing numerical requirements is supported.</p> <p>It is noted (and assumed) that Bayside will retain the existing varied setback requirements within the NRZ3 Schedule. Should the local variations at zone schedules be removed or reduced, Council</p>

	<p>and 4.5m for over 11m (or 9m if it abuts a southern boundary).</p>	<p>would strongly oppose such a change as the sense of space between built form is an imperative element of Bayside’s built environment and something that simply must be retained.</p> <p>However, the introduction of Standard B17.2 is a significant concern. This would allow for a substantial, rather than a moderate, increase to upper floor levels which would have consequences in several regards. Firstly, the Decision Guidelines of the Zones require consideration of the design and appearance of proposed buildings and works, and thus consideration of the form as viewed from the streetscape and adjoining properties. The relaxation of the upper level setbacks would allow for more dominating upper levels which would increase the visual bulk and mass of the form.</p> <p>Further, without the considerations of design detail or neighbourhood character, there remains little power, by way of other Standards, to ensure that a high quality design is achieved. This will result in built forms which will have imposing upper levels inflicting unreasonable visual bulk and overshadowing impacts of adjoining properties. This is a departure from a core principle of <i>Plan Melbourne, 2017-2050</i> which seeks to promote urban design excellence and amenity protections within our neighbourhoods.</p> <p>It is strongly advocated that this Standard be retained as existing, with concessions being granted for reduced front setbacks as previously supported.</p>
<p>B18 Walls on Boundaries</p>	<p>This standard would be modified generally to allow for a greater length of walls along a boundary, albeit not by a significant margin, for example:</p> <ul style="list-style-type: none"> - For a 25m deep lot the current Rescode allows 13.75 metres while the proposed method would allow 15 metres. 	<p>Simplifying the numerical standard for clarity is supported.</p> <p>However, the extension of the permissible wall on boundary length is of concern. Permitting extended walls on boundaries, combined with reduced site coverage, will reduce the ability for perimeter planting and deep soil planting.</p> <p>This will increase amenity impacts to adjoining properties and reduce the ability for landscaping.</p>

	<ul style="list-style-type: none"> - For a 30m deep lot the current Rescode allows 15 metres while the proposed method would allow 15 metres. - For a 50m deep lot the current Rescode allows 20 metres while the proposed method would allow 25 metres. 	
B19 Daylight to Existing Windows	This standard would be modified to simplify wording. The required light court provided to existing windows would remain the same.	On face value, the changes appear to be acceptable.
B20 North Facing Windows	This standard would be reworded, however the intent and requirements remain largely the same.	On face value, the changes appear to be supportive.
B21 Overshadowing Open Space	This standard would be reworded to improve clarity and simplify the requirement.	<p>The changes to the overshadowing standard seek to allow greater shadow impacts to existing private open spaces, resulting in up to 50% of the area able to be shadowed as opposed to 25%.</p> <p>It is considered that this would result in unreasonable amenity impacts to adjoining properties.</p> <p>It is noted that the Objective of Standard B21 seeks to</p> <p style="padding-left: 40px;"><i>“ensure buildings do not significantly overshadow existing secluded private open space”</i> [emphasis added].</p> <p>Increasing the shadow of a private open space area to 50% is <u>considered to be a significant negative impose on abutting properties amenity.</u></p>

		It is submitted that this standard should be reworded for clarity, however retention of the current standard is necessary.
B22 Overlooking	<p>This standard would be modified as follows:</p> <ul style="list-style-type: none"> - Overlooking distance reduced from 9m to 6m; - Screening reduced from 1700mm to 1500mm. 	<p>The changes proposed are of serious concern and are condemned in the strongest terms.</p> <p>The reduction of the consideration distance from 9 metres to 6 metres, combined with the reduction of screening height to 1.5 metres, is unacceptable. With majority of adults having a height of greater than 1.6 metres, this would allow for unreasonable overlooking to existing properties in addition to lack of privacy for new habitable rooms.</p> <p>The existing standards allows for alternative screening to be deployed, including the use of balustrades, fins, etc. Therefore, the existing standard allows for appropriate daylight into a new habitable room without compromising the amenity of adjoining properties.</p> <p>It is entirely unclear as to how the reduction of the overlooking standard will encourage more housing, and rather, will result in reducing the amenity of both the new and existing housing.</p> <p>It is advocated in the strongest possible terms that this Standard be retained as existing.</p>
B23 Internal Views	This standard would be expanded significantly to provide greater certainty and set requirements – including distinguishing between balcony areas and ground level open space	<p>Whilst largely supported, it is considered that new balconies should be entitled to privacy as per any other new private open space.</p> <p>Similarly to comments provided for Standard B22, screening should be retained at a height of 1.7 metres.</p>
B24 Noise Impacts	This standard would be expanded significantly to provide greater certainty and set requirements.	On face value, the changes are broadly supported given they will protect the amenity of new dwellings.

B24.1 Air Pollution	This standard largely introduces new requirements around air pollution, including setbacks of buildings and open space from sources such as railways and road.	The introduction of this Standard is broadly supported given the commitment to ESD initiatives.
B25 Accessibility	This standard would be removed entirely. It is noted however that accessibility requirements are still enforced through the building permit process.	The removal of this Standard is broadly supported given that the requirement will fall within the Nation Construction Code requirements.
B26 Dwelling Entry	This standard would be expanded to include setback requirements for entrances, which would include some that were previously stated in Standards that would be removed.	The changes to this Standard are supported as they will strengthen the ability to seek appropriate and safe dwelling entrances. However, the provisions found at B5 do not appear to have been appropriately translated into this Standard. As such there is concern that Street Integration Standard has been simplified to basic setback requirements.
B27 Daylight to New Windows	This standard would be expanded to include specific requirements for access to light.	On face value, the changes to this standard are supported as it will improve amenity to new habitable room windows.
B28 Private Open Space	This standard would be expanded to include a greater variety of offerings to achieve open space requirements. The standard would also now include solar access requirements and allows for private open space to be considered within the front setbacks (previously had to be at side or rear).	Whilst the reduced private open space requirement from 40sqm to 25sqm is not an issue in itself as it allows flexibility for those with reduced recreation needs, there are grave concerns as to what impact this would have on landscape space. As has been commented at various stages of this submission, it is difficult to envisage how the landscape requirements can be suitably accommodated with required open areas being reduced at each and every point. Landscaping should have room to compliment open space areas rather than dominate them, as this would affect the useability of

		<p>open space areas and likely lead to landscape degradation over time.</p> <p>In light of the above, Council would support the reduction only on the basis that there is a clear delineation between landscaped areas of private open space and recreation space (with recreation space only required to be 25sqm).</p>
B29 Solar Access to Open Space	This standard would be removed entirely though incorporated into the previous standard.	This removal, and absorption in Standard B28, is considered acceptable.
B30 Storage Objective	This standard would be modified to vary the storage requirements to dwellings in accordance with the number of bedrooms (previously it was a set 6 cubic metre requirement).	The change is broadly supported.
B30.1 Room Depth	This standard from the apartment guidelines would be included for assessment against all dwelling types.	On face value, the inclusion of this Standard is supported as it will improve amenity for future occupants.
B30.2 Solar Access to new windows	This standard would be introduced to provide guidelines around access to light but also to ensure windows can be adequately shaded.	The introduction of new ESD Standards are welcomed and supported.
B30.3 Rooftop solar energy generation area	This standard would be introduced to ensure adequate area is provided on rooftops for the provision of solar energy systems.	The introduction of new ESD Standards are welcomed and supported.
B30.4 Natural Ventilation	This standard from the apartment guidelines would be included for assessment against all dwelling types	The introduction of new ESD Standards are welcomed and supported.

	but modified to apply to all dwellings (not just 40%).	
B31 Design detail	This standard would be substantially modified to include numerous requirements to ensure that an objective assessment is possible.	<p>The standard has been revised to include specific, numerical requirements which may not, in itself, achieve a quality design outcome nor provide a response which appropriately responds to the existing or preferred character of a streetscape.</p> <p>Design, in itself, cannot not be a 'tick box' approach. An appropriate built form design response must take in its context, relationship with the street and the greater surrounds.</p> <p>A numerical, tick box assessment approach would result in outcomes contrary to the those sought from the <i>Urban Design Guidelines for Victoria</i> and <i>Plan Melbourne</i>. It is submitted that these considerations be removed from a deemed to comply approach.</p>
B32 Front fences	This standard would be modified to allow for higher fencing (by approx. 200-300mm) is at least 25% transparency is provided.	The modification to the standard is supported and the differentiation between solid and partially transparent fences (and consequential height allowance) is sensible.
B33 Common property	This standard would be removed entirely	This is supported and largely inconsequential as matters around common property are better assessed through the subdivision assessment where such areas are more clearly nominated.
B34 Site services	This standard would be modified to ensure that services are appropriately located and screened from the street.	<p>The changes as described are generally acceptable for streetscape protection from services, however lack any direction to ensure that services (particularly air conditioning units) are appropriately located and screened from adjacent residential properties.</p> <p>Council would be supportive of further change to this standard, to require that services, where visible within 9m of a habitable room window or private open space area are screened to ensure that any visual impact is not unreasonable.</p>

B34.1 Waste and recycling	This standard would be introduced to ensure that all types of waste are catered for and to nominate areas for bin store.	This new standard is a positive outcome, and will assist towards ensuring developments are compliant with Victoria's updated recycling policy and ensure that smooth and efficient collections are being provided.
APARTMENT DEVELOPMENTS		
B35 Energy efficiency	This standard would be modified to provide set NatHERS figures for differing areas of the state.	Given that the NatHERS figure for Moorabbin (i.e. the Bayside Area) has not been altered, Council does not oppose the changes and agree that it allows for a more streamlined assessment.
B36 Communal open space	This standard would be modified to require set requirements for communal open space for developments of 10 or more dwellings.	The changes to this standard are minor and acceptable.
B37 Solar access to communal open space	This standard would be modified to require set requirements for solar access to communal open space.	The changes to allow greater flexibility as to how solar access is achieved seems like a practical and sensible alteration to the standard and Council does not raise any issue with this.
B38 Landscaping	This standard would be expanded and modified to allow for an objective assessment.	It is acknowledged that the key canopy cover and landscape outcomes have been largely maintained, with greater flexibility offered around the required soil volume if additional measures are implemented. On face value, these seems like a logical and acceptable amendment to the standard and allows for a relatively straightforward assessment.
B39 Integrated water and stormwater management	This standard would be modified slightly, but core intent retained.	On face value, these changes appear to be acceptable and largely inconsequential from the previous version of this standard.
B40 Access	This standard would be deleted however the main objectives incorporated into other standards.	Incorporating this requirement into B14 is supported and would lead to a more efficient assessment process.

B41 Noise impacts	This standard has been modified to add and/or remove various requirements around noise sources.	On face value, these changes appear to be acceptable. Council does note however that much of the requirements were quite technical and would require review from a suitably qualified consultant.
B42 Accessibility	This standard would be removed however the requirements covered under the building regulations.	The removal of this standard is supported as the matter would be covered under separate legislation. This avoids duplication of assessment and is a well thought out amendment to the scheme.
B43 Private open space	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B28 is supported and would lead to a more efficient assessment process.
B44 Storage	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B30 is supported and would lead to a more efficient assessment process.
B45 Waste and recycling	This standard has been modified to add and/or remove various requirements.	On face value these changes are unlikely to be problematic, with the main objectives and general requirements retained in the large part.
B46 Functional layout	This standard has been expanded to apply to all development types (not just apartments)	The application of these requirements to all dwelling types is a positive addition and would likely lead to better overall outcomes.
B48 Windows	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B27 is supported and would lead to a more efficient assessment process.
B49 Natural ventilation	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B30.4 is supported and would lead to a more efficient assessment process.
B50 Building entry and circulation	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B26 is supported and would lead to a more efficient assessment process.

B51 Integration with the street	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B26 is supported and would lead to a more efficient assessment process.
B52 Site services	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B34 is supported and would lead to a more efficient assessment process.
B53 External walls and materials	This standard would be removed however the requirements covered under the other standards.	Incorporating this requirement into B31 is supported and would lead to a more efficient assessment process.
B54 Building separation	This would be a new standard requiring set separation from buildings within the same site to allow for light, outlook and visual separation.	Any attempt to codify building separation is not supported by Council. Such matters are better assessed through urban design principals that are described in State and Local policy. What is 'appropriate' would differ dependant on a wide variety of variables, and providing set figures of separation would lead to poor outcomes, particularly the limited figures such as those proposed in the draft.
B55 Air pollution	This would be a new standard requiring protection of buildings and open space areas from pollutant sources such as roads and railways.	The introduction of this new clause is considered to be a positive outcome and would provide for a better health outcome for residents within the nominated affected area.

Conclusion

Bayside City Council wishes to thank you for considering this submission and expects an acknowledgement and response.

As previously stated there is significant concern at the subterfuge and lack of transparency shown by the State Government in pushing these changes through without consultation and engagement with local government. This submission provides a range of suggestions that Council expects the State Government to seriously consider.

Council warmly welcomes any ability to be involved and participate in any working groups the State government may be seeking to make as part of the proposed changes to Rescode.

At the time of writing this submission, there has been no information on the Engage Victoria webpage alluding to the Government's desire to change the Rescode standards. Indeed, the information about Rescode on the website refers to the changes that were proposed and adopted back in 2021/22.

It is this kind of information that is integral to inform the community about and it is considered misleading and misinformative to not provide this information on a public platform. The lack of context and information to justify the proposed changes makes it difficult for the local community to understand the project and provide meaningful feedback.

We look forward to future discussions with the State government in understanding how feedback will be taken on board ahead of the release of any proposed changes to Rescode.