

Improving the operation of ResCode

Have your say on a proposed new assessment model for residential development in Victoria.

DELWP is seeking feedback on the *Improving the operation of ResCode* discussion paper.

The paper introduces a new assessment model and how it may be applied to ResCode, Victoria’s residential design and development provisions found in the *Victoria Planning Provisions (VPP)* and all local planning schemes in Victoria.

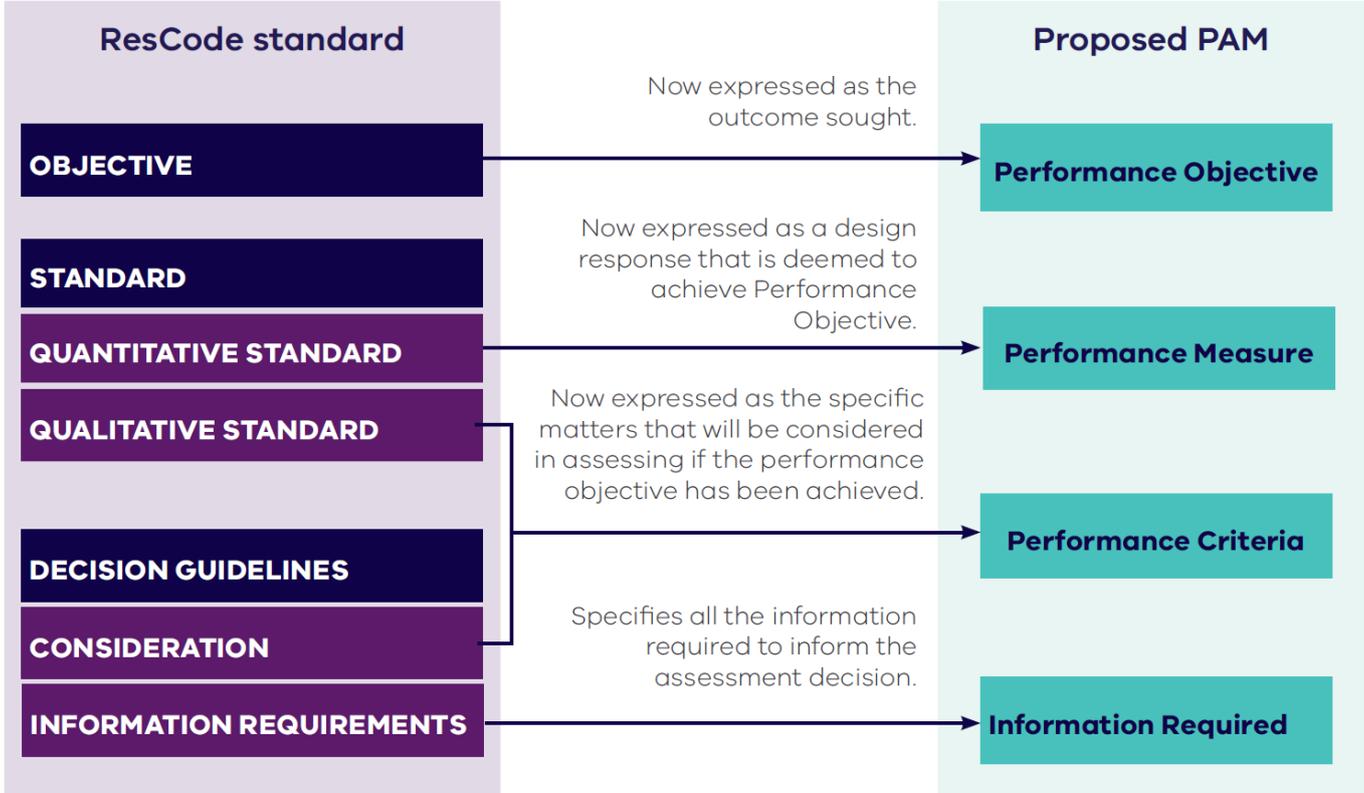
You can read more about ResCode on the [planning website](#).

What is the new assessment model?

A new assessment model has been developed that will make development requirements clearer and decision making more consistent across Victoria. It will provide a more clear, certain and efficient way to assess planning permit applications under ResCode.

The new assessment model proposes to replace the ResCode assessment requirements based on objectives, standards and decision guidelines with the new Performance Assessment Module (PAM).

No changes to the ResCode standards and third-party notice and appeal rights are proposed.



Why does ResCode need to change?

Currently assessments within the planning system involve considering a proposal against an expansive and wide-ranging set of performance-based provisions that can be complicated, uncertain and time consuming.

The VPP and ResCode have served Victorians well for more than two decades. They have delivered simpler, more consistent and usable planning schemes based on state standard provisions.

As expectations on the planning system have grown, the complexity of issues facing residential development has grown, creating uncertainty at the local level.

There is a need to improve the operation of assessment provisions in planning schemes to make them consistent, digital-ready and to support streamlined decision making.

What happens to neighbourhood character?

The new assessment model maintains neighbourhood character as the starting point for assessing residential development.

It provides a new opportunity for planning authorities to specify local neighbourhood character and detailed design requirements more precisely in ResCode. This provides greater clarity and consistency about important neighbourhood character considerations in the planning scheme and reduce confusion when applying neighbourhood character policies.

The new assessment model offers an opportunity to introduce more structure and certainty around neighbourhood character, allowing decision making to be more focussed on neighbourhood character outcomes.

What does a responsible authority need to do when assessing an application under a PAM?

The responsible authority must decide whether the proposed use or development achieves each performance objective specified in a PAM.

How does a responsible authority decide if a performance objective is achieved?

To determine whether a performance objective is achieved, the responsible authority must:

- determine whether the proposal complies with any specified performance measures; or
- if the performance measures are not complied with or not specified, assess the proposal against the specified performance criteria.

What happens if the performance measures are complied with?

If the application complies with the performance measures specified for a performance objective, it is deemed to achieve the performance objective and the responsible authority must not consider any other matters.

What happens if the performance measures are not complied with?

If the performance measures are not complied with, the responsible authority must decide if the performance objective is achieved, having regard to any specified performance criteria and information required.

What if no performance measure is specified?

If a performance measure is not specified, the responsible authority must decide if the performance objective is achieved having regard to any specified performance criteria and information required.

When does a responsible authority consider performance criteria?

A responsible authority must have regard to performance criteria when performance measures are not complied with or are not specified. The responsible authority must decide if the performance objective is achieved having regard to any specified performance criteria and information required.

What if a responsible authority decides a performance objective is not achieved?

If a performance objective is not achieved, the responsible authority must decide whether the proposal will produce acceptable outcomes, having regard to the decision guidelines specified for the proposal under the relevant provision or provision under which the application is made.

When more than one PAM applies to an application, how is the proposal assessed?

The responsible authority must assess an application against each applicable PAM.

What if all applicable performance objectives are not achieved?

The responsible authority must decide whether the proposal will produce acceptable outcomes having regard to the decision guidelines specified for the proposal under the relevant provision or provision under which the application is made.

What happens to the ResCode neighbourhood character standard?

The neighbourhood character performance objective remains the same. The performance measure is clearer and more certain than the current standard. The subjective components of the standard have been replaced by an assessment against other relevant performance measures of ResCode relating to the key elements of neighbourhood character:

- street setback
- building height
- site coverage
- side and rear setbacks
- walls on boundaries
- front fences.

Responsible authorities are already able to vary those key elements of neighbourhood character through schedules to the residential zones or an overlay.

In addition, planning authorities will have an opportunity to specify new performance measures in schedules to residential zones for:

- neighbourhood character
- design detail.

These provide greater clarity and consistency about important neighbourhood character elements that are currently set out in local planning policies.

These performance measures will deliver siting and design of new development that respects the preferred neighbourhood character.

What happens to existing local neighbourhood character policies?

Local neighbourhood character policies will remain in all planning schemes.

The policies will be considered in the assessment of an application if the responsible authority decides that the proposal has not achieved the performance objective.

In addition, planning authorities will have a new opportunity to specify local neighbourhood character and design detail performance measures in schedules to residential zones to provide greater clarity and consistency about important neighbourhood character elements that are currently set out in local planning policies.

Planning authorities may be able to specify new performance measures and performance criteria based on existing neighbourhood character strategies.

What happens to the ResCode design detail standard?

The new performance objective is less generic than the current design detail objective. It refers to design detail that respects the existing or preferred neighbourhood character set out in a schedule to a residential zone or overlay, or to the neighbourhood context.

The new performance measure provides a new opportunity for a planning authority to specify design elements in a schedule to a residential zone relating to:

- façade articulation and detailing
- window and door proportions
- roof form
- verandahs, eaves and parapets.

If there are no performance measures specified in a schedule, then the responsible authority must have regard to the performance criteria when deciding if the performance objective has been achieved. The performance criteria relate to whether design details are acceptable in the neighbourhood context.

How can I have my say?

Public consultation on the discussion paper is open until 17 December 2021.

To read, review and make a submission on the discussion paper, visit [Engage Victoria](#).



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