

Moreland City Council

COUNCIL AGENDA

URGENT BUSINESS

WEDNESDAY 10 DECEMBER 2014

COMMENCING 7 PM

GLENROY SENIOR CITIZENS CENTRE,
11 CROMWELL STREET, GLENROY

Language Link

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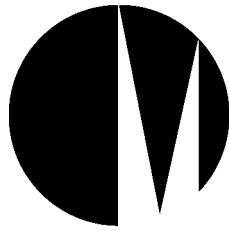
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Moreland City Council

1. URGENT REPORTS

**DED105/14 MORELAND PLANNING SCHEME AMENDMENT C153
- NEW RESIDENTIAL ZONES (D14/366666)**

3

DED105/14 MORELAND PLANNING SCHEME AMENDMENT C153 - NEW RESIDENTIAL ZONES (D14/366666)

Director Planning and Economic Development

City Strategy and Design

Executive Summary

The purpose of this report is to recommend Council adopt Amendment C153 to introduce the new residential zones into the Moreland Planning Scheme, and formally request the (new) Minister for Planning approve the Amendment, pursuant to section 20(4) of the *Planning and Environment Act 1987*. This request follows public announcements prior to the recent State Government election that Labor would review former Planning Minister Matthew Guy's decision on residential zones for Moreland.

The report also recommends that Council request the Minister for Planning expedite approval of Council's revised Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS) - Amendment C152 to the Moreland Planning Scheme. This amendment was submitted to the Minister for approval 8 months ago and is required to ensure Moreland's planning framework reflects Council's most up to date strategic work and to provide a clear basis upon which to implement the new residential zones.

Three new residential zones were introduced by the State Government in July 2013 and Council's were tasked with rolling them out in their own municipality in accordance with policy. The (then) Minister developed a 'fast track' amendment process to expedite the zone roll out and appointed the Residential Zones Sanding Advisory Committee (RZSAC) to review amendment proposals.

Council prepared draft Amendment C153 to introduce the new zones into the Moreland Planning Scheme. The draft amendment was endorsed by Council at the 12 March 2014 Council Meeting (DED14/14) and forwarded to the RZSAC.

The findings of the Committee were submitted to the (then) Minister on 20 June 2014 and on 17 September 2014 the Minister provided a copy of the Committee's report to Council.

In summary, the Committee recommended that Moreland's amendment not proceed and that further work was required to justify Council's proposed approach. As a priority the Committee recommended Moreland prepare a Housing Strategy to justify the application of the zones.

The Minister for Planning accepted the Committee's recommendations and transitioned Moreland's Residential 1 Zone (R1Z) to the General Residential Zone (GRZ) with no schedule provisions on 1 July 2014.

Recommendation

Council resolve:

1. To adopt Amendment C153 to introduce the new Residential Zones into the Moreland Planning Scheme at Attachments 1-3, pursuant to section 29(1) of the *Planning and Environment Act 1987*.
2. To adopt the Moreland Tree Planting Manual for Residential Zones 2014 at Attachment 4, to be included as a Reference Document to the Moreland Planning Scheme as part of Amendment C153.
3. To delegate to the Director Planning and Economic Development the authority to finalise changes to the amendment in accordance with Council's resolution and also to undertake any minor changes as required to correct any errors.

4. To request the (new) Minister for Planning approve Amendment C153 pursuant to section 20(4) of the *Planning and Environment Act 1987*.
5. To request that the (new) Minister for Planning expedite approval of Amendment C152 to the Moreland Planning Scheme, to introduce Council's revised Local Planning Policy Framework.
6. To notify interested parties of Council's resolution on Amendment C153, and to subsequently notify these parties of the Minister's decision when it is formally communicated to Council.

1. Policy Context

Amendment C153 was prepared having regard to State and Local planning policy.

Both State and Local planning policy encourages housing growth and change in locations with convenient access to services and public transport. In areas more remote, new residential development is expected to be of a lower scale and density and designed to respect existing neighbourhood character.

Council's approach to the new residential zones was developed to implement these policy directions and to ensure an overall supply of housing choice in the municipality.

2. Background

Three new residential zones were introduced by the State Government in July 2013. The new residential zones are intended to give greater clarity about the type and intensity of development that can be expected in residential areas, as follows:

- Residential Growth Zone (RGZ) – to provide housing at increased densities in buildings up to and including four storeys in locations with good access to services and transport, including activity areas.
- General Residential Zone (GRZ) – to encourage moderate housing growth that respects neighbourhood character, in locations with good access to services and transport.
- Neighbourhood Residential Zone (NRZ) – to limit opportunities for increased density housing and ensure new development respects neighbourhood character.

Councils were given until 1 July 2014 to introduce the new zones into their planning schemes and a Residential Zones Standing Advisory Committee (RZSAC) was appointed by the Minister for Planning to review and report on proposals to apply the new zones.

At the 12 March 2014 Council Meeting, Council resolved to endorse draft Amendment C153 to the Moreland Planning Scheme, with changes, to be forwarded to the Residential Zones Standing Advisory Committee (RZSAC) for review (DED14/14).

In accordance with the RZSAC Terms of Reference, Amendment C153 was subject to a period of Public Notice from 17 March – 17 April. A total of 237 submissions on the amendment were lodged with the RZSAC.

The Committee conducted a Public Hearing from 12-16 May 2014 at which Council and all submitters were given an opportunity to present their case.

3. Issues

The findings of the RZSAC were submitted to the former Minister on 20 June 2014 and on 17 September 2014 the Minister provided a copy of the Committee's report to Council, **Attachment 5**.

An Overarching Issues Report was also prepared by the Committee, see **Attachment 6**.

Overall, the Committee recommended Council's draft Amendment C153 not proceed and that further work be undertaken. The former Minister for Planning accepted the Committee's recommendations and transitioned Moreland's Residential 1 Zone (R1Z) to the General Residential Zone (GRZ) with no schedule provisions on 1 July 2014.

Despite this overall recommendation, the Committee was impressed by the extent of strategic work Council has undertaken over the last 10 years to develop a contemporary strategic planning framework for the municipality. However, the Committee raised concerns that much of this work did not yet have a formal status in the planning scheme and was therefore not ready to be used to justify the roll out of the new residential zones.

In particular, the Committee made reference to Amendment C152 to introduce a new Local Planning Policy Framework (including Municipal Strategic Statement), which is intended to update Council's strategic planning framework. Amendment C152 was adopted by Council on 12 March 2014 and submitted to the former Minister for approval 8 months ago. It is recommended Council request that the new Minister for Planning expedite approval of Amendment C152 to ensure Moreland's planning framework reflects Council's most up to date strategic work and provides a clear basis from which to apply the new residential zones by way of Amendment C153. This provides formal status to the work which informed Council's residential zone package.

The recommendations of the Committee and a Council Officer response are provided below.

Recommendation 1

Draft Amendment C153 to the Moreland Planning Scheme not be prepared, adopted and approved pursuant to section 20(4) of the Planning and Environment Act 1987.

Officer Response: Based on the response to the Committee recommendations below, it is recommended Council adopt Amendment C153 with the changes outlined below and documented in **Attachments 1-3**, and request the new Minister's approval pursuant to Part 20(4) of the *Planning and Environment Act 1987*.

Recommendation 2

Apply the General Residential Zone with no requirements specified in the schedule to areas identified in draft Amendment C153, through an amendment to the Moreland Planning Scheme, pursuant to 20(4) of the Planning and Environment Act 1987, until further strategic work is undertaken.

Officer Response: This recommendation was implemented by the Minister on 1 July 2014.

Recommendation 3

Council prepare a Housing Strategy to properly inform the application of the new residential zones.

Officer Response: Whilst not having a formal Housing Strategy, Council's housing policies are clearly articulated in both the current and new LPPF/MSS. The Committee was taken through this housing policy framework in detail during the Public Hearing.

Extensive analysis of the impacts of the zones on housing supply and diversity was also prepared and provided to the Committee. The following consultant reports were supplied to the Committee and discussed in Council's submission to the Committee. They were also made available on Council's website for public review.

- *Moreland Activity Centre Framework, Report 2: Defining Boundaries for Moreland's Neighbourhood and Local Activity Centres*, Echelon Planning (February 2014) – provided an analysis of the capacity of targeted geographic areas to accommodate additional dwellings.
- *Housing Analysis – Proposed New Residential Zones*, City of Moreland, Spatial Economics (April 2014) – provided an analysis of the proposed new zones on housing supply.

- *Property Analysis – Impacts of Proposed New Residential Zones*, prepared for Moreland City Council by Charter Keck Cramer (February 2014) – provided an analysis of the potential impact of the proposed zones on housing affordability.

Unfortunately, the Committee's report concludes that whilst these reports provide valuable information, they do not provide sufficient justification for the application of the three zones, presumably as they were not incorporated into than easily identifiable Housing Strategy. Neither the Panel nor Department have been able to advise what such a strategy should contain.

The Committee made reference to the need for Moreland to review housing demand and supply with regard to revised population projections, released after the Hearing. The revised 2014 State and Council population projections indicate that Moreland is expected to provide an additional 26,000 dwellings by 2031. This figure is approximately 12,000 more than the 2012 projections Moreland was working with.

The Committee indicated Moreland needs to do further work to understand the impact of the proposed zones on providing for these revised housing forecasts and to better understand the broader role Moreland plays in housing supply in the northern region.

However, it appears that these same conclusions were not applied consistently to other municipalities and given the revised population forecasts were not released until after the Hearing, it is questioned as to how Moreland could have done anything differently anyway.

Council's existing housing analysis work could be developed into a Moreland Housing Strategy, however it is difficult to see how this would significantly alter Council's approach to the new residential zones, given the analysis already undertaken demonstrates that Council's proposed approach is likely to have a minimal impact on housing supply and diversity overall. Therefore, it is considered that producing a Housing Strategy would simply delay the original strategic outcome Council has already developed, with no added benefit.

Recommendations 4, 5 and 6

Strategically justify variations to Schedules to the zones before introducing these through a future amendment.

Officer Response: Council's submission to the Committee provided detailed justification for the proposed variations to the Schedules to the zones, including the work undertaken to develop the Moreland Activity Centre Framework and associated built form recommendations.

The Moreland Activity Centre Framework was provided to justify the height and setback variations to the Residential Growth Zone (RGZ). The Committee has concluded that because the recommendations of the Moreland Activity Centre Framework are not yet included in the planning scheme, they do not provide the necessary strategic justification for variations to the RGZ.

This conclusion is at odds with Council's understanding of the fast track process for the new zones. Council was encouraged to base the roll out of the new zones on both existing and new strategic work. As noted above, an amendment to introduce this new strategic work into the planning scheme as part of Council's new LPPF/MSS (Amendment C152) has now been awaiting Ministerial approval for 8 months.

Detailed analysis of lot sizes, average densities and heights of new development was provided to the Committee to justify Council's proposed variations to height in the General and Neighbourhood Residential Zones and density in the Neighbourhood Residential Zone.

There is no review of this analysis in the Committee's report. The Committee have concluded that there is insufficient justification in Council's policy framework for these variations. It is therefore difficult to understand what additional strategic justification the Committee would accept for Council's proposed variations.

Recommendation 7

Avoid variations to provisions in schedules to the residential zones where the zone itself does not provide the legal ability, in any future amendment.

Officer Response: This issue was not clear prior to the Committee Hearing. The recommendation refers to mandatory vs discretionary building heights. At the RZSAC hearing, legal experts provided advice that if a height is specified in a Schedule to the new residential zones, it must be mandatory. It was Council's position that heights specified in the schedules were intended as discretionary.

Given the advice, the schedules in the amendment package should be revised to express heights as mandatory with some exceptions included for sloping sites, Structure Plans and Overlays, as noted below and included in **Attachment 1**.

Changes to Amendment C153 Post 12 March 2014 Council Resolution

The key planning scheme provisions proposed by Amendment C153 are included at **Attachment 1** (zone schedules), **Attachment 2** (zone maps) and **Attachment 3** (changes to the new Local Planning Policy Framework).

The zone schedules included in **Attachment 1** show the changes made following the 12 March 2014 Council Resolution. The changes were determined under delegation and are summarised as follows:

- Edits for improved clarity.
- Clarification of landscape requirements for tree planting, including reference to a new document - Moreland Tree Planting Manual for Residential Zones 2014 (refer **Attachment 4**). This document is intended to become a Reference Document to the Moreland Planning Scheme to provide clear guidance on the selection of appropriate tree size and species to match the available space. The document is based on guidance included in the Moreland Street Landscape Strategy, adopted by Council on 8 August 2013. It is recommended Council adopt the manual and include it as a Reference Document to the Moreland Planning Scheme as part of Amendment C153.
- Changes to express heights as mandatory, with specific exemptions in instances where a Structure Plan or Overlay recommends alternative heights or where buildings on abutting allotments are higher, in which case the average height of abutting buildings must not be exceeded.
- Edits to the Decision Guidelines for clarity and to reduce repetition with policy statements included elsewhere in the Planning Scheme.

Changes made under delegation to the zone maps following the 12 March 2014 Council Resolution reflect the boundaries resolved by Council at the 12 March 2014 Council meeting as well as changes to correct mapping errors (refer **Attachment 2**), including:

- Ensure the NRZ is accurately applied to all Heritage Overlay Precincts (parts of some precincts were missed in earlier maps).
- Ensure the RGZ accurately translates Council endorsed building heights within Coburg, Brunswick and Glenroy Activity Centres (some translation errors were made in earlier maps).
- Ensure the new residential zones are not inadvertently applied to land in the Public Park and Recreation Zone (PPRZ).

In addition to these main planning scheme changes, consequential changes to the Local Planning Policy Framework (LPPF) are also be required to ensure clear integration between Council's policy framework and the new residential zones. Changes have been proposed to Council's new LPPF (Amendment C152, referred to elsewhere in this Council report). The proposed changes to the new LPPF are shown at **Attachment 3**.

Amendment Approval Process

It is recommended Council seek the new Minister for Planning's approval of Amendment C153, pursuant to section 20(4) of the *Planning and Environment Act 1987*.

The 20(4) amendment process removes the usual Public Exhibition and Panel stages of the process. In this instance, it is considered appropriate given the draft version of the Amendment has been through a formal Public Notice process in accordance with the Terms of Reference of the RZSAC, and consequently been considered by the RZSAC. In addition, Council undertook extensive consultation on the potential application of the new residential zones in 2013, prior to the RZSAC process.

4. Consultation

In summary, consultation has involved the following:

- In September – October 2013, Council undertook an extensive community consultation exercise covering the three key planning issues of the potential application of the new residential zones, a new Local Planning Policy Framework and Neighbourhood Activity Centres. Council considered a report on the outcomes of this consultation at the 11 December 2013 Council meeting (DED108/13).
- Draft Amendment C153 was subject to a period of Public Notice from 17 March – 17 April 2014, in accordance with the RZSAC Terms of Reference. As a result 237 submissions on the amendment were lodged with the RZSAC.
- A Public Hearing was held from 12 – 16 May 2014 at which Council and all submitters were given an opportunity to present their case.
- Councillors have been consulted throughout the development of the amendment at Issues and Discussion Workshops held throughout the second half of 2013, 24 February 2014 and at a Special Councillor Briefing on Saturday 1 March 2014.
- The Report of the Residential Zones Standing Advisory Committee was circulated to Councillors on 18 September 2014 and has been made available on Council's website since this date.

5. Officer Declaration of Conflict of Interest

Council Officers involved in the preparation of this report have no Conflict of Interest in this matter.

6. Financial and Resources Implications

Subject to Minister's approval of the amendment a 2015-2016 Budget allocation of approximately \$20,000 will be required to develop a monitoring program to track the impacts of the new zones and make any necessary adjustments over time.

If the Minister does not approve the amendment, a more substantial 2015-2016 Budget allocation of approximately \$100,000 will be required to prepare a Housing Strategy and undertake further detailed strategic justification for variations to the Schedules to the zones (e.g. building height, open space and landscape variations).

7. Implementation

Subject to Council's resolution, the next steps will be to formally request the Minister to approve the amendment.

As noted above under Financial and Resources Implications, subject to the Minister's approval it will be necessary to put in place a monitoring program to track the impacts of the new zones and make any necessary adjustments over time.

If the Minister does not approve the amendment, Council will need to decide whether to pursue further work to provide greater strategic justification for the zones.

A further report to Council on these matters and related 2015-2016 budget mandates will be prepared once the Minister's decision is clear.

Attachment/s

1	Zone Schedules	D14/371399
2	Zone Maps	D14/371552
3	Changes to Local Planning Policy Framework (LPPF)	D14/371603
4	Tree Planting Manual for Residential Zones 2014	D14/371611
5	Residential Zones Standing Advisory Committee Report - Moreland Draft Amendment C153	D14/371607
6	Residential Zones Standing Advisory Committee - Stage One Overarching Issues Report	D14/371608

MORELAND PLANNING SCHEME

-/-/20-
C-**SCHEDULE 1 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ1**.**ACTIVITY CENTRE – FOUR (4) STOREY AREAS**

1.0

Requirements of Clause 54 and Clause 55-/-/20-
C-

	Standard	Requirement
Minimum street setback	A3 and B6	In accordance with A3 and B6 unless the setback is greater than 3 metres, in which case the front setback should be 3 metres, as described in Figure 1 below. Verandahs, pergolas and balconies should not encroach into this setback. <u>Where the setback required by A3 and B6 is greater than 3m, the setback from the front street should be 3m. Verandahs, pergolas and balconies should not encroach into the setback.</u>
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	<u>A minimum of one semi-mature canopy tree should be planted within the front setback, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014.</u>
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	<u>Where a balcony is the only secluded private open space provided, it must consist of a minimum 8 square metres with a minimum width of 2 metres. The minimum area must be unencumbered by air conditioners and other building services.</u> Development of 10 or more dwellings should provide a communal open space that is a minimum 20% of the site area.
Front fence height	A20 and B32	None specified

Figure 1: Typical Cross Section (street frontage)**Comment [LN1]:** Redrafted for clarity**Formatted:** Font: Arial, 9 pt, Not Bold, Italic**Formatted:** Font: Arial, 9 pt, Not Bold, Italic**Comment [In2]:** Reviewed with Open Space Branch. 'Semi mature canopy' is a meaningless term. The Moreland Tree Planting Manual for Residential Zones has been prepared to provide details on appropriate species selection and size of tree at planting stage. This is referred to in the Decision Guidelines at 5.0.**Comment [In3]:** This doubles up with requirements included in the Moreland Apartment Design Code to be included in the Planning Scheme through a separate Amendment C142.**Comment [In4]:** Figure deleted because it is not required. Text in table above covers the setback requirements.**Formatted:** Head B

MORELAND PLANNING SCHEME

2.0 Maximum building height requirement for a dwelling or residential building-L-20-
C-

The maximum building height must not exceed 13.5 metres (4 storeys) unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 14.5 metres

This does not apply if the average height of buildings on abutting allotments facing the same street is greater than 13.5 metres, in which case the average height of abutting buildings must not be exceeded.

This does not apply if an Overlay or Council endorsed Structure Plan includes heights greater than 13.5 metres, in which case the height in the Overlay or Structure applies.

Comment [LN5]: The RZSAC directed that heights in the zone schedules are mandatory.

Comment [LN6]: Editing to include standard wording from parent clause to allow for sloping sites.

Comment [LN7]: Exemptions from mandatory heights included to account for specific instances where Council supports greater heights.

3.0 Application requirements-L-20-
C-

The following application requirements apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- An existing vegetation plan that shows any proposed tree removal.
- A landscaping works and planting plan that includes information on tree-species and height-at-maturity selection and planting, in accordance with the landscaping requirements of clause 1.0 of this schedule and the *Moreland Tree Planting Manual for Residential Zones, 2014*.

Comment [LN8]: Document has been prepared to provide clarity about appropriate tree size and species selection.

5.0 Decision guidelines-L-20-
C-

The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- Whether the development provides an appropriate transition to properties in an adjoining Zone.
- The requirements of clause 22.01 Neighbourhood Character Local Policy.
- The requirements of clause 22.08 Development of Four or More Storeys.
- For a development of four or more storeys, excluding a basement, the Moreland Higher Density Design Code 2012.
- The use of trees with spreading canopies in front setbacks.
- Whether the location of deciduous trees or clear-trunked eucalypts trees is to the west of a building and/or closer than three times the mature height of the tree to the north of the building, for passive solar design outcomes.
- Whether the landscape design provides adequate space, lighting and soil depth / volume for selected tree species to achieve full and vigorous growth to their expected form and structure.
- The Moreland Tree Planting Manual for Residential Zones, 2014.
- Whether the provision of vehicle crossings limits:
 - the removal of on-street parking spaces;
 - the need for additional crossovers;
 - the removal of street trees;
 - impacts to pedestrian safety and sight lines; and
 - the encroachment into landscaped front setbacks;
- The screening of waste storage areas and services from view from the street and surrounding residential properties.

Comment [In9]: Added, instead of repeating the policy statements in the decision guidelines below.

Comment [In10]: These are all covered in the new *Moreland Tree Planting Manual for Residential Zones* so not required to be repeated here.

Comment [LN11]: Not necessary. Repeats what is already covered in local policy.

6.0 Transitional provisions

Comment [In12]: The schedule template was amended by the DTPLI and no longer allows for this clause. Transitional provisions are now included in the parent clause.

MORELAND PLANNING SCHEME

~~Schedule 1 to Clause 32.07 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme.~~

~~These transitional provisions do not apply to applications to extend a permit to construct or extend a building made under Section 69 of the Act.~~

DRAFT

MORELAND PLANNING SCHEME

-/-20-
C-**SCHEDULE 2 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ2**.**ACTIVITY CENTRE – THREE (3) STOREY AREAS**

1.0

Requirements of Clause 54 and Clause 55-/-20-
C-

	Standard	Requirement
Minimum street setback	A3 and B6	In accordance with A3 and B6 unless the setback is greater than 3 metres, in which case the front setback should be 3 metres, as described in Figure 1 below. Verandahs, pergolas and balconies should not encroach into this setback. Where the setback required by A3 and B6 is greater than 3m, the setback from the front street should be 3m. Verandahs, pergolas and balconies should not encroach into the setback.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	A minimum of one semi-mature canopy tree should be planted within the front setback, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	Where a balcony is the only secluded private open space provided, it must consist of a minimum 8 square metres with a minimum width of 2 metres. The minimum area must be unencumbered by air conditioners and other building services. This requirement replaces the balcony dimensions included in B28. Development of 10 or more dwellings should provide a communal open space that is a minimum 20% of the site area.
Front fence height	A20 and B32	None specified

Comment [LN1]: Redrafted for clarity**Comment [LN2]:** Reviewed with Open Space Branch. 'Semi mature canopy' is a meaningless term. The Moreland Tree Planting Manual for Residential Zones has been prepared to provide details on appropriate species selection and size of tree at planting stage. This is referred to in the Decision Guidelines at 5.0.**Comment [LN3]:** This doubles up with requirements included in the Moreland Apartment Design Code to be included in the Planning Scheme through a separate Amendment C142.**Comment [LN4]:** Figure deleted because it is not necessary. Text in table above covers setback requirements.~~Figure 1: Typical Cross Section (street frontage)~~

MORELAND PLANNING SCHEME

2.0 Maximum building height requirement for a dwelling or residential building-L-20-
C-

The maximum building height must not exceed 10.5 metres (3 storeys) unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 11.5 metres

This does not apply if the average height of buildings on abutting allotments facing the same street is greater than 10.5 metres, in which case the average height of abutting buildings must not be exceeded.

This does not apply if an Overlay or Council endorsed Structure Plan includes heights greater than 10.5 metres, in which case the height in the Overlay or Structure Plan applies.

Comment [LN5]: The RZSAC directed that heights in the zone schedules are mandatory.

Comment [LN6]: Editing to include standard wording from parent clause to allow for sloping sites.

Comment [LN7]: Exemptions from mandatory heights included to account for specific instances where Council supports greater heights.

3.0 Application requirements-L-20-
C-

The following application requirements apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- An existing vegetation plan that shows any proposed tree removal.
- A landscaping works and planting plan that includes information on tree-species and height-at-maturity selection and planting in accordance with the landscaping requirements of Clause 1.0 of this schedule and the Moreland Tree Planting Manual for Residential Zones, 2014.

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Comment [LN8]: Document has been prepared to provide clarity about the appropriate tree size and species selection.

5.0 Decision guidelines-L-20-
C-

The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- Whether the development provides an appropriate transition to properties in an adjoining Zone.
- The requirements of clause 22.01 Neighbourhood Character Local Policy.
- For a development of four or more storeys, excluding a basement, the Moreland Higher Density Design Code 2012.
- The use of trees with spreading canopies.
- Whether the location of deciduous trees or clear-trunked eucalypts trees is to the west of a building and/or closer than three times the mature height of the tree to the north of the building, for passive solar design outcomes.
- Whether the landscape design provides adequate space, lighting and soil depth/ volume for selected tree species to achieve full and vigorous growth to their expected form and structure.
- The Moreland Tree Planting Manual for Residential Zones, 2014.
- Whether the provision of vehicle crossings limits:
 - the removal of on-street parking spaces,
 - the need for additional crossovers,
 - the removal of street trees,
 - impacts to pedestrian safety and sight lines, and
 - the encroachment into landscaped front setbacks.
- The screening of waste storage areas and services from view from the street and surrounding residential properties.

Comment [LN9]: Added instead of repeating the policy statements in the Decision Guidelines below.

Comment [Ln10]: Not yet finalised, subject to separate amendment process C142.

Comment [LN11]: These are all covered in the *Moreland Tree Planting Manual for Residential Zones* so not required to be repeated here.

Comment [LN12]: Not necessary. Repeats what is already covered in local policy.

6.0 Transitional provisions

Schedule 2 to Clause 32.07 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme.

Comment [Ln13]: The schedule template was amended by the DTPLI and no longer allows for this clause. Transitional provisions are now included in the parent clause.

MORELAND PLANNING SCHEME

These transitional provisions do not apply to applications to extend a permit to construct or extend a building made under Section 69 of the Act.

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MORELAND PLANNING SCHEME

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C--**SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**Shown on the planning scheme map as **GRZ1****GENERAL RESIDENTIAL****1.0 Permit requirement for the construction or extension of one dwelling on a lot**-/-/20-
C--**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

No

2.0-/-/20-
C--

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	A minimum of one semi-mature canopy tree should be planted within the front setback, in accordance with the <i>Moreland Tree Planting Manual for Residential Zones, 2014</i> .
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	Where a balcony is the only secluded private open space provided, it must consist of a minimum 8 square metres with a minimum width of 2 metres. The minimum area must be unencumbered by air conditioners and other building services. This replaces the balcony dimensions included in B28. None specified
Front fence height	A20 and B32	None specified

Formatted: Font: Arial, 9 pt, Not Bold, Italic**Formatted:** Font: Arial, 9 pt, Not Bold, Italic**Comment [LN1]:** Reviewed with Open Space Branch. 'Semi mature canopy' is a meaningless term. The Moreland Tree Planting Manual for Residential Zones has been prepared to provide details on appropriate species selection and size of tree at planting stage. This is referred to in the Decision Guidelines at 5.0.**Comment [Ln2]:** This was included in the RGZ schedules. Should have also been included in the GRZ.**3.0**-/-/20-
C--**Maximum building height requirement for a dwelling or residential building**

The maximum building height must not exceed 8 metres (2 storeys) unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 9 metres.

This does not apply if the average height of buildings on abutting allotments facing the same street is greater than 8 metres, in which case, the average height of abutting buildings must not be exceeded.

This does not apply if an Overlay includes heights greater than 8 metres, in which case the height in the Overlay applies.

Comment [LN3]: The RZSAC directed that heights in the zone schedules are mandatory**Comment [LN4]:** Editing to include standard wording from parent clause to allow for sloping sites.**Comment [LN5]:** Exemptions from mandatory heights included to account for specific instances where Council supports greater heights.**4.0**-/-/20-
C--**Application requirements**

MORELAND PLANNING SCHEME

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme:

- An existing vegetation plan that shows any proposed tree removal.
- A landscaping works and planting plan that includes information on tree species and height at maturity selection and planting in accordance with Clause 1.0 of this schedule and the *Moreland Tree Planting Manual for Residential Zones, 2014*.

5.0

Decision guidelines

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The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Whether the development provides an appropriate transition to surrounding properties in an adjoining Zone.
- The requirements of clause 22.01 Neighbourhood Character Local Policy.
- ~~Whether the development respects the prevailing built form, scale, siting and appearance of the surrounding context, particularly with regard to front and side setbacks of surrounding buildings and openness of rear yards, as documented in the Neighbourhood and Site Description.~~
- ~~Whether the development proposes single-storey dwellings in rear yards, unless it has been demonstrated that:~~
 - ~~the prevailing character is not one of open rear yards and garden outlooks; or~~
 - ~~the building envelope respects the existing character of open rear yards and garden outlooks through provision of generous side and rear setbacks and private open space in excess of clause 55 standards to increase space for screen tree planting, and sensitive design of the upper levels with adequate articulation, setbacks and materials to minimise visual bulk impacts as seen from neighbouring rear secluded open spaces.~~
- ~~The use of trees with spreading canopies and tree planting in side and rear setbacks.~~
- ~~Whether the location of deciduous trees or clear-trunked eucalypts trees is to the west of a building and/or closer than three times the mature height of the tree to the north of the building, for passive solar design outcomes.~~
- ~~Whether the landscape design provides adequate space, lighting and soil depth/volume for selected tree species to achieve full and vigorous growth to their expected form and structure.~~
- The *Moreland Tree Planting Manual for Residential Zones, 2014*
- ~~The provision of vehicle crossings that limit:~~
 - ~~the removal of on street parking spaces;~~
 - ~~the removal of streets trees;~~
 - ~~impacts to pedestrian safety and sight lines; and~~
 - ~~the encroachment into landscaped front setbacks.~~
- ~~The screening of waste storage areas and services from view from the street and surrounding residential properties.~~

Comment [LN6]: Document has been prepared to provide clarity about the appropriate tree size and species selection.

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Comment [In7]: Added instead of repeating the policy statements in the decision guidelines below.

Comment [LN8]: Not necessary, repeats what is in the Neighbourhood Character local policy.

Comment [LN9]: Not necessary – covered in the new *Moreland Tree Planting Manual for Residential Zones* so not required to be repeated here.

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Comment [LN10]: Not necessary. Repeats what is already covered in local policy.

Comment [In11]: The schedule template was amended by DTPLI and no longer allows for this clause. Transitional provisions are now included in the parent clause.

6.0 Transitional provisions

~~Schedule 1 to Clause 32.08 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme.~~

~~The transitional provisions do not apply to applications to extend a permit to construct or extend a building made under Section 69 of the Act.~~

MORELAND PLANNING SCHEME

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C--**SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**Shown on the planning scheme map as **NRZ1**.**LOW DENSITY RESIDENTIAL AREA 1****1.0 Minimum subdivision area**

None specified

2.0 Permit requirement for the construction or extension of one dwelling on a lot-/-20-
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Requirement	
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

3.0 Requirements of Clause 54 and Clause 55-/-20-
C--

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	A minimum of one semi-mature canopy tree must be planted located within both the front setback and a minimum of one semi-mature canopy tree must be planted within the secluded private open space of each dwelling, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	The secluded private open space per dwelling must be located at the side or rear of the dwelling at ground floor, and must have a minimum area of 40m ² , with a minimum dimension of 4m and convenient access from a living room. The minimum requirement for secluded private open space must not be provided by a balcony or roof top.
Front fence height	A20 and B32	None specified

4.0 Number of dwellings on a lotDevelopment of three or more dwellings on a lot should not exceed an average gross density of 1 dwelling per 250m².**Formatted:** Font: Arial, 9 pt, Not Bold, Italic**Comment [LN1]:** Reviewed with Open Space Branch. 'Semi mature canopy' is a meaningless term. The Moreland Tree Planting Manual for Residential Zones has been prepared to provide details on appropriate species selection and size of tree at planting stage. This is referred to in the Decision Guidelines at 7.0.**Formatted:** Font: Arial, 9 pt, Not Bold, Italic

MORELAND PLANNING SCHEME

5.0 Maximum building height requirement for a dwelling or residential building

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The maximum building height must not exceed 8 metres (2 storeys) unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 9 metres.

This does not apply if the average height of buildings on abutting allotments facing the same street is greater than 8 metres, in which case the average height of abutting buildings must not be exceeded.

This does not apply if an Overlay includes heights greater than 8 metres, in which case the height in the Overlay applies.

Comment [LN2]: The RZSAC directed that heights in the zone schedules are mandatory.

Comment [LN3]: Standard wording to allow for sloping sites.

Comment [LN4]: Exemptions from mandatory heights included to account for specific instances where Council supports greater heights.

6.0 Application requirements

The following application requirements apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- An existing vegetation plan that shows any proposed tree removal.
- A landscaping works and planting plan that includes information on tree species and height at maturity selection and planting in accordance with the requirements of Clause 3.0 of this schedule and the *Moreland Tree Planting Manual for Residential Zones, 2014*.

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7.0 Decision guidelines

The following decision guidelines apply to an application for a permit under clause 32.09, in addition to those specified in clause 32.09 and elsewhere in the scheme:

- The requirements of clause 22.01 Neighbourhood Character Local Policy.
- Whether the development respects the prevailing built form scale, siting and appearance of the surrounding context and preferred open, landscaped character, particularly with regard to front and side setbacks of surrounding buildings and openness of rear yards, as documented in the Neighbourhood and Site Description.
- Whether the development proposes single storey dwellings in rear yards, unless it has been demonstrated that:
 - the prevailing character is not one of open rear yards and garden outlooks; or
 - the building envelope respects the existing character of open rear yards and garden outlooks through provision of generous side and rear setbacks and private open space in excess of clause 55 standards to increase space for screen tree planting, and sensitive design of the upper levels with adequate articulation, setbacks and materials to minimise visual bulk impacts as seen from neighbouring rear secluded open spaces.
- The use of trees with spreading canopies and tree planting in side and rear setbacks.
- Whether the location of deciduous trees or clear-trunked eucalypts trees is to the west of a building and/or closer than three times the mature height of the tree to the north of the building, for passive solar design outcomes.
- Whether the landscape design provides adequate space, lighting and soil depth/volume for selected tree species to achieve full and vigorous growth to their expected form and structure.
- The *Moreland Tree Planting Manual for Residential Zones, 2014*.
- The provision of vehicle crossings that limit:
 - the removal of on street parking spaces;
 - the removal of streets trees;
 - impacts to pedestrian safety and sight lines, and
 - the encroachment into landscaped front setbacks.

Comment [LN5]: Document has been prepared to provide clarity about the appropriate size and species of trees.

Comment [LN6]: Added instead of repeating Decision Guidelines below.

Comment [LN7]: Not necessary, repeats what is in the Neighbourhood Character local policy.

Comment [LN8]: These are all covered in the new Moreland Tree Planting Manual for Residential Zones so not required to be repeated here.

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Comment [LN9]: Not necessary. Repeats what is already covered in local policy.

MORELAND PLANNING SCHEME

- ~~▪ The screening of waste storage areas and services from view from the street and surrounding residential properties.~~

8.0 Transitional provisions

~~Schedule 1 to Clause 32.09 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme.~~

~~Transitional provisions do not apply to applications to extend a permit to construct or extend a building made under Section 69 of the Act.~~

Comment [In10]: The schedule template was amended by DTPLI and no longer allows for this clause. Transitional provisions are now included in the parent clause.

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MORELAND PLANNING SCHEME

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SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as **NR2**.

LOW DENSITY RESIDENTIAL AREA 2**1.0 Minimum subdivision area**

None specified

2.0 Permit requirement for the construction or extension of one dwelling on a lot

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	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

3.0 Requirements of Clause 54 and Clause 55

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	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	A minimum of one semi-mature canopy tree should be planted located within both the front setback and a minimum of one semi-mature canopy tree must be planted within the secluded private open space of each dwelling, in accordance with the Moreland Tree Planting Manual for Residential Zones, 2014.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	The secluded private open space per dwelling must be located at the side or rear of the dwelling at ground floor, and must have a minimum area of 25m ² , with a minimum dimension of 3m and convenient access from a living room. The minimum requirement for secluded private open space must not be provided by a balcony or roof top.
Front fence height	A20 and B32	None specified

4.0 Number of dwellings on a lot

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Comment [LN1]: Reviewed with Open Space Branch. 'Semi mature canopy' is a meaningless term. The Moreland Tree Planting Manual for Residential Zones has been prepared to provide details on appropriate species selection and size of tree at planting stage. This is referred to in the Decision Guidelines at 7.0.

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MORELAND PLANNING SCHEME

Development of three or more dwellings on a lot should not exceed an average gross density of 1 dwelling per 200m².

5.0 Maximum building height requirement for a dwelling or residential building

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The maximum building height must not exceed 8 metres (2 storeys) unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 9 metres.

[This does not apply if the average height of buildings on abutting allotments facing the same street is greater than 8 metres, in which case the average height of abutting buildings must not be exceeded.]

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- Whether the development respects the prevailing built form scale, siting and appearance of the surrounding context and preferred open, landscaped character, particularly with regard to front and side setbacks of surrounding buildings and openness of rear yards, as documented in the Neighbourhood and Site Description.
- Whether the development proposes single-storey dwellings in rear yards, unless it has been demonstrated that:
 - the prevailing character is not one of open rear yards and garden outlooks; or
 - the building envelope respects the existing character of open rear yards and garden outlooks through provision of generous side and rear setbacks and private open space in excess of clause 55 standards to increase space for screen tree planting, and sensitive design of the upper levels with adequate articulation, setbacks and materials to minimise visual bulk impacts as seen from neighbouring rear secluded open spaces.
- The use of trees with spreading canopies and tree planting in side and rear setbacks.
- Whether the front setback is large enough to accommodate a canopy tree.
- Whether the location of deciduous trees or clear-trunked eucalypts trees is to the west of a building and/or closer than three times the mature height of the tree to the north of the building, for passive solar design outcomes.
- Whether the landscape design provides adequate space, lighting and soil depth/volume for selected tree species to achieve full and vigorous growth to their expected form and structure.
- The *Moreland Tree Planting Manual for Residential Zones, 2014*
- The provision of vehicle crossings that limit:
 - the removal of on street parking spaces,
 - the removal of streets trees,
 - impacts to pedestrian safety and sight lines, and

Comment [LN7]: Not necessary, repeats what is in the Neighbourhood Character local policy.

Comment [LN8]: These are all covered in the new Moreland Tree Planting Manual for Residential Zones so not required to be repeated here.

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MORELAND PLANNING SCHEME

○ the encroachment into landscaped front setbacks;

- The screening of waste storage areas and services from view from the street and surrounding residential properties.

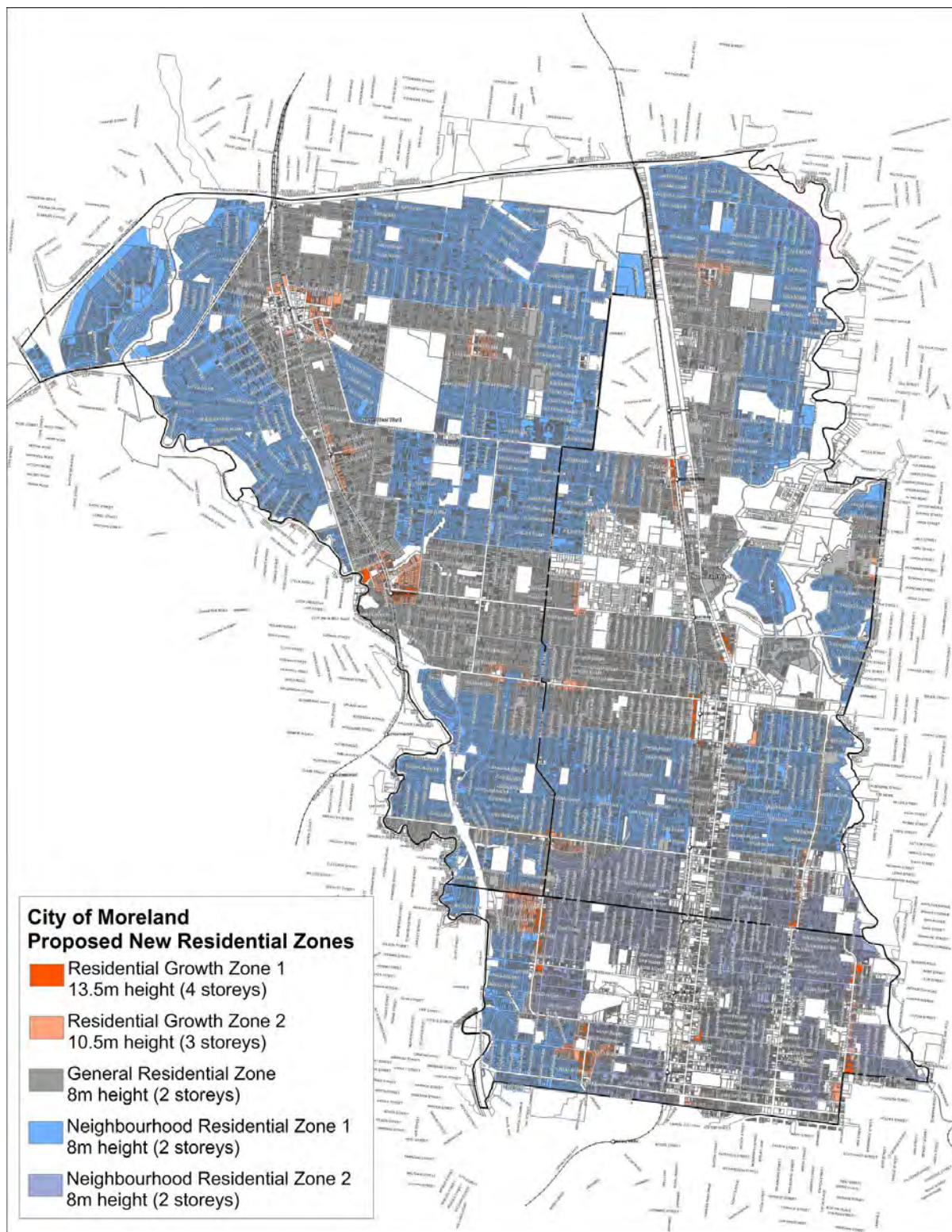
8.0 Transitional provisions

Schedule 2 to Clause 32.09 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme.

Transitional provisions do not apply to applications to extend a permit to construct or extend a building made under Section 69 of the Act.

Comment [LN9]: Not necessary. Repeats what is already covered in local policy.

Comment [Ln10]: The schedule template was amended by DTPLI and no longer allows for this clause. Transitional provisions are now included in the parent clause.

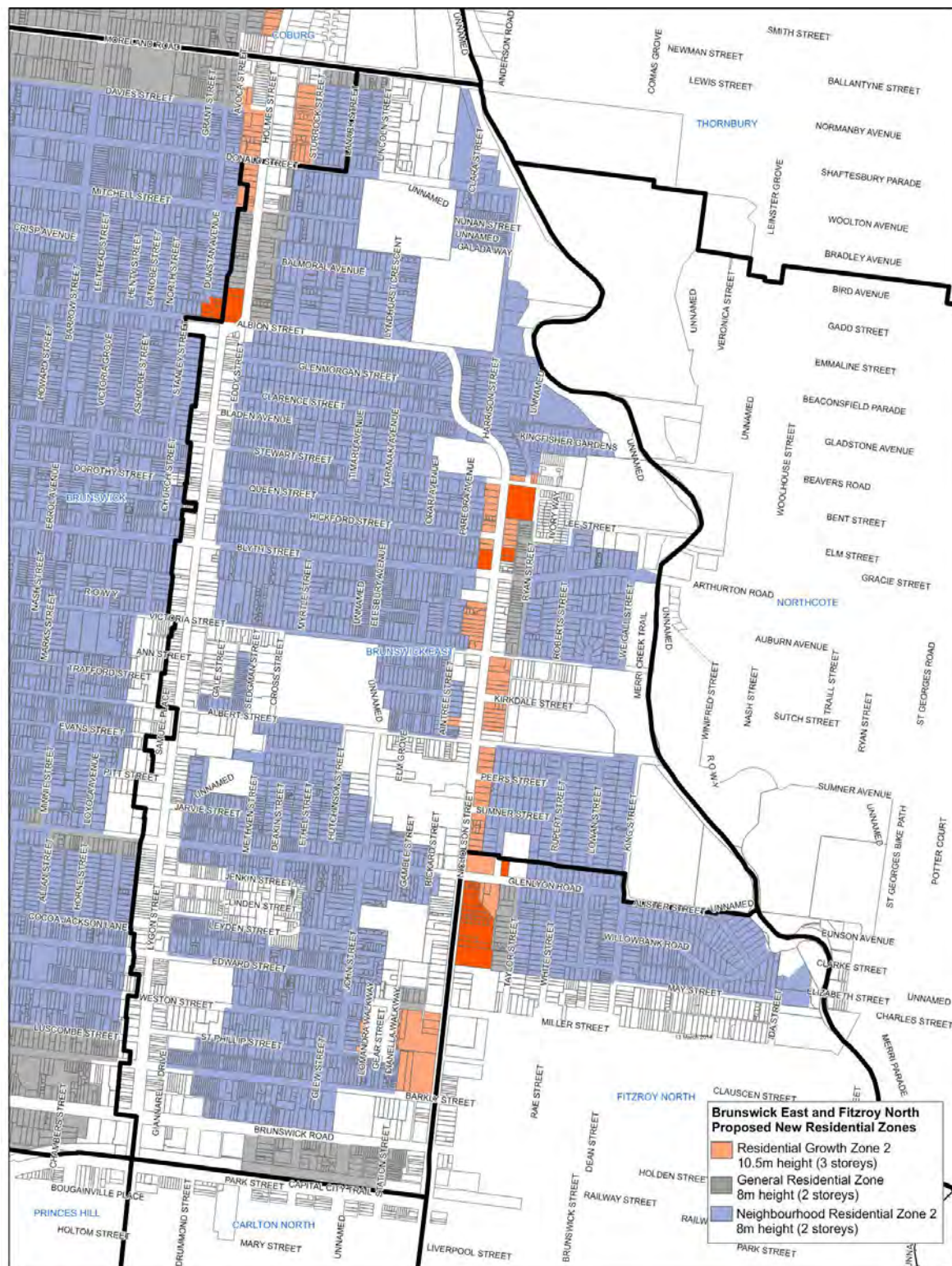


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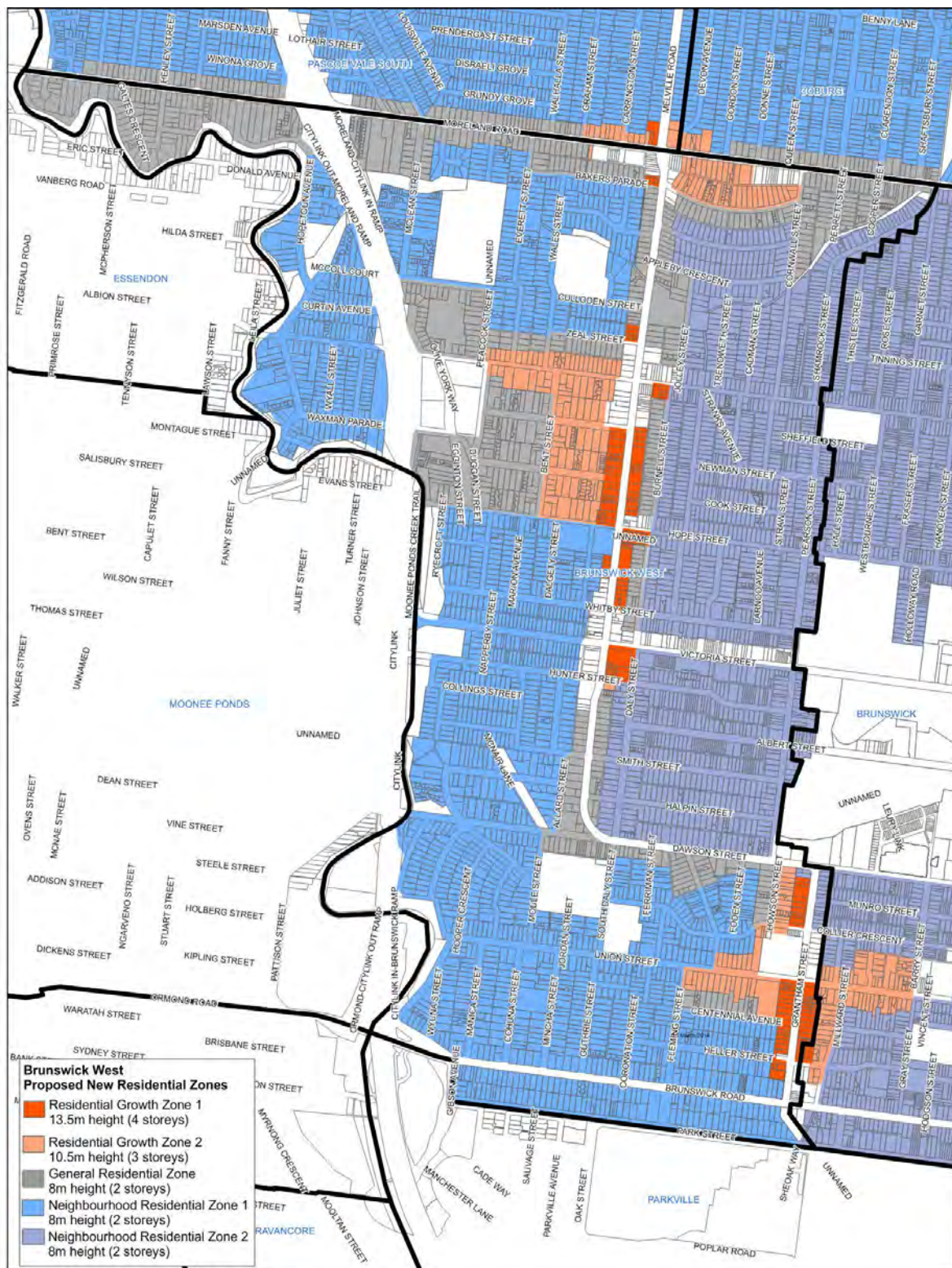
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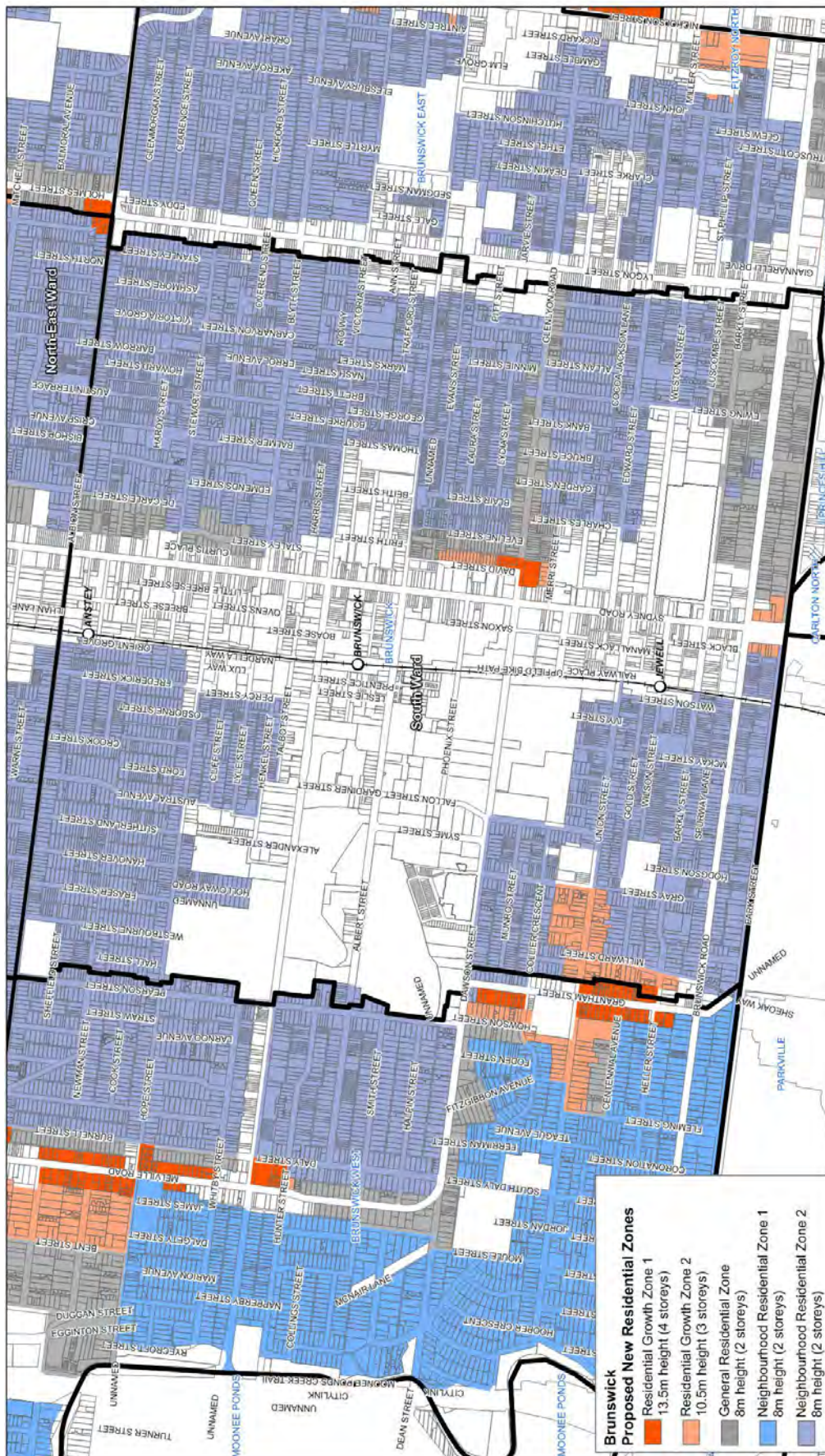
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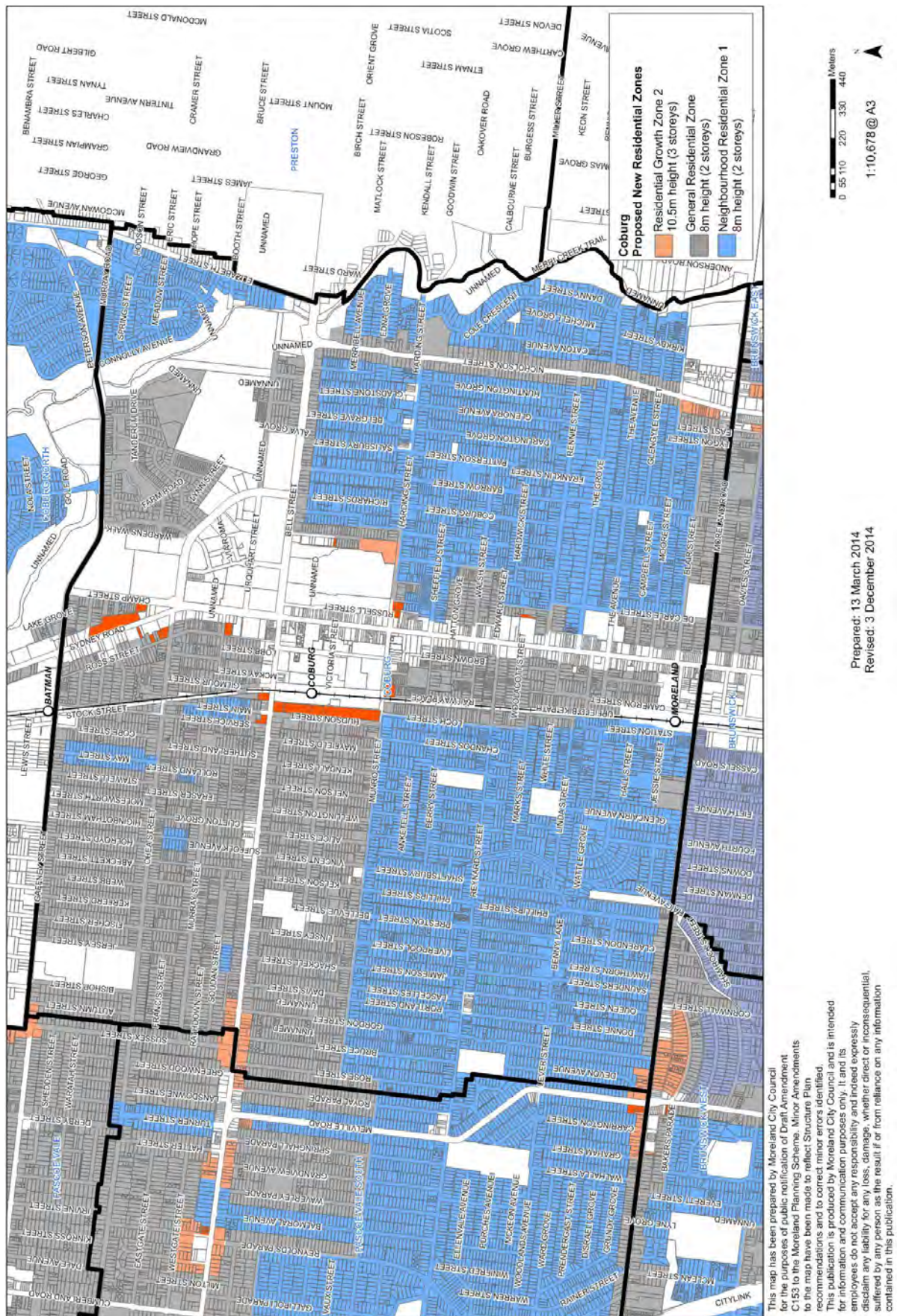
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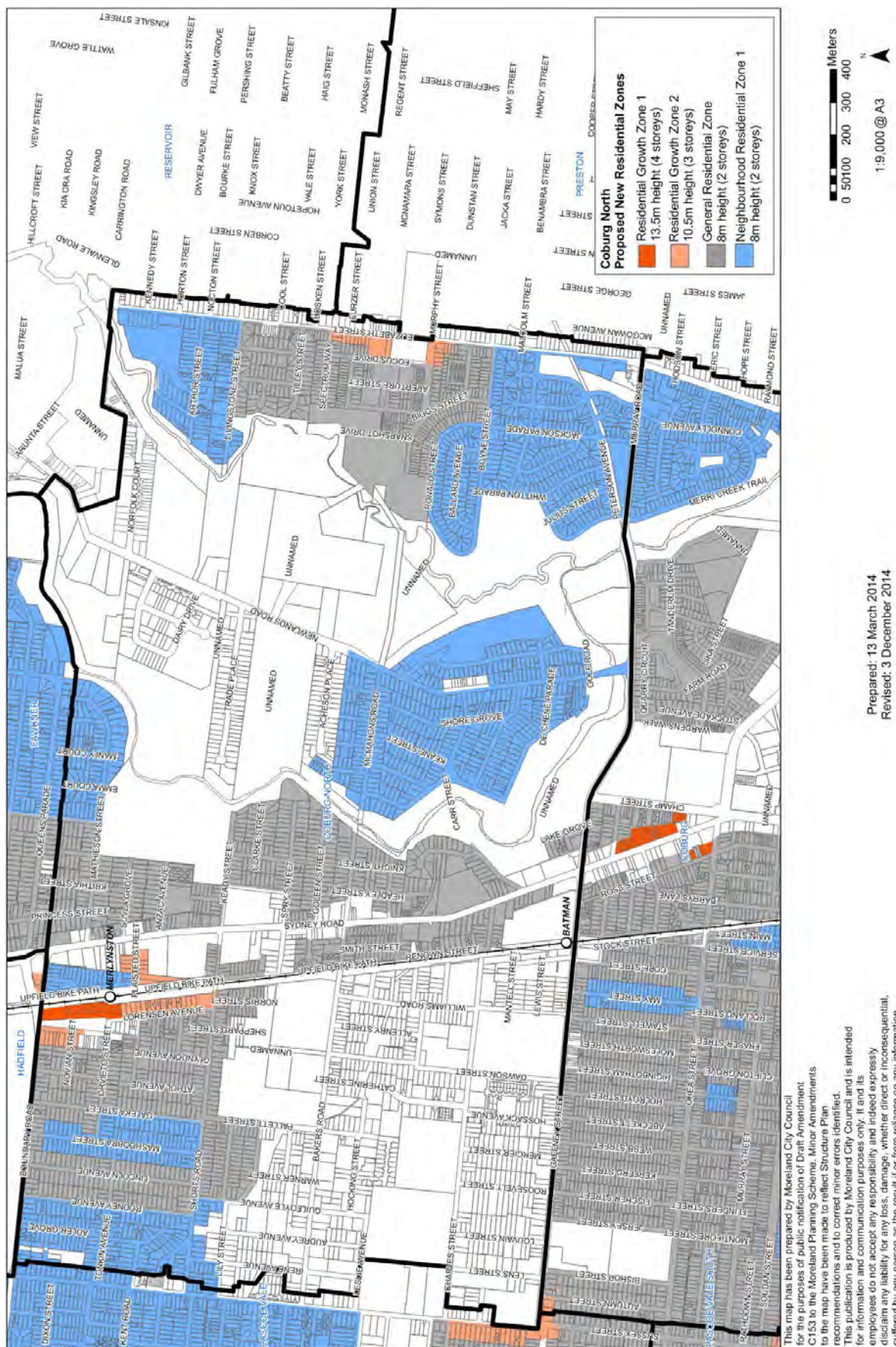


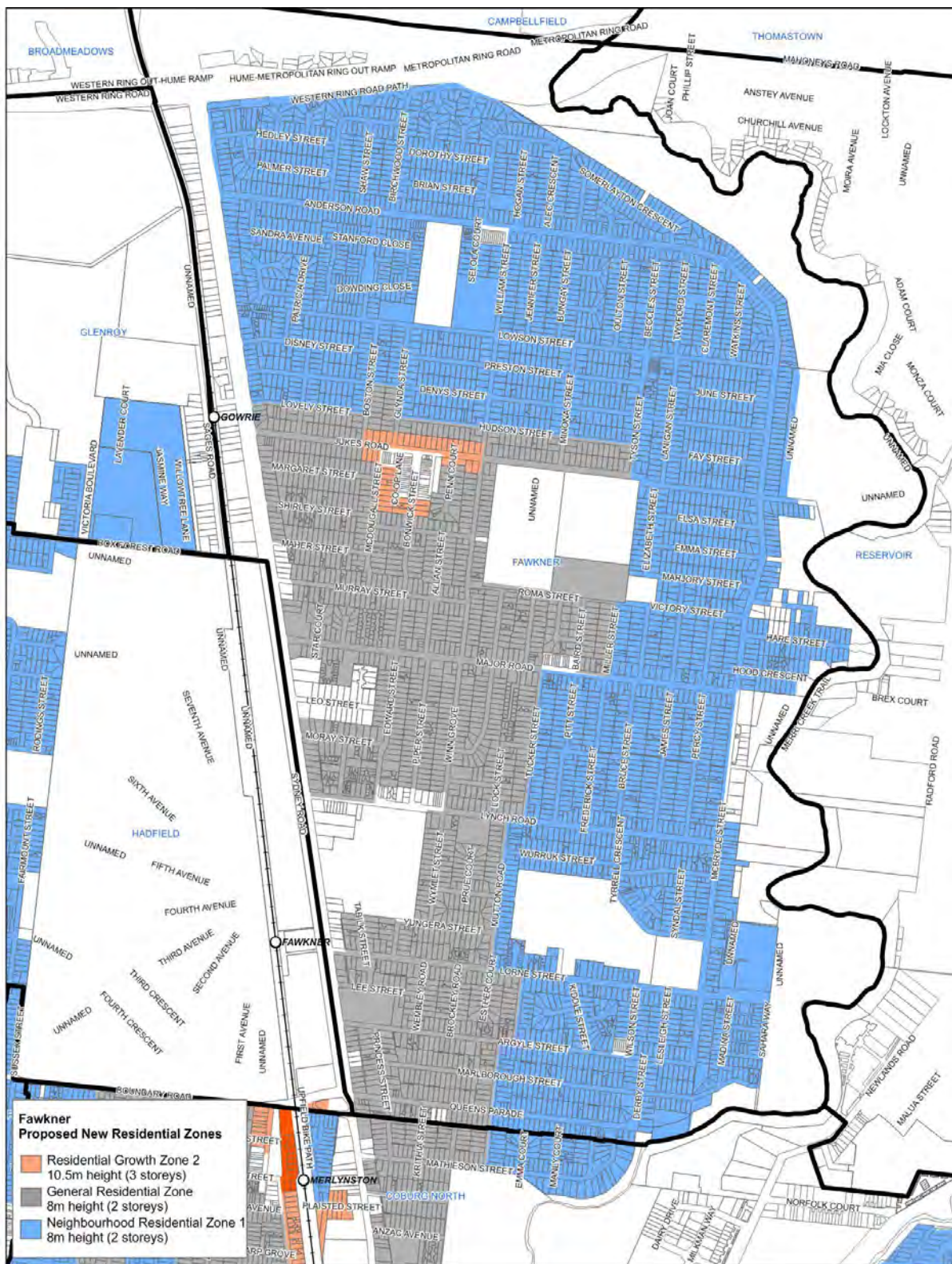




Prepared: 13 March 2014
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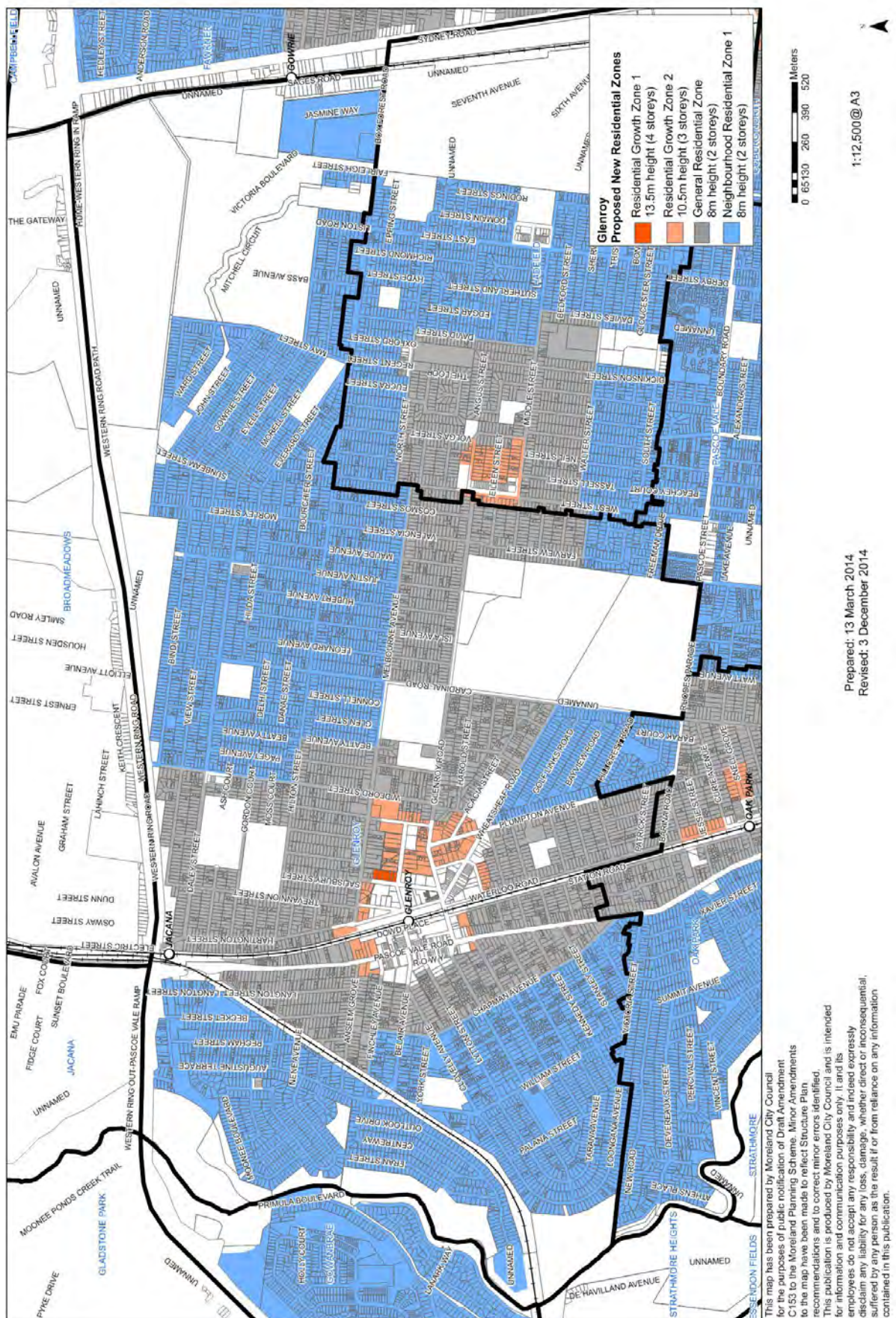
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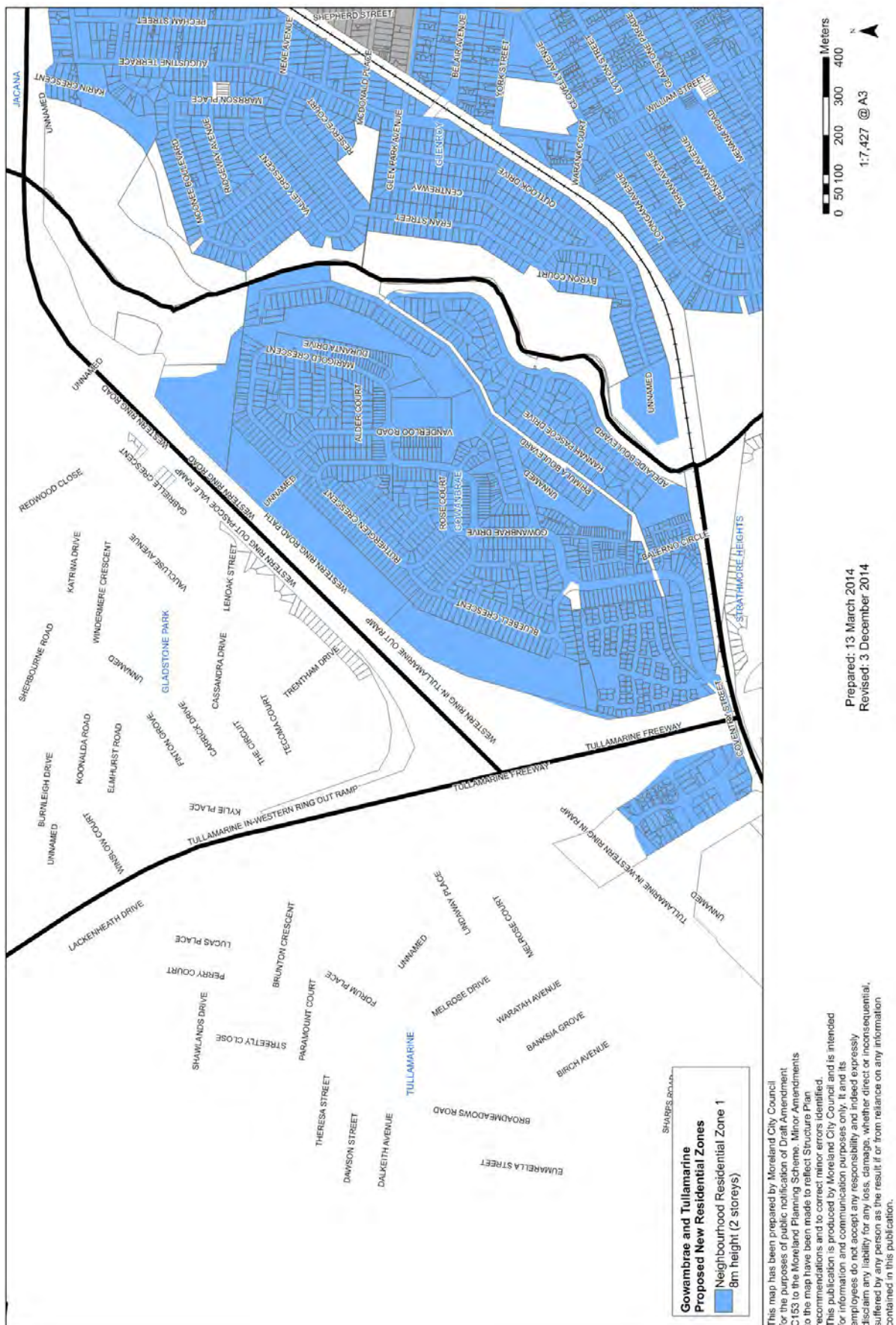
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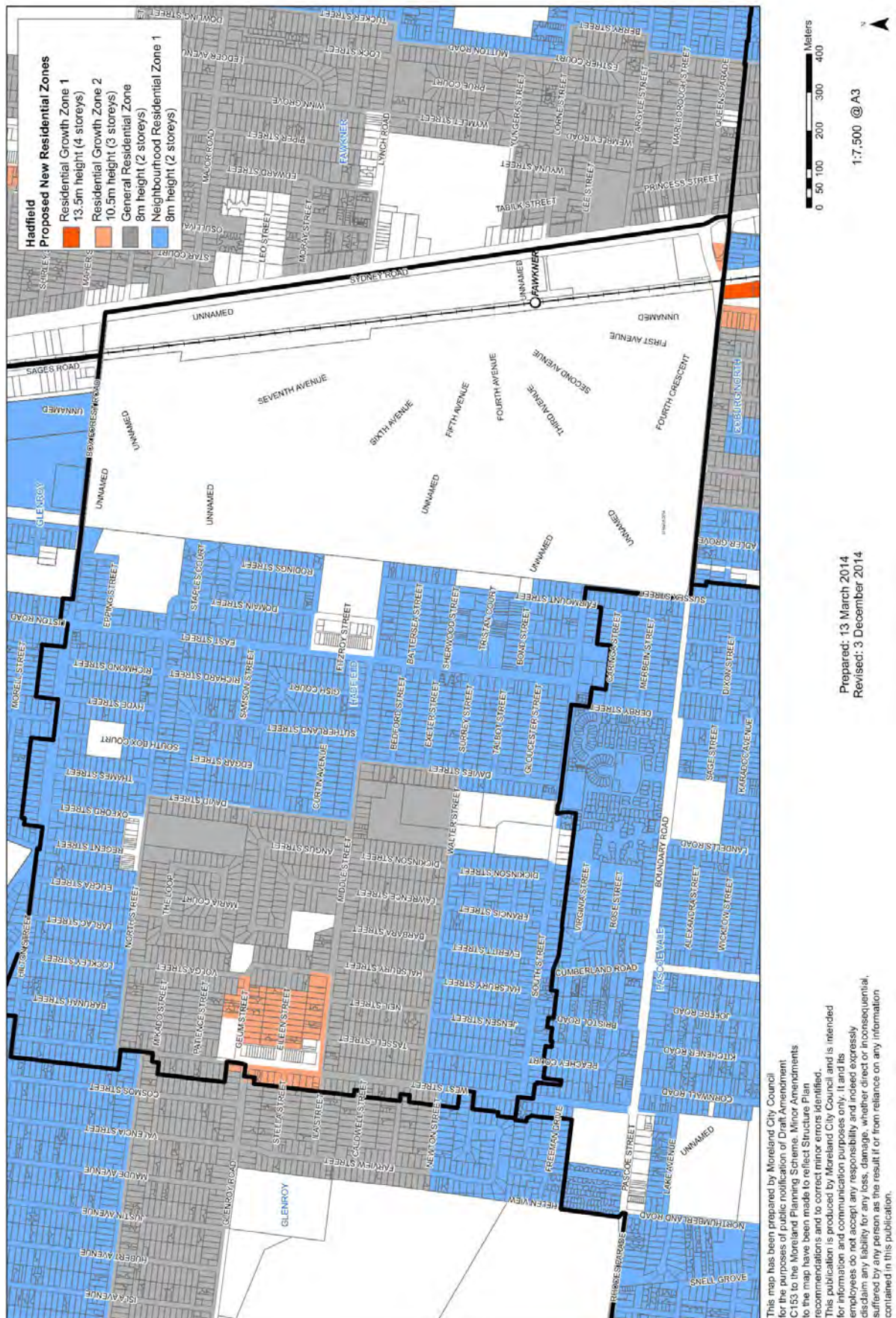
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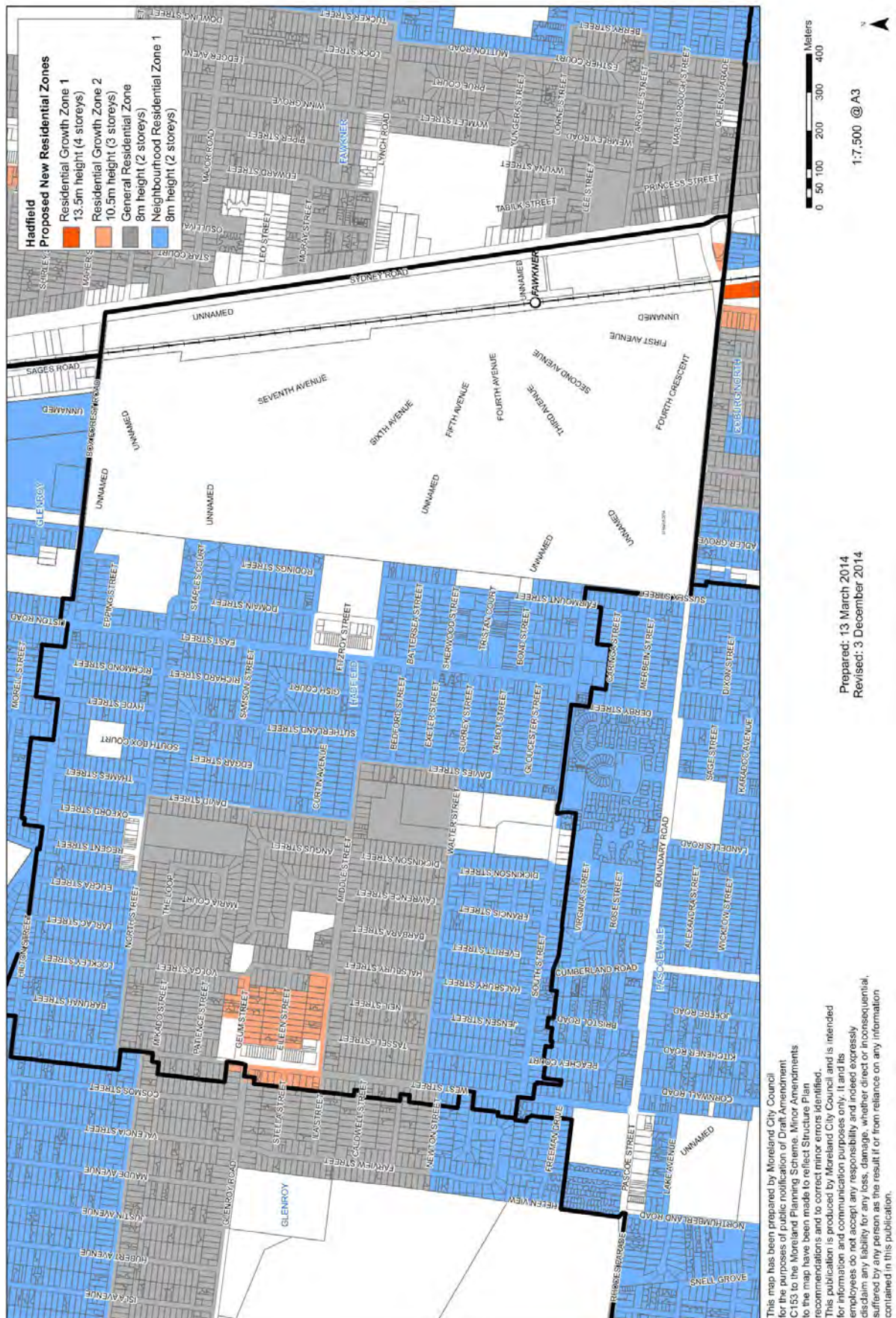
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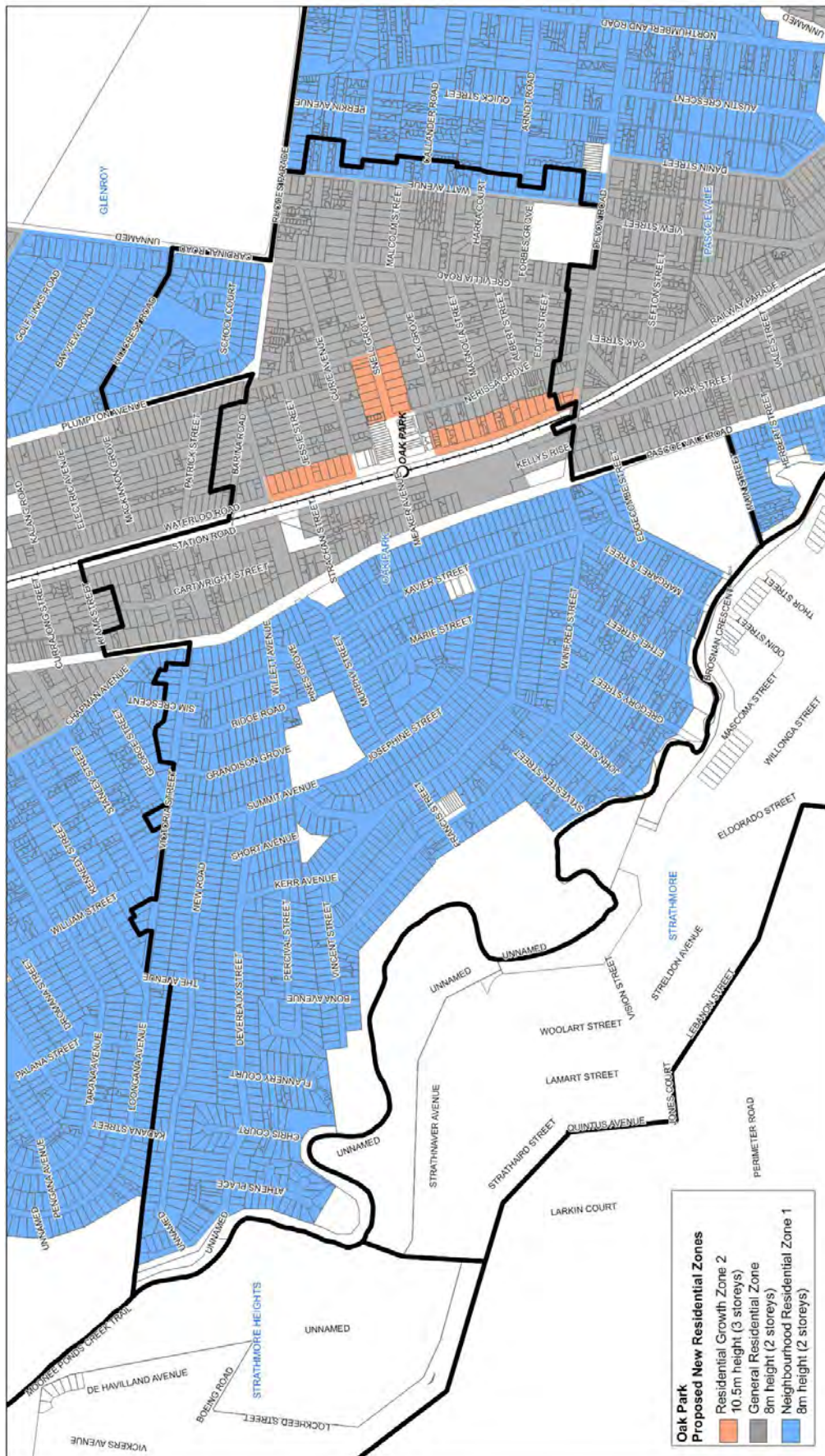






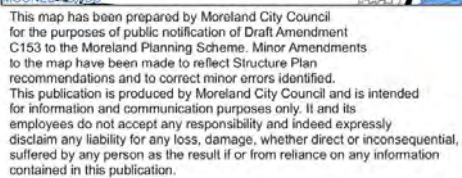




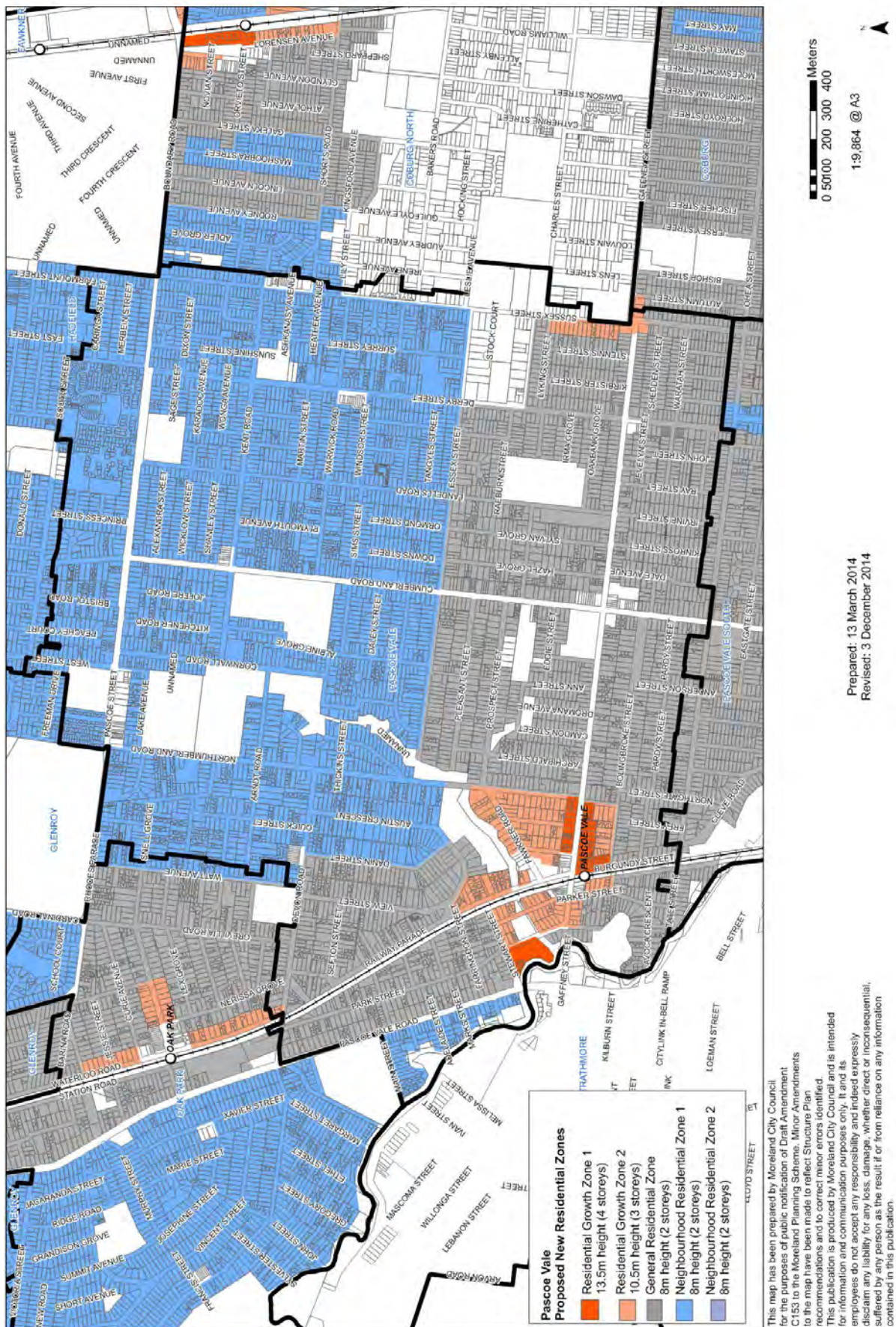


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Prepared: 13 March 2014
 Revised: 3 December 2014



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MORELAND PLANNING SCHEME

21.01 MUNICIPAL PROFILE--/20--
C--**21.01-1 Location and Regional Context**

The City of Moreland is an established urban municipality in the inner north of Melbourne. The City lies between 4 and 14 kilometres north of central Melbourne. It is bordered by Merri Creek to the east, Moonee Ponds Creek to the west, Park Street to the south and the Western Ring Road to the north.

The City includes the suburbs of Brunswick, Brunswick East and Brunswick West, Coburg and Coburg North, Pascoe Vale and Pascoe Vale South, Fawkner, Hadfield, Oak Park, Glenroy and Gowanbrac. It also includes a small area of Fitzroy North and Tullamarine.

The City covers 50.9 square kilometres and is one of Melbourne's most populous municipalities. Moreland's regional context provides access to Melbourne's Central Business District, major transport routes, the Port of Melbourne and Melbourne and Essendon Airports.

21.01-2 The City of Moreland Today – Key Issues

Moreland has a steadily growing population, and a high level of cultural and linguistic diversity. Moreland is a community in transition, with population changes accompanied by structural changes in the economy and urban fabric.

The estimated resident population of Moreland was 156,953 in 2012 and is expected to increase to approximately 188,500 by 2031.

The City includes a diversity of land uses, including significant areas of residential, industrial and commercial zoned land.

Key planning issues facing the City into the future are summarised below. The Strategic Framework set out in the Municipal Strategic Statement seeks to address these key issues.

- Population growth and associated needs for housing, infrastructure, community facilities, employment and services.
- Housing supply, choice and affordability. There is a diversity of household sizes with different housing needs, and incomes have not kept pace with rising housing costs. Housing density is increasing, with Moreland having greater proportions of medium density housing stock compared with the Melbourne average. Housing choices are more diverse in the south of the municipality, with more than half the dwelling stock attributed to medium density housing forms. On the other hand, many suburbs in the north have reduced levels of housing diversity with 70-90% single detached dwellings.
- Industry is in transition, reflecting the changing nature of manufacturing and growth in the service economy. The ratio of local jobs to residents in the workforce is low compared to the Melbourne average. The vast majority of Moreland residents in the workforce travel outside the municipality to work in nearby areas. There is a desire to provide greater opportunities for Moreland residents to work locally to reduce travel times to work, reduce congestion and for the sustainability and health benefits of less car reliance.
- Open space is not equally distributed throughout the city and many areas have poor access to open space.
- Adapting and building resilience to climate change and the overall health and wellbeing of the community are important concerns for Council.

MORELAND PLANNING SCHEME

21.02 VISION

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21.02-1 Council Vision

The Council Plan sets out the overall vision for Moreland, as follows:

By 2017, a sustainable Moreland will have a more resilient community, more attractive, accessible and safe places, a stronger local economy and services that meet the needs of our growing community.

The Municipal Strategic Statement and the Municipal Health and Wellbeing Plan are key Council strategic documents that contribute to delivery of the Council Plan. The MSS guides Council's decisions about development and land use planning and the Health and Wellbeing Plan guides Council's actions to improve the health, safety and wellbeing of the community.

21.02-2 MSS Vision – Sustainable Neighbourhoods

To contribute to the achievement of the Council vision identified above, the MSS vision is to create sustainable neighbourhoods with an emphasis on the social, cultural, environmental and economic well being of the population.

Sustainable neighbourhoods in Moreland should generally include a mix of the key elements listed below, provided at the suburb scale. The suburb scale allows for people to walk or cycle to access their everyday needs and contributes to opportunities for social interaction, community building and the overall health and wellbeing of the community.

- Shops and services
- Community facilities such as schools, neighbourhood houses, recreation, libraries, etc
- Housing choices
- Employment choices
- Public transport options
- A network of different types of open spaces for leisure and recreation

Council's vision for sustainable neighbourhoods underpins the way that Council intends to plan for and manage population growth and associated development into the future, for the overall health and wellbeing of the community and to achieve environmentally sustainable development.

21.02-3 MSS Strategic Directions

Seven strategic directions have been identified to guide Council's planning decisions, to assist in achieving Council's vision to create sustainable neighbourhoods.

The key spatial directions are illustrated on the *Strategic Framework Plan, Map 1A (Moreland North) and Map 1B (Moreland South)*.

Objectives and strategies to deliver the strategic directions are detailed in clause 21.03.

Strategic Direction 1: Activity Centres

Council is committed to creating sustainable neighbourhoods where people can walk to shops and services, employment, schools, public transport, parks and community services.

The *Moreland Activity Centre Framework 2014* contributes to Council's vision for sustainable neighbourhoods by identifying a series of different sized activity centres across the municipality. The framework ensures the majority of households in Moreland are within walking distance (i.e approx 400m) of an activity centre and have local access (i.e. approx 1 km) to a centre that meets their weekly convenience needs (i.e. Coburg, Brunswick or Glenroy Activity Centres or a Neighbourhood Activity Centre).

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Coburg, Brunswick and Glenroy Activity Centres are the larger centres in the framework. These centres provide a broad mix of retail uses (including convenience and comparison shopping), commercial and cultural activity, a diverse mix of employment options and are generally well served by public transport. These centres are preferred locations for administrative and civic centre functions and should be prioritised for government investment and regional facilities.

These three centres are identified to accommodate the most significant change of all the activity centres. Change and intensification should be consistent with the directions set out in the relevant strategic plans - the *Coburg Place Framework 2010* and *Central Coburg 2020 Structure Plan 2006*, the *Brunswick Structure Plan 2010 and Addendum 2012* and the *Glenroy Structure Plan 2008*.

A series of smaller Neighbourhood and Local Activity Centres are also identified in the Moreland Activity Centre Framework.

Neighbourhood Activity Centres (NACs) provide a mix of uses to meet daily and weekly needs of the local community. They generally include (or have the potential to include) shops, a supermarket, small service businesses, coffee shops, medical/health clinics and limited community services. They play an important community role in providing health and community services and a place to meet and socialise within the local area. Ideally these centres are serviced by public transport. Moreland's Neighbourhood Activity Centres are located as follows:

- Grantham / Union Streets, West Brunswick
- Melville Rd / Albion St / Victoria St, West Brunswick
- Moreland Rd / Nicholson St, Coburg / Brunswick
- Bell St / Melville Rd, Pascoe Vale South
- Gaffney St / Pascoe Vale Station, Pascoe Vale
- Gaffney / Sussex Streets, Coburg North
- Elizabeth Street, Coburg North
- West Street, Hadfield
- Bonwick Street, Fawkner

Local Activity Centres (LACs) play an important role in 'plugging the gaps' in the activity centre network and ensuring there is good access across the municipality to local shopping services. These centres serve daily convenience needs of the local community.

The housing directions for activity centres are outlined under Strategic Direction 3 below.

Council is committed to complementing the creation of vibrant activity centres with an improved public realm of streets and public spaces, and by ensuring the provision of adequate infrastructure required by the growing and changing population.

Strategic Direction 2: Land for Industry and Economic Regeneration

Council is committed to the continued presence of industry and other commercial businesses within the municipality for the contribution these businesses make to a sustainable economy and a diversity of employment opportunities.

The *Moreland Industrial Land Use Strategy 2006* protects three *Core Industry and Employment Precincts* in Brunswick, North Coburg and Newlands, and a number of smaller *Secondary Industry and Employment Precincts* scattered across the municipality.

These industrial precincts have been identified for long term retention in industrial zones. They are relatively unconstrained by residential or other sensitive uses and are intended to remain as priority areas for long term investment in industrial and other compatible businesses.

A select number of specific precincts of industrial zoned land have been identified as *Multi Use – Employment Precincts*, reflecting their suitability to transition to accommodate a wider mix of commercial uses to contribute to economic regeneration and more diverse employment opportunities. These areas are predominantly located within or adjacent to

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Activity Centres and their transition will support and reinforce the economic and employment objectives of Activity Centres. Residential uses in these precincts will only be supported if priorities for employment have been addressed.

A limited number of industrial areas – *Multi Use – Residential Precincts* and *Transition – Residential Precincts* will also contribute to housing supply in Moreland.

Council is committed to complementing economic regeneration with programs to support local economic development and to facilitate business investment decisions.

Strategic Direction 3: Housing

Council will facilitate housing development to meet the needs of the growing and diverse population, with a focus on:

- Providing a range of housing sizes and types to accommodate a diversity of household sizes;
- housing affordability; and
- housing designed to be visitable by people with limited mobility, and adaptable for residents with specific accessibility requirements.

Housing Growth and Change

In planning for population growth and diversity, Council will facilitate increases in housing supply and housing choice, based on:

- a suburb's access to shops, services and public transport, and
- the existing diversity of dwelling stock in a suburb.

The approach to facilitating character change and increased density housing in locations close to shops, services and public transport has been integrated with the objective to provide for housing choice and diversity. In some locations where there is poor housing choice and a predominance of detached dwellings (suburbs north of Moreland Road), Council will seek to increase the amount of multi dwelling developments.

In other locations there is an increasing predominance of multi dwelling housing types (suburbs south of Moreland Road) and Council will seek to retain some areas for single dwellings and lower density multi dwellings.

Areas have been designated for significant, incremental and minimal housing growth, as outlined below, and this is reflected in the application of the three residential zones – Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ).

Significant Housing Growth

Significant growth is encouraged within Moreland's activity centres designated for growth (as listed below). Increased housing densities in the form of apartments and townhouses are encouraged in these activity centres. To provide housing diversity and choice across the municipality, Council encourages increased residential densities within the activity centres listed below. In these locations, neighbourhood character is expected to change over time, commensurate with the role and size of the centre in the overall network of centres.

- Coburg Activity Centre
- Brunswick Activity Centre
- Glenroy Activity Centre
- Grantham / Union Streets, West Brunswick NAC
- Melville Rd / Albion St / Victoria St, West Brunswick NAC
- Moreland Rd / Nicholson St, Coburg / Brunswick NAC
- Bell St / Melville Rd, Pascoe Vale South NAC
- Gaffney St / Pascoe Vale Station, Pascoe Vale NAC
- Gaffney / Sussex Streets, Coburg North NAC
- Elizabeth Street, Coburg North NAC (limited to the Coburg Hill site)
- West Street, Hadfield NAC

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- Bonwick Street, Fawkner NAC
- Snell Grove, Oak Park LAC
- Merlynston LAC
- Melville / Moreland Roads, West Brunswick LAC

Coburg, Brunswick and Glenroy Activity Centres should accommodate a significant increase in medium and higher density housing in accordance with the *Coburg Place Framework 2010* and *Central Coburg 2020 Structure Plan, 2006*, the *Brunswick Structure Plan 2010 and Addendum 2012* and the *Glenroy Structure Plan 2008*. These plans define the boundary for the relevant centre. Areas within these defined boundaries comprise the total extent of area ~~'in-and-around-within'~~ each centre where significant change is encouraged. The plans also define the preferred built form outcomes within each centre's boundary.

The Neighbourhood and Local Activity Centres (NACs and LACs) listed above are also planned to accommodate an increase in housing supply and are preferred locations for increased density housing, although at a lesser rate of change to the three larger centres. The three LACs have been designated due to their mix of uses combined with proximity to a train station or tram stop.

As listed above, three Local Activity Centres (LACs) have also been identified as suitable for increased density housing due to their mix of uses combined with proximity to a train station or tram stop.

Council is currently working to define the exact extent of area around the NACs and LACs identified for growth where increased housing densities will be encouraged. This work will be implemented by the new residential zones. In the interim, areas within a reasonable walking distance (i.e. about 400 metres from the centre of the activity centre, taking into account physical barriers) will be considered for increased density housing.

The Commercial 1 Zone (CZ1), Mixed Use Zone (MUZ) and Residential Growth Zone (RGZ) define the total extent of area within these centres where increased densities are encouraged. These areas are expected to experience a change in character towards a more dense urban environment, with housing predominantly apartment and townhouse style in buildings of 3 or 4 storeys, as defined in the relevant schedule to the zone.

Incremental Housing Growth

Incremental housing growth and change is encouraged around the activity centres designated for growth (as listed above) and around train stations. The extent of area for incremental change is defined by the General Residential Zone (GRZ).

In incremental change areas, multi dwelling infill developments in the form of townhouses and units will continue to be encouraged. New development must be designed to respect existing neighbourhood character and contribute to an enhanced landscape character.

Minimal Housing Growth

The remainder of Moreland's residential areas will be retained for minimal housing growth to ensure an ongoing supply of single dwellings and low density multi dwelling developments, with an enhanced open, landscaped character. These areas are defined by the Neighbourhood Residential Zone (NRZ).

In minimal change areas, multi dwelling infill development will be allowed, but at a lower density to that otherwise achievable under ResCode (clause 55). The emphasis in the NRZ areas is on the creation of an enhanced open and landscaped character, by providing increased private open space and landscaping, as defined in the relevant schedule to the zone.

Beyond the above activity centres identified as suitable to accommodate housing intensification, incremental change will be accommodated and new housing must be designed to respect existing neighbourhood character, and contribute to an improved landscape character.

Council is committed to complementing residential areas with improved street tree planting, well maintained parks and associated community facilities, and safe and convenient pedestrian environments.

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Housing Affordability

Housing affordability refers to purchase price, rental price and ongoing living costs (utilities, transport) associated with the design and location of housing. Genuine efforts to deliver housing affordability on all three fronts will be strongly supported by Council.

Council seeks to ensure the provision of housing choice and to use energy efficiency and transport policy to reduce the ongoing living costs associated with the design and location of housing. As committed in the *Moreland Affordable Housing Strategy 2014-2018*, Council will continue to advocate for reform to the Victorian planning system to address housing affordability, specifically through inclusionary zoning.

Liveable Housing

Housing needs for individuals and families can change due to a range of factors, including age, temporary or permanent injury or impairment, and disability. To address these issues, Council requires all new dwellings in Moreland to be designed so they can be visited by people whose mobility is constrained. Council also seeks to increase the housing stock in the municipality that is designed to be accessible (i.e. is suitable to be lived in by people whose mobility is impaired) or can be easily adapted to provide accessibility features.

Strategic Direction 4: Good Design

In managing population growth and associated development, Council is committed to improving the quality of design of the built environment. Good design is intrinsically linked to safety, health and well being and environmental sustainability.

The MSS includes specific directions to improve design quality overall, with a particular emphasis on site responsive design, passive design for energy efficiency, integration with the public realm and integration with landscape design.

Council specifically supports the design principles associated with Crime Prevention Through Environmental Design (CPTED), Healthy by Design, Food Sensitive Urban Design, Child Friendly Cities and Livable Design. These principles inform Council's work associated with the urban environment and underpin the sustainable neighbourhoods vision of the MSS.

Strategic Direction 5: Environmentally Sustainable Development

Council is committed to best practice environmentally sustainable development (ESD). Development should integrate the principles of sustainable design early in the design process, at the planning stage, for the following benefits:

- Easier and cheaper compliance with building requirements through passive design.
- Reduced living costs associated with housing, such as energy costs.
- Improved amenity and liveability.
- Reduced greenhouse gas emissions.
- Greater resilience to the impacts of climate change (such as heat waves).

The MSS includes specific ESD directions for energy efficiency, waste management and integrated water management. Broader aspects of environmentally sustainable development are integrated across the MSS to deliver the overall vision for sustainable neighbourhoods (such as urban consolidation in activity centres and the integration of transport and land use planning).

Strategic Direction 6: Open Space Network

The *Moreland Open Space Strategy 2012-2022* identifies an open space network for leisure, recreation and nature conservation purposes. The network includes sports fields, conservation areas, playgrounds and recreation trails, as well as public land provided for drainage and utility purposes that is used or valued for leisure and environmental purposes.

In addition to 'green' open space, other public spaces enhance the recreation, leisure and social opportunities of the community, especially within Activity Centres. These spaces

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may be paved such as town squares or public plazas. Streetscapes also make a significant contribution to the overall provision of public spaces in Moreland.

Specific areas in Moreland have been assessed as deficient in the provision of open space, and these are identified on the *Strategic Framework Plan (Map 1A and 1B)*. These areas will be prioritised for the provision of new open space as opportunities arise. In particular, any rezoning proposals within these areas will be reviewed for the potential to create new open space.

The MSS includes directions to protect and enhance the open space network.

Strategic Direction 7: Transport Network

The *Moreland Integrated Transport Strategy 2010* outlines a transport system that supports sustainable communities. The key principles of this transport system are:

- Walking and cycling are the preferred modes of transport.
- Good public transport services in all areas.
- Streets are community spaces.
- Local access to services, education and employment.

Council encourages integrated transport and land use planning that will support residents and visitors to reduce their travel by ensuring access to local services, education and employment.

Council will continue to advocate for improved public transport services and grade separation at Glenroy Road, Glenroy and Bell Street, Coburg.

Freight and commercial vehicle access to Activity Centres and Core and Secondary Industrial and Employment Precincts will be protected in recognition of the needs of businesses.

The MSS includes directions to maximise people's opportunities to walk, cycle and use public transport. The Strategic Framework of the MSS is predicated on developing sustainable neighbourhoods by integrating transport and land use planning decision making.

21.02-4 Particular Issues

In addition to the key strategic directions included in the MSS, there are a range of particular issues Council has developed specific local planning policies for to guide the exercise of discretion. The local planning policies are located in clause 22, as follows:

- 22.01 Neighbourhood Character
- 22.02 Non Residential Uses in Residential Zones
- 22.03 Car and Bike Parking and Vehicle Access
- 22.04 Advertising Signs
- 22.05 Caretakers Houses
- 22.06 Student Accommodation
- 22.07 Heritage
- 22.08 Buildings of Four or More Storeys

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Map 1A and 1B Strategic Framework Plan to be updated

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21.03 STRATEGIC FRAMEWORK

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This clause provides the MSS objectives and strategies to implement the vision and strategic directions set out in Clause 21.02. It is to be read in conjunction with the Strategic Framework Plan (Map 1).

21.03-1 Activity Centres

Moreland's Activity Centres are identified on the *Strategic Framework Plan (Maps 1A and 1B)*.

Objective 1

To support a network of Activity Centres across Moreland to provide residents with walkable access to their daily and weekly shopping and service needs.

Strategies

- 1.1 Encourage a mix of retail, office, commercial, entertainment and community uses to be located within Activity Centres.
- 1.2 Discourage large scale retail or office uses from locating out of the defined boundaries of Activity Centres.
- 1.3 Encourage the Coburg, Brunswick and Glenroy Activity Centres to provide a broad mix of retail uses, commercial and cultural activity, employment options, administrative and civic centre functions, government investment and regional facilities, in accordance with the *Coburg Place Framework 2010* and *Central Coburg 2020 Structure Plan 2006*, the *Brunswick Structure Plan 2010 and Addendum 2012*, and the *Glenroy Structure Plan 2008*.
- 1.4 Encourage Neighbourhood Activity Centres to serve the daily and weekly shopping and service needs of the local community.
- 1.5 Encourage Local Activity Centres to serve the daily convenience needs of the local community.
- 1.6 Facilitate housing growth and change in activity centres in accordance with the objectives and strategies under clause 21.03-3 Housing and clause 22.01 Neighbourhood Character.

Objective 2

To facilitate change to the scale of the built form within Activity Centres in accordance with their size and role in the Activity Centre network.

Strategies

- 2.1 Encourage the Coburg Activity Centre to accommodate substantial growth and change to achieve its status as the primary centre in Moreland, in accordance with the *Coburg Place Framework 2010* and *Central Coburg 2020 Structure Plan 2006*.
- 2.2 Encourage the Brunswick and Glenroy Activity Centres to accommodate substantial growth and change in accordance with the *Brunswick Structure Plan 2010 and Addendum 2012* and the *Glenroy Structure Plan 2008*.
- 2.3 Encourage more modest change in Neighbourhood and Local Activity Centres, in accordance with clause 22.01 Neighbourhood Character.
- 2.4 Limit change in commercial and residential zones out of the defined boundaries of activity centres to incremental change which respects the existing scale and character of the surrounding neighbourhood, in accordance with clause 22.01 Neighbourhood Character.

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Objective 3

To support Activity Centres as important commercial and employment clusters.

Strategies

- 3.1 Ensure commercial uses located out of the defined boundaries of activity centres do not undermine the economic viability of activity centres.
- 3.2 Ensure residential uses do not undermine the viability of businesses operating in activity centres. Residential amenity expectations should be consistent with activity centres' role to accommodate a mix of uses with day and night time activity.
- 3.3 Implement the 'agent of change' principle as follows:
 - Support the continued operation of existing noise generating uses, including live music venues.
 - Require new residential developments and mixed use (incorporating residential) developments to be designed to minimise the potential negative amenity impacts of existing non-residential uses in the vicinity. For example, incorporate design and noise attenuation measures to protect residents from noise and locate bedrooms away from noise sources such as adjoining live music venues, late night entertainment venues, industrial uses, garbage collections areas, vehicle accessways, rail lines and busy roads.
 - Encourage new noise generating uses, including live music venues, to integrate noise attenuation measures as appropriate.

21.03-1.1 Implementation

- Translate the Coburg, Brunswick and Glenroy Structure Plans / Place Frameworks into planning scheme provisions.
- Apply the Local Policy at clause 22.01 when an assessment against neighbourhood character is required.

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21.03-2 Land for Industry and Economic Regeneration**Objective 4**

To reinforce and enhance Core and Secondary *Industry and Employment Precincts* as places for industry and complementary uses.

Strategies

- 4.1 Support the continued operation of existing industry and encourage new industry and complementary uses to locate within Core and Secondary *Industry and Employment Precincts*.
- 4.2 Discourage large scale retail (e.g. supermarkets greater than 1800m²) and office uses from locating in Core and Secondary *Industry and Employment Precincts* as such uses should be located in Activity Centres.
- 4.3 Encourage high quality building and landscape design with efficient and functional site layouts.
- 4.4 Encourage non-conforming uses, particularly residential uses, to convert to suitable industrial or business uses.
- 4.5 Encourage the re-use of heritage buildings for suitable industrial or business uses rather than residential uses.
- 4.6 Support the continued presence of the RMIT College of Textiles and Brunswick Business Incubator within the *Brunswick Core Industry and Employment Precinct*.
- 4.7 Support restricted retailing and wholesaling activities along Gaffney Street in the *Coburg Core Industry and Employment Precinct* and along Sydney Road (north of Gaffney Street).
- 4.8 Ensure that the amenity expectations for residential or other sensitive uses within or adjacent to these precincts are reflective of the industrial nature of the precincts.

Objective 5

To manage the transition of *Multi Use – Employment Precincts* and *Multi Use – Residential Precincts* from traditional industrial areas to multi use precincts which prioritise opportunities for new commercial uses.

Strategies

- 5.1 Protect the continued operation of existing viable industries in *Multi Use – Employment Precincts* and *Multi Use – Residential Precincts*.
- 5.2 Facilitate the transition of *Multi Use – Employment Precincts* to accommodate a wider mix of industrial and commercial uses, such as office uses.
- 5.3 Ensure commercial uses are prioritised over residential uses in *Multi Use – Employment Precincts*. Where residential development is proposed it should be located within a mixed use building that has commercial uses at ground and first floor as a minimum.
- 5.4 Encourage the transition of *Multi Use – Residential Precincts* to accommodate a mix of commercial and residential uses in mixed use buildings, with commercial uses at ground floor as a minimum.
- 5.5 Require new residential and mixed use development in multi use areas to incorporate design and noise attenuation measures to protect residents from noise, such as locating bedrooms away from noise sources and using appropriate acoustic measures.
- 5.6 Encourage building design and site layouts of industrial and commercial uses in these precincts to minimise the potential for adverse amenity and environmental impacts on nearby residential uses.

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- 5.7 Ensure that the amenity expectations for residential or other sensitive uses within or adjacent to these precincts are reflective of the multi use nature of the precincts.
- 5.8 Encourage a precinct-wide consideration of rezoning, rather than site specific.
- 5.9 Support restricted retailing and wholesaling activities along Sydney Road (north of Gaffney Street).

Objective 6

To facilitate change in *Transition – Residential Precincts* from traditional industrial uses to residential uses.

Strategies

- 6.1 Support the redevelopment of sites in *Transition – Residential Precincts* to convert to residential uses.

21.03-2.1 Implementation

- Retain the Industrial 1 and 3 Zones in Core and Secondary *Industry and Employment Precincts* to maintain these concentrations of industrial land and to protect these precincts from uses that would undermine the viability of industry or compete with industrial uses for available land.
- Apply the Industrial 3 Zone or Commercial 2 Zone to *Multi Use - Employment Precincts*.
- Apply the Commercial 1 Zone or Mixed Use Zone to *Multi Use – Residential Precincts*.
- Apply a suitable residential zone to *Transition – Residential Precincts*.
- Apply clause 22.07 Caretakers Houses.

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21.03-3 Housing**Objective 7**

To provide housing diversity to meet community needs.

Strategies

7.1 Facilitate a range of different housing types in different locations, as follows:

- Encourage increased density housing to be located in the Coburg, Brunswick and Glenroy Activity Centre boundaries, in accordance with the *Coburg Place Framework 2010* and *Central Coburg 2020 Structure Plan 2006*, the *Brunswick Structure Plan 2010 and Addendum 2012* and the *Glenroy Structure Plan 2008*.
- Encourage increased density housing, in the form of apartments, townhouses and units, to be located within the Commercial and Residential Growth Zones (RGZ) within Encourage increased density housing to be located within approximately 400m of the centre of the following Neighbourhood and Local Activity Centres, in accordance with the provisions of clause 22.01 Neighbourhood Character Policy:
 - Grantham / Union Streets, West Brunswick NAC
 - Melville Rd / Albion St / Victoria St, West Brunswick NAC
 - Moreland Rd / Nicholson St, Coburg / Brunswick NAC
 - Bell St / Melville Rd, Pascoe Vale South NAC
 - Gaffney St / Pascoe Vale Station, Pascoe Vale NAC
 - Gaffney / Sussex Streets, Coburg North NAC
 - Elizabeth Street, Coburg North NAC
 - West Street, Hadfield NAC
 - Bonwick Street, Fawkner NAC
 - Snell Grove, Oak Park LAC
 - Merlynston LAC
 - Melville / Moreland Roads, West Brunswick LAC
- Encourage incremental housing growth, in the form of townhouses, units and other multi dwelling types, designed to respect existing neighbourhood character and enhance landscape character, in the General Residential Zone (GRZ). Ensure new housing outside the centres identified above respects existing neighbourhood character and enhances landscape character, in accordance with the requirements of Clause 22.01 Neighbourhood Character Policy.
- Encourage minimal housing growth in the form of single dwellings, dual occupancies and lower density multi dwelling development in the Neighbourhood Residential Zone (NRZ), designed to create an enhanced low density, open and landscaped character.

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7.2 Encourage developments of 10 or more dwellings to provide a balance of 1, 2 and 3+ bedroom dwellings.

7.3 Support the redevelopment of former industrial sites designated as *Transition-Residential Precincts* (identified on *Map 1*) to convert to increased density housing.

Objective 8

To contribute to housing affordability.

Strategies

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- 8.1 Reduce the ongoing living costs associated with housing, by ensuring development is designed to maximise energy efficiency in accordance with the relevant objectives and strategies included in clause 21.03-5 Environmentally Sustainable Design.
- 8.2 Encourage developments to include a proportion of affordable rental housing to be owned and managed by a registered Housing Association, Housing Provider or similar not for profit organisation.

Objective 9

To increase the supply of housing that is visitable and adaptable to meet the needs of different sectors of the community.

Strategies

- 9.1 Encourage all dwellings to be visitable by a person with limited mobility by providing:
 - An accessible path from the street and car park areas to a level entry;
 - Minimum width of 850mm for doors and 1000mm for hallways at entry level; and
 - A clear path of travel from the accessible entry to a living area and toilet suitable for people with limited mobility.
- 9.2 Encourage the provision of liveable housing that can be lived in by people with limited mobility (or easily adapted to be lived in) by incorporating the following design features:
 - An accessible path from the street and car park areas to a level entry;
 - A bedroom, living area, kitchen, private open space, bathroom and toilet which can be efficiently adapted for people with limited mobility on entry level; and
 - Minimum width of 850mm for doors and 1000mm for hallways at entry level.

21.03-3.1 Implementation

- [Apply the Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone in accordance with Strategy 7.1 above and Strategic Direction 3: Housing in clause 21.02-3.](#)
- Apply clause 22.01 Neighbourhood Character Policy.
- Consider the Livable Housing Design Guidelines produced by Livable Housing Australia for guidance on design details in the assessment of proposals against Objective 9.

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21.03-4 Urban Design, Built Form and Landscape Design**Objective 10**

To ensure development responds and contributes to its context and any relevant heritage significance.

Strategies

- 10.1 Ensure the overall siting and building envelope is based on a considered analysis of the site's context and features, including site size, shape and orientation.
- 10.2 Ensure site design, building frontages, design articulation and internal layout achieve a good interface with and surveillance of the public realm.
- 10.3 Ensure development is designed to contribute to a fine grain urban structure.
- 10.4 Ensure large sites provide a network of public streets, footpaths and lanes connecting through the site into the surrounding street and pedestrian network, as appropriate.
- 10.5 Ensure development contributes to the upgrade of existing streets adjoining the site and undergrounding of powerlines and other utilities, as appropriate.
- 10.6 Ensure service infrastructure such as substations are well concealed or integrated into building design.
- 10.7 Ensure the conservation and enhancement of heritage places.
- 10.8 Ensure signage is sensitive to the style, scale and character of host buildings, nearby buildings, and streetscapes.

Objective 11

To ensure development maximises passive energy efficiency and creates quality living and working environments.

Strategies

- 11.1 Ensure site layout and building design maximises the efficient use of energy through the following measures:
 - Building orientation and design should maximise solar access and passive design opportunities.
 - Building separation, building depth and orientation of internal living spaces should maximise access to daylight and natural ventilation.
- 11.2 Ensure the location of primary outlooks and building separation distances and heights have regard to the ability of adjoining sites to gain adequate access to daylight and outlook (including if redevelopment was to occur).

Objective 12

To ensure development is integrated with landscape design to improve aesthetic quality and amenity for occupants and the public domain.

Strategies

- 12.1 Encourage development to maximise retention of existing vegetation and large trees.
- 12.2 Ensure development provides sufficient space and conditions for planting of new canopy and screening trees.
- 12.3 Ensure landscape design:
 - integrates development with the surrounding environment;

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- provides for summer shading of buildings and private open spaces and allows for access to winter sun;
- contributes to reduction of the urban heat island effect;
- incorporates water sensitive urban design.

21.03-4.1 Implementation

- Apply clause 22.08 Buildings of Four or More Storeys.
- Apply clause 22.01 Neighbourhood Character.
- Apply the *Moreland Landscape Guidelines 2009* in the assessment of Landscape Plans.
- Apply the Heritage Overlay to places of recognised State or Local heritage significance.
- Apply clause 22.07 Heritage.
- Apply clause 22.04 Advertising Signs.

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21.03-5 Environmentally Sustainable Design (Water, Waste and Energy)**Objective 13**

To maximise water conservation and improve the quality of water runoff in order to protect the Merri, Moonee Ponds and Edgars Creeks and tributaries.

Strategies

- 13.1 Encourage the collection and reuse of stormwater, for example the provision of water tanks for on-site retention and re-use of stormwater.
- 13.2 Encourage landscaping to improve the quality of stormwater runoff and to facilitate on-site infiltration.
- 13.3 Ensure development does not increase peak stormwater flows (eg. by using rain gardens).
- 13.4 Encourage precinct scale water management and recycling systems.

Objective 14

To encourage all new buildings and infrastructure to maximise energy efficiency, reduce peak load and contribute to a reduction in greenhouse gas emissions.

Strategies

- 14.1 Ensure site layout, building design and landscaping maximises the efficient use of energy and reduces greenhouse gas emissions, as per strategies 11.1, 11.2, 12.1, 12.2 and 12.3.
- 14.2 Encourage use of on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems, appropriate to the scale of the development proposed.
- 14.3 Encourage precinct scale energy supply that can be shared between developments, including low emission technologies such as co-generation and tri-generation.

Objective 15

To maximise waste recycling and reduce the amount of waste going to landfill.

Strategies

- 15.1 Encourage the provision of easily accessible dedicated storage areas for the collection and sorting of waste.
- 15.2 Encourage the allocation of bins to accommodate different waste streams, including recyclables, rubbish (non recyclable waste), oversized household items, green waste and hazardous waste (such as batteries and fluorescent light bulbs).

21.03-5.1 Implementation

- Apply the *CSIRO Urban Stormwater Best Practice Environmental Management Guidelines*, as appropriate.

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21.03-6 Open Space Network**Objective 16**

To protect the biodiversity, amenity and recreational values of the open space network, identified on Map 1.

Strategies

- 16.1 Ensure development does not unreasonably overshadow public open space.
- 16.2 Ensure development does not reduce public access to open space.
- 16.3 Ensure development enhances a sense of safety by maximising interaction, passive surveillance and incidental lighting of open space.
- 16.4 Ensure development adjacent to public open space provides clear separation between public and private land.
- 16.5 Ensure development protects and enhances areas of remnant vegetation and indigenous revegetation, identified on Map 1.
- 16.6 Ensure development does not compromise the ecological integrity of the Merri, Moonee Ponds, Edgars, Westbreen and Merlynston Creek corridors.
- 16.7 Create a continuous public open space corridor with a minimum of 50m on each side along the Moonee Ponds, Merri and Edgars Creeks. A minimum of 30m from the edge of the embankment on each side should be a vegetated buffer.
- 16.8 Ensure large sites include provision of new public open space on site, if located in a priority area for park provision as identified in the Moreland Open Space Strategy 2012-2022.

21.03-6.1 Implementation

- Apply the Environmental Significance Overlay (ESO) to the Moonee Ponds, Merri, Edgars and Merlynston Creek corridors.
- Apply the *Development Guidelines for Merri Creek 2004* to development within the Merri Creek ESO.
- Implement the *Moreland Open Space Strategy (MOSS) 2012-2022*.
- Have regard to the *Edgars Creek Conservation and Development Plan, Edwardes Lake to Merri Creek June 2013* in the consideration of applications adjacent to the Edgars Creek corridor.

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21.03-7 Community Infrastructure**Objective 17**

To optimise access to community infrastructure (eg. health, education, social, leisure and cultural facilities), suited to the local community's needs in different locations.

Strategies

- 17.1 Encourage the concentration of State Government services within the Coburg, Brunswick and Glenroy Activity Centres.
- 17.2 Encourage the development of a major health facility and associated infrastructure in the Coburg Principal Activity Centre.
- 17.3 Reinforce the existing cultural, entertainment and educational focus of the 'Brunswick Civic & Cultural Precinct' centred on the Brunswick Town Hall.
- 17.4 Support the location of community infrastructure within the Coburg, Brunswick and Glenroy Activity Centres and within Neighbourhood Activity Centres.
- 17.5 Ensure the design of community facilities allows for multi-purpose use by different groups with the flexibility to adapt to changing needs over time.
- 17.6 Encourage the development of master plans for major community facilities, such as hospitals, schools and large community facilities, to provide for planned expansion and management of impacts on adjoining areas.
- 17.7 Ensure the design and location of community infrastructure contributes to a local sense of place and opportunities for social connections.
- 17.8 Ensure the provision of community infrastructure is based on sound supporting evidence of community need and benefit.
- 17.9 Consider the community benefit of retaining land in a public use zone for community use prior to supporting any rezoning proposal.

21.03-12.1 Implementation

- Apply the Development Contribution Plan Overlay (DCPO) to collect development contributions towards community infrastructure, as appropriate.
- Integrate community infrastructure planning with activity centre planning.
- Apply the *Moreland Community Infrastructure Framework* and associated principles as appropriate.
- Apply the DPO or IPO to implement adopted master plans.

MORELAND PLANNING SCHEME

21.04

REFERENCE DOCUMENTS

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- Moreland Economic Development Strategy 2011-2016
- Moreland Activity Centre Framework 2014
- The Colours of Coburg Place Framework and Strategies 2010
- Central Coburg 2020 Structure Plan 2006
- The Brunswick Structure Plan 2010
- Addendum to the Brunswick Structure Plan 2012
- The Glenroy Structure Plan 2008
- Moreland Shopping Strip Renewal Policy 2011
- Moreland Arts and Culture Strategy 2011-2016
- Digital Moreland: A Digital Strategy and Plan for Action for our Council and our Community 2012
- Moreland Health and Well Being Plan 2010-2014
- Moreland Affordable Housing Strategy 2014-2018
- Moreland Access and Inclusion Policy 2010-2014
- Moreland Industrial Land Use Strategy 2004
- Moreland Open Space Strategy 2012-2022
- Moreland Street Landscape Strategy 2012 - 2022
- [Moreland Landscape Guidelines 2009](#)
- [Moreland Tree Planting Manual 2014](#)
- Moreland Climate Action Plan 2007
- Moreland Integrated Water Management Plan 2010
- Moreland Indigenous Vegetation Assessment 2011
- Understanding Planning Issues along the Merri Creek and Policy: Development Guidelines for Merri Creek, MCMC 2004
- Moreland Stormwater Targets - Stormwater Quality Targets for the City of Moreland, AECOM and the City of Moreland 2012
- Edgars Creek Conservation and Development Plan, Edwardes Lake to Merri Creek, June 2013
- Moreland Integrated Transport Strategy 2010
- Moreland Pedestrian Strategy 2010
- Moreland Bicycle Strategy 2011
- Moreland Parking Management Policy 2011
- Moreland Vehicle Crossing (Driveway) Policy 2010
- Moreland Rights of Way Strategy 2011-2021
- Moreland Multicultural Policy 2011 - 2015
- Early Years Strategy 2011-2015
- Later Years Strategy 2007-2012
- Moreland Community Infrastructure Framework
- Department of Justice Design Guidelines for Licensed Venues 2009
- Moreland Responsible Gaming Strategy 2010-2014
- VLGA Pokies Assessments: A 'How To' Guide 2012
- Moreland Licensed Premises Background Paper 2010
- Livable Housing Design Guidelines, Livable Housing Australia

MORELAND PLANNING SCHEME

22.01 NEIGHBOURHOOD CHARACTER

This policy applies to planning permit applications in the residential or commercial zones, where an assessment is required pursuant to Clause 54 or 55 and to any other permit applications where an assessment against neighbourhood character is required.

22.01-1 Policy Basis

The protection of neighbourhood character in residential areas is an important issue that is reflected in the purposes of the residential zones and the provisions of Clause 54 and 55.

This policy provides guidance on the consideration of neighbourhood character in the context of providing for housing growth and diversity, as outlined in Strategic Direction 3 in Clause 21.01-3 of the Municipal Strategic Statement (MSS).

Increased residential densities are encouraged within the activity centres listed in Strategic Direction 3 and identified on the Strategic Framework Plan (Maps 1A and 1B) in clause 21.

In these fifteen 'Centres for Growth', within Commercial, Mixed Use and Residential Growth Zones, neighbourhood character is expected to change over time, commensurate with the role and size of the centre in the overall network of centres.

Incremental change will be supported in the General Residential Zone around the fifteen centres designated for growth, and new development must be designed to respect existing neighbourhood character, and contribute to an improved landscape character.

Minimal change areas are zoned Neighbourhood Residential Zone. In these areas new development must be designed to contribute to a lower density, open and landscaped character.

To provide housing diversity and choice across the municipality, Council encourages increased residential densities within the activity centres listed below and identified on the Strategic Framework Plan (Maps 1A and 1B) in clause 21. In these 'Centres for Growth', neighbourhood character is expected to change over time, commensurate with the role and size of the centre in the overall network of centres.

- Coburg Activity Centre
- Brunswick Activity Centre
- Glenroy Activity Centre
- Grantham / Union Streets, West Brunswick NAC
- Melville Rd / Albion St / Victoria St, West Brunswick NAC
- Moreland Rd / Nicholson St, Coburg / Brunswick NAC
- Bell St / Melville Rd, Pascoe Vale South NAC
- Gaffney St / Pascoe Vale Station, Pascoe Vale NAC
- Gaffney / Sussex Streets, Coburg North NAC
- West Street, Hadfield NAC
- Bonwick Street, Fawkner NAC
- Snell Grove, Oak Park LAC
- Merlynston LAC
- Melville / Moreland Roads, West Brunswick LAC

Coburg, Brunswick and Glenroy Activity Centres should accommodate a significant increase in medium and higher density housing in accordance with the Coburg Place Framework 2010 and Central Coburg 2020 Structure Plan, 2006, the Brunswick Structure Plan 2010 and Addendum 2012 and the Glenroy Structure Plan 2008. These plans define the boundary for the relevant centre which is the total extent of the area 'in and around' each centre where significant change is encouraged. The preferred built form to be achieved within the boundaries has also been defined.

Neighbourhood Activity Centres are planned to accommodate an increase in housing supply and are preferred locations for increased density housing, although at a lesser rate of change to the three larger centres.

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Three Local Activity Centres (LACs) as listed above, have also been identified as suitable for increased density housing due to their mix of uses combined with their location in conjunction with a train station or tram stop.

Council is currently working to define the exact extent of area around the NACs and LACs identified for growth where increased housing densities will be encouraged. This work will be implemented by the new residential zones. In the interim, areas within a reasonable walking distance (i.e. about 400 metres from the centre of the activity centre, taking into account physical barriers) will be considered for increased density housing.

Beyond the above activity centres identified as suitable to accommodate housing intensification, only incremental change will be accommodated and new development must be designed to respect existing neighbourhood character, and contribute to an improved landscape character.

22.01-2

Policy Objectives

Substantial Change Areas (Commercial, Mixed Use and Residential Growth Zones)Coburg, Brunswick and Glenroy Activity Centres

- To facilitate support substantial change and create a new character of increased density and scale of built form, as defined in the relevant Structure Plan and/or Place Framework.

Neighbourhood and Local Activity Centres for Growth

- To allow for incremental support incremental change towards a new character to accommodate buildings of up to and including four storeys, having regard to interfaces with adjoining sites/zones.
- To facilitate an increase in housing density at a lesser intensity to the larger centres of Coburg, Brunswick and Glenroy, within approximately 400m of the Neighbourhood and Local Centres for Growth (as listed in clause 22.01-1 Policy Basis above).

Incremental Change Areas (General Residential Zone)**Outside Centres for Growth**

- To support incremental change to accommodate a mix of single dwellings and infill multi dwelling developments of up to two storeys.
- To ensure that the scale and siting of new development respects existing neighbourhood character.
- To ensure that the design and landscaping of new development in residential zones contributes to an enhanced 'green, leafy' landscape character.

Minimal Change Areas (Neighbourhood Residential Zone)

- To support minimal change to maintain a mix of single dwellings and lower density multi dwelling developments of up to two storeys.
- To ensure that the scale and siting of new development respects existing neighbourhood character.
- To ensure that the design and landscaping of new development contributes to a lower density, open and 'green, leafy' landscape character.

22.01-3

Policy

It is policy to:

Substantial Change Areas (Commercial, Mixed Use and Residential Growth Zones)Coburg, Brunswick and Glenroy Activity Centres

- Ensure new development is designed to meet the relevant built form provisions set out in any relevant Structure Plan and/or Place Framework.

Comment [LN1]: Change linked to C152 - DTPLI have advised us to leave all this to MSS, no need to repeat again in local policy.

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MORELAND PLANNING SCHEME

Neighbourhood and Local Activity Centres for GrowthCommercial Zone areas

- Ensure building height does not exceed 4 storeys unless it can be demonstrated that:
 - The prevailing height of surrounding buildings is 5 or more storeys, in which case the prevailing height should not be exceeded; or
 - The site is large enough to allow the ~~off-site visual~~ impacts of the development to be mitigated through the design response. In such cases, the building height at the interface with adjoining properties should not exceed 4 storeys.

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Residential Growth Zone areas

- Ensure building height ~~is in accordance with the height in the schedule to the zone, does exceed 2 storeys unless it can be demonstrated that:~~
 - ~~The prevailing height of surrounding buildings is 3 or more storeys, in which case the prevailing height should not be exceeded; or~~
 - ~~The site is large enough to allow the off-site impacts of the development to be mitigated through the design response. In such cases, the building height at the interface with adjoining properties should not exceed 2 storeys.~~

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Incremental and Minimal Change Areas (General and Neighbourhood Residential Zones)Outside Centres for GrowthCommercial Zone areas (Local Activity Centres not designated for growth)

- Ensure building height does not exceed 3 storeys unless it can be demonstrated that the site is large enough to allow the ~~off-site visual~~ impacts of the development to be mitigated through the design response. In such cases, the building height at the interface with adjoining properties should be no more than 3 storeys.

General and Neighbourhood Residential Zone areas

- ~~Ensure building height is in accordance with the height in the schedule to the zone.~~
- Ensure new development is designed to respect the prevailing built form scale, siting and appearance of the surrounding context, particularly with regard to front and side setbacks of surrounding buildings and openness of rear yards, as documented in the Neighbourhood and Site Description.
- ~~Ensure building height does not exceed 2 storeys unless it can be demonstrated that:~~
 - ~~The prevailing height of surrounding buildings is 3 or more storeys, in which case the prevailing height should not be exceeded; or~~
 - ~~The site is large enough to allow the off-site impacts of the development to be mitigated through the design response. In such cases, the building height at the interface with adjoining properties should be no more than 2 storeys.~~
- Ensure development in rear yards is single storey unless it can be demonstrated that:
 - the prevailing character is not one of open rear yards and garden outlooks; or
 - the building envelope respects the existing character of open rear yards and garden outlooks. This should be through provision of generous side and rear setbacks and private open space in excess of Clause 55 standards to increase the space for screen tree planting, and sensitive design of the upper levels with adequate articulation, setbacks and materials to minimise visual bulk impacts as seen from neighbouring rear secluded open spaces.
- Ensure new development is designed, as confirmed on a landscape plan, to:
 - include planting in the front setback of at least one ~~medium to large sized tree, with spreading canopy~~ selected in accordance with the Moreland Tree Planting Manual for Residential Zones 2014; and
 - maximise opportunities for tree planting in side and rear setbacks, and

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- if located in the NRZ, include planting of one tree in the secluded private open space of each dwelling, selected in accordance with the Moreland Tree Planting Manual for Residential Zones 2014.
- ~~Ensure car parking facilities (crossovers, accessways, garages and carports) do not dominate the streetscape.~~
- ~~Ensure vehicle crossing provision limits the removal of on street public parking spaces, removal of street trees, and encroachment into landscaped front setbacks, and maximises pedestrian safety and sight lines.~~
- ~~Ensure waste storage areas are screened from view of the street.~~
- Neighbourhood Residential Zone areas
- ~~Ensure new development provides secluded private open space in accordance with the schedule to the zone, to contribute to a lower density, open character.~~
- All Areas
- ~~Ensure car parking facilities (crossovers, accessways, garages and carports) do not dominate the streetscape.~~
- ~~Ensure vehicle crossing provision limits the removal of on street public parking spaces, removal of street trees, and encroachment into landscaped front setbacks, and maximises pedestrian safety and sight lines.~~
- ~~Ensure waste storage areas are screened from view of the street.~~

Comment [LN2]: Moved to below – applies to all areas.

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22.01-4 Policy References

Brunswick Structure Plan 2010 and Addendum 2012

Glenroy Structure Plan 2008

Central Coburg 2020 Structure Plan 2006

Coburg Place Framework 2010

Moreland Activity Centre Framework 2014

Moreland Landscape Guidelines 2009

Moreland Tree Planting Manual for Residential Zones 2014

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Moreland Tree Planting Manual for Residential Zones

(4 December 2014 – Version for Council Adoption)

1.0 Introduction

This Manual has been prepared to provide guidance to planning permit applicants about the recommended size and species of trees to be included in landscape plans to meet the landscape requirements of the schedules to the Residential Zones. The information contained in this Manual is based on the Moreland Street Landscape Strategy (adopted 8 August 2012).

Moreland's schedules to the residential zones require the planting of suitable trees in certain locations, including:

- Front setbacks
- Side and rear setbacks
- Secluded private open space

Depending on the specific schedule, tree planting will be required in at least one of the above locations. The requirements of the relevant schedule should be referred to for confirmation of the extent of tree planting to be confirmed on landscape plans. Landscape plans are required to be submitted with permit applications.

2.0 Matching Tree Size to Available Space

The space available for tree planting will differ depending on the size of building setbacks from property boundaries and the size of secluded private open.

The matrix in figure 1 below should be used to guide whether a large, medium or small tree should be selected. Once size of tree is determined, the tree species selection can be made (refer section 3.0 and the recommended species lists in Appendix 1).

The Tree Planting Space Matrix defines the space available to grow a tree and fits the most appropriate sized tree into the space based on the fundamental design parameter of using the largest acceptable tree in each planting situation.

The Tree Planting Space Matrix combines the width and depth of the space available for the tree to provide sufficient space for the trunk and main structural roots and for tree canopy growth. It assumes the same amount of space is available at ground level and canopy level.

A minimum planting bay of 600mm is required.

Figure 1. Tree planting space matrix

		Width of available space		
		> 4 metres	3-4 metres	1.8-3 metres
Depth of available space	> 4 metres	L	L or M	VS
	3-4 metres	S or M	S or M	VS
	1.8-3 metres	VS	VS	VS

Note. Where there is less than 1.8m dimension, there is insufficient room for tree planting.

2.1 Tree Size

Four basic tree size categories were developed based on the actual dimensions of available or commonly used trees and the space typically available. The four size categories are:

1. Very small: 6 or less metres tall by 6 or less metres wide
2. Small: 6 to 8 metres tall by 5 to 10 metres wide
3. Medium: 8 to 15 metres tall by 8 to 18 metres wide
4. Large: 15 or more metres tall by 15 or more metres wide

Tree sizes at maturity have been estimated. Obviously tree growth varies from one individual to another and between populations and different provenances, so wherever possible sources of trees have been identified to reduce the likelihood of trees growing much larger than anticipated.

2.2 Overhead Services

Only very small trees (6 metres or less tall by 6 metres or less wide) are recommended where overhead services exist. In general, planting trees under overhead services should be avoided.

3.0 Recommended Tree Species

The tree size matrix in section 2.0 above should be used to determine what sized tree is suitable for the available space. Once the right size is determined, the species can be selected. The recommended species lists in Appendix 1 are grouped into different sized trees.

The recommended species include a combination of indigenous, Australian native and exotic tree species that have shown to perform well in Moreland. It provides a basis for selection but is not intended to be exhaustive.

Selection of appropriate species should also consider site orientation and whether deciduous or evergreen species are more suitable to allow for summer sun and winter shading to north and west facing windows and open space.

Trees considered to be environmental weeds must not be planted. Species with weed potential or a tendency to sucker should not be planted within creek buffer zones or other environmentally sensitive areas. This applies to the following species in Appendix 1:

- *Celtis australis* and *C. occidentalis*
- *Robinia pseudoacacia*
- *Gleditsia triacanthos*
- *Olea europaea*
- *Casuarina cunninghamiana*
- *Ulmus procera*
- *Platanus xacerifolia*

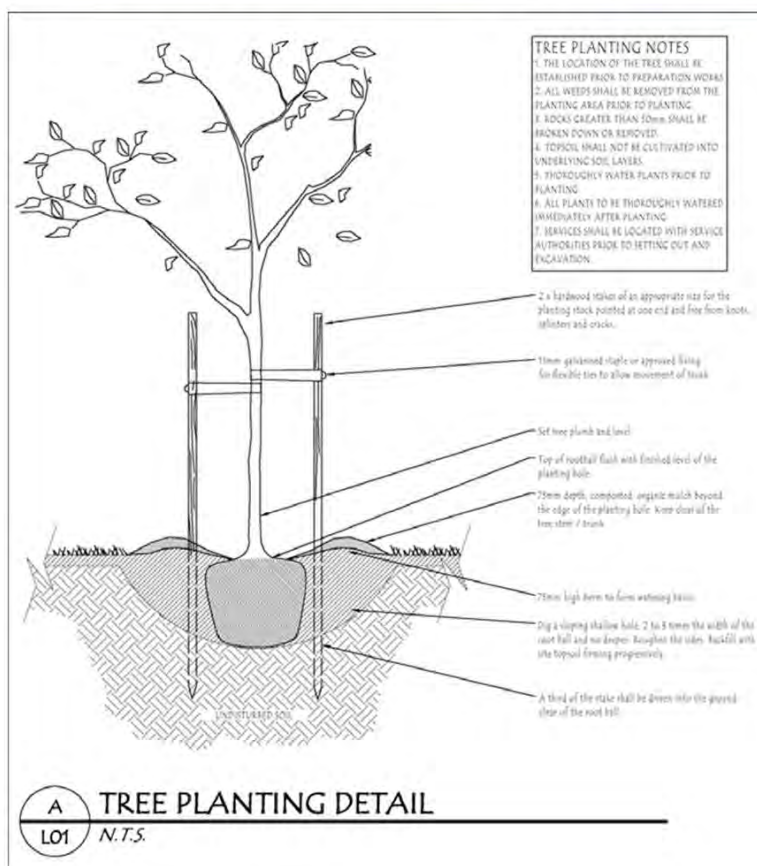
Trees must be able to survive with natural rainfall. Reliance on irrigation systems is not supported.

4.0 Tree Planting and Establishment Methods

4.1 Tree Planting Details

Trees at planting should be at least:

- Height – 1 metre
- Caliper width – explain what this is and provide min standard
- Rootball - must provide enough ballast to support the tree (be more specific and use plain English to explain what this means)
- A minimum planting bay of 600mm is required. (Define what a 'planting bay' is)



4.2 Tree Maintenance

Landscape Plans should include an establishment maintenance plan. An example of a two year establishment maintenance plan is shown in the table below.

Activity	Year 1 – Number of visits	Year 2 – Number of visits
Watering	30	20
Weed control	2	1
Mulch top up	2	1
Formative pruning	-	1
Stake removal	-	1
Water well removal	-	1
Tree tie removal	-	1

The major limitations to root spread will be soil compaction from development works.

The planting hole can be dug with a number of different pieces of equipment. Recently the use of chain trenchers has become common. These devices will dig a hole of this type readily, in most soils, and will leave the excavated soil in a good tilth condition for backfilling after planting. In the sandy and loam soils in Moreland holes can be dug at most times of the year. In the basalt clay soils holes are best pre-dug during summer while the soil is dry.

Unamended site soil is recommended as backfill in all planting situations. Organic and other amendments are generally of no value and may make the planting environment worse. If organic amelioration of site soil was desired, shallow incorporation of composted organic matter (surface 100 mm only) is recommended. Surface application of organic mulches is a preferred option.

If site soil cannot be used for backfilling the planting hole, a low organic matter sandy soil is recommended. The drainage rate of this soil should be no less than 5 mm /h.

Drainage will not be required in most planting holes unless the tree is not suited to the drainage characteristics of the site or is of a very large size requiring excavation into underlying clay subsoil. Drainage will be required where trees are being planted into rain garden planters for water quality treatment of runoff water.

Improving soil conditions for trees growing in paved areas

One simple way of improving tree soil conditions is the use of raised planters that provide an improved soil volume in the root flare area and zone of rapid taper. This approach also reduces soil compaction around the base of the tree by reducing pedestrian access. If such an approach is used it is essential that the soil in the raised planter is connected to a larger soil volume below the paving.

Appendix 1. Recommended Species List

Small trees maturing to <8m

SPECIES DETAIL

CHARACTERISTIC FORM

<i>Acacia pendula</i> Silver Myall	Native Evergreen	Rounded, small, evergreen tree to 6m, with pendulous branches and attractive silver foliage. The tree is drought tolerant and probably one of the longer lived acacias.
<i>Acer buergerianum</i> Trident Maple	Exotic Deciduous	Oval to upright, moderately dense medium sized tree to 8m. The form would suit restricted sites however will require pruning under power lines. Autumn colour is an attractive orange-red.
<i>Acer campestre</i> Hedge Maple	Exotic Deciduous	Oval to round, dense small to medium sized tree to 7m with yellow autumn foliage. Probably suitable under power lines
<i>Acer monspessulanum</i> Montpelier Maple	Exotic Deciduous	Dense large shrub to small tree to 6m with a rounded crown and red-orange autumn foliage.
<i>Agonis flexuosa</i> West Australian Willow Myrtle	Native Evergreen	Broad spreading, multistemmed, semi pendulous small tree to 8m. Attractive small, white flowers cluster along stems from spring to summer.
<i>Agonis flexuosa</i> 'Burgundy' Burgundy Willow Myrtle	Native Evergreen	Broad spreading semi pendulous small tree with strong burgundy new growth. Attractive small, white flowers cluster along stems from spring to summer.
<i>Agonis flexuosa</i> 'Jervis Bay After Dark' After Dark Willow Myrtle	Native Evergreen	Broad spreading semi pendulous small tree with burgundy to purple coloured foliage all year round. Attractive small, white flowers cluster along stems from spring to summer.
<i>Allocasuarina verticillata</i> Drooping She-Oak	Indigenous Evergreen	Small rounded spreading tree to 6-8m with an open canopy and needle-like, dark green foliage.
<i>Callistemon Cultivars</i> Bottlebrush	Native Evergreen	Large shrubs to small rounded trees to 4-8m. There are many cultivars with varying flower colours, foliage and habits. Cultivars include: 'Dawson River Weeper', 'Endeavour', 'Hannah Ray', 'Harkness', 'Kings Park Special', 'Mauve Mist' and 'Rose, Opal'.
<i>Callistemon sieberi</i> River Bottlebrush	Indigenous Evergreen	Open to dense semi weeping shrub or small tree to 4-7m. Flowers are spikes of cream to pink borne from late spring to late autumn.
<i>Callistemon viminalis</i> Weeping Bottlebrush	Native Evergreen	Rounded small tree to 5m, with crimson bottlebrush flowers and pendulous foliage.
<i>Catalpa bignonioides</i> 'Nana' Dwarf Indian Bean Tree	Exotic Deciduous	Top-grafted small tree to 2-4m with large, lush, leaves and a rounded habit, suitable for restricted locations.
<i>Eucalyptus forrestiana</i> Fuchsia Mallee	Native Evergreen	Small mallet or mallee eucalypt less than 8m tall. The canopy is open and rounded with showy, pendulous orange-red flowers. The fruits are persistent on the tree and remain an orange-red colour.
<i>Eucalyptus macrandra</i> River Yate	Native Evergreen	Small tree or mallee to 3-6m with silvery green glossy foliage. The yellow flowers are in dense clusters from summer to autumn and the smooth grey bark peels to reveal coppery patches.
<i>Eucalyptus platypus</i> Moort	Native Evergreen	Small, dense and rounded tree to 6-10m. The leaves are small, round and glossy green and the trunk is glossy green to copper in colour.
<i>Eucalyptus risdonii</i> Risdon Peppermint	Native Evergreen	Small, short-trunked irregular tree reaching a height of 6-8m with grey-green adult foliage higher in the canopy.

Small trees maturing to <8m

SPECIES DETAIL

Eucalyptus torquata
Coral Gum

Native
Evergreen

Ficus microcarpa var. *hillii*
Hills Fig

Native
Evergreen

Fraxinus ornus
Manna Ash

Exotic
Deciduous

Gleditsia triacanthos
'Sunburst'

Sunburst Honey Locust

Exotic
Deciduous

Hakea bucculenta
Hot Pokers

Native
Evergreen

Hakea petiolaris
Sea Urchin Hakea

Native
Evergreen

Lagerstroemia Hybrids
Crepe Myrtle

Exotic
Deciduous

Malus ioensis 'Plena'
Ornamental Apple

Exotic
Deciduous

Olea europaea
Olive

Exotic
Evergreen

Prunus xblireana
Double Flowering Plum

Exotic
Deciduous

Robinia pseudoacacia
'Inermis'

Mop Top Robinia

Exotic
Deciduous

Tristaniaopsis laurina
Water Gum

Native
Evergreen

CHARACTERISTIC FORM

Small open tree to 6-8m tall. The foliage is olive green and the flowers are a pinkish orange in colour throughout spring and summer.

This fig is traditionally planted in streets and pruned into a round ball approximately 2m in size. Trees are usually only 2-4m tall. The foliage is a lustrous, bright green.

Small, rounded tree to 7-9m tall. Foliage is a lush green without showy autumn colour. The white flowers are showy and borne in dense clusters.

Upright spreading small tree to 8m with light yellow-green fine leaflets.

Large shrub or small tree to 3-4m with an upright habit. The leaves are linear and stand vertical on the tree. The flowers are striking pink 'pokers' borne in winter.

Shrub or small dense tree to 4-5m tall. Foliage is grey-blue, elliptical to almost round. Flowers are showy, pink and white in balls that resemble 'sea urchins'.

Multistemmed widespreading tree to 6-8m tall. The flowers are very showy in summer and the autumn colour is quite striking. Cultivars include, 'Lipan', 'Natchez', 'Sioux', 'Tuscarora', 'Yuma' and 'Zuni'.

Small oval to rounded tree to 4-5m tall. The double flowers are showy in spring and the foliage displays striking autumn colour.

Small upright tree to 6-7m tall. The foliage is a silvery green and the trunk forms a twisted gnarled look with age. Two selections are almost fruitless, 'Swan Hill' or 'Tolley's Upright'.

Small tree to 4-6m tall, the double pink flowers in spring give way to bronzy-purple foliage.

Top-grafted small tree to 3-4m, producing a straight clean trunk and a large 'ball' of foliage at 2-3m. Can be striking when planted as an avenue.

Rounded to broad spreading small to medium tree to 8m. The foliage is glossy and green and the trunk often forms a gnarled and mottled appearance with age.

SPECIES DETAIL

<i>Acacia implexa</i> Lightwood	Indigenous Evergreen	Small to medium erect evergreen tree to 8m tall, with dense bright green foliage and creamy acacia flowers from summer to autumn.
<i>Acacia melanoxylon</i> Blackwood	Indigenous Evergreen	Upright to spreading dense medium to large tree, with dark green foliage. Performs best with supplementary water during establishment.
<i>Acer truncatum</i> x <i>A. platanoides</i> 'Warrenred' Pacific Sunset Pacific Sunset Maple	Exotic Deciduous	Rounded to oval medium-sized tree to 8m providing attractive autumn colour.
<i>Allocasuarina littoralis</i> Black She-Oak	Indigenous Evergreen	Upright conical small tree to 8-10m with needle-like, dark green foliage and a trunk developing hard furrowed bark.
<i>Banksia integrifolia</i> Coastal Banksia	Native Evergreen	Erect small to medium tree to 6-10m. Foliage is green on the top and white underneath. Flowers are yellow spikes borne throughout the year.
<i>Brachychiton acerifolius</i> Flame Tree	Native Semi-deciduous	Erect oval to conical medium sized tree to 8-12m. The tree can be deciduous from late winter to summer. The leaves are large with 3-7 lobes and the flowers are bright scarlet in terminal panicles from late spring to early summer.
<i>Brachychiton discolor</i> Queensland Lacebark Tree	Native Semi-deciduous	Dense conical tree to 15m tall with large, mostly palmate leaves that are green on the top side and hairy and white on the underside. Flowers are small 3-4cm long and orange-red to pink over summer.
<i>Brachychiton populneus</i> Kurrajong	Native Evergreen	A medium-sized upright to oval canopied tree with a large trunk to 10-12m tall. The leaves are mostly small and bright green, flowers are inconspicuous.
<i>Callistemon salignus</i> Willow Bottle Brush	Native Evergreen	Upright rounded large shrub to small tree to 9m. The foliage is a bright green with new foliage pink. Flowers are small, yellow bottlebrushes and the bark is papery and peeling.
<i>Celtis australis</i> Nettle Tree	Exotic Deciduous	Broad-crowned tree to 10-12m tall. The bark is smooth and grey, foliage is green and rough with serrated margins.
<i>Celtis occidentalis</i> Hackberry	Exotic Deciduous	Broad-crowned tree to 10-15m tall. The bark is grey and furrowed with age, foliage is green and glossy with serrated margins.
<i>Corymbia eximia</i> Yellow Bloodwood	Native Evergreen	Rounded tree to 10-12m tall with pendulous, blue-green, sickle-shaped foliage. Masses of creamy flowers are borne on the outside of the canopy in spring.
<i>Corymbia ficifolia</i> Red Flowering Gum	Native Evergreen	Dense rounded tree to 8-10m. Masses of pink, red or orange flowers are borne on the outside of the canopy over summer.
<i>Eucalyptus leucoxylon subsp. connata</i> Yellow Gum	Indigenous Evergreen	Medium upright to oval tree to 12m with an open canopy and creamy yellow flowers from winter to spring. The bark is more or less smooth with some rough basal peeling bark, white to grey in colour.
<i>Eucalyptus polyanthemus subsp. vestita</i> Red Box	Indigenous Evergreen	Round-headed to upright eucalypt to a height of 10-12m. Adult leaves are a slate grey colour and bark is rough 'box'.

Medium-sized trees maturing to 8-15m

SPECIES DETAIL

CHARACTERISTIC FORM

<i>Eucalyptus pulchella</i> White Peppermint	Native Evergreen	Medium sized, oval to rounded tree to 10-15m with an open canopy. The trunk mostly smooth and white and the leaves are narrow and pendulous creating a weeping effect.
<i>Eucalyptus scoparia</i> Wallangarra Gum	Native Evergreen	Medium to tall open tree to 12-18m tall. Trunk is a powdery white and the foliage is semi-pendulous and green in colour.
<i>Fraxinus excelsior</i> 'Aurea' Golden Ash	Exotic Deciduous	Small to medium, slow growing tree 8-10m tall. New stems are yellowish in colour with almost black winter buds. Foliage is bright green turning golden in autumn.
<i>Fraxinus pennsylvanica</i> 'Urbdel' Urbanite™ Urbanite Green Ash	Exotic Deciduous	Medium sized tree 10-12m with large, pinnate, bright green leaves. Autumn colour is variable from yellow to deep burgundy.
<i>Gleditsia triacanthos</i> 'Shademaster' Shademaster Honey Locust	Exotic Deciduous	Vigorous growing, open spreading tree to 10-12m tall. Foliage is divided into small leaflets that provide yellow autumn colour.
<i>Hymenosporum flavum</i> Native Frangipani	Native Evergreen	Small to medium-sized tree 6-10m tall. Glossy, dark green foliage and small, fragrant, yellow flowers in spring.
<i>Jacaranda mimosifolia</i> Jacaranda	Exotic Deciduous	Small to medium-sized spreading tree to 8-12m with an open canopy. The foliage is divided into many fine leaflets. The lilac-blue flowers are very showy and are borne on the outside of the canopy in late spring to summer.
<i>Lophostemon confertus</i> Queensland Brush Box	Native Evergreen	Rounded, sometimes multistemmed, dense tree to 12-16m. The foliage is a glossy, dark green and the bark peels to reveal an orange-pink trunk.
<i>Melia azederach</i> White Cedar	Native Deciduous	Small to medium umbrella shaped tree to 9-14m tall that performs well in urban conditions. The leaves are large and finely divided into small leaflets. The tree has mauve flowers in spring and fruit mature over summer and hang on the tree.
<i>Pyrus calleryana</i> 'Aristocrat' Aristocrat Callery Pear	Exotic Deciduous	Oval to pyramidal small to medium tree to 10-12m tall. White flowers amass the stems in spring followed by bright green foliage. The autumn colour varies from yellow to red.
<i>Pyrus calleryana</i> 'Capital' Capital Callery Pear	Exotic Deciduous	Narrow, upright small tree to 10m. White flowers amass the stems in spring followed by bright green foliage. The autumn colour varies from yellow to purplish-red.
<i>Pyrus calleryana</i> 'Glen's Form' Chanticleer® Chanticleer Callery Pear	Exotic Deciduous	Upright oval small to medium tree to 12m. White flowers amass the stems in spring followed by bright green foliage. The autumn colour varies from yellow to purplish-red.
<i>Ulmus parvifolia</i> Chinese Elm	Exotic Semi-deciduous	Pyramidal to oval small to medium tree to 12m. The foliage is fine and is usually held on the tree over winter. If not managed the form can become very wide and spreading.
<i>Zelkova serrata</i> Zelkova	Exotic Deciduous	Semi-upright oval to vase shaped tree to 10-14m tall with small serrated leaves that turn yellow and red in autumn. Ornamental trunk is grey peeling to reveal reddish underneath.

Large trees maturing to >15m

SPECIES DETAIL

Angophora costata
Smooth-barked Apple Myrtle

Native
Evergreen

Casuarina cunninghamiana
River She-Oak

Native
Evergreen

Corymbia citriodora
Lemon-scented Gum

Native
Evergreen

Corymbia maculata
Spotted Gum

Native
Evergreen

Eucalyptus mannifera
Brittle Gum

Native
Evergreen

Eucalyptus melliodora
Yellow Box

Indigenous
Evergreen

Eucalyptus sideroxylon
Red Ironbark

Native
Evergreen

Maclura pomifera 'Witchita'
Witchita Osage Orange
'Witchita'

Exotic
Deciduous

Platanus orientalis
Plane

Exotic
Deciduous

Platanus xacerifolia
London Plane

Exotic
Deciduous

Quercus ilex
Holm Oak

Exotic
Evergreen

Quercus palustris
Pin Oak

Exotic
Deciduous

Quercus robur 'Fastigiata'
Fastigate English Oak

Exotic
Deciduous

Ulmus procera
English Elm

Exotic
Deciduous

CHARACTERISTIC FORM

Medium to large rounded tree with twisting branches to 12-25m. Showy cream flowers are borne on the outside of the canopy and the bark peels to reveal an orange pink trunk.

Tall, upright, somewhat pine-like tree to 12-18m with needle-like, dark green foliage. The overall appearance of mature specimens is often pendulous.

Narrow open medium to large, graceful tree to 20-25m. The trunk is smooth grey to white and the foliage smells strongly of lemon when crushed.

Medium sized to very tall upright tree to 25m with smooth mottled grey and dark grey trunk. The canopy is dense with large dark green eucalypt type leaves.

Medium to tall open tree to 12-18m tall. Trunk is a powdery white and the foliage is semi-pendulous and blue-green in colour.

Medium to tall open tree to 20-25m. The bark is rough and tightly held to the trunk and the foliage is semi-pendulous.

Medium to tall forest tree to 12-25m. Mature trunks have deeply furrowed firmly attached reddish black bark. The foliage is a blue-green with red to cream flowers produced from winter to spring.

Medium to tall, broad-crowned tree to 10-16m tall. The foliage is large and lush, bright green over summer and turns butter yellow through autumn. The selection is fruitless and thornless.

Pyramidal to rounded medium to large tree to 15-25m with deeply lobed foliage. The bark forms a patchy mosaic of creams, greens and greys and is attractive.

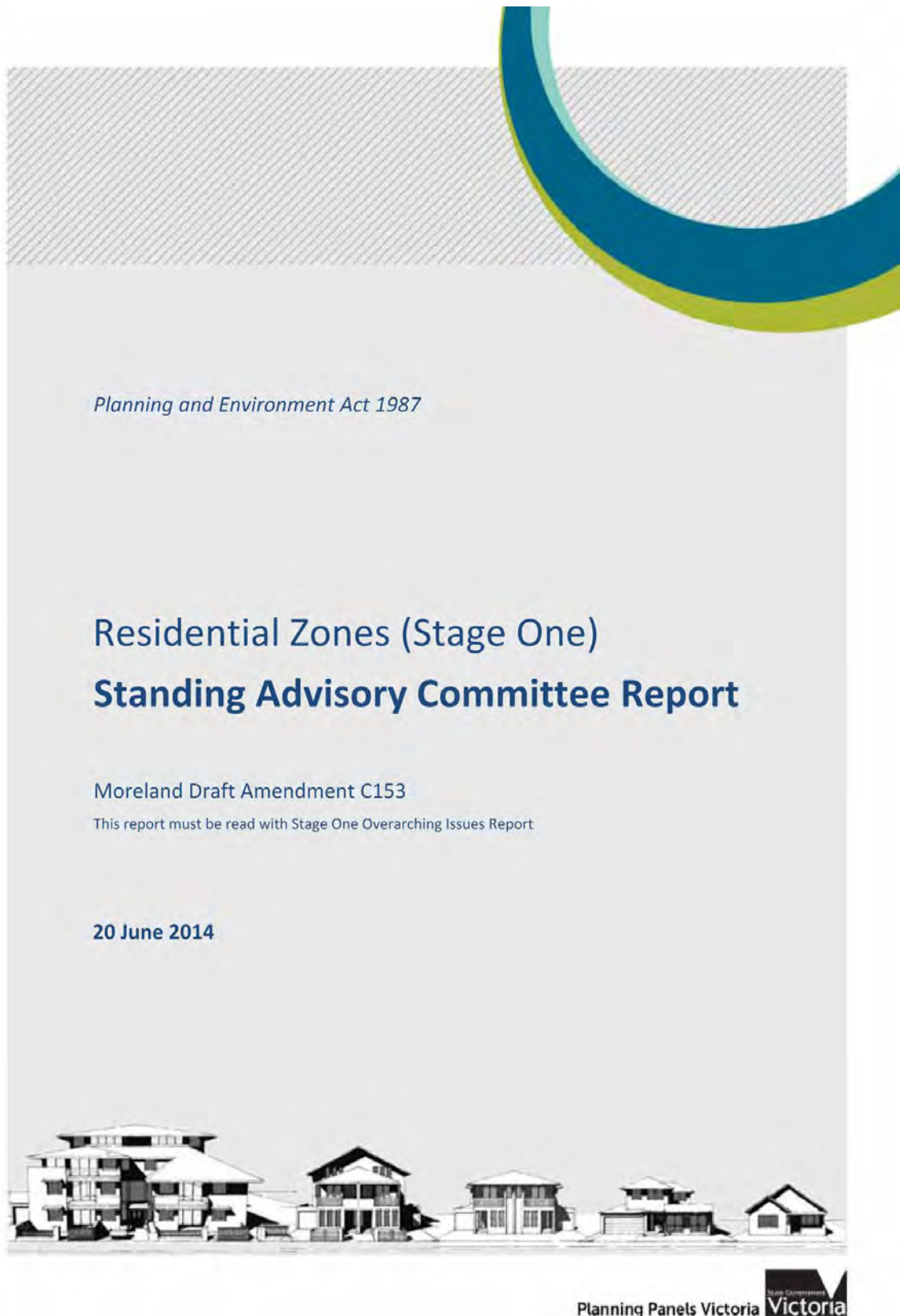
Rounded medium to large tree to 15-25m with maple like foliage. The bark forms a patchy mosaic of creams, greens and greys and is attractive.

Slow growing medium to large tree developing a rounded canopy to 14-16m tall. Small leaves are a dark, glossy green with a lighter underside.

Broadly pyramidal medium to tall tree to 18-20m tall. Leaves are heavily lobed and provide a good autumn display.

Narrow, upright tree to 10-15m with small lobed leaves. Autumn foliage colour is not exceptional.

Dense, rounded tree to 15-20m tall. Rounded, dark green, serrate leaves of varying size turn yellow in autumn.



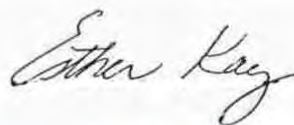
Planning and Environment Act 1987

Advisory Committee Report pursuant to Section 151 of the Act

Residential Zones Standing Advisory Committee Report (Stage One)
Moreland Draft Amendment C153



Sue Porter, Chair



Esther Kay, Member

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List of Abbreviations

ACZ	Activity Centre Zone
the Committee	The Residential Zones Standing Advisory Committee
DDO	Design and Development Overlay
DPO	Development Plan Overlay
Draft Amendment	Draft Amendment C153 to the Moreland Planning Scheme
DTPLI	Department of Transport, Planning and Local Infrastructure
EMO	Environmental Management Overlay
ESD	Environmentally Sustainable Development
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
HO	Heritage Overlay
LAC	Local Activity Centre
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MSS	Municipal Strategic Statement
NAC	Neighbourhood Activity Centre
NRZ	Neighbourhood Residential Zone
PN78	Practice Note 78, Applying the Residential Zones, December 2013
PPTN	Principal Public Transport Network
PTV	Public Transport Victoria
R1Z	Residential 1 Zone
ResCode	Clauses 54 and 55 of the VPP
RGZ	Residential Growth Zone
SBO	Special Building Overlay
SPPF	State Planning Policy Framework
VIF	Victoria in Future

Summary and recommendations

Moreland City Council is one of 14 councils that have taken advantage of the Residential Zones Standing Advisory Committee process to prepare a draft planning scheme amendment using the three new residential zones; the Residential Growth Zone, the General Residential Zone and the Neighbourhood Residential Zone.

The Committee's *Stage One Overarching Issues Report* outlines the background to the development of the zones, their purposes and schedule templates, the policy context in which they are to be applied, relevant Practice Notes, and the Statewide issues identified through submissions to the Committee and the Committee's public hearings.

This report focuses on draft Amendment C153 to the Moreland Planning Scheme and must be read in conjunction with the Committee's *Stage One Overarching Issues Report*.

The Committee is impressed by the extent of the strategic work that Council has undertaken over the past 10 years to create, support and articulate a contemporary strategic planning framework for the municipality. Some findings and recommendations in this report may appear critical; however, the Committee has sought to provide guidance to Council to support the ultimate implementation of the new residential zones into the Moreland Planning Scheme. Council's extensive strategic work to date provides a solid base to undertake necessary further strategic work.

The preparation of draft Amendment C153 to the Moreland Planning Scheme has been guided by advice from government, but it has also occurred during a time when a new metropolitan planning strategy, *Plan Melbourne*, was being finalised which sets out the State government's vision for the longer term planning of the City and contains policy expectations that differ in some ways from the previous metropolitan policy. The final *Plan Melbourne* strategy was released in May 2014, and was introduced in the State Planning Policy Framework through Amendment VC106.

The Committee appreciates that Council has had to promptly respond to the changing policy framework and consider how *Plan Melbourne* should guide the application of the new residential zones in Moreland. The updated *Victoria in Future* population and dwelling forecasts for local government areas to 2031, released in early June 2014, indicates that Moreland will have significantly more demand for housing than was previously anticipated. It is against this background that the Committee has undertaken its review of the draft Amendment.

The Council has a number of documents that as yet have no formal status in the planning system and there are several planning scheme amendments still to be resolved. Council is attempting to deal with this by rewriting its Municipal Strategic Statement and local planning policies through Amendment C152, which is currently with the Minister for Planning for approval. It is intended that this amendment will update the strategic planning framework sufficiently so that it is more consistent with recent strategic work. Council's strategic work will be implemented through a series of further amendments.

Generally, where relevant strategic work is not available to support the application of the Residential Growth Zone, the General Residential Zone and the Neighbourhood Residential

Zone, the draft Amendment can be assessed against the existing strategic planning frameworks currently contained in the local Planning Scheme. Due consideration has been given to new work, but where it is not already in the scheme or there is insufficient detail to support application of the zones, the Committee has not supported application of the zones based on this work alone. Likewise, the Committee has looked for specific policy to support the content of proposed zone schedules, whether this is a height limit, a density control (Neighbourhood Residential Zone only) or a variation of a ResCode standard. Where the Committee has been unable to find a direct link to an existing policy, the Committee has not supported this change.

In Moreland's case, the Committee has concluded that the Residential Growth Zone and the Neighbourhood Residential Zone cannot be strategically justified at this time. Instead the Committee has recommended translating the Residential 1 Zone to the General Residential Zone and supports one variation to the zone schedules, Standard B13 - Landscaping. The Committee encourages Council to continue with its strategic work and to work through the following issues in its consideration of the Committee's report:

Plan Melbourne's vision and planning framework

The Committee suggests that it would assist Council to take a step back from its local strategic planning work and amendments and assess the opportunities presented by *Plan Melbourne*. The planning framework that *Plan Melbourne* presents aligns reasonably well with the strategic planning framework that the Council is trying to build. There are some differences to resolve, but the Committee's view is that Council's strategic framework will be stronger if it can be linked to *Plan Melbourne's* issue - and spatially-based policies and demonstrate achievement of that plan's objectives. This is particularly relevant to determining the role that Moreland plays in delivering employment, services, amenity and housing and in supporting public transport improvements. Striking a balance between competing objectives be a challenge, but the *Plan Melbourne* framework may provide a way forward for Council.

A Housing Strategy for Moreland

One of the most important conclusions of this Committee has been the difficulty in making an assessment of the appropriateness of a residential zone when it is not clear what role the land in question should play in meeting overall housing needs including housing quantity, quality, diversity, affordability, accessibility and choice. This is discussed in the Committee's *Stage One Overarching Issues Report*.

It is difficult to assess the appropriate mix of zones and the extent of their application in the absence of a comprehensive, municipal housing strategy that takes account of housing in all zones and works through the housing mix needed to meet the needs of the Moreland population into the future, and how Moreland contributes to the housing needs of the broader metropolitan region. For example, the Committee is unable to determine whether the Neighbourhood Residential Zone should be used to protect lower density housing when the role of this housing and the effect protection will have on the long term housing needs of the city have not been fully analysed. It may be an appropriate use of the zone, but leaving heritage and neighbourhood character considerations aside, the argument has not

been made in terms of *housing needs* because it is not clear what role this housing should play in the housing mix.

Plan Melbourne identifies that the Metropolitan Planning Authority will be responsible for the metropolitan housing picture and the Committee has found the absence of a regional context difficult. Council is encouraged to seek advice and assistance from the government in preparing a housing strategy.

Integrating planning provisions within defined spatial areas

Council is proceeding with amendments to implement the Coburg and Brunswick Structure Plans and presumably Glenroy will follow. Structure Plans have defined spatial boundaries. Likewise Council is finalising boundaries for the smaller activity centres where growth is to be directed. It has struck the Committee, particularly with regard to the Structure Plan amendments, that a range of possible VPP tools are available to Council to achieve its goals. Yet the use of the Residential Growth Zone, for example, has not been appropriately examined to consider how the zone and zone schedule might fit with other statutory controls. For example, how should built form provisions be translated into a zone schedule and is this necessary if there is a Design and Development Overlay that can do the job as well or better? Council is encouraged to review its current amendments and ensure there is a 'best fit' package of statutory provisions, including the use of a residential zone, for activity centre locations.

Using the General Residential Zone as transition mechanism

In forming its recommendations, the Committee considers the General Residential Zone is the only zone that can be strategically justified at this time, as a 'transition mechanism'. The General Residential Zone is the default zone and will allow Council additional time to prepare a housing strategy, implement the structure plan amendments, finalise its Moreland Higher Density Design Code. The Committee therefore encourages Council to use to reconsider the application of the new zones alongside *Plan Melbourne* and a comprehensive analysis of housing needs.

Recommendations

In conclusion, the Committee consider that it would not be appropriate for draft Amendment C153 to the Moreland Planning Scheme to proceed at this time.

The Residential Zones Standing Advisory Committee recommends:

- 1. Draft Amendment C153 to the Moreland Planning Scheme not be prepared, adopted and approved pursuant to section 20(4) of the *Planning and Environment Act, 1987*.**
- 2. Apply the General Residential Zone with no requirements specified in the schedule to the areas identified in draft Amendment C153, through an amendment to the Moreland Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act, 1987*, until further strategic work is undertaken.**
- 3. Council prepare a Housing Strategy to properly inform the application of the new residential zones.**

4. **Strategically justify variations to Schedules 1 and 2 to the Residential Growth Zone before introducing these through a future amendment.**
5. **Strategically justify variations to Schedule 1 to the General Residential Zone before introducing these through a future amendment.**
6. **Strategically justify variations to Schedules 1 and 2 to the Neighbourhood Residential Zone before introducing these through a future amendment.**
7. **Avoid variations to provisions in schedules to the residential zones where the zone itself does not provide the legal ability, in any future amendment.**

Amendment summary

The draft Amendment	Draft Amendment C153 to the Moreland Planning Scheme (draft Amendment)
Planning Authority	Minister for Planning
The Subject Land	All land currently zoned Residential 1 in the municipality.
Purpose	Rezone all land currently zoned Residential 1 in the municipality to: <ul style="list-style-type: none">- General Residential Zone 1.- Neighbourhood Residential Zone 1 and 2.- Residential Growth Zone 1 and 2.
Request	At its meeting of 12 March 2014 Council endorsed draft Amendment C153 to be referred to the Residential Zones Standing Advisory Committee for review.
Notice	<p>The Notice Period was between 17 March 2014 and 17 April 2014.</p> <p>Notices appeared in:</p> <ul style="list-style-type: none">- Herald Sun on 17 March 2014- The Age on 17 March 2014- The Leader on 17 March 2014- The Weekly Review Moonee Valley on 19 March 2014 <p>Council also provided a direct notice to every resident in the Residential 1 Zone with an accompanying explanatory brochure.</p>
Submissions	A total of 237 submissions were received.
Hearing	12 -16 May, 2014
Appointment	The Residential Zones Standing Advisory Committee was appointed by the Minister for Planning on 5 February 2014.
Members	Sue Porter, Chair Esther Kay, Member
Date of this Report	20 June 2014

1 Introduction

1.1 The proposal

Draft Amendment C153 to the Moreland Planning Scheme (the draft Amendment) proposes to rezone all Residential 1 Zone (R1Z) land to one of the following zones:

- Clause 32.07 – Neighbourhood Residential Zone 1 (NRZ1) – Low Density Residential Area 1
- Clause 32.07 – Neighbourhood Residential Zone 2 (NRZ2) – Low Density Residential Area 2
- Clause 32.08 – General Residential Zone Schedule 1 (GRZ1) – General Residential
- Clause 32.09 – Residential Growth Zone Schedule 1 (RGZ1) – Four (4) Storeys
- Clause 32.09 – Residential Growth Zone Schedule 2 (RGZ2) – Three (3) Storeys.

The draft Amendment makes consequential changes to the following Local Planning Policy Framework (LPPF) clauses:

- Clause 21.02-3 – Municipal Strategic Statement (MSS) Strategic Directions, Strategic Direction 3: Housing
- Clause 21.03-3 – Housing
- Clause 22.01 – Neighbourhood Character.

At the Hearing, Council advised it has prepared a new LPPF which is to be implemented through Amendment C152 to the Moreland Planning Scheme (Amendment C152) which will be discussed later in this report. However, there are further revisions to the Amendment C152 version of the LPPF that are proposed through this draft Amendment.

Council has advised the draft Amendment will require changes to all planning scheme maps. The Department of Transport, Planning and Local Infrastructure (DTPLI) prepared an initial set of maps, however for this process, Council has relied on rezoning maps prepared in house.

1.2 Submissions

The Residential Zones Standing Advisory Committee (the Committee) received a range of submissions which raised issues in relation to the application of the zones generally and in relation to specific sites; the details contained in the zone schedules and the overall process of applying the new zones. A number of more general submissions were received. These are dealt with in the Committee's *Stage One Overarching Issues Report*.

This report focuses on submissions which specifically relate to the draft Amendment, and can be summarised as:

- Support for the application of the NRZ and the associated Schedules, with suggestion the NRZ should be more broadly applied. There was opposition to the application of the NRZ, stating it will inhibit appropriate medium density development that will contribute to urban consolidation.

- Support for the concept of ensuring diversity of residential development and the need to protect single dwellings, backyards and trees within the southern part of the municipality.
- Support for the inclusion of higher density development within the existing Activity Centres.
- Concern that insufficient land has been made available for both medium and higher density development.
- Support for more extensive housing development opportunities across the municipality as it is well placed with regard to employment, transport and services.
- Concern that limitations on existing infrastructure, particularly public transport and roads, need to be addressed when considering the extent and type of future development.
- Concern the application of the zones has not taken full advantage of public transport opportunities available.
- Support and opposition for the inclusion of an eight metre height limit in the GRZ.
- Concern application of the zones is not consistent with the existing strategic planning policy framework.
- Support for the current R1Z being translated to GRZ with no schedule variations.
- Concerns with significant differences between the approach advocated in the 2013 concept plan and the draft Amendment.
- Concern the application of the NRZ to older industrial/warehouse heritage buildings will prevent their future adaptation to residential uses; and limit development opportunities on important strategic redevelopment sites and larger than average sites.
- Concern the proposed variations to the zone schedules are inappropriate both in the way they are constructed/worded and the impact they will have on future development.
- Concern with the application of different zones based on street boundaries which can lead to different development outcomes on the opposite sides of the street.
- Consider that Moreland has already done its fair share of accommodating higher density and it is reasonable to protect the existing neighbourhood particularly south of Moreland Road.
- Whether the zone applied to specific properties is appropriate.
- There seems to be little justification for setting zone boundaries at the finer grain.

The Committee has considered all written submissions. A list of all submissions and documents tendered at the Hearings is attached as Appendix A.

A list of all submitters is attached as Appendix B.

In reaching its conclusions and recommendations, the Committee has read and considered the written submissions and other material referred to it. The following chapters of this report discuss the issues raised in submission relating to the draft Amendment in further detail. The Committee's conclusions and recommendations are provided in the Executive Summary and throughout the report.

1.3 Issues dealt with in this report

In order to address these submissions the Committee will consider:

- Population forecasts and housing trends
- Planning Context
- Council's approach to applying the zones
- Applying the zones and schedules

2 Overview of Moreland

2.1 Moreland context

Moreland is an established inner municipality of Melbourne located between four and 14 kilometres from the central city. *Plan Melbourne* places Moreland in the northern subregion. Moreland is well situated in relation to central Melbourne, the airports, northern metropolitan industrial precincts, regional activity centres; and major transport infrastructure including Citylink, the Western Ring Road, and rail, tram and bus services. The street and public transport network runs principally in a north-south direction and includes Sydney Road, Nicholson Street, Lygon Street and Melville Road. The public transport network includes the fixed rail Craigieburn and Upfield lines with a total of 13 train stations, the number 55 tram with services along Sydney and Melville Roads to Bell Street, and Smartbus stops in Bell Street and Brunswick Road.

The largest proportion of Moreland is used for residential housing (68 percent). The remainder comprises 14 percent reserved for public purposes, eight percent for public open space, and 10 percent industrial and business usage.

Typical of older parts of Melbourne, Moreland has a diversity of land uses and residential neighbourhoods with the earliest settlement concentrating in its southern areas. This area is attracting increasing development both in terms of mixed use as well as higher density development around the Brunswick Activity Centre and associated transport routes, particularly apartment style development. Yet neighbourhoods with single dwellings, many of which are considered to have heritage significance, still remain in between these transport routes.

South of Moreland Road is characterised by a mixture of older style industrial/warehouse and commercial development, some of which is still operational, yet some is not and presents significant redevelopment opportunities.

Central and northern areas are principally residential with larger allotments and later styled dwellings, except for the major retail centres of Glenroy and Coburg, and the significant industrial precincts in Coburg North including the Newlands and Coburg Industrial Estates. Increased medium density development is occurring throughout the northern part of the municipality, particularly near Glenroy and Pascoe Vale.

The open space network includes the corridors along the Moonee Ponds and Merri Creeks, which also serve as the western and eastern municipal boundaries, respectively.

3 Population forecasts and housing trends

3.1 Population forecast

Council submitted the Victorian government population and dwelling forecast based on *Victoria in Future 2012* (VIF) identify that Moreland's population will grow by 27,000 people and will require an additional 14,277 dwellings by 2031.

The VIF 2014 data has been updated but was not available at the time of the Hearing. VIF 2014 indicates a 2014 estimated population of 163,929 and a 2031 estimated population of 211,990, an increase of 48,061 people. VIF 2014 estimates an additional 26,041 dwellings will be constructed between 2011 and 2031, which is a substantial increase from the 14,277 dwellings based on the previous VIF figures.

The Committee acknowledges Council has not had the opportunity to comment on the new VIF data or its implications.

The Council submitted that whilst the number of family households made up of two adults with children will continue to form the majority of Moreland's household types, the number of smaller households will continue to grow. Therefore, there is a need to provide for a diversity of different housing types to meet the range of different household sizes, including a mix of detached dwellings and a range of smaller dwellings in the form of townhouses, units and apartment.

3.2 DTPLI Moreland Housing and Population Report April 2014

The DTPLI report provides information about Moreland's population growth and development trends over recent years. Since 2000, Moreland has added over 21,000 residents at an average annual growth rate of 1.8 percent. The greatest increase has been in Brunswick, Brunswick East and Brunswick West, followed by Falkner. Population growth was particularly strong in the years between 2007 and 2009; with over 8,600 new residents in these three years. Since 2006, population growth has consistently exceeded 1,500 new residents each year.

Development trends indicate the rate of development has accelerated over a few short years. Since 2002, building approvals have steadily increased, and since 2007, approvals have consistently exceeded more than 1,000 dwellings per annum, with 2012-13 anticipated to be a record year for approvals, exceeding 1,800 dwellings.

The report indicates that dwelling supply is derived from development projects of every scale, with developments providing 20-100+ and two to four dwellings being the major project types being undertaken.

The report states that compared to other municipalities in the established areas of Melbourne, Moreland is considered to be a relatively high housing supply municipality.

In terms of the three main Activity Centres, the report indicates that Brunswick has been the overwhelming focus of new housing developments with the population believed to have doubled between 2004 and 2011. Brunswick ranks as one of Melbourne's highest housing growth Activity Centres that demonstrate urban consolidation and renewal in practice.

In relation to the Coburg Activity Centre, nearly all of the new housing development is associated with the redevelopment of Pentridge; and it is expected that an additional 3,300 new dwellings will be constructed over the next decade. Additional housing is also anticipated within the established residential areas surrounding this Activity Centre.

The report concluded that overall, the growth and development aspirations for Moreland's Activity Centres are being realised, noting that favourable conditions are still to emerge that will see increased development activity in Glenroy.

In terms of development along the transport corridors, the report indicates that between 2004-2011, 45 percent of Moreland's new dwellings were constructed within a transport corridor, with most being apartments and units built at medium and higher densities of 2-3 storeys. It suggests the same advantageous development circumstances that have supported higher scale development within the Coburg and Brunswick Activity Centres have applied to Moreland's transport routes, particularly the availability of redundant sites ready for renewal and supportive planning controls.

The report indicates that in addition to more intensive development with higher yields occurring in the southern part of Moreland during 2004-11, there is a significant amount of development occurring in the northern part (43 percent of Moreland's housing activity) which is predominantly dual occupancy and three - four dwellings development projects, which make a significant contribution to housing supply within the municipality.

In analysing the permit data, the report identifies that in addition to development within residential areas, there is also significant increase in housing and population growth within the commercial areas.

This report indicates that Moreland's population has a higher proportion of 25 to 39 year olds than greater Melbourne. There was a high level of churn in this population between 2001 and 2011. The report notes that couples with no children and group households both increased during this period. The number of children is increasing in Moreland even though families with children declined slightly as a household type during the same period.

This information provides useful context in considering the application of the residential zones and has been taken into consideration by the Committee.

4 Planning Context

4.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) is outlined in the Committee's *Stage One Overarching Issues Report*.

(i) Plan Melbourne

Of particular relevance to Moreland is the identification of the Jewel Train Station and the Brunswick to Batman Station Corridor as a priority urban renewal area, stating:

Land around railway stations and train corridors can provide valuable development opportunities, due to access to public transport. Over the coming decades, we will be building a number of new railway stations as we develop the network and we will ensure these integrated with land development. Existing stations and corridors will also be assessed for their development potential.

4.2 Local Planning Policy Framework

Moreland is preparing a review of its LPPF, with significant changes proposed to both the MSS and local planning policies.

The Committee has considered both the current and revised LPPF and the relevant directions contained in each are outlined below:

(i) Current Local Planning Policy framework

Municipal Strategic Statement

Clause 21.04 – Moreland's Vision – seeks to create an environmentally sustainable and liveable city, where people can shop, work and socialise locally.

Clause 21.04-2 – Focus Areas for Change – identifies that Council's vision is captured in the concept of urban villages, which are local urban activity centres based around good public transport links and have a mix of residential development, employment and open space; providing a range of local services and encouraging a lively and active community.

This Clause identifies Coburg as a Principal Activity Centre, Brunswick and Glenroy as Major Activity Centres and 18 urban villages as shown on the Strategic Framework Map in Appendix C.

In terms of transport, this policy seeks to move people away from cars to trams, trains, buses, bicycles and footpaths and to achieve this, transport and urban planning will be integrated to cluster development near transport corridors.

Clause 21.05-1 – Housing – emphasises the reasons to support urban consolidation and provide new housing in existing areas with good public transport are compelling, and are in line with achieving Council's environmental sustainability principles. It recognises that increased housing densities around activity centres has demonstrated significant local economic benefits supporting local retail and providing employment. It recognises that infill development needs to enhance rather than fragment preferred neighbourhood character

and that protecting 'special characteristics' of the area can be a draw card for investment. The need to provide adequate, appropriate and affordable housing is recognised, as recent trends suggest housing is becoming less affordable and there is a mismatch between community needs and housing provision. This policy specifies seven objectives in relation to housing and these are:

- *To ensure new development provides high quality amenity and makes a positive contribution to the preferred character of the neighbourhood.*
- *To ensure housing caters for the needs of residents at various stages in their lives, and for different mobility, income and cultural groups.*
- *To ensure increased density development is appropriately located and designed to contribute to achieving environmental sustainability.*
- *To encourage new development to contribute to achieving environmental sustainability.*
- *To encourage the development of well designed housing in activity centres/urban villages.*
- *To encourage the provision of affordable housing in order to maintain the social well-being of the municipality.*
- *To ensure that geotechnical hazards are identified and managed so as to minimise risk to property and persons.*

In terms of the key strategies to achieve these objectives, the most relevant include:

- *Manage the level and nature of new residential development based on the capacity of individual neighbourhoods to accommodate change with regard to heritage, urban character, amenity and infrastructure capacity considerations.*
- *Support increased housing intensity within designated activity centres, urban villages and transport corridors, in accordance with any relevant structure plan and/or the Moreland Neighbourhood Character Guidelines 2006 and Neighbourhood Character Local Planning Policy.*
- *In accordance with Clause 55, encourage medium density housing across the municipality that achieves good amenity for occupants and neighbours and contributes to preferred urban character statement for the area, as described in the neighbourhood character policy and guidelines.*
- *Recognise the opportunity for higher density development and innovative design on large sites and former industrial sites designated as Multi Use - Employment, Multi Use- Residential and Transition-Residential on the Industry and Commerce Framework Map (Map 5) that will benefit from establishing their own unique character with minimal impact on surrounding areas.*
- *Apply the Design Guidelines for Developments of Four or More Storeys 2005 and the Local Planning Policy for Developments of Four or More Storeys, to developments of four or more storeys.*

Map 4 Housing Strategy is included in Appendix D.

Further strategic work identified includes developing a Residential Development Housing Strategy to ensure the appropriate form and location of new housing throughout the municipality.

This Policy identifies the '*Moreland Housing Strategy*' Moreland City Council, 27 May 1996 as a Reference Document.

Clause 21.05-2 – Industry and Commerce – identifies some former industrial sites for redevelopment for residential uses at increased densities. In terms of categories of employment land, the clause distinguishes between '*Multi – Use Residential*' where opportunity exists for mixed use developments and '*Transitional- Residential*' where, given the surrounding land use pattern and/or access arrangements, it is appropriate that the area convert over time to residential uses, whilst still allowing some industry providing it its compatible with residential uses. This policy includes an objective which seeks to support and encourage employment generating business in accordance with the Industry and Employment Framework Map. Some of the key relevant strategies include encouraging the development of higher density residential uses in Transition-Residential Areas and mixed uses (including residential) in the Multi-Use Residential Areas; and there is also a need to ensure these redevelopments contribute to improved streetscape character.

In terms of the application of zones and overlays, this policy states the Multi-Use Residential Areas should be within a Mixed Use Zone, whereas the Transition- Residential Areas should be within a R1Z when the subject land is remote from activity centres.

One of the specific actions under *Further Strategic Work* is a review of all heritage places within the Industry and Employment Areas to identify if considerations of prohibited uses, in particular residential, are necessary for their conservation and to modify the Heritage Overlay (HO) Schedule accordingly.

Clause 21.05-3 – Retail – recognises activity centres and urban villages can accommodate increased residential densities that will contribute to improved retail activity and local services; and seeks to encourage higher densities as part of the revitalisation of commercial strips on fixed transport routes in accordance with neighbourhood character policy.

Clause 21.05-4 – Heritage – recognises the many reasons why it is important to protect Moreland's heritage assets and that restoration, revitalisation and re-use of buildings is both environmentally responsible and can save significant resources. A key strategy is to respect the context of heritage places where it contributes and relates to the experience and significance of a place. In considering heritage issues, the *Use of Policy and the exercise of discretion* refers to a local Heritage Policy at Clause 22.13 and considering the citations for a heritage place, including a '*Statement of Significance*.'

Clause 21.05-5 – Urban Design, Urban Character and Street Landscapes – recognises that Moreland's urban character has developed from a rich social history and cultural diversity. Promotion of a preferred future character acknowledges the City is ever changing and provides the opportunity to reinforce the valued elements of the existing character, whilst confirming preferred future character acceptable to the changing needs of the community. It seeks to ensure good quality urban design outcomes from development, and seeks to encourage urban design that contributes to the complexity of interest of the built

environment while respecting neighbourhood character and cultural heritage. Clause 54 and 55 should be applied to ensure local areas are protected from poor quality development and refers to the neighbourhood character policy and the *Design Guidelines for Developments of Four or More Storeys*.

Clause 21.05-9 – Integrated Transport Systems – recognises the contribution increased residential densities around public transport nodes can have on achieving environmental sustainability. It seeks to ensure land use development and transport systems are integrated and that higher land use densities are clustered close to public transport services.

Local Planning Policies

Clause 22.02- Development within Designated Activity Centres and Urban Villages - builds on the housing objectives and strategies in the MSS and defines activity centres and urban villages based on their strategic importance and functional characteristics, such as access to different forms of transport, connectivity of local street network, land use mix, potential land use and development opportunities, and nature of public open space. Structure plans are to guide development where they exist. The key objectives of this policy are:

- *To promote attractive and safe living environments with a strong identity and sense of community.*
- *To increase the choice of housing available to a wide range of ages and lifestyles.*
- *To maximise opportunities for local employment by providing a mix of shops, offices, community facilities, industry and residences.*
- *To facilitate access to better serviced and safe public transport nodes.*

Proposals are to accord with the neighbourhood character guidelines and policy. For buildings four stories or more, reference is to the *Design Guidelines for Developments of Four or More Storeys 2005* and Clause 22.11 *Developments of Four or More Storeys*.

The structure plans identified in the policy as reference documents are the *Anstey Urban Village Structure and Action Plan* (1999) and the *Merlynston Urban Village Structure and Action Plan* (1999). There is also reference to an *Urban Villages Project, East Brunswick Case Study Report* (1996) (These Structure Plans were not referred to at the Hearing and the Committee assumes they have been superseded by more recent structure planning and activity centre work).

Clause 22.03 – Industry and Employment – applies to land shown on the Industry and Employment Framework. In relation to *Multi Use Residential Areas*, it seeks to provide the opportunity for a mix of uses, including residential; and for *Transitional-Residential* – it seeks to provide an opportunity for industrial sites to be converted to residential uses.

Clause 22.05 – Developments within the Upfield Corridor – recognises the importance of this corridor to the economic prosperity of the municipality and that as part of its revitalisation, a greater mix of uses including residential are necessary.

Clause 22.10 – Neighbourhood Character – applies to all development in the residential, mixed use and business zones, except where a Council adopted Structure Plan exists which takes precedence over this policy. This policy seeks to build on the key issues in the MSS relating to ensuring community benefit from increased density development and enhancing

neighbourhood character, housing and urban design (amongst others). The objective for all areas is to ensure development responds positively to and reinforces the positive elements of the *Key Characteristics of the Existing Character* identified for each Character Precinct in the *Moreland Neighbourhood Character Guidelines 2006* and the *Preferred Future Character Statements* as identified in the *Moreland Neighbourhood Character Guidelines 2006*.

In relation to 'Residential Character Areas' the objectives are:

- *To discourage more intensive forms of residential accommodation on remote sites.*
- *To ensure that new development respects the existing scale and siting of the predominant built form of the precinct.*
- *To improve the landscaped and green character.*

It is policy that the design response for a development responds positively to and reflects the characteristics of the existing character of precincts as identified; and the preferred future character of the residential character area as identified in the *Moreland Neighbourhood Character Framework Plan* by implementing the following design standards:

Preferred Future Character Residential Character Areas

- *Building height should not exceed 2 storeys unless it can be demonstrated that:*
 - *The prevailing height of surrounding buildings is higher than 2 storeys, in which case up to 1 storey above the prevailing height is acceptable;*
 - *The site is large enough to allow the off-site impacts of the development to be mitigated through a design response and is located in proximity to infrastructure and services. In such cases, the building height at the interface with the street and adjoining properties must be no more than 1 storey above the prevailing height of surrounding buildings.*
- *Development in rear yards should be single storey. Double storey development will be considered only where reduced building site coverage is consistent with existing surrounding character of rear yards and garden outlooks.*
- *Prevailing setbacks (front and side) should be retained. Rear setbacks should have regard to the importance of rear yards and garden outlooks in accordance with the characteristics of the precinct.*
- *At least one semi mature tree with spreading canopy should be planted in the front setback, where the prevailing setback permits.*

Clause 22.11 – Development of Four or More Storeys – builds on Clauses 21.05-1 and 21.05-5 and seeks to support urban consolidation in activity centres, areas close to public transport and in some cases, larger development sites recognising that appropriately located and well-designed buildings of four or more storeys will assist in achieving these objectives and complements the Guidelines for Higher Density Development referred to in the SPPF.

The policy outlines design guidelines in relation to five design elements including the public-private interface, off site impacts, movement and access, internal planning and design; and

technical performance (including ESD elements) which are to be addressed in an urban context report and a design response. The key relevant objective and design responses are:

- *Public-private interface* – seeks to ensure development relates positively to adjacent streets and public spaces and a key design guideline is that new buildings in residential zones should respond to the Preferred Future Character Statement for the area.
- *Internal planning and design (Landscaping and Outdoor Space)* - seeks to enhance the appearance of the development and provide sufficient, sunlit and secure private open space for the reasonable recreational needs of residents; use advance growth trees where space permits; and private open space associated with dwellings should have an area of eight square metres, with a minimum width of 1.6 metres, and convenient access from a habitable room.

This policy identifies the *Design Guidelines for Developments of Four or More Storeys* (Moreland City Council, June 2005) as a Reference Document.

Clause 22.13 – Heritage Policy – applies to all land covered by a HO and seeks to encourage the conservation and enhancement of all heritage places and to protect them from inappropriate development. It is policy to consider the Statements of Significance for HO affected properties, however these are not outlined in the policy, but rather are included in Reference Documents.

Reference Documents

Moreland Neighbourhood Character Guidelines 2006

The Guidelines refer to 90 precinct data sheets providing *Descriptions of Existing Character* and *Key Characteristics of Existing Character*. It then outlines the *Preferred Future Character Statement for Residential Character Areas* under the headings of Scale, Building Height, Setbacks and Significant Trees and Landscaping. The majority of these have been included as policy in Clause 22.10. The detailed precinct data sheets are called up by the Policy but are only included in a Reference Document.

4.3 Revised Local Planning Policy Framework

At the Hearing, Council advised the Committee it had recently adopted a revised LPPF (to be implemented through Amendment C152) which had been submitted to the Minister for Planning for approval under Section 20(4) of the *Planning and Environment Act 1987*. At the time of writing this report, Amendment C152 had not been approved by the Minister.

The Council submitted it had based the draft Amendment on this revised LPPF, rather than the current LPPF.

This has made consideration of the application of the new residential zones more complicated because of the uncertainty around C152, particularly given this Amendment had not been exhibited, had not been through a review process by a Panel and was still to be confirmed through the DTPLI review process. Council submitted that Amendment C152 is based on strategic work that has been in preparation for many years and that has been

extensively consulted on, hence the request for approval by the Minister under Section 20(4) of the *Planning and Environment Act 1987*.

It is not the role of this Committee to review Amendment C152 and all of the strategic work that supports it; therefore the Committee will take this Amendment 'at face value' and make comment only where it is relevant to the application of the new residential zones.

Given the uncertainty around Amendment C152, the Committee has assessed the draft Amendment against the current planning policy, whilst having regard to the revised LPPF.

This review of the revised LPPF will not seek to outline all of the new policy, but rather identify key points of difference between the existing and revised policies as identified by Council. Where Council has advised the translation is policy neutral, the Committee has not considered these further.

Revised Clause 21.01 – Municipal Profile – seeks to consolidate the Introduction, Municipal Profile and Key Influences and update context to reflect current statistics and projections. The Committee notes this Profile refers to outdated population projections and should be amended to reflect the most recent population projections.

Revised Clause 21.02-2 - Vision – the wording of the Vision has been amended to reflect the current Council Plan, however, the intent has not altered. Council submitted the revised MSS seeks to achieve the Vision by creating 'Sustainable Neighbourhoods' through seven stated Strategic Directions, which are similar in approach to the 'Focus Areas for Change' concept established in the existing MSS Vision.

Revised Clause 21.02-3 – Strategic Directions – Activity Centres & Revised Clause 21.03-1 – Activity Centres/Housing – have been amended to include reference to the *Moreland Activity Centre Framework 2014* and introduce a new direction that ensures the majority of households in Moreland are within walking distance (i.e. approximately 400 metres) of an activity centre and have local access (approximately 1 kilometre) to a centre that meets their weekly convenience needs.

Council advised this revised policy has resulted in changes to the list of centres designated for growth across Moreland, known as Urban Villages and now referred to as Neighbourhood Activity Centres (NACs), and have also identified a number of smaller Local Activity Centres (LACs) which are intended to 'plug the gaps' in the network of Activity Centres.

Changes have been made with regards to housing affordability (including reference to an updated *Moreland Affordable Housing Strategy 2014-2018*) and housing adaptability.

A copy of the revised Strategic Framework Map is attached as Appendix E.

The structure plans and the revised Clause 22.01 *Neighbourhood Character Policy* are to be used to implement the policy.

Revised Clause 22- Neighbourhood Character Policy – has been revised to reflect the new Activity Centre Framework and to remove reference to the detailed neighbourhood character precincts and guidelines.

Council submitted this policy has been updated to seek increased housing density within the Activity Centres designated for growth as identified by the *Activity Centre Framework 2014* and that beyond those areas housing respects the existing or preferred character. The revised policy replaces the approach of defining 'Commercial' and 'Residential' character areas and instead breaks down the policy into the 'Coburg, Brunswick and Glenroy Centres', the '*Neighbourhood and Local Centres for Growth*' and '*Outside Centres for Growth*' and has deleted references to the *Moreland Neighbourhood Character Guidelines* and the 90 Character Statements.

The essential elements of the neighbourhood character policy have not changed.

The draft Amendment proposes further changes to the Neighbourhood Character policy. These changes appear to alter the long standing character outcomes sought, especially around activity centres, and provide justification for the draft Amendment's application of the new residential zones.

The draft Amendment proposes to introduce the *Moreland Tree Planting Manual for Residential Zones 2014* as a policy reference to assist with any requirement for canopy trees. The Committee was provided a copy of this document but has not reviewed it due to time constraints.

The implications of this revised policy framework are discussed later in this report.

4.4 Planning Scheme Amendments

Whilst the following amendments have not been approved as yet, they are well advanced and have been through exhibition (with the exception of C152) and have been adopted by Council and are therefore considered seriously entertained. For this reason, the Committee considers it is important to take the following amendments into consideration.

Amendment C123 – Coburg Activity Centre

Amendment C123 translates the *Coburg Activity Centre Structure Plan* (endorsed by Council in 2006) and the *Place Framework Strategies* (endorsed by Council in December 2010) into the Activity Centre Zone. This Amendment is scheduled to be considered by a Panel in June/July 2014.

Amendment C133 – Development Contributions Plan Overlay

Amendment C133 proposes to introduce the Development Contributions Plan Overlay and assist Council to manage growth and to plan for the associated increased demand on infrastructure. The Amendment is scheduled to be considered by a Panel in August 2014.

Amendment C134 – Brunswick Activity Centre

Amendment C134 translates the *Brunswick Activity Centre Structure Plan* (endorsed by Council in 2010, and addendum endorsed in 2012) into three Design and Development Overlays (DDO) and various precinct based specific rezonings. The Amendment is being considered by a Panel.

Amendment C142 – Moreland Higher Density Code

Amendment C142 proposes to include the *Moreland Higher Density Design Code* into the planning scheme. The Code is intended to replace the current policy for *Buildings of Four or More Storeys* at Clause 22. The Amendment is scheduled to be considered by a Panel in September 2014.

Amendment C152 – New LPPF

As discussed, Amendment C152 seeks to introduce a new LPPF. It was submitted to the Minister for approval under Section 20(4) of the *Planning and Environment Act 1987* on 2 April 2014. Council submitted advice from DTPLI indicates general support for the Amendment and that approval is imminent.

At the time of writing this report, the Amendment had not been approved.

4.5 Planning scheme provisions

(i) Zones and Overlays

The land affected is currently included within the R1Z. The Committee notes that there are no variations to the schedule to the R1Z.

In addition to these zones, the following overlays apply across the municipality:

Heritage Overlay

The HO seeks to conserve and enhance those elements which contribute to the significance of heritage places and to ensure development does not adversely affect the significance of these places (amongst others). The Schedule to the HO identifies a number of heritage precincts as well as individual sites.

Design and Development Overlay

- **DDO2 – Park Street** – seeks to sustain and enhance the character of Melbourne's boulevards and unique inner parks together with the development of architectural and historic value they attract. This DDO has a mandatory height limit of nine metres, which cannot be varied with a permit.
- **DDO5 – 22 French Avenue Brunswick** – seeks to provide a high quality interface between housing in French Avenue and Lord Street and Methven Park (amongst others). The overlay has a mandatory height of nine metres, with a discretionary height of seven metres on the eastern extremity of the site. It states the heights can only be varied with a permit when both design excellence and a five star HERS rating are met. It provides guidance in relation to a wide range of design issues such as setbacks, permeability, design and articulation which are all performance based.
- **DDO23 – Balfe Park Precinct, Brunswick East** – seeks to ensure development is consistent with the objectives of the Balfe Park Precinct, Brunswick East, Urban Design Framework, Brunswick Structure Plan and Clause 22.11 Development of Four or more storeys. The overlay specifies discretionary height limits ranging from 11 metres (three storeys) to 18 metres (five storeys), as well as setbacks for upper levels. It provides more guidance in relation to built form; pedestrian access,

movement and amenity; carparking and vehicular access; noise attenuation and environmentally sustainable design.

Council acknowledges these overlays affect land proposed to be included within the proposed GRZ (which will have a mandatory height limit of eight metres as specified in the exhibited Schedule) and NRZ (which has a default eight metre height limit) and therefore they may be at odds with each other.

Council submitted these were overlooked when preparing the draft Amendment and it is proposed to include exemptions from the height provisions in the schedules to the zones to allow for these overlays to take precedence. This will be discussed later in this report.

Development Plan Overlay

- **DPO6 – Gowanbrae** – limits the rate of subdivision and identifies a range of information which must be shown, or provision made for, on any development plan.
- **DPO10 – 173-179 Elizabeth Street, Coburg North** – applies to the former Kodak site which outlines a range of information which must accompany any planning permit application, including a minimum lot yield and a requirement that there be a variety of dwelling sizes and household types, including but not limited to single detached houses, townhouses and flats/apartments with a requirements that the taller buildings be provided around the neighbourhood hub and/or central to the site. It provides a requirement in relation to affordable housing.

Council similarly acknowledges that two of these overlays make provision for height and development types which may be in conflict with the proposed height provisions in the Schedules to the GRZ and the NRZ; and that exemptions are proposed to enable the overlays to take precedence over the zone provisions, or alternatively.

Other Overlays apply, such as the Environmental Significance Overlay (ESO) Environmental Management Overlay, Land Subject to Inundation Overlay and Special Building Overlay. Council submitted the constraints associated with these overlays can be addressed within any one of the three zones.

4.6 Relevant strategies and structure plans

Strategic planning for intensification of Moreland has been driven by the preparation and adoption by Council of the following documents. These are relevant to consideration of the draft Amendment and application of new residential zones and each is the subject of a separate Amendment as previously discussed (with the exception of Glenroy):

- Coburg Place Framework 2010 and Central Coburg 2020 Structure Plan 2006
- Brunswick Structure Plan 2010 and Addendum 2012
- Glenroy Structure Plan 2008
- Moreland Higher Density Design Code

(i) Central Coburg 2020 Structure Plan

The *Central Coburg 2020 Structure Plan* plans for the designated activity centre of 42.5 hectares including the civic precinct/town centre, the Sydney Road corridor and

redevelopment of the Pentridge Prison site. Extensive redevelopment is anticipated within this location, with some of it already underway or completed. The purpose of the plan is to take advantage of the location within the Melbourne metropolitan context and to achieve integrated land use and transport planning. There is a great deal of emphasis on urban renewal and mixed use development along Sydney Road. Heights are in the order of three to six storeys.

(ii) Brunswick Structure Plan 2010

The *Brunswick Structure Plan 2010* encompasses almost 200 hectares within three local area precincts of the Sydney Road/Upfield corridor (stretching northward to the Coburg Activity Centre), Lygon Street and Nicholson Street. The structure plan area is in the eastern part of the municipality south of Moreland Road and contains a wide range of land uses. The variety of built form means that a number of sub-precincts will guide redevelopment. Building heights are proposed up to five storeys.

(iii) Glenroy Structure Plan 2008

The *Glenroy Structure Plan (2008)* covers an area of approximately 35 hectares. It includes the Pascoe Vale Road and Wheatsheaf Road strip shopping centres and an industrial area east of the railway line. This is a major location for businesses and services in the northern part of the municipality and it includes the Glenroy railway station at its centre.

(iv) Draft Moreland Higher Density Design Code

Moreland has developed a design code for buildings of four or more storeys which Council proposes to use to guide higher density living.

Whilst the new residential zones will require developments of up to and including four storeys to be assessed against Clause 55 and developments of five or more storeys to be assessed against the Statewide *Higher Density Residential Development Guidelines*, the draft Amendment seeks to introduce a Design Code for higher density development.

The Committee notes this Code defines a number of assessment provisions in relation to site design, public realm interface, building design and on-site amenity, internal amenity, building performance and off-site impacts. Some of these are directly relevant to the draft Amendment and include the following (amongst others):

Building height – specifies no maximum height and states it should be determined by a height specified in the planning scheme or else the area's preferred character or existing character derived from the Urban Context Report.

Street setback – specifies no setback at either the ground or upper levels and states these should complement the streetscape character or reflect that of adjoining properties. Side and rear setbacks adjacent to the R1Z are to comply with the ResCode provisions for side and rear setbacks at Clause 55.04-1, Standard B17.

Landscaping – seeks to integrate landscape design with the overall site layout and building design to provide for mature vegetation and to reduce the urban heat bank effect and enhance and improve micro-climate conditions. Developments are to provide for deep soil zones and sufficient canopy spread for the planting of medium to large trees. For lots

greater than 750 square meters, a minimum of five percent of site area should be allocated for deep soil planting.

Private Open Space – seeks to ensure balconies are functional and usable. It specifies that balconies should have a minimum depth of two metres unencumbered by air-conditioners and other building services.

Communal Open Space – specifies that development with 10 or more dwellings should provide a communal open space that is a minimum of 20 percent of the site area.

(v) **Moreland Affordable Housing Strategy**

This strategy aims to maximise the supply of affordable housing in the municipality and of particular relevance to the draft Amendment, the following strategy is included:

- 3.5 *Ensure Council's decisions about applying the new residential zones takes into consideration the potential adverse impact of the Neighbourhood Residential Zone (low density zone) on housing supply, diversity, and consequently price point affordability, including opportunities for innovative redevelopment of 'greyfields' (existing residential suburbs).*

The Committee has not reviewed these Structure Plans and the associated Amendments as this is not within the Committee's Terms of Reference and would pre-empt the findings of the Panel Hearing established to consider submissions in relation to the draft Amendment. The Committee has therefore only relied on these documents to provide information.

The Committee will assess the draft Amendment's compliance with this policy framework and the relevant supporting strategies, etc. in the coming chapters.

5 Council's approach to applying the zones

Consultation

The process Council followed to develop the draft Amendment was undertaken from July 2013 to March 2014. The Council detailed the various steps in its submission including the opportunities it provided for public comment.

In the initial stages of preparation, 13 public forums were attended by 695 people, over 3,370 surveys were completed and almost 100 individual submissions were received. The Committee acknowledges that Council undertook extensive consultation early in the amendment process and that there was significant community engagement at this point. The Council undertook an extensive communications campaign when the draft Amendment was placed on notice by providing direct notice and an information brochure to all owners and occupiers of land in the R1Z (over 70,000 people). The Council established a separate web site to provide detailed information about the draft Amendment and the zone proposed to apply to each property.

Despite the tight time frames, based on the material tabled by Council and the number of submissions received, the Committee is satisfied that individuals, businesses and organisations that wanted to comment were able to do so.

2013 Concept Plan

Council initially prepared a concept plan for public comment which indicated extensive use of the RGZ and GRZ, with use of the NRZ confined to the HO and locations further than 800 metres from one of the main activity centres. A copy of this Concept Plan is attached as Appendix F.

There was strong community concern expressed about how the new zones would affect housing supply, diversity and affordability. There was significant community concern about this approach, with comments citing concerns about infrastructure capacity (especially crowded public transport services), the quality and amenity of new housing, and a desire to hold onto the lower density detached housing and its landscape character. The Council reported that whilst there were divergent views expressed, a large majority desired protection of low density housing.

Draft Amendment C153 and Council adoption March 2013

Following feedback on the Concept Plan, and taking into consideration other strategic work being undertaken (particularly revisions of the LPPF), Council revised its approach to the application of the draft Amendment to the form as placed on notice.

The Council advised the Committee that in applying the zones it had regard to the principles and criteria of *Practice Note 78, Applying the Residential Zones, December 2013* (PN78) and that this was the starting point in its preparation of the draft Amendment, along with the revised MSS and local planning policies. Key outcomes the Council sought to deliver through the translation of the residential zones were integration with the new activity centre framework, housing capacity and housing diversity, and regard to existing neighbourhood character except where a new neighbourhood character is sought.

The 2013 concept was revised following further work by Council officers. This included the preparation of activity centre boundaries and a review of local infrastructure capacity to respond to questions raised by the community.

The final application of the zones and drafting of the zone schedules was presented for Council adoption of the draft Amendment in March 2014.

At the Hearing, Council submitted that Moreland has done its share to accommodate Melbourne's growth and whilst it does not object to doing so, the community has sent a very clear message that this needs to be balanced with protecting neighbourhood character and that infrastructure to support this growth needs to be improved and provided at the same time.

Discussion

The Committee comments about the approach adopted by Council, as follows:

(i) Competing objectives

The Committee understand the position adopted by Moreland that there needs to be a balance between the competing objectives of growth and protection of valued character, and agrees that increased growth needs to be supported by appropriate infrastructure. However, as discussed in the Committee's *Stage One Overarching Issues Report*, the Committee has not been in a position to compare or evaluate the differing approaches across the region or metropolitan Melbourne and is only in a position to consider the draft Amendments before it.

The Committee must consider the growth of municipalities in light of the SPPF, including the recently released *Plan Melbourne* and the strategic directions contained within the LPPF. It is upon this basis that the Committee has considered the draft Amendment.

The Committee notes, however, that the recently released VIF figures indicate that the anticipated growth rate for Moreland will exceed that originally anticipated and this will have significant implications for planning in the future which will need to be addressed.

(ii) Reliance on the revised LPPF

The Committee understands Council's desire to consolidate its strategic work of recent years into what it considers to be the future LPPF in order to minimise the need for a two-stage zone translation. However, in doing so, the draft Amendment has relied on a Strategic Planning Policy Framework that is not yet approved, and therefore it cannot effectively provide the strategic justification needed for the draft Amendment.

The Committee considers it is the existing LPPF that provides the strategic framework that the draft Amendment must be considered against, not the revised. Whilst it could be argued the revised LPPF is seriously entertained and approval is imminent, the Committee considers the revised LPPF has two fundamental points of difference to the existing policy which are of concern to the Committee and relevant to the application of the new residential zones, these are:

1. It seeks to remove the focus for 'potential higher density' along defined public transport corridors (Clause 21.05 – Map 4), in favour of a reduced area confined to the boundaries of defined Activity Centres. This is particularly relevant to the southern half of Moreland which has four Principal Public Transport Network (PPTN) routes.

The Committee is concerned this shift in policy contradicts *Clause 18.01 – Integrated Transport – Land use and transport planning* of the SPPF which seeks to create a sustainable transport system by integrating land-use and transport by:

- *Concentrating key trip generators such as higher density residential development in and around Major Activity Centres ... on the Principal Public Transport Network.*

and Clause 18.02-3 - *Principal Public Transport Network* which seeks to achieve greater use of public transport by increasing densities, maximising the use of existing infrastructure and improving the viability of the public transport operation.

As highlighted in the DTPLI Housing and Population Report, between 2004-2011, 45 percent of Moreland's new dwellings were constructed within the transport corridors. The Committee considers this change in policy emphasis could have significant impacts on development in Moreland which requires further consideration.

2. It seeks to introduce a specific quantifiable boundary around the areas identified for growth of a 400 metre walking distance from the core of the centre.

As explanation, Council submitted:

The crude 400m distance from these areas is generally used to define 'close proximity' and within these locations, Council tends to allow for greater dwelling density than in locations further than 400m (ie. Urban consolidation objectives are generally prioritised over neighbourhood character objectives in these locations).

The policy is a somewhat crude tool to define areas for change and often results in debate about boundaries to change areas. The new residential zones provide an opportunity to be much clearer about specific locations for substantial, moderate and incremental change.

The Committee acknowledges that the 400 metre specification has generally been used previously in setting activity centre boundaries, but it notes the updated policy in *Plan Melbourne* and Clause 11.04-4 - *Liveable communities and neighbourhoods* refers to 20 Minute neighbourhoods, which the Committee thinks would, in most cases, encompass a wider spatial area than 400 metres.

Accordingly, the Committee agrees with Council that this is a 'crude' measurement and considers the specification of a 400 metre walking distance from the core of Activity Centres overly conservative, as for example, it does not consider cycling distances. The Committee draw attention to the Public Transport Victoria (PTV) submissions that areas within 400-800 metres for road based public transport and 1,200 metres for high quality public transport are suitable for higher density

developments. The Committee considers that this issue warrants further consideration. The Committee can also find no specific strategic justification within the existing LPPF for the designation of a 400 metre catchment.

The Committee is concerned with this approach which seeks to use the zones to set policy, rather than policy informing the zone choices.

The Committee considers these fundamental points of difference have had a significant impact on the application of the revised residential zones as the approach Council has adopted seeks to spatially limit the areas where higher density development can occur. For this reason, the Committee does not accept the revised LPPF is appropriate in this regard without a clearer relationship being articulated between locations for higher densities and *Plan Melbourne*/SPPF elements. Where there are reasonable constraints on higher density development within the 20 minute radius, an understanding is needed of the implications of such an approach on the future housing needs of Moreland and in the regional and metropolitan context.

The Committee has therefore assessed the draft Amendment against the existing LPPF and considers there are some significant areas of non-compliance.

(iii) The lack of a Housing Strategy

At the Hearing Council advised that it did not have a Housing Strategy.

The Committee notes the current *Clause 21.06 – Key Strategic Statement – Housing* – identifies the *Moreland Housing Strategy 1996* as a ‘*Reference Document*’ and that under ‘*Further Strategic Work*’ need to “*Develop a Residential Development Housing Strategy to ensure the appropriate form and location of new housing throughout the municipality.*” is identified. However, Council did not address these at the Hearing.

As discussed in the *Stage One Overarching Issues Report*, the Committee considers a Housing Strategy is one the fundamental considerations that should determine how the revised zones should be applied. The Committee is of the opinion that Moreland should prepare a comprehensive Housing Strategy that tests the capacity of each location to deliver the required dwelling construction as anticipated by *Plan Melbourne*, VIF forecasts and the Council’s own strategic framework. This strategy will need to address all parts of the municipality that provide housing opportunities now and in the future, including commercial and mixed use areas in additional to residentially zoned land.

The Committee considers the need for a Housing Strategy is more evident given the revised population forecasts in the latest VIF figures which almost double the housing requirement of Moreland.

(iv) Housing capacity and supply

In the absence of a Housing Strategy, Council submitted it has relied on the three main structure plan areas to provide the bulk of Moreland’s housing capacity, stating “*A significant proportion of Moreland’s housing growth is planned to be accommodated within the activity centres of Brunswick, Coburg and Glenroy*” with 5,800 new dwellings to be provided in Coburg, 5,955 in Brunswick and 500 in Glenroy, totalling 12,255 dwellings. In support of the approach adopted, Council submitted:

Whilst this demonstrates a significant proportion of the total 14,277 new dwellings required across Moreland, Council does not expect all of Moreland's future housing needs to be accommodated in apartments in the three larger activity centres. Many people will seek out locations other than these three large activity centres and alternative housing types to apartments. Council's application of the three new residential zones allows for this range of different dwelling types to continue to be supplied across Moreland.

Council submitted that in preparing the draft Amendment "Council has been highly cognisant of obligations to ensure adequate supply and diversity of housing and is confident the draft amendment does not unreasonably constrain housing supply, choice or affordability."

In order to properly inform itself Council has undertaken further strategic work that analyses the potential impact of the new residential zones. This work specifically considered the following factors:

- The capacity of targeted geographic areas to accommodate additional dwellings (work undertaken by Echelon Planning).
- The potential impact of the proposed new zones on housing supply (regression analysis undertaken by Spatial Economics)
- The potential impact of the proposed zones on housing affordability (property analysis undertaken by Charter Keck Cramer)

The Council referred the Committee to the following reports which documented this work:

- Moreland Activity Centre Framework, Report 1 and Defining Boundaries for Moreland's Neighbourhood and Local Activity Centres, Report 2 Echelon Planning (February 2014)
- Housing Analysis, Proposed New Residential Zones, City of Moreland, Spatial Economics (April 2014)
- *Property Analysis, Impacts of Proposed New Residential Zones*, prepared for Moreland City Council, Charter Keck Cramer (February 2014).

The Committee has reviewed these reports in its consideration of the draft Amendment. In doing so, the Committee recognises these reports have been prepared by Council's consultants to inform the process. They are not currently referred to in the Planning Scheme and therefore have no formal status and have not been considered as expert evidence.

Despite this, the Committee recognises that *Practice Note 50 – Reformed Residential Zone Provisions* recognises that:

A council can work to develop relevant policies that will provide the strategic basis for applying the new residential zones. Work can begin concurrently on the amendment to implement the new residential zones. This amendment process would include notification of the amendment and consultation on the provisions of the zones and schedules.

The Committee makes the follow observations:

Moreland Activity Centre Framework, Report 1 & 2: Defining Boundaries for Moreland's Neighbourhood and Local Activity Centres

The Committee notes these reports have been *"prepared to establish a network of activity centres across Moreland which can best achieve Moreland's overarching city vision for 'sustainable neighbourhoods' Realising this vision means distributing activity, employment and transport infrastructure to enable all residents to have excellent access to a wide range of local amenities and services."*

This report confirms the role of the Brunswick, Coburg and Glenroy Activity Centres, and identifies a network of NACs that will complement these Major Activity Centres.

The Committee notes the focus of these reports is development within Neighbourhood and Local Activity Centres and it makes no recommendations in relation to the remainder of the residential land within Moreland; and how the revised residential zones could be applied.

The Committee considers these reports provide valuable information, but are not a substitute for a housing strategy as they only form one part of the bigger housing picture.

The Moreland Activity Centre Framework 2014 is proposed for inclusion as a policy reference document in Amendment C152.

Housing Analysis, Proposed New Residential Zones, City of Moreland

The Committee notes this report seeks to analyse the effects the new zones will have on the pattern of development in Moreland and to provide a detailed housing analysis based on the Housing Development Data that tracks the location and quantity of all development across Melbourne for the period of 2004 to 2012.

The Committee notes this analysis is primarily focussed on historical development trends up to 2012 within the various proposed zones, however, when it comes to analysing residential development capacity, the reports focus appears to be on the proposed NRZ, rather than an assessment of all of the residential zones, noting that *"If the proposed Neighbourhood Residential Zones has been operational for the period of 2004 to 2012, a total of 496 dwellings less would have been constructed in the proposed NRZ areas."*

The Committee notes the analysis of the potential impact on the cost of housing primarily focuses on the NRZ, and primarily the NRZ1.

Whilst the Committee considers this report provides valuable information, it only has a very limited focus. The Committee does not consider this report provides sufficient justification to apply any of the residential zones, particularly recognising that the report acknowledges that based on historical trends less development is likely to occur under the NRZ. The implications of this in the municipal and regional context is not clear.

Property Analysis, Impacts of Proposed New Residential Zones

The Committee observes this report considers the potential impact on the property market following the implementation of the NRZ. The Committee notes it states that based on development activity within the identified investigation area, the following observations are made in relation to the application of the NRZ:

- Less housing diversity, choice and affordable entry level purchase opportunities will be made available to consumers into the future.
- Existing residents will be unable to maximise development potential and therefore limit wealth creation opportunities from their existing land.
- Reduced supply will put upward pressure on prices within the Investigation Area, which will have a cumulative impact if the same results are repeated across Moreland and other sub markets.

The Committee considers that these three reports provide useful information and the Committee is not challenging the findings of these reports per se, however, none provides sufficient justification for the application of the three zones and variation to the schedules.

The Committee is concerned the emphasis of two of these reports appears to be on justifying the application of the NRZ, rather than considering this as one zone in the context of a broader range of issues, such as those canvassed in the Committee's *Stage One Overarching Issues Report*. The Committee considers these reports provide useful analysis and information which could contribute to the preparation of a municipal housing strategy that would properly inform the application of the new zones.

In relation to Council's submission that the Activity Centres have sufficient capacity to meet the majority of the housing needs of Moreland, as identified in the Committee's *Stage One Overarching Issues Report*, expectations that Commercial Zones provide sufficient scope to incorporate mixed use developments that meet housing demand demonstrates a lack of understanding of the need for greater diversity of housing options, as they will not absorb the continued demand for the small project development type stock, (being townhouse and small dwellings).

Council has made provision for townhouse development of more than two dwellings particularly in the northern part of Moreland where there is an established pattern of supplying this housing. However, the extensive use of the NRZ will potentially reduce the supply to this market segment as recognised by Council's own consultants. For this reason, the Committee has not been persuaded by this argument.

(v) **Reliance on the adopted Structure Plans**

In relation to Councils reliance on the Structure Plans for the three main Activity Centres as the primary means of accommodating Moreland's anticipated population growth, the Committee notes these Structure Plans are currently the subject of amendments to be incorporated into the planning scheme, which have been referred to a Panel for review later this year. They are not yet part of the Planning Scheme and have no statutory force or effect, despite the fact that Council appear to be implementing some of them.

The Committee has not undertaken a review of these Structure Plans or associated amendments to determine their appropriateness, as to do so would pre-empt any future Panel Hearing. For these reasons the Committee has regard to these Structure Plans but is not bound by them. The Committee makes the following observations:

Brunswick Structure Plan - the Committee notes the Structure Plan and the subsequent Amendment relate to the application of commercial and mixed use zones and associated DDO etc., and make no broader recommendations in relation to residential development other than statements which seeks to guide "*infill and medium-density redevelopment of strategic redevelopment sites*" and "*encouraging redevelopment to occur on sites that are well serviced by public transport and community infrastructure.*" The Committee notes it contains objectives which seek "*To Accommodate a significant number of new dwellings*" and "*To ensure that higher density multi-use and residential development is appropriately located and contributes to environmental sustainability goals*" and identifies these are to be achieved through the redevelopment of under-utilised industrial land, neighbourhood activity centres on the periphery of the Brunswick Activity Centre and along tramways.

Given the limited focus of the Brunswick Structure Plan, the Committee does not consider it provides any direction in relation to the application of the RGZ or the proposed variations in the Schedule.

Glenroy Structure Plan - the Committee notes the Structure Plan recognises that due to population growth and a changing demographic profile there will be an increased demand for additional housing, not only in terms of numbers, but also in terms of variety and size. The Structure Plan recognises that medium and higher density housing should be provided in appropriate locations within the Activity Centre and to protect the existing lower density character of surrounding residential areas outside the activity centre. The Structure Plan provides guidance about the appropriate locations and level of development includes height recommendations, which range from low scale (two to three storeys) to medium scale four storeys), however heights are not expressed in metres.

Coburg Structure Plan – the Committee notes this Structure Plan primarily relates to land within Commercial/Mixed Use zones and identifies that land outside these areas is for incremental residential development in line with ResCode.

In summary, the Committee has the following concerns about the approach adopted by Council in applying these revised zones:

- There is no Housing Strategy which examines the broad range of issues relating to housing.
- In the absence of a Housing Strategy, Council has undertaken strategic work intended to inform the application of the revised zones, however each of these reports relates to specific issues associated with housing and there is little that brings them together to consider the broader issues. The Committee considers these reports would make an important contribution to a housing strategy, but are not suitable substitutes for one.
- The draft Amendment relies on a revised LPPF which has not yet been approved and therefore has no force or effect. Similarly, the Committee is concerned that some of the fundamental directions contained in that LPPF may be in part contrary to the strategic directions contained within the SPPF.
- The draft Amendment is not entirely consistent with the existing LPPF and SPPF, particularly the removal of focus for higher density development along the PPTN.
- The draft Amendment heavily relies on Structure Plans and other reports which are not incorporated into the planning scheme at this time and therefore have no statutory force or effect. In addition, submissions to these Amendments are soon to be considered at a Panel. It is therefore premature to rely on these reports.

On this basis, the Committee has some concerns with the overall approach adopted by Council to apply the revised zones and suggests that the proposed application of the zones and drafting of the zones schedules may be premature. It is important that the entirety of the controls for spatial areas, such as the Structure Plan areas and potentially the new Neighbourhood and Local activity centres, be looked at as a whole so that an integrated strategic framework and coordinated regulatory implementation regime can be achieved in the Planning Scheme.

(vi) Recommendations

The Residential Zones Standing Advisory Committee recommends:

1. **Draft Amendment C153 to the Moreland Planning Scheme not be prepared, adopted and approved pursuant to section 20(4) of the *Planning and Environment Act, 1987*.**
2. **Apply the General Residential Zone with no requirements specified in the schedule to the areas identified in draft Amendment C153, through an amendment to the Moreland Planning Scheme, pursuant to section 20(4) of the *Planning and Environment Act, 1987*, until further strategic work is undertaken.**
3. **Council prepare a Housing Strategy to properly inform the application of the new residential zones.**

6 Applying the zones and schedules

Having determined that the draft Amendment should not proceed in its current form, the Committee has responded to issues to help guide any future amendment that proposes to introduce the residential zones into the Moreland Planning Scheme.

In order to assess the appropriateness of applying the zones and schedules, this Chapter considers how each zone has been applied and the justification for the variations in the schedule to the zone.

In assessing the appropriateness of the various zones, the Committee has considered the following:

- Consistency with the SPPF
- Consistency with the LPPF
- The purposes of the zone
- Consistency with PN78
- The existing provisions within the Planning Scheme.

The Committee notes that since the notice period, Council resolved to revise the Schedules to the zones. The Committee will focus its attention on the draft Amendment as exhibited, but will comment on the proposed revisions where relevant.

6.1 Applying the zones

An illustration of how the proposed zones have been applied is shown in Appendix G and is explained further below.

In terms of strategic justification, Council did not provide a detailed assessment of how the application of each zone accords with either the SPPF or the LPPF, but rather highlighted a range of policies which are considered relevant to the draft Amendment in general. The policies referred to are:

SPPF

- Clause 11 – *Settlement*
- Clause 11.01-2 – Activity centre planning
- Clause 11.02-1 – Supply of urban land
- Clause 11.04-1 – City Structure
- Clause 14.02-1 – Catchment planning and management
- Clause 15.01-2 – Urban design principles
- Clause 15.01-3 – Neighbourhood and subdivision design
- Clause 15.01-5 – Cultural identity and neighbourhood character
- Clause 15.02-1 – Energy and resource efficiency
- Clause 16 – *Housing*
- Clause 16.01-1 – Integrated housing
- Clause 16.01-2 – Location of residential development
- Clause 16.01-4 – Housing diversity
- Clause 16.01-5 – Housing Affordability

- Clause 18.01-1 – Land use and transport planning
- Clause 18.02-3 – Principal Transport Network
- Clause 19 – Infrastructure

Plan Melbourne

- Housing choice and affordability (Objectives & Directions 2.1 & 2.2).
- Liveable communities and neighbourhoods (Objectives and Directions 4.1 & 4.2).

The Committee notes that this assessment was undertaken before the approval of Amendment VC106 and that Council has not had an opportunity to respond to the revised SPPF.

Current LPPF

- Clause 21.03 – Key Influences and Issues
- Clause 21.04 – Moreland's vision
- Clause 21.05 – Key Strategic Statements
- Clause 21.05-1 – *Housing*
- Clause 21.05-9 – Integrated transport systems
- Clause 22.02 – Development within Designated Activity Centres and Urban Villages
- Clause 22.10 – Neighbourhood Character
- Clause 22.11 – Development of Four or More Storeys

Council submitted the key policy statements which support the draft Amendment are:

- *To ensure new development provides high quality amenity and makes a positive contribution to the preferred character of the neighbourhood.*
- *To ensure housing caters for the needs of residents at various stages of their lives, and for different mobility, income and cultural groups.*
- *To ensure increased density development is appropriately located and designed to contribute to achieving environmental sustainability.*
- *To encourage the development of well-designed housing in activity centres/urban villages.*
- *To encourage the provision of affordable housing in order to maintain the social well-being of the municipality.*
- *Support increased housing intensity within designated activity centres, urban villages and transport corridors in accordance with any relevant structure plan and/or the Moreland Neighbourhood Character Guidelines 2006 and Neighbourhood Character Local Planning Policy.*

Revised LPPF

- Clause 21.02 – Vision (Strategic Directions 1 and 3)
- Clause 21.03 – Activity Centres
- Clause 22.01 – Neighbourhood Character

The remainder of Council's assessment of the application of the zones focussed on consistency with the principles of PN78, which will be discussed in the following Chapters. Where issues of specific policy compliance are relevant they will also be discussed.

6.2 Residential Growth Zone

(i) Application of the Zone

In providing the rationale for the application of the RGZ, Council submitted the zone has been applied to selected streets within activity centres designated for growth in the MSS Framework Plan, specifically the Coburg, Brunswick and Glenroy Structure Plan areas and the 11 Neighbourhood and Local Activity Centres, identified for growth (not including the Elizabeth Street at Coburg Hill activity centre).

The combined RGZ accounts for three percent of land in Moreland.

Submissions were generally in support of focussing the higher density development within three main Activity Centres, however, concerns were raised about the application of this zone in the smaller NACs and LACs and the impact that developments of this scale would have on the surrounding neighbourhoods. Some submissions raised concern that the RGZ had only been applied on a limited basis which would limit development in Moreland. Submissions raised concern with the proposed heights, some suggesting they were too high, some too low. Concerns were raised about interface issues, particularly where the RGZ would abut the NRZ and what impacts this would have on residential amenity.

In support, Council provided an assessment of how the application of the proposed RGZ responds to the principles in PN78, as outlined in Table 1.

Table 1 Assessment of the application of the RGZ against the principles in PN78

PN78 Principles in applying RGZ	Moreland application of principles
Locations offering good access to services, transport and other infrastructure.	<p>Applied to selected streets within activity centres designated for growth (as per the MSS Framework Plan).</p> <p>Specific streets around NACs and LACs determined by the on the ground analysis of capacity to accommodate change discussed above (undertaken by Echelon Planning).</p> <p>Applied to existing R1Z land within the boundaries of Coburg, Brunswick and Glenroy Activity Centres, based on the built form directions of the relevant Council endorsed Structure Plan.</p> <p>Note. With regard to Coburg, it is intended that Amendment C123 will eventually replace the RGZ with the Activity Centre Zone (ACZ).</p>
Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth.	<p>Provides a transition between the Commercial Core and surrounding residential hinterland of the NACs and LACs designated for growth.</p> <p>Provides a transition zone for the Coburg and Glenroy Activity Centres, in accordance with the built form recommendations of the relevant Structure Plan. This transition zone is accommodated within the activity centre boundary.</p> <p>Applied to very limited areas on the boundary of the Brunswick Activity Centre because the built form recommendations of the Structure Plan already factor</p>

PN78 Principles in applying RGZ	Moreland application of principles
	in a transition to adjoining low scale areas. Where adjoining street blocks allow (north-south streets parallel with the main transport corridors), the RGZ has been applied as a transition zone.
Areas where there is mature market demand for higher density outcomes.	Generally speaking, the RGZ coincides with some areas currently experiencing mature market demand for higher density outcomes. However, the zones have been applied to implement long term strategic directions for areas, rather than just reflecting current market demand. Some locations in the north of Moreland may not yet be experiencing mature market demand but should not be excluded from the growth zone until such time as market demand matures. This would undermine future development potential by limiting densities in the short term.

Note: The shaded boxes highlight those principles where Moreland has refined the PN78 principles or where Moreland has identified a new principle.

Discussion

In considering the strategic justification for the application of the RGZ, the Committee notes there is strong policy emphasis in the existing LPPF on focussing change within defined Activity Centres/urban villages and quite broadly along transport corridors, however the Committee notes the RGZ has principally been applied to designated Activity Centres and not along any transport corridors outside these activity centres. The Committee recognises this is in response the revised LPPF, however this change to the planning scheme has not been approved and the Committee is concerned the revised approach could be contrary to the intent of the SPPF and the existing LPPF if it results in too little development along public transport routes.

The Committee considers the issues with the existing LPPF is that whilst it identifies areas where higher densities are to occur, it provides no direction in relation to the type and scale of development (and therefore what zone would be the best fit) and the extent or specific locations of the zone. These areas are simply represented as nominal concentric rings or transport corridors with no further clarification. The Committee does not consider this is sufficient to determine what zone a property should be in.

The Committee accepts the revised LPPF provides clearer direction on this issue, by specifying that higher densities are to be provided within 400 metre walking distance of the centre and specifically referring to the recommendations of the *'Defining Boundaries for Moreland's Neighbourhood and Local Activity Centres'* report prepared by Echelon Planning. However, whilst this work is a reference document in Amendment C152, the new framework does not form part of the planning scheme at this point. Therefore it has no force or effect and does not constitute sufficient strategic justification. Whilst the Committee does not accept that this work provides strategic justification for the application of the RGZ at this time, it provides valuable information to assist in the preparation of any future Housing Strategy and the application of the RGZ in the future.

In terms of the Structure Plans for the three main Activity Centres, the Committee notes the Coburg Structure Plan is currently the subject of Amendment C123. The revised Explanatory Report for Amendment C123 indicates that land within the Structure Plan area will primarily

be rezoned to an Activity Centre Zone and this will include a parcel of R1Z land. Council advised it did not initially apply the RGZ in the draft Amendment, but it seeks to include it now. The Committee does not think there is merit in this given the Structure Plan is still to be implemented into the planning scheme and it is envisaged that any RGZ will be changed to the ACZ through the amendment process.

The Brunswick Structure Plan is currently the subject of Amendment C134. The Explanatory Report for Amendment C134 indicates that the land within the structure plan area will primarily be rezoned to Commercial and Mixed Use Zones. Three land parcels are to be rezoned to R1Z and there are DDOs to guide built form. It may be appropriate to include residential land within the structure plan area in the RGZ, but this will depend on the land use and built form policies of the relevant sub-precinct the land is located in. The Committee believes this decision should be deferred pending the outcome of Amendment C123.

The Glenroy Structure Plan is not yet the subject of a planning scheme amendment. The Committee notes the Glenroy Structure Plan identifies areas for higher housing densities with similar heights as proposed in the RGZ1 and RGZ2 (although only specified in storeys). Council has the opportunity here to link a future amendment with a review of the RGZ to determine if the zone would be an appropriate in terms of its land use objectives and housing needs, and to provide a strategic justification of translation of the built form policies to specific inclusions in the zone schedule if this is required.

In response to Council's submission that the application of the RGZ appropriately applies the principles and criteria of the PN78, the Committee considers that in the absence of an overall strategic framework that more specifically identifies what level of growth will occur where in the municipality, the principles and criteria in PN78 are not determinative. The Committee considers the only strategic work that clearly provides this direction is the Glenroy Structure Plan (noting the Brunswick and Coburg Structure Plans do not generally deal with residentially zoned land).

In relation to Council's submission that the RGZ has been used to provide a transition between the core commercial areas, the zone has only been applied to three percent of the R1Z land and there are many instances where this is not the case, and the Mixed Use/Commercial Zones will directly abut NRZ. The Committee is not satisfied this has been consistently applied. Whilst it may be argued the built form outcomes are adequately dealt with in the Structure Plans, it needs to be recognised these primarily relate to Commercial/Mixed Use/Activity Centre Zones which may attract quite different types of development.

In relation to the mature market, the Committee considers this is almost irrelevant given the limited application of the RGZ.

Conclusion

The Committee concludes there is insufficient strategic direction to apply the RGZ and on that basis, it is not supported.

(ii) Variation to the Residential Growth Zone Schedule

Council proposes to introduce two schedules to the RGZ. RGZ1 is to apply to land within defined activity centres where higher levels of development up to four storeys are anticipated. There is very limited land included within the RGZ1. RGZ2 is to apply to land within defined activity centres where lower levels of development of up to three storeys are anticipated.

Many submissions raised concerns in relation to these heights and setbacks, specifically the justification, whether they should be mandatory or discretionary and the proposed balcony dimension variations.

As part of the Housing and Population Report, DTPLI submitted the Committee should consider whether the proposed height limits conflict with the objectives of the RGZ2 and whether the default height provision in the zone should apply. In addition, whether the proposed heights are consistent with the vision for the Brunswick Activity Centre and *Plan Melbourne* which seek to locate development in activity centres with good access to services and jobs. (As the Brunswick Structure Plan does not appear to deal with residentially zoned land, this point is not relevant. RGZ changes to the Residential Zone in the Coburg Structure Plan were not subject to the notice period.)

Table 2 outlines the proposed variations to RGZ1 and RGZ2 as exhibited and Council's justification for these proposed variations. At the Hearing, Council advised it had revised these Schedules and these changes will be addressed where relevant.

Table 2 Justification for variations in Schedules 1 and 2 of the RGZ

	Local Variations	Justification
RGZ	Height RGZ1 - 4 storeys / 13.5m (D) RGZ2 - 3 storeys / 10.5m (D) Exemptions for sites where average height of buildings on abutting allotments is greater, or if an Overlay or Structure Plan includes greater heights.	Heights in RGZ around NACs and LACs are based on the recommendations of Echelon Planning (Defining Boundaries for Moreland's Neighbourhood and Local Activity Centres, Feb 2014). Heights in RGZ in Brunswick, Coburg and Glenroy are based on the relevant Council endorsed Structure Plan. Height is discretionary to allow for some variation in architectural forms. Exemptions allow for an appropriate built form in areas that may contain buildings taller than 4 storeys or may have a greater height recommended in an Overlay or Structure Plan.
	Street setback 3 metres (D)	Street setbacks are based on the recommendations of Echelon Planning (Defining Boundaries for Moreland's Neighbourhood and Local Activity Centres, Feb 2014). 3m setbacks are consistent with the intention for these areas to create a new character of greater intensity and larger scale buildings than suburban residential areas with generally greater front yard setbacks.
	Landscaping Tree in front setback, where space permits (D).	Consistent with MSS and Neighbourhood Character policy which requires trees in front setbacks. Consistent with Council policy objectives to increase tree coverage and create an enhanced landscape character across Moreland evident in the

Local Variations	Justification
	Moreland Open Space Strategy and Moreland Street Landscape Strategy.
Private Open Space Minimum balcony size of 8m x 2m if only form of secluded private open space (M).	The balcony dimension is considered necessary when a balcony is the only form of secluded private open space provided. The minimum dimensions are based on the minimum space required for a table and chairs.

Discussion

As discussed in the *Stage One Overarching Issues Report*, the Committee has already concluded that through the drafting of the head clause for the RGZ:

- the maximum height can only be expressed in metres and there is no scope to refer to storeys
- if specified in a Schedule it is 'mandatory' and there is no scope to provide discretionary heights.

With this in mind, the Committee notes the specified discretionary maximum height for the RGZ is 13.5 metres and the Schedules seek to retain this as a discretionary height rather than a mandatory height (based on Council's revised position). If a height is specified in a Schedule to the zone it becomes a mandatory height. If it is Council's intention the height be discretionary (at 13.5 metres), there is no need to specify it in the Schedule and the height should revert back to the default height in the head clause of the RGZ.

In terms of the heights specified for the RGZ2 and the proposed street setbacks in both the RGZ1 and 2, the Committee notes these are based on the recommendations of the Echelon Report 2 which was completed in 2014, however, as these are not included within the Planning Scheme the Committee does not consider these provide the necessary strategic justification to include them as variations to the Schedule at this time. The Committee notes that it is not clear whether the Echelon report is at odds with or intended to complement the Council's *Draft Moreland Higher Density Design Code* which does not specify any height or setback requirements (for buildings of four or more storeys).

The Committee notes the Brunswick, Coburg and Glenroy Structure Plans are cited as justification, however, these are not included within the Planning Scheme at this time and any references to heights in these Structure Plans refer to storeys and not metres. On this basis the Committee does not consider these provide the necessary strategic justification to include specific mandatory heights as variations to the Schedule at this time.

Having examined the existing LPPF, Amendment C152 and the additional strategic work, the Committee has not found any policies that support the introduction of these specific mandatory heights.

The DTPLI report highlighted to the Committee that the 10.5 metres height proposed in the RGZ2 may be unduly restrictive on larger sites and it may be incompatible with the vision for the Brunswick Activity Centre.

Council has not clearly demonstrated why the existing provisions within Clause 54 and 55 are not sufficient to address these issues, nor has it resolved potential inconsistencies

between controls. On that basis, the Committee considers these proposed variations are not appropriate.

In terms of the proposed variation relating to landscaping (Standard B13), the Committee notes the intent of this variation is consistent with the following policy framework:

- **Clause 21.05-5 Urban Design, Urban Character and Street Landscapes – Objective 5** – which seeks to develop street landscapes which provide more shade, greenery and natural habitat throughout the city and ensure new plantings take into account the area's neighbourhood character.
- **Clause 22.10 – Neighbourhood Character – Objectives – Residential Character Areas** – which seeks to improve the landscaped and green character and states that it is policy that at least one semi mature with a spreading canopy should be planted in the front setback, where the prevailing setback permits.

On that basis, the Committee considers there is strategic justification to include this variation in the schedule to the RGZ, recognising it is intended to be discretionary rather than mandatory.

The Committee notes the revised Schedules seek to amend the terminology associated with 'semi mature canopy tree' and make reference to this being provided in accordance with the *Moreland Tree Planting Manual for Residential Zones, 2014*. The Committee notes this is a new manual that has not been incorporated into the Planning Scheme. Whilst the Committee agrees the changes in definition and inclusion of a manual to provide further direction on landscaping is appropriate, the Committee is not able to support its inclusion until such time as it has been through an appropriate review process. For this reason, the Committee does support this revision at this stage.

In terms of the proposed open space variations (which has been deleted in the revised version), the Committee notes this requirement appears to be drawn from the proposed *Moreland Higher Density Design Code*. As this is not part of the Planning Scheme at this time, the Committee considers it is not strategically justified. If this is still supported, Council should consider how this could be incorporated in any future schedule through that amendment process.

Conclusion and Recommendation

The proposed variations to RGZ1 and RGZ2, with the exception of the revised wording for Standard B13, are either not strategically justified at this time or are inconsistent with the zone provisions and should not be changed.

The Committee recommends:

4. **Strategically justify variations to Schedules 1 and 2 to the Residential Growth Zone before introducing these through a future amendment.**

6.3 General Residential Zone

(i) Application of the Zone

In providing the rationale for applying the GRZ, Council submitted that north of Moreland Road the GRZ has been applied to areas within 800 metres of a designated activity centre and train station (not otherwise included in the RGZ or the NRZ) and that logical boundary adjustments to the 800 metre radius were made to use streets or other physical boundaries.

South of Moreland Road, Council submitted that application of the GRZ was refined to act as a transition between the RGZ and the NRZ where block patterns support this approach. It was applied to properties fronting the Melville Road tram corridor, not otherwise included in the NRZ because of an HO. The limited amount of GRZ south of Moreland Road is explained by the approach to retain housing diversity in this location which will be discussed in relation to the NRZ.

Council submitted the GRZ has been applied to 29 percent of the residential land within the municipality.

In support of this zone application, Council provided an assessment of the application of the GRZ against the principles in the PN78, which is outlined in Table 3.

Table 3 Assessment of the application of the GRZ against the principles in PN78

PN78 Principles in applying GRZ	Moreland application of principles
Areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character.	This principle has not been applied although these areas sometime coincide with the GRZ.
Areas where moderate housing growth and housing diversity is encouraged.	Moderate housing growth and diversity is encouraged in areas with poor housing choice (greater than 70% detached dwelling stock) and a greater diversity of housing is required to meet the changing needs of the population. The GRZ has therefore been used to allow for continued moderate increases in medium density housing stock in these areas. The RGZ will also contribute to this objective. This is evident in areas north of Moreland Road, as detailed in the discussion above. Moderate housing growth and diversity is encouraged in areas with good access (up to 800 metres) to shops, services and public transport, not otherwise included in the RGZ or NRZ. This principle is applied north of Moreland Road.
	Areas which provide a transition between the RGZ and NRZ.

Note: Shaded boxes highlight those principles where Moreland has refined the PN78 principles or where Moreland has identified a new principle.

Discussion

As the default zone, the Committee accepts the application of the GRZ as proposed.

In terms of applying the GRZ in proximity to the Activity Centres (as identified on either the current or revised strategic framework plan), in the absence of any policy which clearly identifies this land as appropriate for RGZ, the Committee considers the GRZ is the most

appropriate zone to enable moderate housing growth and diversity, whilst still respecting neighbourhood character.

The Committee is concerned the GRZ has not been more widely applied throughout the municipality based on the existing LPPF, which identifies areas outside the Activity Centres and the transport corridors as places where incremental growth which respects neighbourhood character in accordance with Clauses 54 and 55 will occur.

The Committee notes this approach is consistent with the revised LPPF which seeks to locate development within the defined NACs and LACs, yet recognises that:

Beyond the above activity centres identified as suitable to accommodate housing intensification, incremental change will be accommodated and new housing must be designed to respect existing neighbourhood character, and contribute to improved landscape character (Strategic Direction 3: Housing).

The Committee does not find this statement sufficiently different from the existing LPPF to support the use of the RGZ or the NRZ instead of the GRZ.

The Committee considers the existing and revised LPPF supports a greater application of the GRZ for the bulk of the municipality.

Conclusion

The Committee concludes the application of the GRZ as proposed is appropriate, however a broader application of the zone should be considered.

(ii) Variation to the General Residential Zone Schedule

The Council proposes to include only one Schedule to the GRZ which seeks to introduce a mandatory eight metre height limit.

Many submissions raised concerns about the introduction of a mandatory height limit stating it would significantly impact on the ability to construct dwellings with pitched roofs and ultimately housing diversity and affordability. Submissions raised concerns about whether these heights should be mandatory or discretionary and with the proposed balcony dimension variations.

In its *Housing and Population Report*, DTPLI raised concerns about the proposed eight metre mandatory height limit. Research undertaken in the preparation of the report suggested the scale of double storey townhouse and unit development would generally exceed eight metres, particularly buildings with pitched roofs which are consistent with local character. This was demonstrated with a series of photographs of new housing development. DTPLI asked the Committee to consider this issue. DTPLI also questioned why height had been the focus of the schedule rather than paying greater attention to site coverage and landscaping which could alternatively, and perhaps more effectively assist Council to guide preferred development outcomes.

Table 4 outlines the proposed variations to the GRZ schedule as exhibited and Council's justification for the proposed variations.

Table 4 Justification for variations in the Schedule of the GRZ

	Local Variations	Justification
GRZ	Height 2 storeys / 8m (D) Exemptions for sites where average height of buildings on abutting allotments is greater, or if an Overlay includes greater heights.	The 8 metre height was determined in response to community concern about new multi unit developments and their amenity impact on neighbouring properties. Analysis of recent permits shows that the 8 metre height has a minimal impact on the height of current multi dwelling proposals. Of the case studies reviewed, 95% of permits in the north complied with the 8m height and 50% in the south complied (refer Amendment Documents, Part 2C, document 35). The height is discretionary to allow for some variation in architectural forms and roof pitch and exemptions allow for a greater height in areas that may contain buildings taller than 8 metres or may have a greater height recommended in an Overlay.
	Landscaping Tree in front setback, where space permits (D).	Consistent with MSS and Neighbourhood Character policy which requires trees in front setbacks. Consistent with Council policy objectives to increase tree coverage and create an enhanced landscape character across Moreland evident in the Moreland Open Space Strategy and Moreland Street Landscape Strategy.
	Private Open Space Minimum balcony size of 8m x 2m if only form of secluded private open space (M).	The balcony dimension is considered necessary when a balcony is the only form of secluded private open space provided. The minimum dimensions are based on the minimum space required for a table and chairs.

Discussion

The Committee notes the specified maximum height for the GRZ1 is eight metres, whereas the default height in the parent Clause is nine metres. The exhibited version included this as a mandatory height, however, at the Hearing Council advised that this had now been revised to a discretionary height rather than mandatory.

Firstly, in terms of the issue of 'mandatory' versus 'discretionary' and the introduction of an exemption, as stated in the Committee's *Stage One Overarching Issues Report*, the Committee has already concluded that through the drafting of the head clause for the GRZ:

- if specified in a Schedule it is 'mandatory' and there is no scope to provide discretionary heights
- the maximum height can only be expressed in metres and there is no scope to refer to storeys.

On this basis, recognising it is Council's intention this be a discretionary height, the Committee considers the most appropriate way in which to deal with this would simply be to not refer to a height in the Schedule. This would, however, result in a deferral back to the default Clause in the zone, which is nine metres, not eight metres as proposed by Council.

In terms of the proposed eight metre height limit, the Committee has reviewed the existing and proposed policy framework and can find no strategic justification to limit development in the GRZ to eight metres, either on a mandatory or discretionary basis. If anything, the

policy framework refers back to Clauses 54 and 55 and the Neighbourhood Character Guidelines and Policy which refer to a preferred two storey height in residential areas without specifying this height in metres and provides exceptions where local circumstances warrant. Council did not provide any examples or analysis to explain where Clauses 54 and 55, and the guidance within the LPPF, is delivering poor design or designs that are inconsistent with neighbourhood character, or that housing design in the GRZ would be improved by imposing an eight metre height limit.

Whilst Council has submitted this height has been included in response to community concerns about new multi-unit developments and their amenity impact on neighbouring properties, the Committee does not accept that this alone constitutes sufficient justification to limit the height of development within this zone to eight metres. The Committee considers that to introduce a variation which would reduce the height in the GRZ below the default nine metre height would need very strong strategic justification, and clear demonstration of why the provisions of Clauses 54 and 55 are not adequate to address the concerns raised by the community. There would need to be an assessment of the potential impacts on development and the ability to accommodate future growth.

The Committee questions the need to introduce such a height limitation when Council recognises that 95 percent of development north of Moreland Road and 50 percent south of Moreland Road is already compliant with this height; from these statistics it would appear that the existing provisions are already effectively addressing the concerns of the community.

The Committee has significant concerns about introducing the proposed eight metre height, (whether it be discretionary or mandatory), particularly considering the NRZ (which also has a mandatory height of eight metres) has been extensively applied throughout the municipality. The combined result would in effect limit development of 90 percent of residential land within municipality to eight metres in height. As discussed in the Committee's *Stage One Overarching Issues Report*, concerns have been raised by submitters about the limitations such a height would have on the design of buildings.

For these reasons, the Committee does not support the variation to the Schedule which would seek to limit the height of development to eight metres, whether it be discretionary or mandatory.

In terms of the proposed variation to Standard B13 (Landscaping), the Committee notes the intent of this variation is consistent with the following existing policy framework:

- **Clause 21.05-5 Urban Design, Urban Character and Street Landscapes – Objective 5** – which seeks to develop street landscapes which provide more shade, greenery and natural habitat throughout the city and ensure new plantings take into account the area's neighbourhood character.
- **Clause 22.10 – Neighbourhood Character – Objectives – Residential Character Areas** – which seeks to improve the landscaped and green character and states that it is policy that at least one semi mature with a spreading canopy should be planted in the front setback, where the prevailing setback permits. This policy also states "Use the *Moreland Neighbourhood Character Guidelines 2006* and *Neighbourhood Character*

Local Planning Policy to ensure new development is consistent with the preferred future character of the area."

The Committee notes the intent of this policy direction has not changed in the revised Clause 22.10 Neighbourhood Character Policy.

On that basis, the Committee considers there is strategic justification to include this variation in the schedule to the GRZ, recognising it is intended to be discretionary rather than mandatory.

The Committee notes the revised Schedule seeks to amend the terminology associated with 'semi mature canopy tree' and make reference to this being provided in accordance with the *Moreland Tree Planting Manual for Residential Zones, 2014*. The Committee reviewed this manual in the discussion of the RGZ.

Council advised that, post notice, it had revised the Schedule to include a variation to Standard B28 which would introduce minimum dimensions for a balcony. The Committee addressed this variation under the discussion of the RGZ.

On this basis, the Committee considers these two proposed variations to the Schedule are not appropriate and should not be approved.

The Committee notes the revised version seeks to remove text from the *Decisions Guidelines* which duplicate some of the policy statements in *Clause 22.01 Neighbourhood Character Local Policy*. The Committee considers this is an appropriate variation.

Recommendation

The Committee recommends:

- 5. Strategically justify variations to Schedule 1 to the General Residential Zone before introducing these through a future amendment.**

6.4 Neighbourhood Residential Zone

(i) Application of the Zone

In providing the rationale for the application of the NRZ, Council submitted that north of Moreland Road the NRZ has been applied to areas beyond 800 metres walking distance of designated NACs and train stations in Zone 1; and that logical boundary adjustments to the 800 metre radius were made to use streets or other physical boundaries.

Council submitted that south of Moreland Road the NRZ has been applied to areas between the north-south corridors of the Brunswick Major Activity Centre and Melville Road.

The NRZ has been applied to all areas within a Precinct based Heritage Overlay.

Council submitted the NRZ has been applied to 61 percent of the residential land within the municipality.

Many submissions supported the application of the NRZ with many raising concern that it had not been applied widely enough. These submitters highlighted these areas, particularly south of Moreland Road, have a valued character that needs to be protected. The valued

character includes single dwellings with front/rear yards and landscaped streetscapes. Many submitters accepted the need for higher density developments, but considered these should be focussed around the existing commercial areas leaving the areas in between as lower density residential areas. They highlighted negative amenity impacts that have occurred with more medium/higher density development, such as overlooking, overshadowing and visual bulk; and stressed the NRZ would assist in addressing these issues.

Many other submitters did not support the extent of the NRZ stating it would significantly limit development, particularly south of Moreland Road, which they stated was contrary to the principles of urban consolidation and would not make best use of existing public transport services. Concerns were raised that the limitation on height would significantly limit development opportunities, ultimately impacting on housing diversity and affordability.

Some submitters accepted it would be appropriate to include the areas subject to a HO within the NRZ, but saw little or no strategic justification for the more liberal application of the zone. Concern was raised, however, about the inclusion of redundant industrial/warehousing/commercial buildings with an HO within the NRZ and what limitations this may place on the appropriate redevelopment and use of these buildings.

The Housing and Population Report, DTPLI raised concern about the impact of restricting growth on redundant commercial heritage sites and whether the extent of the application of the NRZ will constrain appropriate change.

DTPLI raised concern that the application of the NRZ south of Moreland Road (with the associated eight metre height limit) will unduly limit ongoing housing change around Brunswick and questioned whether the GRZ would be the more appropriate zone. As discussed above, DPTLI suggested that greater direction in relation to landscaping, site coverage and possibly other Clauses 54 and 55 standards may be more effective in addressing the community concerns than height alone.

In support of this zone application, Council also provided an assessment of the application of the NRZ against the principles in the PN78, which is outlined in Table 5.

Table 5 Assessment of the application of the NRZ against the principles in PN78

PN78 Principles in applying NRZ	Moreland application of principles
Areas with a neighbourhood character that is sought to be retained.	Recent community consultation has identified a very strong community desire to retain a low density garden suburban character. Moreland seeks to respond to this community value by identifying areas for the NRZ, in accordance with the principles below.
Areas where more than 80% of lots currently accommodate detached dwellings.	After much consideration, Moreland has not applied this principle as it is these areas where greater dwelling diversity is required. Moreland's alternative principle is for housing diversity. As discussed above, some areas of Moreland already provide very good dwelling diversity with significant proportions of multi dwelling stock. These areas require protection of some areas for detached dwellings and low density multi dwellings to maintain dwelling diversity. Conversely, areas with significant proportions of detached dwellings will require allowance for continued multi dwelling development to achieve dwelling diversity (this principle is noted as relevant to the GRZ above). Therefore, the relevant NRZ principle is: Areas with good dwelling diversity (greater than 55% medium and high density dwelling stock). This good balance of housing choices should be retained by protecting some areas for detached dwellings and low density multi dwellings. Maps of areas with more than 80% detached dwelling stock per street have been generated to assist in consideration of this principle (refer Amendment Documents, Part 3, document 10). As is demonstrated by the maps, many areas coincide with locations with good access to activity centres and public transport. 80% detached dwelling stock should not on its own be a valid reason to limit development potential for multi dwellings. In fact, it is these areas that require greater housing diversity. Notwithstanding Moreland's approach to housing diversity, there are certainly some areas included in the NRZ with more than 80% detached dwelling stock. These areas are included for other reasons however (eg. remoteness from public transport, shops and services).
Areas with Neighbourhood Character Overlays (NCO).	There are no NCOs in Moreland - previous neighbourhood character analysis in Moreland did not identify areas suitable for protection using the NCO
Residential areas with Heritage Overlays (such as larger heritage precincts, rather than individually recognised heritage sites).	Precincts within the HO are included in the NRZ.
Areas of identified environmental or landscape significance.	The Landscape Significance Overlay (LSO) does not apply in Moreland. The ESO alone has not been used as a reason to apply the NRZ. It is considered the environmental significance of these areas can be addressed through either the GRZ or the NRZ housing outcomes. Large areas included in the ESO have however coincided with the NRZ due to their relatively poorer access to activity centres and train stations. Some areas within the ESO have been included in the GRZ as they have good access to activity centres and/or train stations.

PN78 Principles in applying NRZ	Moreland application of principles
Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term	<p>Applied to areas further than approximately 800 metres from activity centres and train stations. These areas are considered to have relatively poor access to supporting infrastructure.</p> <p>Areas required to create a break/buffer between areas designated for very intensive growth and housing densities.</p> <p>Applied to the 'in between' areas between the north-south corridors of the Brunswick Major Activity Centre and Melville Road.</p> <p>As well as contributing to housing diversity, these areas will act to provide a green, lower density break to an otherwise very dense urban environment. This approach will have a potential positive impact on amelioration of the Urban Heat Island Effect.</p> <p>Greater permeability in these areas may also assist to offset the large areas of impermeable surfaces in the activity centre corridors which will facilitate stormwater infiltration and contribute to protection of groundwater levels.</p> <p>Areas where transport infrastructure (roads and public transport) is at or nearing capacity, limiting the ability of local areas to accommodate further increases in population without detrimental impacts on public amenity and the overall liveability of a place.</p>

Note: Shaded boxes highlight those principles where Moreland has refined the PN78 principles or where Moreland has identified a new principle.

Discussion

The Committee has significant concerns with both the justification for and extent of the NRZ proposed in Moreland.

As stated in the *Stage One Overarching Issues Report*, the Committee considers there needs to be clear strategic justification for the application of the NRZ. Having examined the existing and revised strategic framework, the Committee can find no clear strategic justification for applying the NRZ within the municipality.

The Committee notes the *Housing Strategy Map* in Clause 21.05 clearly identifies that land outside the Activity Centres/Urban Villages is identified as being an area where development is to be "in accordance with ResCode." It does not identify any particular areas of significant character that are to be protected and there are no Neighbourhood Character Overlays.

The Committee notes the LPPF (existing and revised) certainly places a significant emphasis on ensuring development responds to preferred neighbourhood character (*Clause 22.10 – Neighbourhood Character Policy*) but neither propose an eight metre mandatory height, (rather a discretionary two storeys), limit. Whilst it is preferred that developments do not exceed two storeys (with no height specified), the existing policy framework provides the scope for developments to exceed two storeys within the proposed NRZ area. It identifies there is the scope to exceed two storeys on large sites where the off-site impacts can be managed, provided the built form at the street and adjoining property interface is no more than three storeys.

From its assessment of the existing and proposed policy framework, based on the purpose of the NRZ which is to limit development (amongst other things) to two dwellings (which can

be varied) of eight metres, the Committee can find no strategic justification in either the existing or proposed LPPF that clearly justifies application of this zone. The Committee considers that it appears contrary to the existing policy framework.

The Committee has concerns that land within the area identified in *Plan Melbourne* as *Jewel Station – Urban renewal opportunities that include significant parcels of government held land* and the *‘Brunswick to Batman Station Corridor – Potential urban renewal opportunities/investigation areas’* has been identified as NRZ1 and NRZ2 thereby significantly limiting development in relation to this urban renewal site and raising community expectations that only minimal change will occur. The implementation of *Plan Melbourne* is just beginning, and there are no boundaries or plans to indicate what might happen at Jewel Station or along the rail corridor in the future. The Committee considers the GRZ would be the more appropriate zone in these areas to maintain the status quo until it is clear what direction the urban renewal development will take and which land parcels are central to its success.

Whilst Council has submitted that the application of the NRZ is consistent with PN78, it needs to be recognised that PN78 is intended to provide guidance in the application of the zones and does not constitute sufficient justification in its own right. Therefore, in considering the purposes of the NRZ, if the proposed application of the zone is not consistent with the strategic intent of the Planning Scheme in the first place, the principles of the Practice Note become irrelevant.

Despite this, the Committee respond to some of the points raised by Council in response to the PN78.

It is recognised from submissions that there is strong community desire to retain the low density garden suburban character of the area, however, there were many submissions which emphasised this should not be at the expense of development. The Committee acknowledges that for some years all residential areas have been subject to the Neighbourhood Character policy which provides policy direction on building height and form; and that there may be community support to take that one step further and introduce mandatory height restrictions and limits on the number of dwellings, however, the Committee does not support the leap to mandatory controls based on community sentiment alone. Additional strategic justification would be required along with an analysis of how the introduction of such widely applied requirements would affect housing supply.

Inclusion of a precinct based HO is not an automatic justification for applying the NRZ; this is just one of many considerations. The Committee is concerned with applying the NRZ to large strategic redevelopment sites or old industrial/warehouse/commercial buildings with HOs as these are sites that can accommodate greater levels of development which may facilitate the reuse and protection of these heritage sites, as it already happening in Moreland. The Committee considers this may be contrary to Clause 21.05-2 – *Industry and Commerce* which identifies areas where these uses can transition into higher density residential uses.

The Committee is concerned that if these sites are included within the NRZ and no greater allowance than two dwellings is specified in the Schedule to the zone, then they can only be used for two dwellings no matter what the size of the land, which could result in a significant

underutilisation of these important strategic redevelopment sites, and most likely a lack of an economic incentive to adapt them to a contemporary use. Similar arguments apply to limiting built height to eight metres. The Committee notes that the existing and revised LPPF both address adaptive reuse of industrial heritage buildings, with support for redevelopment proposals to retain heritage fabric that in many cases is likely to exceed eight metres in height.

The Committee accepts the argument presented by submitters, that if this were to occur there is little incentive for owners/developers to retain these important heritage sites, or incorporate the existing built form into the redevelopment of the site which may result in their ultimate demise either through demolition or neglect.

The Committee seriously questions whether the NRZ is an appropriate zone for these sites. The GRZ would seem to be the more appropriate zone with the HO providing the appropriate protection for heritage properties. The Committee's *Stage One Overarching Issues Report* discusses this issue from a broader perspective.

The Council advised the NRZ has been applied to 'in between' areas south of Moreland Road, these being the areas between the Brunswick Structure Plan and the Melville Road tram route which are furthest to public transport stops. The Council submitted that tram services are at capacity and increasing development will not help this issue. The Committee does not accept the argument that areas identified for NRZ, particularly in the south, are not well served by public transport because the existing infrastructure is at or nearing capacity. The Committee accepts the system is strained, as acknowledged by the PTV, however, this is a municipality which has significant transport infrastructure in place and as recognised by PTV, it is easier to improve the existing infrastructure and services rather than create new infrastructure. PTV made it clear that increased population growth is required to justify enhanced services. The Committee accepts that this will be an important challenge to be met, however, it does not consider this is an appropriate justification to include significant areas within the NRZ.

The Council submitted the NRZ has been applied to maintain a stock of lower density and detached housing to ensure there will be housing diversity in the future due to increasing numbers of higher density housing projects constructed in Moreland, especially those which replace this type of housing. The Committee is not convinced that the NRZ alone will achieve that as it still allows for two dwellings on a lot.

In relation to submissions that the NRZ will assist with the sustainability objectives for the municipality specifically relating to the creation of urban heat banks, the Committee is aware that Council has recently sought to introduce a new Environmentally Sustainable Development Policy through Amendment C71. If approved, this policy will assist Council to improve the environmental sustainability of all development, notwithstanding the zone, and that developers can elect to improve their sustainability in a number of ways which do not require limitations on either the dwelling numbers or the height of development. For these reasons, the Committee does not accept that this is an appropriate justification to apply the NRZ.

Conclusion

The Committee can find no strategic justification to support the application of the NRZ. Comprehensive strategic justification is required before applying the NRZ in the Moreland Planning Scheme.

(ii) Variations to the Neighbourhood Residential Zone Schedule

Council proposes to introduce two schedules to the NRZ. The NRZ1 applies to the land north of Moreland Road and west of Melville Street south of Moreland Road, which is referred to as 'Low Density Residential Area 1'. This is the larger of the two NRZ zones. The NRZ2 applies to the land south of Moreland Road and west of Melville Street and is referred to as the 'Low Density Residential Area 2'.

Table 6 outlines the proposed variations to the Schedule to the NRZ1 and NRZ2 as exhibited and Council's justification for the proposed changes. At the Hearing, Council advised it had revised this Schedule and these changes will be addressed where relevant.

Submissions were made in support of these variations, particularly the limitations on height and the number of dwellings, stating this would assist in the preservation of valued character. Submitters raised concern about the proposed variations, particularly the proposal to include a density ratio and height limit of eight metres, stating this would significantly limit development opportunities, ultimately impacting on housing diversity and affordability.

As part of the *Housing and Population Report*, DTPLI submitted the Schedules to the NRZ will constrain infill development yields on generally smaller lots, but may not have an impact on larger lots. DTPLI suggested that the Committee consider whether the ongoing subdivision of NRZ areas is consistent with the vision for the residential hinterland and the objectives of limiting opportunities for increased residential development and ensuring development respects neighbourhood character. The DTPLI report again raised the potential for other options such as landscaping and site coverage requirements to achieve better built form outcomes that simply height and yield.

Table 6 Justification for variations in the Schedule of the NRZ

	Local Variations	Justification
NRZ	<p>Height</p> <p>Two storeys / 8 metres (D).</p> <p>Exemptions for sites where average height of buildings on abutting allotments is greater, or if an Overlay includes greater heights.</p>	<p>The eight metre height is consistent with the height in the parent clause. Council has made it discretionary to allow for some variation in architectural forms and roof pitch and exemptions included to allow for a greater height in areas that may contain buildings taller than eight metres or may have a greater height recommended in an Overlay.</p>
	<p>Landscaping</p> <p>NRZ1 - Tree in front setback and tree in each area of secluded private open space per dwelling (M).</p> <p>NRZ2 - Tree in front setback and tree in each area of secluded private open space per dwelling (D).</p>	<p>Consistent with MSS and Neighbourhood Character policy which requires trees in front setbacks.</p> <p>Consistent with Council policy objectives to increase tree coverage and create an enhanced landscape character across Moreland evident in the Moreland Open Space Strategy and Moreland Street Landscape Strategy. The requirement for a tree in secluded private open space is consistent with Council's objective for these areas to create a low density garden suburban character.</p> <p>The control is discretionary in the NRZ2 as the spaces available for tree planting will be smaller, reflective of the smaller lot sizes, street setbacks and secluded private open spaces in the south of the municipality.</p>
	<p>Private Open Space</p> <p>NRZ1 - Minimum area of secluded private open space at ground floor of 40 square metres with minimum dimension of 4m per dwelling. Balconies and roof tops excluded from calculation (M).</p> <p>NRZ2 - Minimum area of secluded private open space at ground floor of 25 square metres with minimum dimension of 3 metres per dwelling. Balconies and roof tops excluded from calculation (M).</p>	<p>The secluded private open space dimensions were based on a review of permits across areas proposed for the NRZ1 and NRZ2 (refer Amendment Documents, Part 2C, document 35). The review found that in the north, the size of secluded private open space ranged from a minimum of 30 square metres to a maximum of 42 square metres on average. The upper range of 40 square metres was therefore determined to be a reasonable size to achieve Council's objective.</p> <p>In the south, the size of secluded private open space ranged from a minimum 12 square metres to a maximum 16 square metres on average.</p> <p>Given these small sizes it was considered reasonable to simply set the clause 55 dimension of 25 square metres as a mandatory control to achieve Council's objective.</p> <p>It is submitted that the secluded private open space requirements are reasonable and based on sound analysis of recent development activity. The requirements support Council's desire to allow for lower density multi unit development in the NRZ and analysis indicates that most proposals would lose one dwelling to achieve the requirement, e.g. a four unit development becomes a three unit development, as demonstrated in the Spatial Economics Housing Analysis Report (refer Amendment Documents, Part 2B, document 19).</p>
	<p>Number of dwellings on a lot</p> <p>NRZ1 – Average gross dwelling density of one dwelling per 250 square metres for developments of metres or more</p>	<p>The parent clause of the NRZ allows for a maximum of two dwellings on a lot, regardless of lot size. In keeping with Council's objective for the NRZ to allow for low density multi dwelling development, it was important this limit was varied.</p> <p>Rather than specifying the total number of dwellings allowed on a lot, it was determined that a more nuanced approach was required which allows for varying lot sizes.</p>

Local Variations	Justification
<p>dwelling (D).</p> <p>NRZ2 - Average gross dwelling density of one dwelling per 200 square metres for developments of three or more dwellings (D).</p>	<p>The average gross dwelling densities are intended as a discretionary tool to estimate the average number of dwellings which might be achieved on a lot based on lot size. It is not to be confused with a minimum subdivision size and it includes common property areas. Combined with the secluded private open space requirements, it is intended to allow for a new form of low density multi dwelling development in the NRZ.</p> <p>The proposed average densities were determined based on an analysis of average dwelling densities achieved for multi dwelling applications in Moreland in 2012. As evidenced in the table below, the review found that in the north the average dwelling density was 218 square metres and in the south 180 square metres. The proposed average densities were then double checked by a review of permit applications (refer Amendment Documents, Part 2C, document 35). The average dwelling density of the case studies included in this review was 1:208 square metres and the south 1: 120 square metres.</p> <p>Based on an understanding of the current densities illustrated above, and to achieve the objective of a lower density outcome, densities of 1:250 square metres for the north and 1:200 square metres for the south were identified as reasonable slightly lower density outcomes. These densities only apply if three or more dwellings are proposed so as not to unreasonably constrain the development of two dwellings on a lot.</p> <p>It is submitted that the average gross dwelling density requirements are reasonable and based on sound analysis of recent development activity. The requirements support Council's desire to allow for lower density multi unit development in the NRZ and analysis indicates that most proposals would lose one dwelling to achieve the requirement, e.g. a four unit development becomes a three unit development, as demonstrated in the Spatial Economics Housing Analysis Report (Amendment Documents, Part 2B, document 19).</p>

Discussion

The Committee notes the specified maximum height for the NRZ is eight metres and the Schedules seek to this retain it as a discretionary height rather than a mandatory height (based on Council's revised position) and to refer to two storeys.

As discussed in the *Stage One Overarching Issues Report*, the Committee has concluded that through the drafting of the head clause for the NRZ:

- if a height is specified in a Schedule it is 'mandatory' and there is no scope to provide discretionary heights.
- the maximum height can only be expressed in metres and there is no scope to refer to storeys.
- the limitation on the number of dwellings on a lot can only be expressed as a number and not a density ratio.

As eight metres is the mandatory height in the NRZ, and Council has now revised its position and no longer wishes to pursue a mandatory height, the Committee considers Council needs to seriously consider whether the NRZ is the most appropriate zone for this land, or whether the GRZ would be more appropriate.

In terms of the proposed variation relating to landscaping, the Committee notes the intent of this variation is consistent with the following policy framework:

- **Clause 21.05-5 Urban Design, Urban Character and Street Landscapes – Objective 5** – which seeks to develop street landscapes which provide more shade, greenery and natural habitat throughout the city and ensure new plantings take into account the area's neighbourhood character.
- **Clause 22.10 – Neighbourhood Character – Objectives – Residential Character Areas** – which seeks to improve the landscaped and green character and states and states that it is policy that at least one semi mature with a spreading canopy should be planted in the front setback, where the prevailing setback permits.

On that basis, the Committee considers there is strategic justification to include this variation in the Schedule to the NRZ. The Committee is, however, concerned with the proposal to make this a mandatory requirement in the NRZ1. As discussed in the *Stage One Overarching Issues Report*, the Committee has concluded that it is not appropriate to seek to make variations to the ResCode standards mandatory as these are intended to be performance based requirements. On that basis, the Committee would not support any references to 'must' within the variations to Clauses 54 and 55.

The Committee notes the revised Schedule seeks to amend the terminology associated with 'semi mature canopy tree' and make reference to this being provided in accordance with the *Moreland Tree Planting Manual for Residential Zones, 2014*. The Committee notes reviewed reference to this manual in the discussion of the RGZ.

In relation to the proposed variation to Standard B28 – *Private Open Space*, whilst Council submitted this variation responds to development trends, the Committee could find no strategic justification for the specific size and location of open space referenced within the existing policy framework. The Committee is not challenging Council's submission that this may be what is occurring or that these areas are required to support the landscaping desired, but rather without a clear statement of strategic intent, it is not considered these are appropriate variations to Clauses 54 and 55 at this time, and it is certainly not appropriate they be considered mandatory for the reasons discussed above.

In relation to the proposed variation to the maximum number of dwellings on a lot as proposed, as discussed in the *Stage One Overarching Issues Report*, the Committee has concluded that through the drafting of the head clause for the NRZ the maximum number of dwellings can only be expressed as a number and not a density ratio, and that contrary to Council's proposal to include these as discretionary ratio, once included within the Schedule they become mandatory.

The Committee accepts the Council's submission that a more nuanced approach is required in these areas to allow for the varying lot sizes, but given the limitations associated with the zone, the Committee questions whether the NRZ is the most appropriate zone for this land and whether the GRZ would be more appropriate to achieve this intent.

For these reasons, the Committee does not consider the variations, with the exception of Standard B13 provided it is discretionary, are appropriate.

Conclusion and Recommendation

The Committee concludes the variations to NRZ1 and NRZ2, with the exception of the revised wording for Standard B13, are not strategically justified.

The Committee recommends:

- 6. Strategically justify variations to Schedules 1 and 2 to the Neighbourhood Residential Zone before introducing these through a future amendment.**

(iii) Transitional provisions

A common theme of all of the Schedules is the inclusion of transitional provisions which state this Schedule does not apply to an application to construct a dwelling or residential building made before the approval date of the draft Amendment, however this does not apply to applications to extend a permit or extend a building made under Section 69 of the *Planning and Environment Act 1987*.

The Committee notes these have been appropriately removed from the revised schedules. The Committee notes a number of detailed decision guidelines are also proposed to be removed, which the Committee supports.

Conclusion

The Committee supports the removal of transitional provisions from the schedules.

(iv) Exemptions from mandatory control to defer to overlays

Council recognised that mandatory height control in a schedule would be at odds with the heights specified in several overlays and proposed to include an exemption in the Schedule to defer to the Overlay in such cases.

As stated in the *Stage One Overarching Issues Report* the Committee has concluded that through the drafting of the head clause for the various zones there is no ability to provide exemptions to refer back to either an existing overlay or Structure Plan.

The Committee considers that in such situations, Council will need to consider whether the GRZ would be the most appropriate zone, leaving the various overlays to do their job.

Conclusion and recommendation

The Committee concludes that there is no legal ability to include building height exemptions in the schedules to the residential zones.

The Committee recommends:

- 7. Avoid variations to provisions in schedules to the residential zones where the zone itself does not provide the legal ability, in any future amendment.**

6.5 Changes to the mapping

Council submitted the draft Amendment was endorsed by Council on 12 March 2014 with some changes to the proposed zone boundaries.

None of the changes proposed alter the findings of this report. Given the Committee has identified significant concerns with the approach adopted in applying the revised residential zones, the Committee has not addressed these changes in detail.

6.6 Consequential Changes to the LPPF

Council submitted that relevant documentation to support the draft Amendment was prepared, however, with what Council submitted was *“the imminent introduction of Moreland’s new LPPF (Amendment C152)”*, the consequential changes were made to the revised LPPF rather than the existing LPPF.

As stated, the revised strategic framework in Amendment C152 has not yet been approved by the Minister and this Committee has concerns with some of the revised strategic directions.

On this basis, the Committee has not undertaken a detailed assessment of the consequential changes to the LPPF.

6.7 Submissions in relation to specific properties

The Committee recognises that many submissions were made which sought to have the proposed zone applied to their individual properties be change.

Given the Committee’s concerns with regard to the application of the zones, the Committee has not examined submissions in relation to individual properties.

The Committee has recommended the preparation of a Housing Strategy which will examine the broad range of issues relevant to housing in Moreland. The Committee considers it is following the preparation of this strategy that it will be the appropriate time to consider the appropriate zone for a particular property and the rationale for applying the zone.

Appendix A List of Documents

No.	Name of Document	Tabled by
1	Submission to SAC	Moreland City Council
2	Folder Part 1	Moreland City Council
3	Folder Part 2A	Moreland City Council
4	Folder Part 2B	Moreland City Council
5	Folder Part 2C	Moreland City Council
6	Folder Part 3	Moreland City Council
7	Folder Part 4	Moreland City Council
8	Affordable Housing Strategy 2014-2018	Moreland City Council
9	Property Analysis	Moreland City Council
10	Tree Planting Manual for Residential Zones (draft for SAC review)	Moreland City Council
11	Submission to SAC	Public Transport Victoria
12	Presentation to SAC (PowerPoint slides)	Department of Human Services
13	Plan Melbourne page 157	Property Council
14	Development, 28 Richards Street, Coburg	C McKenzie, Melbourne Planning Solutions
15	Development, 170 The Avenue, Coburg	C McKenzie, Melbourne Planning Solutions
15b	Submission to SAC	C McKenzie, Melbourne Planning Solutions
16	Presentation to SAC (PowerPoint slides)	Melbourne Planning Authority
17	Submission to SAC	M Ryan, Urban Planning
18	Professional Qualifications	M Ryan, Urban Planning
19	Letter to Minister for Planning re application of residential zones in the City of Glen Eira	M Ryan, Urban Planning
20	Letter to Minister for Planning re application of residential zones in the City of Boroondara	M Ryan, Urban Planning
21	DTPLI application statistics for the City of Boroondara	M Ryan, Urban Planning
22	Submission to SAC (Colleen Peterson group)	G Tobin, Harwood Andrews
23	Housing Development Data analysis for City of Moreland	G Tobin, Harwood Andrews
24	VCAT Red Dot decision, Kain v Yarra Ranges SC [2013] VCAT 1908	G Tobin, Harwood Andrews
25	Submission to SAC	A Scott-Maxwell
26	Submission to SAC	J Gagliano
27	Submission to SAC	S Kyriakou

No.	Name of Document	Tabled by
28	Brunswick Traffic Survey	S Kyriakou
29	Submission to SAC	D Loughnan, G2 Urban Planners
30	Submission to SAC	Russell Hocking, Cityshire Planning
31	Feasibility study [address supplied] (Confidential)	Russell Hocking, Cityshire Planning
32	Submission to SAC	B Kingham
33	Set of photographs, Merri Street, Brunswick	B Kingham
34	Submission to SAC Part 1	M Fleming
35	Submission to SAC Part 2	M Fleming
36	Set of photographs, Merri Street, Brunswick	M Fleming
37	Set of maps and photographs, Collier Crescent and vicinity, Brunswick	P Holzer-Ingamells
38	Submission to SAC	S D'Amico, Ratio Consultants
39	VCAT decision, ER Ronge & Co Pty Ltd v Moreland CC [2008] VCAT 1491	S D'Amico, Ratio Consultants
40	Moreland Neighbourhood Character Guidelines 2006, precinct 75	S D'Amico, Ratio Consultants
41	Moreland Neighbourhood Character Guidelines 2006, precinct 69	S D'Amico, Ratio Consultants
42	Planning Property Report 20 Hardy Street, Brunswick	S D'Amico, Ratio Consultants
43	Set of photographs, Brunswick examples	P Connolly, Terrain Consulting
44	Submission to SAC	Builtmore Pty Ltd and Parkside Developments Pty Ltd
45	Submission to SAC	D Scally, Best Hooper
46	General Residential Zone annotated (1 copy)	D Scally, Best Hooper
47	Neighbourhood Residential Zone annotated (1 copy)	D Scally, Best Hooper
48	Residential Growth Zone annotated (1 copy)	D Scally, Best Hooper
49	Addendum Expert Report	T Biles, Message Consultants
50	Summary of Evidence	J Glossop, Glossop Town Planning
51	Aerial photograph, Munro Street, Coburg	J Glossop, Glossop Town Planning
52	Set of photographs, Munro Street, Coburg	J Glossop, Glossop Town Planning
53	Submission to SAC	A Flinn
54	Site analysis, 2 Spry Street, North Coburg	W Pearce, Urbis
55	Submission to SAC	F Abdulnour
56	Submission to SAC	P O'Farrell of Counsel
57	Set of photographs, Brunswick Road and vicinity, Brunswick	P O'Farrell of Counsel

No.	Name of Document	Tabled by
58	Aerial photograph, Brunswick Road and vicinity, Brunswick	P O'Farrell of Counsel
59	PN46, Strategic Assessment Guidelines	P O'Farrell of Counsel
60	Extract from Council MILUS report, pp 59-60	P O'Farrell of Counsel
61	Submission to SAC	M Kennedy, SJB Planning
62	Submission to SAC	M Kennedy, SJB Planning
63	Zoning map, Pascoe Vale	M Kennedy, SJB Planning
64	Article, "Freight trains may make their way through inner suburbs", The Age, 21 Feb 2014	M Leach
65	Submission to SAC	J Livingston, Planning Consultant
66	Plan, 156 Moreland Road, Coburg (1 copy)	J Livingston, Planning Consultant
67	Submission to SAC	N Touzeau, Urbis
68	Submission to SAC	P Connolly, Terrain Consulting Group
69	Set of aerial photographs, Weston Street and vicinity, Brunswick East	P Connolly, Terrain Consulting Group
70	Set of photographs, Weston Street and vicinity, Brunswick East	P Connolly, Terrain Consulting Group
71	Heritage citation, Brunswick East Masonic Centre #28	P Connolly, Terrain Consulting Group
72	Moreland Planning Scheme Clause 43.01 Heritage Overlay	P Connolly, Terrain Consulting Group
73	Moreland Planning Scheme Clause 22.13 Heritage Policy	P Connolly, Terrain Consulting Group
74	Residential Zones Implementation for the City of Yarra, Final Report, Planisphere	P Connolly, Terrain Consulting Group
75	Submission to SAC	J Mansour
76	Moreland Planning Scheme Clause 55.03-2 Standard B7	M Naughton, Planning and Property Partners
77	Glen Eira Planning Scheme Schedule 3 to Clause 32.08 General Residential Zone annotated	M Naughton, Planning and Property Partners
78	Submission to SAC	M Naughton, Planning and Property Partners
79	Letter from Moreland City Council CEO to Moreland community regarding Brearley Reserve interface	M Naughton, Planning and Property Partners
80	VCAT decision 80 Mitchell Parade (1 copy)	M Naughton, Planning and Property Partners
81	Submission to SAC	D McLay
82	Submission to SAC including Appendices A-D	J Hollerich, Collie
83	Set of photos and plans, Coburg Hill (former Kodak site)	A Barker, Collie

No.	Name of Document	Tabled by
84	Submission to SAC	F Calodoucas and S Whicker
85	Submission to SAC	M Moore
86	Submission to SAC	A Clarke, Clarke Planning
87	Accompanying documents	A Clarke, Clarke Planning
88	List of permits issued along Nicholson Street in last 2 years proximate to subject site under Structure Plan Policy Regime	A Clarke, Clarke Planning
89	"Transforming American Cities", Prof R Adams, July 2009 (1 copy)	A Clarke, Clarke Planning
90	Submission to SAC	M Waldon, St-Wise
91	Submission to SAC	Z Sajinovic
92	Moreland CC Right of Reply	Moreland City Council

Appendix B List of Submitters

Submitter	Organisation	Attended the Hearings – Represented by
Patrick Slavich		
Daher Francis		
Peter McQuillan		
Cat Nam Le		
Stephen Sacco	Sacco Sustainability	
Nick Tobin		
Adele Selby		
Andrew Sullivan		
Bree Mills		
Heather Pappalardo		
Tamara Truman		
Nursel Mulayim		In person
Ben Kamp		
Bill Presse		In person
Nina Killham		In person
Megan Sarson		
Faysal Abdulnour		In person
Chris Pantopolis		
Neil Hutchinson		
Trevor Michael Hyde		
Oak Park		
Ahed Chahal		
Peter Waite		
John Gerard Ryan		
Jim Vokolos		
Tom Forsell		
Anthony Almiento		
Claudia Leung		
Mr W Guy & Mrs B Guy		
Ronald Leslie Withey		
Gina Ralston		
Georges Halim Francis		

Submitter	Organisation	Attended the Hearings – Represented by
Charlotte Fleming		
Janet Ferguson		
June Alice Jones		
Chris Phillips		
Joy Finlayson		
Mahmoud Ramahi m		
Fern Smith		
Wong Ing		
Carol Pilatti	Catholic Education Office Melbourne	
John Wayne Gibbard		
Anna Martiniello	Shayher Properties Pty Ltd	
Andrew Rees		
Jane Holroyd		
Gesualdo Ventura		
Kathleen Matthews-Ward		In person
David Chambers		
Moreland		
Frank La Scala		
Amina Schutz Flinn		In person
Russell Thomson		
Louise Wolfers	Healthscope Ltd	
Antonio Rosella		
Temple Living P/L		Russell Hocking of CityShire Planning
Jerzy Kocyan		
Lucia Oude-Vrielink		
Marina Williams-Wynn as POA for Erna Teofilovic		
Shane French		
Kara Liddy		
Maria Gangemi		
Michael Leach		In person
Brett Lockwood		
Colleen Peterson		Greg Tobin of Harwood Andrew Lawyers
Dale Constable		In person

Submitter	Organisation	Attended the Hearings – Represented by
Jack Turato		
Jenny Bull-Petrovic		
Margaret Chambers		
Mark Stephenson		
Michael Pagonis		
Michael Pascuzzi		
Nazario & Frances Ceddia		
Penelope Jane Sekeris		
Rosemary Kerr		
Barrie Kingham		In person
Chris Doufas		Andrew Clarke
Fay & Ron Wightwick		
Maria De Leo		
Melanie Hearne		
Neeraj Khatri		
The Hon Kelvin Thomson, MP for Wills	The Federal Electorate of Wills	In person
Vipul Sankade		
Vu Hoang Nguyen		
Aleksander Danko		Barrie Kingham
Alice de Jonge		
Amanda Barnard		
Andrew James Martin		Barrie Kingham
Anna Wilson		
Ken Lazarus		
Kim Lisa Anderson		
Leah Mosel	Darebin City Council	
Michael Beahan		Barrie Kingham
Michael Petit		
Moreland		
Denis Beris		Russell Hocking of CityShire Planning
Nilufer Yaman		Barrie Kingham
Peter Linton		
Prue Holzer-Ingamells		In person
Rebecca Nisbet		

Submitter	Organisation	Attended the Hearings – Represented by
Renee Braden		
DTPLI		Simon Micmacher
Stephanie Poustie and Wayne Ramsey		
Vincenzo Gelsomino		
Christoforou Family		Will Pearce of Urbis
Zhen Wang		
Judith Walton		Barrie Kingham
Timothy Baker		
Peter Mason	Johlin No.2 Pty Ltd	
Adam Bayram		
Benjamin Ross Dainton		
Carol Ann Bibo		
Carole Regina Spong		In person
Chris MacKenzie	Melbourne Planning Solutions	In person
David Raso		
Djad Trenerry		
Geoff Millar		
George Sarkis		
Heath Melville Beazley		
Ilhan Balci		
James Livingston	James Livingston Planning	In person
James Mansour		In person
Jane Garrett MP	State Member of Parliament for Brunswick	
Janine Anne Rafferty		
Jeanette Le Page		
Joanne Barlow		
John Nelson		
Joseph Gagliano		In person
Joseph Indomenico		
Kate Douglas		
Liz Nairn	Moreland City Council	In person
Paul Connelly	Terrain Consulting Group	In person
Madeline Di Pietrantonio	Department of Human Services	In person

Submitter	Organisation	Attended the Hearings – Represented by
Martin Barnes		
Martin Reeves		
Marina Saccheta		
Narelle Peterson		
Nicholas Lupo & Laura Lupo		
Michael Potenza		Nicholas Touzeau of Urbis
Robert Moore Egan		
Rosa Quintigliano		
Sam Kyriakou		In person
Eve Ronge		Simon Martin of Ratio
Tanya Wilding		
Tristan Brinkkotter		In person
Zeke Yarak		Chris Mackenzie of Melbourne Planning Solutions
Jason Tayrun		
Angela Rutherford Pty Ltd		Jay Hollerich Collie Pty Ltd
Michael Flemming		In person
Ken White	Glenroy RSL	
Brenda Ellen Goddard		
David McLay		In person
Adrian John Newton		
Aline Scott-Maxwell		In person
Andrew Gunner	West Brunswick Neighbourhood Association	
Satterley Property Group		Aran Barker of Collie Pty Ltd
Bijou Janse		
Brendan Danaher		
Brian Brooks		
Bruce Bagnall		
Cagil Ozansoy		
Christine Campbell		
Christine Mary Flemming		Barrie Kingham
Damian Loughnan	G2 Urban Planning	In person
Dana Stephensen		
Daniel Stevens	Zero Nine	

Submitter	Organisation	Attended the Hearings – Represented by
Danny Sacco	DSP Architects	
David Fung		
Luke O'Grady	Stockland Development Pty Ltd	
Deborah Platanas		
Ernest John Healy	Moreland Planning Action Group	
Fastnet Consulting	Interlandi Architects	
Fastnet Consulting	Better Living Group	
Fiona Calodoucas and Dr Susan Whicker		In person
Hansen Partnership Pty Ltd	1 Heller Street Brunswick Owners Corporation	
Heather Gridley		In person
Ian Geoffrey Manning		
James Parsons	Public Transport Victoria	In person
Janet Watson Kruse		In person
Jean Nankin	Housing Choices Australia	
Jenny Eccles		
Jillian Taylor		In person
Joan Grounds		Barrie Kingham
John Wentworth		
Julia Lehmann		
Property Council of Australia, Victorian Division		Jennifer Cunich
Kevin McDonald		
Kieran Briggs		
Lynette Harrop		
Margaret Beahan		
Marilyn Moore		In person
Owners 452 Brunswick Road, Brunswick West		Marjorie Kennedy of SJB Planning
Mark Russell Lewis		
Matt Ryan		In person
Parkside Developments (Vic) Pty Ltd		
John Frostell		

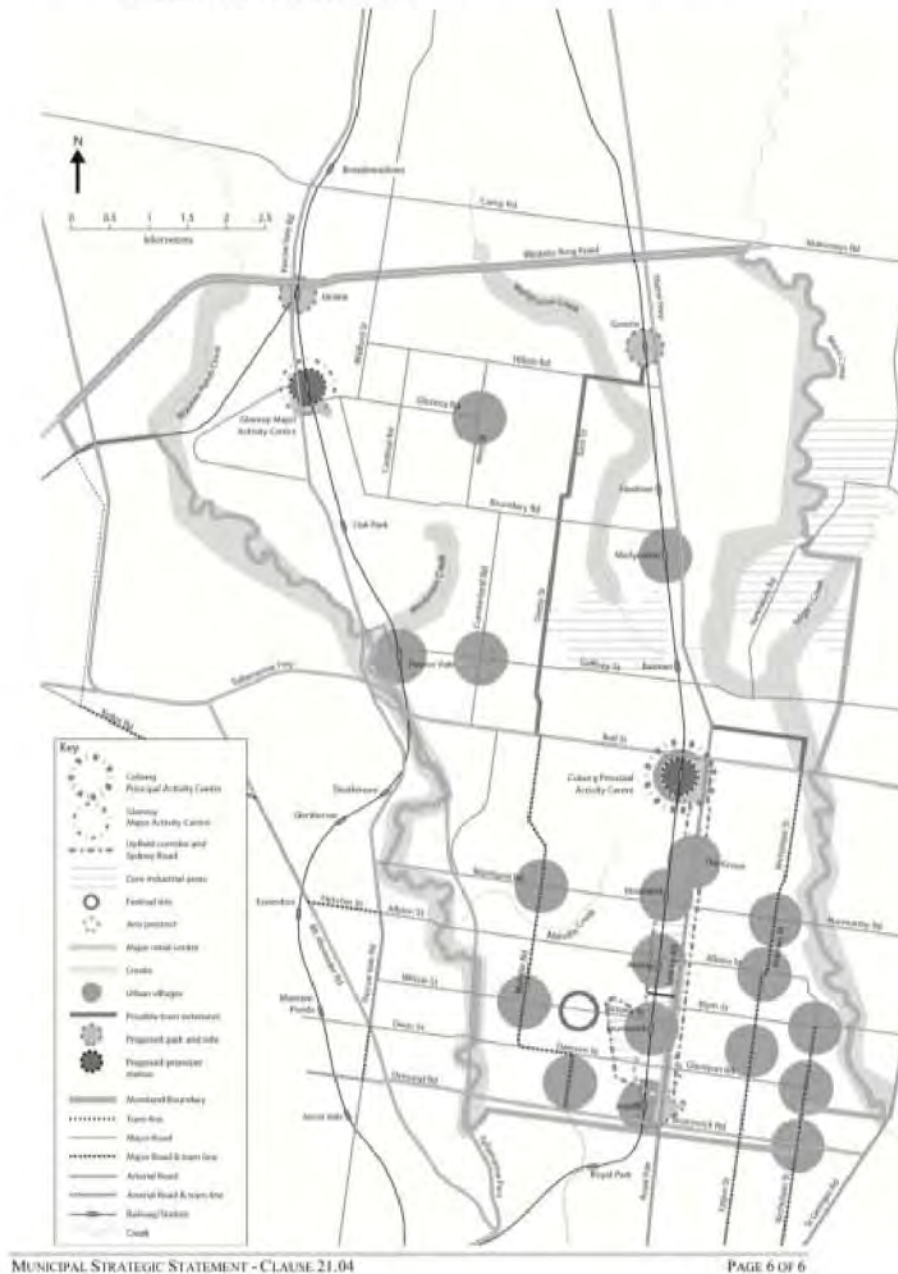
Submitter	Organisation	Attended the Hearings – Represented by
Michael Kai		
Michelle Loeliger		
Agire Ananiadis		
Barbara Hall		
Jamie Govenlock		
Nick Clements	InvoCare Pty Ltd c/- Tract Consultants	
Owners of 191 Weston St, Brunswick East		Paul Connolly of Terrain Consulting Group
Pauline Charleston		In person
Peter Christofas		
Philip Pignolet		
Ram Builders Pty Ltd		Dominic Skelly - Best Hooper Solicitors with expert evidence from John Glossop
Builtmore Investments		
Rhonda Di Biase		
Metropolitan Planning Authority		Peter Seamer
Robert Murphy	Melanie Patrick Pty Ltd	
Rowan Briffa		
Saraïd Mitten	VicTrack	
Sioux Clark		In person
Thanh Bui		
Datt Corporation Pty Ltd		Peter O'Farrell with expert evidence from Vaughan Connor
Tracey Stevens		
Uyen Tran & Thanh Bui		
80 Mitchell Parade Pty Ltd		Mark Naughton of Planning and Property Partners
Vincent Punaro		In person
Walsh Building Services Pty Ltd		Dominic Skelly - Best Hooper Solicitors with expert evidence from Tim Biles
Wayne Motton		Mark Waldon
Residents of 87 Murray St, Coburg		Zoran Sajinovic
Alan Norman	Association Of Consulting	

Submitter	Organisation	Attended the Hearings – Represented by
	Surveyors Victoria	
Sebastian Furness		
Builtmore Investments		Builtmore Representative
Builtmore Investments		Builtmore Representative
Parkside Developments (Vic) Pty Ltd		Parkside Representative
Parkside Developments (Vic) Pty Ltd		Parkside Representative
Anonymous		
Anne Maria Lynch		
James De Gregorio		
Costas Matarakis		
Rita La Rosa		
Stephen Bitmead		
Josef & Samantha Seidler		

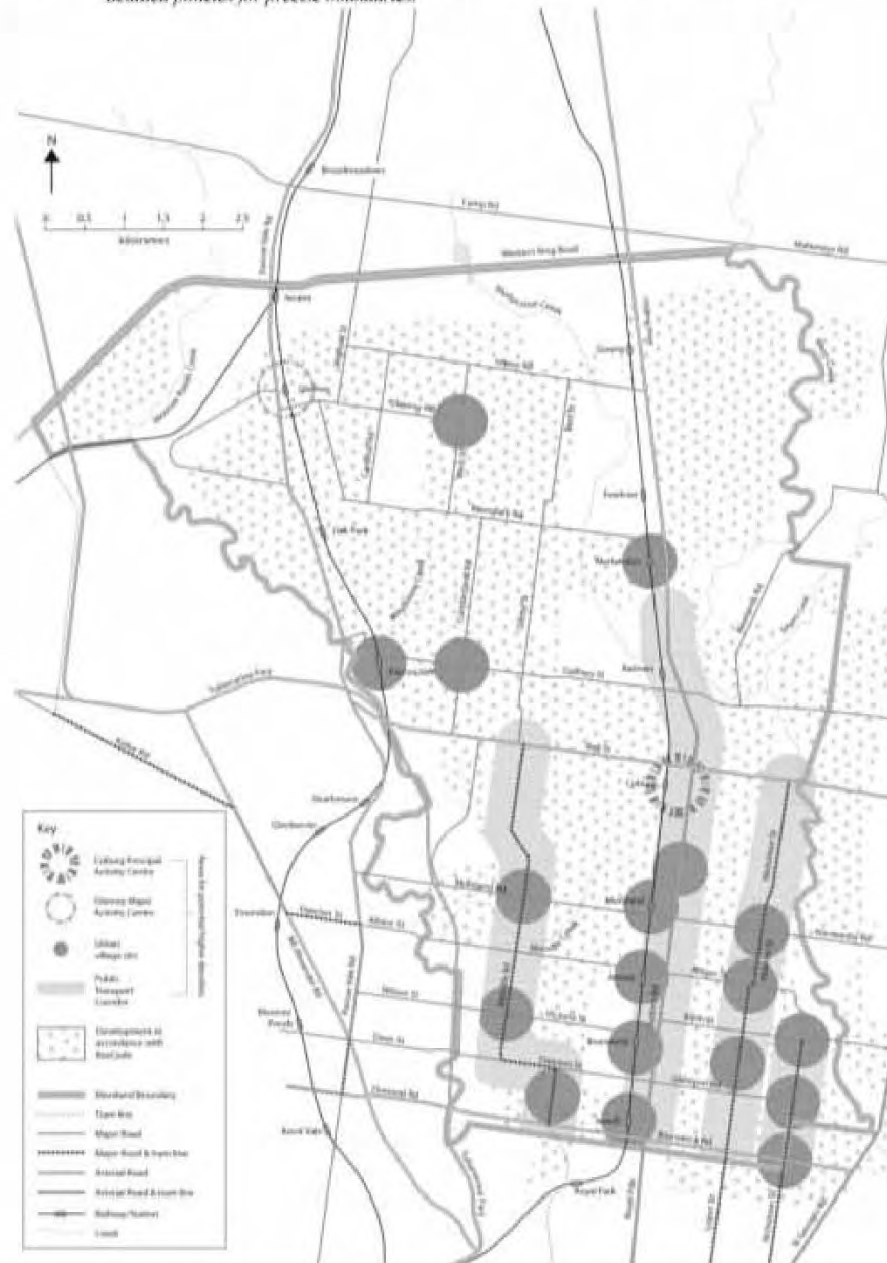
Appendix C Existing Strategic Framework Plan

Map 3: Strategic Framework Plan

Note: This map shows simplified information only. Please refer to planning scheme maps and detailed policies for precise boundaries.



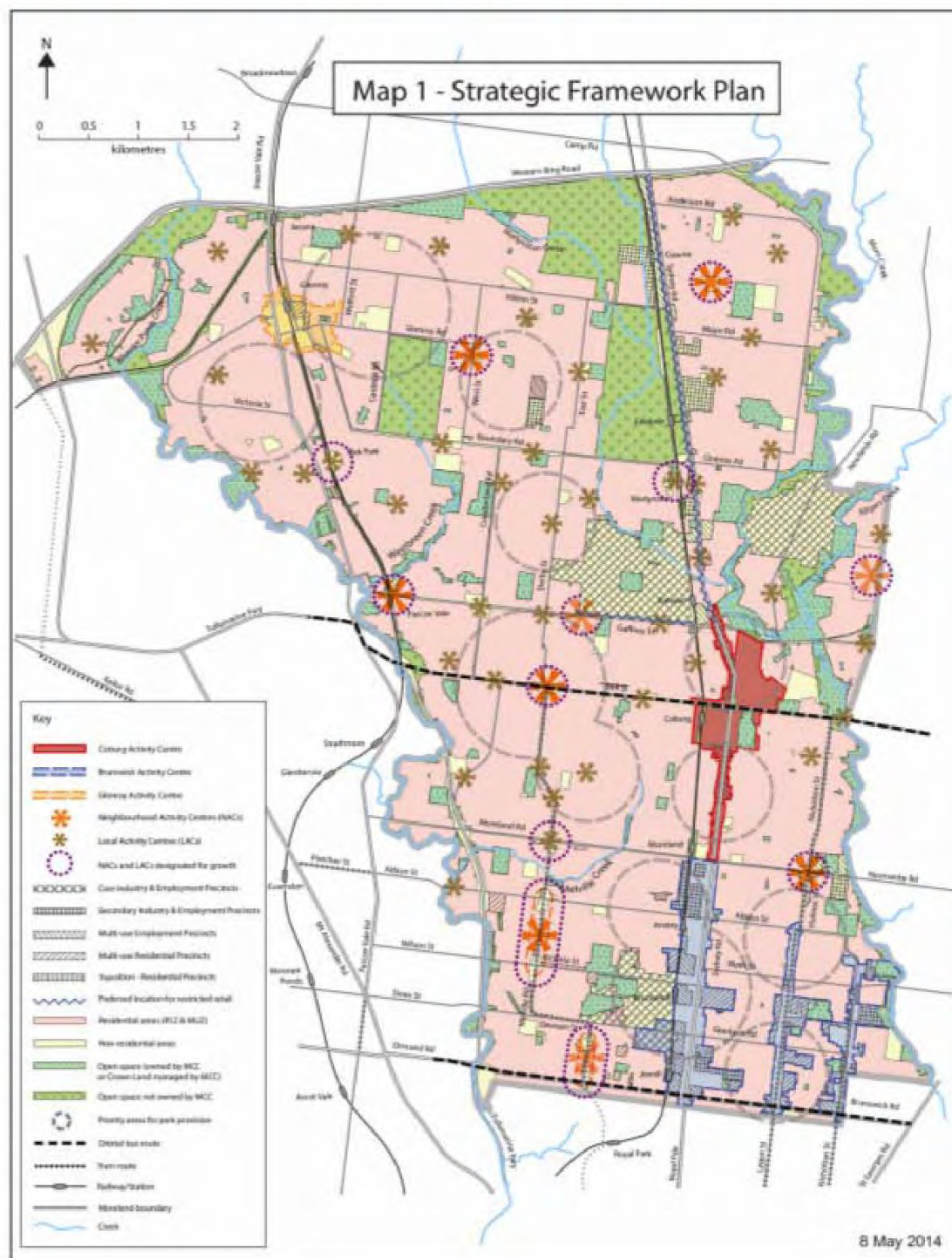
Note: This map shows simplified information only. Please refer to planning scheme maps and detailed policies for precise boundaries.



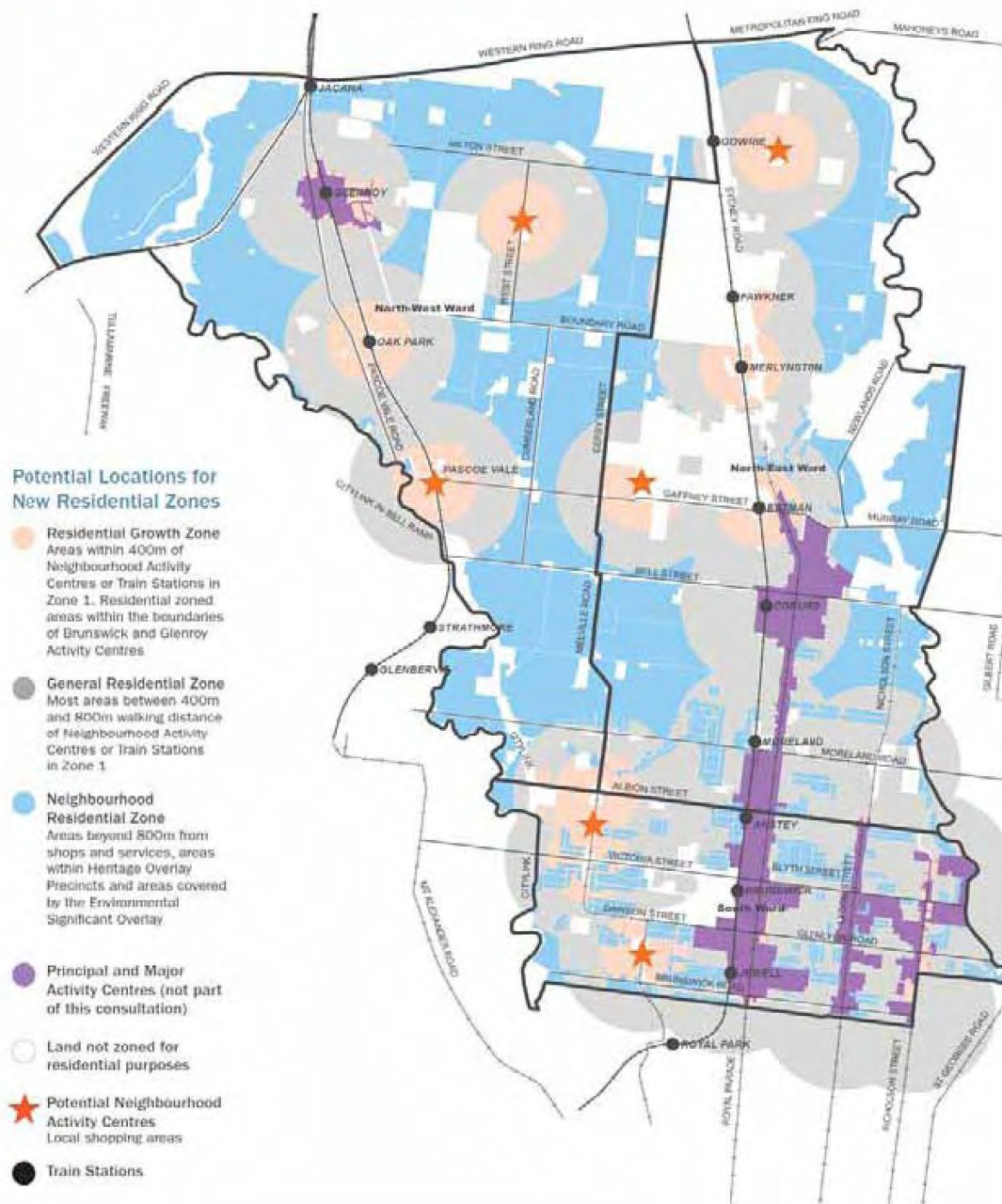
MUNICIPAL STRATEGIC STATEMENT - CLAUSE 21.05

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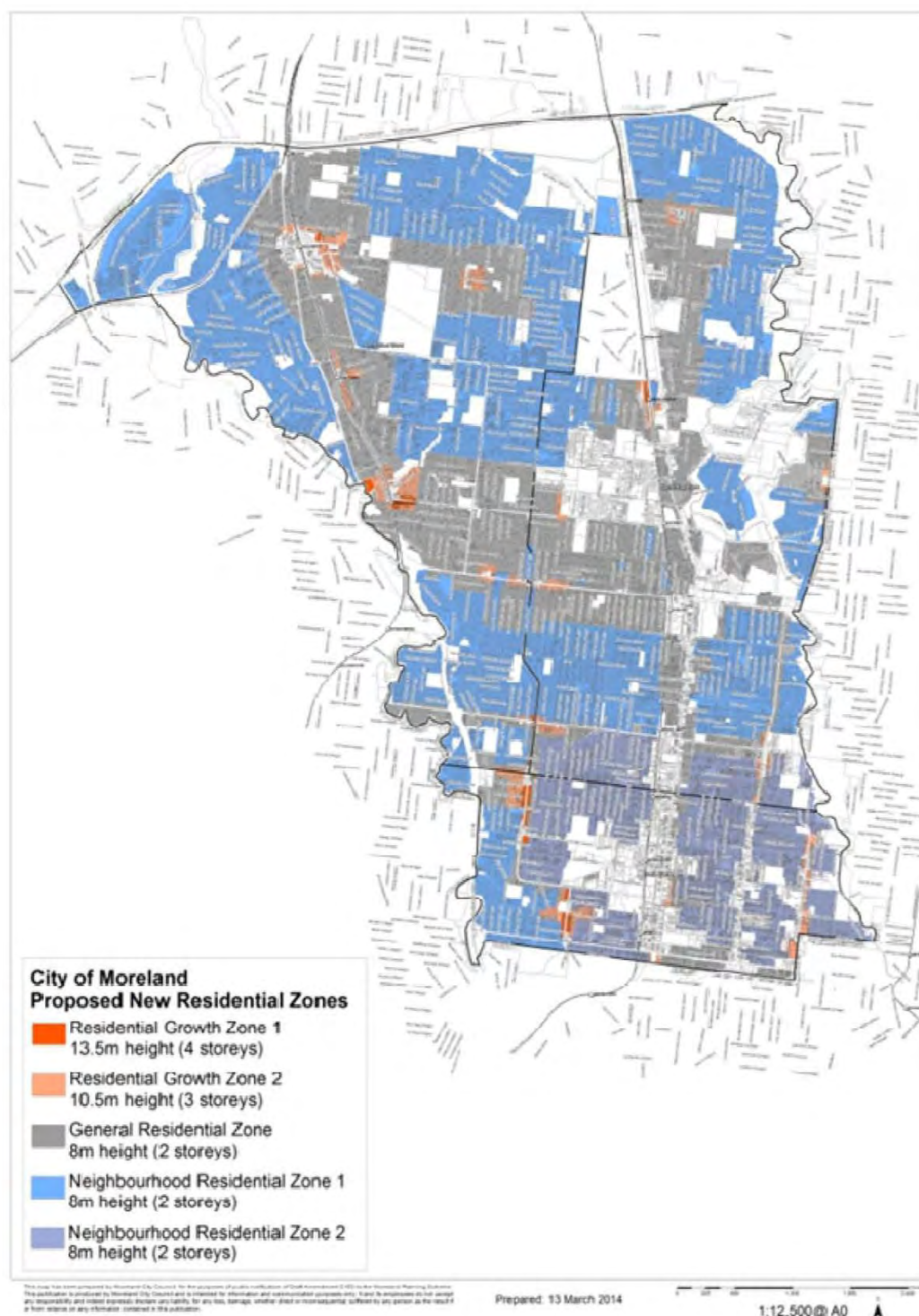
Appendix E Revised Strategic Framework Map



Appendix F 2013 Concept Plan



Appendix G Proposed zone application for draft Amendment C153





Planning and Environment Act 1987

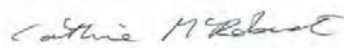
Advisory Committee Report pursuant to Section 151 of the Act



Con Tsotsoros, Chair



Alison Glynn, Deputy Chair



Cathie McRobert, Deputy Chair



David Merrett, Deputy Chair



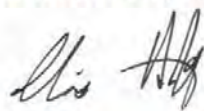
Michael Kirsch, Deputy Chair



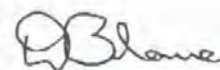
Rodger Eade, Deputy Chair



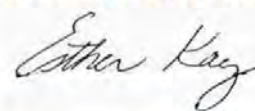
Sue Porter, Deputy Chair



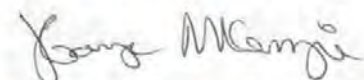
Chris Harty, Member



David Blore, Member



Esther Kay, Member



Gaye McKenzie, Member



Geoff Carruthers, Member



Helen Martin, Member



John Hartigan, Member



Lorina Nervegna, Member



Lucinda Peterson, Member



Peter McEwan, Member



Peter Newman, Member



Warwick Horsfall, Member

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Appendix A Terms of Reference

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List of Abbreviations

AN50	Advisory Note 50: <i>Reformed residential zones</i>
BMO	Bushfire Management Overlay
the Committee	The Residential Zones Standing Advisory Committee
DDO	Design and Development Overlay
DHS	Department of Human Services
DPO	Development Plan Overlay
DTPLI	Department of Transport, Planning and Local Infrastructure
EMO	Environmental Management Overlay
ESO	Environmental Significance Overlay
GRZ	General Residential Zone
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
LSIO	Land Subject to Inundation Overlay
MPA	Metropolitan Planning Authority
MSS	Municipal Strategic Statement
NCO	Neighbourhood Character Overlay
NRZ	Neighbourhood Residential Zone
<i>Plan Melbourne</i>	Plan Melbourne, Metropolitan Planning Strategy 2014
PN28	Practice Note 28: <i>Using the Neighbourhood Character Provisions in Planning Schemes 2004</i>
PN43	Practice Note 43: <i>Understanding Neighbourhood Character 2001</i>
PN59	Practice Note 59: <i>The role of mandatory provisions in planning schemes</i>
PN78	Practice Note 78: <i>Applying the residential zones 2013</i>
PPTN	Principal Public Transport Network
PTV	Public Transport Victoria
R1Z	Residential 1 Zone
R2Z	Residential 2 Zone
R3Z	Residential 3 Zone
RGP	Regional Growth Plan

RGZ	Residential Growth Zone
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
UGZ	Urban Growth Zone
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Foreword

This report has been prepared by the Residential Zones Standing Advisory Committee (the Committee) that was appointed by the Minister for Planning on 5 February 2014. The purpose of the Committee is to advise the Minister for Planning on the method and application of the proposed new residential zones into a local planning scheme. The Committee operated under Terms of Reference that were approved on 10 January 2014 and subsequently revised.

Following its review of 14 draft amendments the Committee has recommended that 10 proceed, and that nine of these include various changes. The Committee has recommended that four of the draft amendments not proceed; Boroondara C199, Kingston C140, Moonee Valley C137 and Moreland C153. The Committee has provided findings and recommendations to help guide and support the four Councils in ultimately implementing the residential zones into their local planning schemes.

The Committee has reported its findings in two reports:

- Stage One Overarching Issues Report
- Stage One draft amendment reports

The Stage One Overarching Issues Report outlines the background to the Committee and explains the process that it followed. This report discusses the 'overarching' issues that were raised in submissions, together with matters that were common to many of the draft amendments.

The Stage One draft amendment reports address the issues associated with the specific local council amendments.

The two reports should be read together.

The Stage One Overarching Issues Report includes six recommendations intended to address broader issues raised during the process. These include updating guidance material and addressing uncertainties and ambiguities associated with applying the new zones.

It includes a set of 'principles' that the Committee developed during the process. The principles were used to inform the review of individual Stage One draft amendments, and can be taken forward in considering future residential zone implementation proposals.

Summary of Recommendations

Based on the reasons set out in this Report, the Committee recommends:

1. Refer any matters, where the Residential Standing Advisory Committee has recommended that a draft amendment not proceed, to the Committee after Council has progressed the recommendations outlined in the relevant Stage One draft amendment report.
2. Update and merge into a consolidated practice note, PN43: *Understanding Neighbourhood Character* (2001) and PN28: *Using the Neighbourhood Character Provisions in Planning Schemes* (2004) to address neighbourhood character and the principles for addressing it in planning schemes in conjunction with PN78: *Applying the Residential Zones* (2013). Alternatively, the three practice notes could be replaced by the Good Planning Guide proposed in *Plan Melbourne*.
3. Review the integration of the zone schedules and overlays. This review should address the respective roles of residential zones and overlays and which of these should be used to manage built form outcomes and how to best reconcile potential conflicts.
4. Reconcile the reference to building heights in the purpose of the Residential Growth Zone with the provisions of the zone and associated references in Practice Note 78: *Applying the Residential Zones* (2013).
5. Reconcile the schedule to the General Residential Zone with the commentary for the schedule template in Ministerial Direction on the Form and Content of Planning Schemes, in relation to the permit requirement for the construction or extension of one dwelling on a lot.
6. Amend Clause 32.09-8 of the Neighbourhood Residential Zone to read as follows:
 - a) The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this Zone. If no building height is specified, the height of a building must not exceed 8 metres, plus any applicable flood level, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres, plus any applicable flood level.

Additional recommendations are made in the Stage One draft amendment reports.

Summary of Principles

The following provides a summary of the principles established in the following chapters in this report that have been used to inform the review of individual Stage One draft amendments. In most circumstances they reiterate and, where relevant, expand upon the principles and criteria of PN78.

(i) General

- P1** The Committee has adopted a cautious approach to the application of the zones, particularly the NRZ, because it has had to consider the amendments on a municipality by municipality basis, rather than on a metropolitan or sub-regional basis.
- P2** The 'translation' of existing policy, overlay and zone provisions should occur with the use of the zone that is the closest fit to the status quo where there is no housing strategy, the strategy is not sufficiently robust to inform the application of the zones, or the strategy does not appear to directly link to the zones applied.

(ii) State Planning Policy Framework and *Plan Melbourne*

- P3** The application of the new residential zones must support the directions and initiatives of the SPPF, *Plan Melbourne* and Regional Growth Plans (where relevant). This includes policy that promotes housing diversity and directs housing growth to nodes around activity centres and public transport stops.

(iii) Housing Strategies

- P4** The application of the residential zones should be based on a housing or similar strategy that specifically addresses where and how housing growth will be accommodated.
- P5** Strategic work (other than housing strategies) can be used to inform the application of the new zones. For example, this includes structure plans and the use of the principles and criteria in PN78 as a guide, with reference to the zone purpose to clarify any ambiguity.
- P6** Municipal housing capacity analysis and targets for applying particular zones should not be the sole driver in implementing the new residential zones. However, capacity analysis should be undertaken to confirm that the strategy is workable and will meet projected future housing requirements.

(iv) Applying the zones

Neighbourhood Residential Zone

- P7** The NRZ should not be used as the 'default' residential zone.
- P8** The application of the NRZ **at the municipal level** should not be driven by the 50 percent reference in *Plan Melbourne* or the percentages applied in other municipalities.

- P9** The NRZ should not be applied in precincts where there is policy support for significant housing growth, including near PPTN stops and activity centres unless supported by sound strategic justification.
- P10** The use of the NRZ in response to identified character should be balanced with policies and strategies to provide housing choice and affordability, and efficient service infrastructure provision.
- P11** The use of the NRZ to limit residential development in areas subject to environmental hazards or values should have regard to whether the zone provisions are necessary in addition to the relevant overlay.

General Residential Zone

- P12** The GRZ will typically be the 'default' zone for the R1Z.
- P13** The GRZ should not be used as a 'default growth zone' because it only provides for incremental change and there is an expectation that respecting neighbourhood character will influence the scale of built form.
- P14** The GRZ might be suitable for broader application in rural and regional centres in response to more moderate growth expectations.
- P15** The GRZ, rather than the NRZ, is preferred for broadacre land identified for residential development that is in the process of subdivision and development.

Residential Growth Zone

- P16** The RGZ should be applied where the potential establishment of commercial uses, as permitted by the zone, is unlikely to adversely impact on existing activity centres, particularly in rural and regional centres.
- P17** The application of the RGZ or the GRZ is preferred over the NRZ for larger scale housing redevelopment sites (including those for social housing).
- P18** The RGZ (or a zone other than one of the three new residential zones) should be applied to nominated or potential urban renewal precincts unless an alternative residential zone is specifically justified.
- P19** The RGZ (or a zone other than one of the three new residential zones) is the primary zone for areas identified for significant housing change that are not constrained by 'character'.

Schedules

- P20** Zones should be selected having regard to local policy, overlays and other scheme provisions, and before developing local content in schedules.
- P21** Local content in a schedule must be justified in terms of the efficacy of the requirement and the implications for achieving policy objectives.
- P22** Schedules should be avoided where they apply new benchmarks for residential development without adequate justification.

P23 Schedules should only be applied where there is a clearly defined need and it can be demonstrated that the provisions of Clause 54 and 55 are not adequate.

P24 The use of local schedules should be minimised and schedules should preferably be applied on a broad scale rather than on a site specific basis.

(v) Overlays

P25 Existing overlays should be a factor when considering which zone to apply. The overarching consideration is whether the overlay should be accompanied by a restrictive zone or whether the overlay provisions should be allowed to operate with a less restrictive zone. In many instances this should result in translating the Residential 1 Zone to a GRZ.

P26 The existence of the Heritage Overlay does not automatically justify applying the NRZ.

(vi) Practice Note 78

P27 The principles and criteria contained in Tables 2 and 3 of PN78 need to be read together and with reference to the existing policy framework and the purposes of the zone.

(vii) Covenants

P28 The NRZ should not be applied solely on the basis of single dwelling covenants. The choice of zone should reflect the broader strategic direction for these areas.

(viii) Character

P29 The existence of 'character' does not automatically justify applying the NRZ.

(ix) Mandatory provisions

P30 Mandatory provisions should be strategically justified and should not be applied where the issues they seek to address are adequately dealt with by existing planning provisions.

(x) Clauses 54 and 55

P31 Variations to the Clauses 54 and 55 in the zone schedules should be justified and should not be applied if the existing provisions of Clauses 54 and 55 are adequate.

1 Background

The process for introducing the new residential zones and appointing the Residential Zones Standing Advisory Committee has evolved from two previous Ministerial Advisory Committees. A background to this process is provided below.

June 2011	<p>The Victorian Planning System Ministerial Advisory Committee, chaired by Mr Geoff Underwood, was appointed by Minister for Planning to examine all aspects of the planning system, including possible zone reform. One of the recommendations arising from this review and supported by the State Government was to:</p> <p><i>31 Give further consideration to the structure of zones, including the possibility of allowing local variations.</i></p>
November 2012	<p>The Reformed Zones Ministerial Advisory Committee, chaired by Mr Geoff Underwood, was appointed by the Minister for Planning to:</p> <ul style="list-style-type: none"> • <i>Provide advice that will inform decisions by the Minister for Planning about the final form of the proposed reformed zones set out in the Reformed Zones for Victoria discussion paper and the manner by which the zones should be introduced.</i> • <i>Recommend a set of criteria that will help the Government and local councils to determine the appropriate spatial application of the reformed residential zones.</i>
December 2012	<p>The Reformed Zones Ministerial Advisory Committee provided its reports to the Minister for Planning, including the <i>Residential Zones Progress Report</i>, on 13 December 2012.</p>
March 2013	<p>The State Government agrees to 18 of the 21 recommendations of the Reformed Zones Ministerial Advisory Committee Residential Zones report.</p> <p>The Minister for Planning announced¹ that implementation of the three new residential zones will commence on 1 July 2013 and be completed over a 12 month period.</p>
July 2013	<p>The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone were introduced into the Victoria Planning Provisions through Amendment V8. The explanatory report states:</p> <p><i>The amendment is required to introduce residential planning zones that are relevant and reflect the aspirations of all Victorians. The new zones will give greater clarity about the type of development that can be expected in any residential area. The zones simplify requirements, allow a broader range of activities to be considered and better manage growth.</i></p> <p><i>The new residential zones were introduced into the Glen Eira and Dandenong Planning Schemes through a fast track amendment process².</i></p> <p><i>Relevant clauses in Clauses 54 and 55 were changed to reference the three new residential zones and to make Clause 55 applicable to four storey developments through Amendment VC100.</i></p>
August 2013	<p>Amendment VC104, among other changes:</p> <ul style="list-style-type: none"> • Amended the RGZ, GRZ and NRZ to include transitional provisions for an existing application to construct or extend residential development of four or more storeys to be exempt from the requirements of clause 55 gazetted in Amendment VC100. • Amended the NRZ to include transitional provisions so that approved development is not prohibited from being subdivided and that existing applications lodged, but not

¹ Media release: Reformed residential zones bringing new certainty to Melbourne's neighbourhoods, 5 March 2013.

² Under section 20(4) of the *Planning and Environment Act 1987*.

	<p>yet decided, are not subject to the maximum number of dwellings and maximum building height provisions.</p> <ul style="list-style-type: none"> Amended R1Z and R2Z to update the reference to Clause 55 so that developments of up to five storeys are exempt. The previous exemption was for buildings up to four storeys.
September - October 2013	The new residential zones introduced into the Campaspe, Greater Bendigo and Swan Hill Planning Schemes through a fast track amendment process ² .
February 2014	The Residential Zones Standing Advisory Committee appointed by the Minister for Planning on 5 February 2014.
May 2014	<p><i>Plan Melbourne</i> was introduced into the State Planning Policy Framework through Amendment VC106 by changing Clause 11 and introducing Clause 9, which states:</p> <p><i>Any references in this scheme to Melbourne 2030 (Department of Sustainability and Environment, 2002) and Melbourne 2030: A planning update Melbourne @ 5 million (Department of Planning and Community Development, 2008) are to be disregarded. Where relevant, planning and responsible authorities must consider and apply the strategy Plan Melbourne: Metropolitan Planning Strategy (Department of Transport, Planning and Local Infrastructure, 2014).</i></p>
July 2014	Original 12 month implementation period deadline.

2 Introduction

New residential zones were introduced to better respond to present-day requirements and to give greater clarity about the type of development that can be expected in residential areas.

The Residential Growth Zone (RGZ), General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ) were introduced into the Victoria Planning Provisions (VPP) by Amendment V8 on 1 July 2013. Where a Council has not finalised an amendment to implement the new residential zones by 1 July 2014, the GRZ will be implemented to replace all land zoned Residential 1, 2 and 3 (R1Z, R2Z and R3Z).

As detailed in Chapter 2.2, a Standing Advisory Committee was appointed by the Minister for Planning to support Councils to review matters related to introducing the new residential zones into their planning schemes.

2.1 The three new residential zones

The three new residential zones have two purposes in common to:

- *Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The zones have the following zone specific purposes:

Residential Growth Zone

- *Provide housing at increased densities in buildings up to and including four storey buildings.*
- *Encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
- *Encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*

General Residential Zone

- *Encourage development that respects the neighbourhood character of the area.*
- *Implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *Provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

Neighbourhood Residential Zone

- *Recognise areas of predominantly single and double storey residential development.*
- *Limit opportunities for increased residential development.*
- *Manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *Implement neighbourhood character policy and adopted neighbourhood character guidelines.*

Schedules to the residential zones

The three residential zones provide the ability to introduce schedules. Each schedule includes the ability to vary provisions to suit local circumstances, as shown in Table 3.

2.2 The Residential Zones Standing Advisory Committee

Appointment, purpose and terms of reference

The Residential Zones Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 5 February 2014.

The purpose of the Committee is to advise the Minister for Planning on the method and application of the proposed new residential zones into a local planning scheme. Councils were offered the opportunity to have their residential zones considered by the Committee and 14 Councils took up the offer.

As specified in the Committee's Terms of Reference, the Committee must have regard to the following matters:

- Practice Note 78 (*Applying the residential zones*, Revised December 2013) (PN78)
- Any relevant provisions in the State Planning Policy Framework (SPPF).
- Any relevant provisions of the applicable Local Planning Policy Framework (LPPF).
- The suitability of the new residential zones for each municipality having regard to *Plan*
- *Melbourne* or regional growth plans (as relevant).
- Relevant documentation prepared by the Department of Transport, Planning and Local Infrastructure (DTPLI) including the Housing Development Data, proposed residential zones housing analysis, or otherwise provided to the Committee.
- All submissions made in regard to Council's proposed residential zones.

The Terms of Reference is provided at Appendix A.

Committee members and draft amendments

The Committee comprised 19 members who considered draft amendments for 14 planning schemes, as shown in Table 1 below.

Table 1 Committee members and draft amendments

Committee members	Draft amendments
Con Tsotsoros, Chair	Boroondara C199
Alison Glynn, Deputy Chair	Kingston C140 Mornington Peninsula C179
Cathie McRobert, Deputy Chair	Cardinia C187 Latrobe C84
David Merrett, Deputy Chair	Darebin C144 Moonee Valley C137
Michael Kirsch, Deputy Chair	Greater Shepparton C173 Moorabool C72 Whittlesea C182
Rodger Eade, Deputy Chair	Ararat C33 Ballarat C177
Sue Porter, Deputy Chair	Moreland C153 Southern Grampians C32
Chris Harty, Member	Southern Grampians C32
David Blore, Member	Darebin C144
Esther Kay, Member	Moreland C153
Gaye McKenzie, Member	Whittlesea C182
Geoff Carruthers, Member	Greater Shepparton C173
Helen Martin, Member	Mornington Peninsula C179
John Hartigan, Member	Boroondara C199
Lorina Nervegna, Member	Cardinia C187
Lucinda Peterson, Member	Ararat C33 Ballarat C177
Peter McEwan, Member	Boroondara C199 Kingston C140
Peter Newman, Member	Moorabool C72
Warwick Horsfall, Member	Latrobe C84

The Residential Zones Standing Advisory Committee thanks the many officers at Councils and the Department of Transport Planning and Local Government who worked tirelessly to support the Advisory Committee process within a tight timeframe. A special thank you to Jessica Cutting and James D'Arcy of Planning Panels Victoria who supported the Committee throughout the process.

2.3 Notification, Submissions and Hearings**Notification**

The Committee's Terms of Reference specified that each Council had to carry out a notification period of 20 business days, commencing no later than 20 March 2014. Notification had to include:

- A notice in The Age and Herald Sun.

- A minimum of two notices in a local newspaper generally circulating in the area.
- Notices in the Municipal Office(s) and Libraries.
- Direct notice to Government agencies and servicing authorities.
- Direct notice to known community groups.

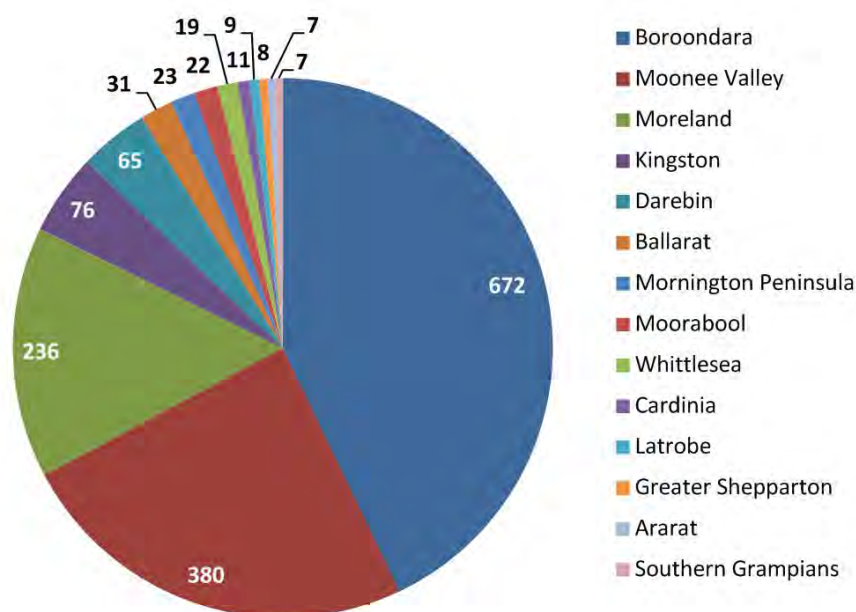
Submissions and Hearings

The Committee's Terms of Reference required it to provide the following parties with an opportunity to make a submission and be heard at a Hearing:

- The relevant Council.
- Any relevant Government agency or servicing authority.
- Any party that made a formal submission.

A total of 1,566 submissions were received as a result of the notification period as shown in Figure 1 below.

Figure 1 Number of submissions received



The Committee considered 14 separate draft amendments. Table 2 shows the hearing dates and committee members for each of the draft amendments.

Table 2 Submission dates and Hearings

Draft amendments	Hearings (2014)	Recommendation
Ararat C33	On the papers*	Proceed with changes
Ballarat C177	14 and 15 May	Proceed with changes
Boroondara C199	5, 6, 7, 8, 9, 12, 19, 20, 22 and 23 May	Not proceed
Cardinia C187	7 and 8 May	Proceed with changes
Darebin C144	7, 8 and 9 May	Proceed with changes
Greater Shepparton C173	15 May	Proceed with changes
Kingston C140	12, 13, 14 and 15 May	Not proceed
Latrobe C84	2 May	Proceed with changes
Moonee Valley C137	28, 29 and 30 April and 1, 2, 5 and 6 May	Not proceed
Moorabool C72	6, 7 and 8 May	Proceed with changes
Moreland C153	5, 6, 7, 8 and 9 May	Not proceed
Mornington Peninsula C179	5 and 6 May	Proceed with changes
Southern Grampians C32	On the papers*	Proceed with changes
Whittlesea C182	28 April and 2 May	Proceed without changes

* There was no request to be heard at a Hearing. No Hearing was held. The report was prepared 'on the papers'.

Specific and more detailed recommendations are provided in the Stage One draft amendment reports.

The Committee thanks all parties for the information that they provided and for taking the time to present at a Hearing.

2.4 Draft amendments

The Committee was appointed to hear draft amendments. It is important to note there is a distinction between an amendment and a draft amendment. This distinction is important because there are certain obligations that an amendment should meet under the *Planning and Environment Act 1987*. The Committee was asked to respond to **draft** amendments therefore its advice and recommendations are to help direct the preparation of a future amendment. In developing its recommendations, the Committee has not given consideration to whether recommended changes might constitute a transformation of the draft Amendment.

2.5 Purpose of this report

The purpose of this report is to respond to overall issues related to the 14 draft amendments and to establish the common principles the Committee has used in assessing the draft amendments. Matters specific to each draft amendment are discussed in the individual Stage One draft amendment reports.

This report deals with the issues under the following headings:

Residential Zones Standing Advisory Committee | Stage One Overarching Issues Report | 20 June 2014

- Overarching strategic planning and policy context.
- Applying the criteria and principles of Practice Note 78.
- Applying the three residential zones.
- Residential zones provisions.
- Potential anomalies.

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3 Overarching strategic planning and policy context

The way the new residential zones are used will have a key role in achieving strategies to meet the demands of significant population growth in Victoria and changing housing needs, while retaining what the community value about its residential areas. This chapter addresses the overarching strategic planning and policy context, and the associated issues that have been raised relating to the draft amendments. It briefly reviews the State and regional policy context relevant to the draft amendments. Local planning policy and strategic planning work underpinning the individual draft amendments, together with area specific planning scheme provisions, are addressed in the Stage One draft amendment reports.

3.1 The issues

While submissions to the Committee often focused on the implications of the zoning proposed for particular properties, many submissions raised overarching concerns relating to the cumulative effect of the draft amendments on achieving broader planning policy for Victoria.

There was a strong focus in these submissions on the extent of application of the NRZ due to the mandatory restrictions on development it establishes. Submissions reflected the competing views and interests amongst Victoria's community. Submissions from many residents supported or sought further restrictions on medium and higher density housing, and limits on the scale and form of development. In contrast, submissions from planning and related professionals, social housing providers and the development sector expressed strong concern about the implications that these restrictions may have on the supply, diversity and affordability of housing for meeting future needs (as well as the consequential implications for Victoria's economy). The strongest concerns related to the extensive areas identified as NRZ where medium density housing would be prohibited or severely constrained through mandatory height and density provisions.

The overarching issues which are addressed in this chapter, and in some cases are discussed further in subsequent chapters, include:

- Will the draft amendments deliver the capacity to accommodate the projected growth in the number of households in Melbourne and Victoria?
- Are the draft amendments based on sufficiently rigorous analysis of their implications for achieving current strategic planning objectives and meeting future housing needs? In particular, what should be the approach to applying the zones where justification for changes to the 'status quo' has not been established?
- Will the implementation of the new zones through the draft amendments deliver a clearer, simpler, more certain planning framework that justifies a loss in development yield?
- Will the implementation of the new zones as proposed in the draft amendments result in population densities that will not sustain public transport and other services, investment in infrastructure and local job creation?

- Will the draft amendments allow the provision of affordable, diverse forms of housing and social housing that meet changing needs and preferences?
- Are areas of identified character sufficiently 'special' to warrant the mandatory height and dwelling density limits of the NRZ?
- Has the right balance been struck between mandatory requirements intended to protect amenity and character and the flexibility to employ innovative designs and respond to specific context or site conditions?

3.2 Overarching planning policy context

(i) State Planning Policy

State planning policy has consistently addressed policy themes to accommodate projected growth; urban consolidation to optimise the use of infrastructure and access to services; meeting the needs of the increasing number and proportion of smaller households; and protecting neighbourhood character, heritage and environmental assets. These policies are encapsulated in the SPPF objectives and strategies that:

Clause 11 (Settlement)

- Maximise the growth potential of Victoria by developing a 'state of cities' with rebalancing population growth from Melbourne to rural and regional Victoria.
- Plan to accommodate, on a municipal basis rather than a town-by-town basis, projected population growth over at least a 15 year period having regard to:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.
- Manage Melbourne's hinterland to provide for development in selected discrete settlements to prevent dispersed development and maintain and enhance the attractiveness, identity, character and amenity of towns.
- Facilitate the orderly development of urban growth close to transport corridors and services to support efficient provision of effective infrastructure.
- Encourage a diversity of housing types and concentrate higher density developments in and around activity centres, employment corridors, strategic redevelopment sites railway stations, major bus terminals, transport interchanges, tramways and principal bus routes.
- Increase the proportion of housing to be developed within Melbourne's established urban area, particularly in and around activity centres, employment corridors and at other strategic redevelopment sites and reduce the share of and pressure for new dwellings in greenfield and dispersed development areas.

Clause 13 (Environmental Risks)

- Manage risk from natural hazards such as bushfire and flooding to avoid and minimise impacts on life, property and community infrastructure.

Clause 15 (Built Environment and Heritage)

- Achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- Support development that responds to its landscape, valued built form and cultural context, and protects places with significant heritage, architectural, aesthetic, and cultural value. A comprehensive site analysis is identified as the starting point of the design process and the basis for consideration of height, scale and massing of new development.

Clause 16 (Housing)

- Identify opportunities for increased residential densities to help consolidate urban areas and ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development. This includes identifying strategic redevelopment sites that are in or close to activity centres, employment corridors and major modal public transport interchanges, or abut Principal Public Transport Network (PPTN) routes.
- Promote a housing market that meets increasingly diverse community needs. This includes facilitating:
 - An increased supply of housing in existing urban areas with appropriate quantity, quality and type of housing, including the provision of high quality social housing and aged care facilities.
 - More affordable housing closer to jobs, transport and services.

In July 2013, the Minister for Planning appointed an advisory committee 'to report on the review of the State Planning Policy Framework (SPPF) to align with the review of a number of state policy matters'³. The Committee has not considered the draft Planning Policy Framework, which was subject to public consultation at the time of the Committee hearings.

(ii) Plan Melbourne

Since the Committee hearings, Amendment VC106 introduced *Plan Melbourne* into the SPPF. *Plan Melbourne* expresses current Government policy and sets out the Government's vision for the City to 2050:

Melbourne will be a global city of opportunity and choice

Part of the delivery of this vision is by 'creating a clearer and simpler planning system with improved decision making'.

³ SPPF Review Advisory Committee Terms of Reference, July 2013.

Plan Melbourne identifies 'protecting the suburbs', 'developing in defined areas near services and infrastructure' and 'creating a clearer and simpler planning system with improved decision making' as central to achieving this vision. It directs the way the city grows over the short, medium and long term, and states:

We must clarify where future development will occur, while simultaneously acting to protect the majority of our existing suburban areas from inappropriate development.

Policy to consolidate Melbourne's urban areas is maintained and there is greater focus on growth beyond the metropolitan area. *Plan Melbourne* states:

In the future, Melbourne will need to become a more consolidated and contained metropolis, by establishing a permanent metropolitan urban boundary and facilitating more development in established areas. A permanent boundary will also help stimulate higher growth in periurban towns and in regional Victoria.

Plan Melbourne directions of particular relevance to the draft amendments include:

Direction 1.6 - Enable an investment pipeline of transit oriented development and urban renewal

Plan Melbourne advocates transit-oriented development as a key way to achieve employment and population growth, as well as achieve a broad range of economic, social and environmental benefits from co-locating employment, population and public transport. To achieve this, Initiative 1.6.1 identifies a number of short to medium term urban renewal precincts and sites around the existing rail network, based on transit-oriented development principles.

The draft amendments impact some 'urban renewal precincts' and 'Potential Urban Renewal Opportunities/Investigation Area' identified in *Plan Melbourne*. Notably these include areas around the Jewel train station and the Brunswick to Batman Station Corridor in Moreland and around the Highett train station in Kingston.

The Committee has adopted the approach that there is a strategic policy predisposition in favour of the RGZ (or a mixed use or non-residential zone) in nominated or potential urban renewal precincts and has required specific justification where an alternative zone is proposed. In some instances the GRZ is supported on the basis that it is an interim measure pending specific investigations of the appropriate planning framework for the precinct or site.

Direction 2.1 - Understand and Plan for Expected Housing Needs

Plan Melbourne recognises that Melbourne's recent population growth has been profound and recent updates to population projections anticipate larger populations in 2050 than was anticipated when the draft amendments were prepared and submissions were made to the Committee.

Accommodating growth will focus on the continued development of Melbourne's growth areas and targeted medium and high density development in defined residential change areas. Defined residential change areas include the Central Subregion, urban-renewal

precincts (existing and to be identified), areas identified by local governments for applying the RGZ, designated national employment clusters (existing and emerging), activity centres (existing and future), near railway stations and greenfield locations in growth areas.

Plan Melbourne recognises that the demand for new housing will be influenced by an ageing population and the preference to downsize and age in place. It adds that '*the mismatch between Melburnians' needs and preferences*' and '*what they settle for*' will need to be addressed.

The projected housing requirements to 2051 (a net increase of 1,570,000 dwellings) will be distributed on the following basis:

- 610,000 (39 percent) of dwellings in growth areas. In greenfield growth areas, development will continue to be on the basis of precinct structure plans, with the intent, over time, to increase residential densities and the mix of dwellings. Initiative 2.1.4 '*Develop more diverse housing in growth areas*' makes it clear that planning for growth areas is to provide for housing diversity that extends to higher density housing and the use of the RGZ is encouraged in appropriate locations to allow for residential change and redevelopment over time.
- 960,000 (61 percent) of dwellings in established areas, of which slightly more than two thirds would be outside the 'central city and surrounds'. In established areas, high levels of residential growth will be supported and facilitated in urban-renewal locations, the central subregion, activity centres, areas in proximity to employment clusters and high-frequency public transport and high-change residential areas identified in local planning schemes.

Plan Melbourne emphasises that the implementation of the new residential zones should be underpinned by a robust rationale. It states:

The reformed residential zones provide vastly improved planning tools to enable local governments to direct residential change to specific areas and constrain change in other areas. With this significantly increased power is an equal responsibility that the decisions by local governments about how land is zoned are based on a robust rationale that:

- *accounts for the directions of Practice Note 78 which instruct local governments to apply the zones to protect areas of well-defined character while also providing ongoing housing opportunity*
- *ensures defined housing change areas and known major redevelopment sites are zoned to support long-term housing growth, choice and diversity*
- *is consistent with a current local housing strategy or equivalent established residential development policy*
- *assists to create a spectrum of minimal, incremental and high-change residential areas that balance the need to protect residential areas with the need to ensure choice and growth in housing markets locally, regionally and across the metropolitan area.*

Short term actions include:

- Annual reporting to the Minister for Planning on the amount of zoned land for new housing; the status of local housing strategies; and the overall performance of residential land and housing markets in Melbourne's subregions.
- Reviewing and refreshing the visions and spatial directions of local housing strategies taking into account *Plan Melbourne* objectives; changed economic and demographic circumstances; new transport opportunities; and current population projections. Local Housing strategies will be expected to make adequate provision for future housing needs, deliver the 20-minute neighbourhood, protect valued character, and support regional infrastructure and planning frameworks.
- Preparing and implementing a new 'Good Planning Guide'; improving Clauses 54, 55 and 56 of the VPP to streamline the planning system and provide guidance for multi-unit development; and the application of the reformed residential zones to protect its suburbs.
- Publishing a metropolitan housing map that depicts the scale of residential change supported in planning schemes across metropolitan Melbourne (after the conversion to the reformed residential zones); and annual housing development data and analysis to inform local and sub-regional housing planning.

Direction 2.2 - Reduce the cost of living by increasing housing supply near services and public transport.

Plan Melbourne aims to deliver housing close to jobs and transport by:

- Unlocking the capacity of urban renewal precincts for higher density, mixed-use development.
- Working towards providing the majority of new housing in established suburbs within walking distance of train, tram and SmartBus routes.
- Applying the most appropriate zones to defined residential change areas where greater diversity of housing would be facilitated, including family friendly housing, affordable and social housing, and housing for key workers.

Direction 2.3 - Facilitate the supply of social housing

Plan Melbourne identifies a number of measures to improve social housing availability. These include:

- Making the Minister for Planning the responsible authority for selected social housing planning permit applications.
- Determining the costs, benefits and opportunities of including social housing in identified urban-renewal precincts, before beginning structure planning or rezoning land.

Direction 2.4 - Facilitate the supply of affordable housing

In addition to managing the supply of housing (addressed in Direction 2.2), *Plan Melbourne* proposes to create a codified approval process for development in defined residential change areas, introduce a definition of affordable housing in planning schemes and increase

the understanding of the need for various housing types and house price points in each suburb.

Direction 4.2 - Protect Melbourne and its suburbs from inappropriate development

This direction focuses on protecting neighbourhoods by delivering higher density housing only in defined locations through short term actions that include:

- *Deliver the Neighbourhood Residential Zone across at least 50 per cent of Melbourne's residential-zoned land*
- *Ensure municipal housing strategies address the need to protect neighbourhoods.*
- *Focus on encouraging mixed-use developments and greater housing density near jobs and transport will help achieve a greater level of choice for medium and low-income households in terms of locating nearer to employment opportunities.*

Directions 6.2 - Rebalance Victoria's population growth from Melbourne to rural and regional Victoria over the life of the strategy

Like the SPPF, *Plan Melbourne* proposes a networked 'state of cities' and a greater share of Victoria's growth being directed to regional cities. The initiatives include reviewing regional city growth opportunities, with the following short term actions reaffirming the relevance of urban consolidation policy to regional settlements:

Support increased business and residential densities as well as social, civic and cultural facilities in regional city CBDs to strengthen them economically and socially.

Work with the Department of State Development, Business and Innovation to identify a pipeline of renewal and infill opportunities in regional cities and centres that optimise infrastructure investment and the use of surplus government land.

Initiative 6.2.1 Better manage Melbourne's peri-urban regions, including designating towns for growth

Future growth in peri-urban regions is to be managed to optimise their potential to take pressure off Melbourne by accommodating additional housing and employment, while protecting productive land, strategic economic resources and biodiversity assets. It is noted that peri-urban and regional areas offer the opportunity for an attractive country lifestyle, however, development '*should not be an imitation of Melbourne's growth areas, but should offer a less-crowded, lower-density housing product, with larger housing lots that will particularly cater for families*'.

(iii) Localised Planning Statements

Localised Planning Statements will be developed to ensure the Mornington Peninsula, the Yarra Valley, Macedon Ranges and the Bellarine Peninsula⁴ are preserved and enhanced for

⁴ These areas, with the exception of the Bellarine Peninsula, were previously covered by Statements of Planning Policy under the former *Planning Act 1961*.

use by present and future generations as unique local areas⁵. *Plan Melbourne* includes a short term action to work with local governments to finalise the statements.

Plan Melbourne Initiative 6.4.1 seeks to protect and enhance valued attributes of identified distinctive areas and highlights the role of the four designated areas in tourism, agribusiness and lifestyle, as well as their links to Melbourne. It continues:

Because of their attractiveness, accessibility and proximity to metropolitan Melbourne, these areas are increasingly coming under pressure for growth and change. This could potentially undermine the long-term natural or non-urban uses of land in these areas and needs to be carefully managed. Planning for these areas needs to identify the key values and activities important to these areas and ensure that they are preserved and enhanced for ongoing use by present and future generations.

It is apparent in *Plan Melbourne* that the focus of the new statements will be similar to the old Statements of Planning Policy, which sought to preserve the environmental, landscape and recreation values of the identified areas (and, in the case of Western Port, its potential for future port development), with additional emphasis on food production. It therefore seems reasonable to assume, in relation to residential zone conversions, that the areas identified for Localised Planning Statements are not seen as having a major role in accommodating new population growth or residential redevelopment. An exception may be the town of Gisborne in Macedon Ranges Shire, which is identified in *Plan Melbourne* as a peri-urban town with growth potential.

(iv) Regional Growth Plans

Regional Growth Plans (RGPs) have been developed for Victoria's eight non-metropolitan regions. *Plan Melbourne* describes them as follows:

The plans are comprehensive, long-term land-use and transport plans to accelerate and manage regional population growth in key regional centres including Geelong, Ballarat, Bendigo and the Latrobe Valley. The plans identify the competitive advantages of Victoria's regions and regional cities and include broad transport directions and planning arrangements to encourage investment and development.

The RGPs provide a 20-30 year land-use strategy that sets out how each region can accommodate a greater share of the State's growth, and identify land use and infrastructure initiatives to accelerate growth, including:

- *working to provide settlement options in a broad range of peri-urban and regional towns, to attract population growth away from Melbourne, and ensure that this growth is in an appropriate form that is different from Melbourne's growth areas...*
- *auditing land in regional cities and centres to identify land suitable for urban renewal and strategic redevelopment (including surplus government land) and barriers to redevelopment*

⁵ Page 17 *Plan Melbourne*.

- *providing support to strategic planning initiatives such as Vision 2 in Geelong and precinct structure planning in other locations*⁶.

The RGPs contain framework plans for major centres. Those for the designated regional cities - Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga - are reproduced in *Plan Melbourne*.

The major implications of the RGPs for allocation of the new suite of residential zones will be found in the framework plans for the regional cities and the next level in the towns/centres hierarchy for each region. These indicate areas where growth and change are expected, including designation of some strategic redevelopment sites in regional cities, such as the former railway land in central Wodonga.

Regional Growth Plans of relevance to specific draft amendments are addressed in the individual Stage One draft amendment reports.

3.3 Practice Notes and Advisory Notes

Practice Note 78: *Applying the Residential Zones* (December 2013) guides the implementation of the residential zones. The Committee's Terms of Reference require it to take this into account in assessing the draft amendments. The principles and application of this practice note are discussed in Chapter 4.6.

Advisory Note 50: *Reformed residential zones* (July 2013) was issued when the new zones were introduced into the VPP through Amendment V8.

Practice Note 28: *Using the neighbourhood character provisions in planning* (July 2004) (PN28) provides guidance to planning authorities about how to plan for neighbourhood character and how to apply neighbourhood character provisions when preparing amendments to planning schemes. It discusses matters such as the importance of achieving housing policy objectives as well as protecting character; 'What is neighbourhood character'; 'What does respect mean?'; neighbourhood character studies and strategic justification including housing strategies; and appropriate use of planning scheme mechanisms. These issues and much of PN28 discussion remain directly relevant to the current task of implementing the new zones, but require updating to reflect current policy and mechanisms.

Practice Note 10: *Writing Schedules* (May 2000) provides the following principles to guide the drafting and use of local content in schedules, irrespective of the task that the schedule is to perform:

- Schedules must be read with other planning provisions.
- Local content should help to implement SPPF objectives.
- Local content should help to implement Local Planning Policy Framework objectives.
- Local content should not duplicate other provisions.
- Local content can only do what its 'parent provision' enables it to do.
- Local content should be strategically justified.
- Local content should have a legally certain meaning.
- Local content should be easy to read.

⁶ Page 156 *Plan Melbourne*.

Practice Note 59: *The role of mandatory provisions in planning schemes* (September 2010) (PN59) identifies circumstances when the use of mandatory provisions, such as maximum heights and setbacks, are appropriate. It indicates that discretionary provisions should normally apply and significant justification is required to apply mandatory provisions (See discussion in Chapter 5).

3.4 Discussion of policy themes

Planning almost always involves balancing competing policy objectives. The implementation of the new residential zones is no exception. Submissions illustrate the tensions between policies to *'protect the majority of our existing suburban areas from inappropriate development'*⁷ while providing for future growth and housing needs. Some submissions challenged whether the analysis underpinning the draft amendments provides sufficient confidence that they can accommodate the projected local and regional growth requirements or satisfy policy to meet changing housing needs and preferences.

(i) Consolidation, access to services and supporting investment in infrastructure

Submissions highlighted that housing density determines the level of infrastructure, services and jobs that can be sustained.

Concern was expressed by submitters that:

- The new zones as applied through the draft amendments may significantly impact on future service delivery. This was due to reduced development yields and, in particular, mandatory dwelling density provisions in extensive areas where the NRZ is proposed. For example, a joint submission from planning and associated professionals commented that even adding one additional dwelling to a lot in the form of a dual occupancy or duplex may become prohibited in the NRZ.
- A reduction in opportunities for new medium density housing, particularly in established areas that are rich in jobs and services, will undermine the viability of existing services and the case for improved services and infrastructure in those areas. It will incur major costs associated in directing more growth to fringe areas, with less comprehensive service outcomes for residents.
- A sudden *'turning off of the land supply tap'* will result in a less economically productive city and an immediate contraction in investment and employment.

Both Public Transport Victoria (PTV) and VicTrack emphasised the importance of creating conditions that support increased use and viability of public transport, with PTV highlighting the impact of the forecast number of passenger trips in determining the level of public transport service to be provided. These agencies both advocated concentrating growth around existing and planned transport infrastructure. They questioned the application of the NRZ in public transport walkable catchments, which PTV identified as 400-800 metres for road based public transport and 1,200 metres for high quality public transport. It was noted that concentrations of population around multi-nodal interchanges commonly coincide with, and can support activity centres. VicTrack sought zoning, such as the RGZ, that will support

⁷ Page 61 Plan Melbourne.

transit-oriented development around transport hubs and train stations in particular. *Plan Melbourne* reaffirms urban consolidation policies, with more of Melbourne's residential growth to be accommodated in established areas near transport, jobs and neighbourhood services.

The Committee has taken into account the policy predisposition in favour of more intensive forms of housing near PPTN stops and activity centres, and it considers strong justification is needed to apply the NRZ in these locations.

(ii) Accommodating projected growth and capacity

The Property Council and various submissions from town planning and development professionals questioned whether the fundamental approach of draft amendments applying restrictive density through the zoning of extensive areas NRZ would meet the State's future housing requirements. The comments of Mr Hofmann at the Kingston hearing summarised one of the key concerns of these submitters, that *'the role of Planning is not just to provide what people "want" but what is sustainable for the city (both Kingston and greater Melbourne) into the future and provides a net community benefit.'*

The Committee is aware that Melbourne and Victoria has experienced significant growth over the last decade and recently released projections have increased the challenge of accommodating the associated demand for more dwellings while protecting and improving the valued attributes of urban areas. Since the Draft *Plan Melbourne* was released in 2013 and the draft amendments were prepared, the projected number of additional dwellings that will be required has increased by 50 percent and the adopted *Plan Melbourne* has increased by 80 percent the proportion of those new dwellings to be directed to established areas outside the Central City and surrounds.

It was submitted that a reduction in the development of apartments; reduced new housing supply opportunities due to the inappropriate application of new zones; and increasing greenfield production costs are expected to create an ongoing structural shortage of new housing to meet growing demand. Submissions⁸ highlighted that:

- Small scale (less than ten dwellings) multi-unit developments have made a greater contribution to increasing the supply of housing in established areas than apartments, with this form of housing representing 44 percent of net dwelling additions compared to 30 percent for apartments.
- Apartment and mixed use developments should only be part of the housing mix in established suburbs and will not absorb demand displaced from constrained NRZ areas. Apartment living has gained much wider acceptance in Melbourne but urban renewal development in commercial and mixed use zones should only be a part of the housing mix in established suburbs.
- Few suburbs with less mature apartment markets can transition directly from detached housing to high density apartments and there is a widely held expectation that apartment delivery will slow from current peak levels.

⁸ For example, submissions from the Property Council, joint planning and associated professionals, Dean Ryan Sacco, M Ryan

- Expectations that commercial zones provide sufficient scope to incorporate mixed use developments that meet housing demand demonstrates a fundamental lack of understanding of the need for greater diversity of housing options. It was submitted that these areas will not absorb the continued demand for the small project development type stock, (being townhouse and small dwellings).

The submissions of industry groups presented a broad acceptance that constraints on growth are appropriate in areas of recognised heritage, character, landscape or environmental significance or that are subject to hazards. However, these submissions indicated that research by Urbis, Charter Keck Cramer, Spatial Economics, SGS Economics and Planning, and Essential Economics found that there will be significant impact on the small project development segment of the housing market if the NRZ is inappropriately applied to significant areas, and the RGZ is underprovided. The Property Council submitted:

A conservative estimate of the impact of the new zones is that there will be at least 2000 - 4,000 fewer medium density dwellings constructed annually across Melbourne. Importantly, the unfulfilled latent demand resulting from reduced supply will not be fully transferred to alternative housing forms or other locations. Whilst some of the unfulfilled demand may divert to new housing in greenfield locations or into apartments, a high proportion would be expected to remain unsatisfied and may limit the expression of new household formation and cause households to remain in situ.

The shortage of new medium density dwellings will see downsizers staying put and inefficiently consuming large houses and young people staying at home longer. There will be fewer sites freed up in higher price suburbs to facilitate redevelopment into less expensive medium density housing.

The Property Council submitted that data to determine how and where future residential growth can meet forecast housing needs was essential to inform the application of residential zones (and other strategies). The Property Council believes it is the responsibility of the State Government to provide councils with this information before introducing the new residential zones. It submitted:

In the interests of good planning, to say nothing of broader strategic governance and growth management, councils should not only have been provided with this information, but also been required to use it to formulate housing strategies that plan for growth and the provision of housing choice prior to determining the most appropriate application of the new residential zones.

In some draft amendment hearings there was extensive discussion about whether the proposed implementation of the new residential zones delivers the capacity to meet projected housing needs.

The Committee considers that the reasons for identifying land in a zone should be driven by clear strategic land use planning goals and that accommodating growth requirements is one of the strategic objectives to be met. Importantly, meeting growth requirements is not necessary on a uniform suburb-by-suburb basis as localities are subject to different levels of opportunity and constraints.

The Committee considers that localised capacity analysis should test or check that the strategy is workable, but should not be the only driver to a strategy or in determining zone choice. The Committee has general reservations about 'capacity analysis driven' implementation of zones and targets for achieving a particular percentage of land in a zone for a specific municipality. This is because:

- Analysis at a local level does not provide an understanding of the implications of the local planning framework for housing provision that satisfies needs at a regional and State level.
- Capacity led implementation of zones raises methodological questions, such as yield assumptions, the proportion of land assumed to be redeveloped and the timeframes that should apply. For example, a relatively short term timeframe, say 15 years as applies to land for greenfield development, may result in redevelopment of the 'easier' sites with deficits in later years.
- Assumptions need to recognise the implications of factors such as fragmented land holdings, heritage constraints and the like.

There needs to be a process by which the cumulative provision of the different zone types achieves this initiative. *Plan Melbourne* recognises this current limitation and includes an implementation strategy to establish an understanding of the cumulative effect of the new zones on meeting future housing needs. This will involve preparing and publishing:

- A metropolitan housing map showing the scale of residential change supported in planning schemes across metropolitan Melbourne.
- A new 'Good Planning Guide', which will, amongst other things, provide guidance for multi-unit development and the application of the new residential zones.
- Annual housing development data and analysis on the amount of zoned land for new housing, the status of local housing strategies and the overall performance of residential land and housing markets within each of Melbourne's subregions.

The Committee has considered the draft amendments on a municipality-by-municipality basis without the full understanding of:

- The implications of recent increases in population projections and the associated substantial increase in the quantum of development to be directed to established areas by *Plan Melbourne*, or
- The impacts at a sub-regional or regional level.

This is not ideal, and has limited the Committee's ability to respond to submissions that have raised broader issues about where growth should be directed. These limitations have contributed to the Committee adopting a cautious approach to applying the new zones. This is particularly so in relation to the NRZ given the limitations that it places on housing growth and diversity.

(iii) Meeting housing needs – diversity and affordability

More diverse housing to meet changing needs

The State and local planning frameworks of all planning schemes to which the draft amendments are proposed, along with *Plan Melbourne*, recognise the need for greater

diversity of housing to take account of demographic trends, particularly the ageing population, and the increased prevalence of small households. *Plan Melbourne* acknowledged, and submissions highlighted, that housing diversity enables communities to stay together by providing housing to meet the needs of people across their life cycle and facilitating ageing in place.

The need to address housing affordability pressures is recognised. For example, *Plan Melbourne* states:

We will also continue to provide strong levels of land supply for new housing development and for infill opportunities in established areas, to encourage a greater level of price competition for home buyers and to facilitate adequate home construction for the rental market.⁹

Submissions cited preference surveys by the Grattan Institute that indicate 26 percent of people would prefer medium density housing, whereas the actual stock is only 12 percent and medium density's share of new stock is running at 14 percent.

Submissions from the HIA, the Property Council, planning and development professionals and others:

- Opposed the prohibition of small scale infill development, increased development standards and minimum lot sizes under the NRZ (and increased standards in the other zones).
- Expressed concerns that there will be a large scale 'lock down' of inner and middle suburbs that limits choice and a 'lock out' of future residents if the extensive use of the NRZ adopted in Glen Eira is treated as a precedent.
- Argued that apartments have their own demand but are not a viable substitute for many of those who seek medium density housing.
- Highlighted that the current mismatch between housing demand and supply would be exacerbated by severe constraints on medium density housing in the draft amendments that propose extensive areas of NRZ, particularly in inner and middle suburbs which are rich in services and infrastructure.
- Expressed concerns that constraints on supply, increased competition for sites and reduced yields resulting from extensive areas of NRZ would create upward pressure on house prices and rents.

Submitters, such as Housing Choices Australia referred to Government policy and expressed concern that the housing market will be polarised with expanses of lower density housing on the fringe, concentrated nodes of higher density in urban renewal precincts and around activity centres, and little choice in between.

The Committee shares the concern that applying the NRZ excessively beyond its intended purpose and without sound justification envisaged by PN78 is very likely to compromise the ability to meet the projected growth in households in a way that also addresses choice, affordability and diversity in housing supply. It is important to maintain long term

⁹ Page 65 *Plan Melbourne*.

opportunities, foster affordability and avoid unnecessary constraints on the ability of a healthy housing market to respond to needs for a variety of housing options.

The Committee considers important tests for proposals to implement the new zones are whether:

- The long-standing State and local policies to increase the diversity of housing are supported, particularly in locations across the metropolitan area with good access to services and jobs. This extends to opportunities for multi-unit housing and regional cities and towns.
- Housing provision that enables people to move through lifecycle stages within their local community is facilitated.

Impacts on the provision of social housing

Specific concern was raised in relation to the implications of the NRZ for the provision of social housing. This form of housing cannot rely on high entry prices to off-set development costs and is often located in scattered infill areas, not just in and around activity centres. It often requires flexible accommodation formats to suit people with disabilities, older people and families. The Department of Human Services (DHS) and Housing Choices Australia were concerned about the impact of the NRZ on their capacity to add to their portfolios of affordable housing due to price increases and greater competition for development opportunities. Housing Choices Australia referred to Government policy to increase the role of housing associations and highlighted the constraints in the NRZ on *'harvesting the development value in their existing and future property portfolio'*, which given the low rents low income tenants can pay, is an important strategy. Housing Choices Australia advocated a significant reduction in the extent of the NRZ and exemption for affordable housing within one kilometre of the PPTN from the NRZ limitations on dwelling numbers on a lot, maximum heights and variations to development standards.

DHS highlighted that redevelopment plans for existing multi-unit development throughout the State seek to maintain and increase housing numbers and quality, but cited many examples in their portfolio where the yield, height and standards of the NRZ would either prohibit or substantially constrain these improvements.

The Committee notes that larger scale redevelopments of social (and other) housing may be appropriately addressed through a zone other than the three residential zones currently being implemented. *Plan Melbourne* indicates that in some cases the Minister for Planning will take the role of responsible authority, and Clause 52.42 provides a precedent for a specific planning process to apply to social housing projects. However, the general issues raised by housing providers about housing choice, diversity and affordability extend to the development of social housing with, possibly, more significant constraints on their operations than apply to private sector developers.

(iv) The 'rigour test'

The preceding discussion has highlighted the potential impact of poorly justified application of the new residential zones for meeting the amount, diversity and cost of housing to meet future housing needs.

PN78, AN50 and *Plan Melbourne* make it clear that the capacity to direct residential change to specific areas and constrain change in other areas to protect neighbourhood character must be underpinned by a robust rationale.

Plan Melbourne includes the initiative to 'Deliver the Neighbourhood Residential Zone across at least 50 per cent of Melbourne's residential-zoned land', however, applying the zones at a local level should not simply be about meeting arbitrary targets such as a percentage of land in a zone. Ultimately, it is the integrated consideration of the various strategic planning factors that should determine the extent of each of the residential zones. This is supported by Initiative 2.1.1 of *Plan Melbourne* which states 'With this significantly increased power is an equal responsibility that the decisions by local governments about how land is zoned are based on a robust rationale'.

Melbourne's sub-regions, as defined in *Plan Melbourne*, have different characteristics, such as the proportion of areas established in the nineteenth and early twentieth centuries and access to train stations. It is likely that housing strategies will lead to a higher proportion of one of the residential zones in one area or sub-region than another. Although this variation may be perceived as unfair, it simply reflects the circumstances of areas. The Committee considers the converse applies, that is, it would be unreasonable to apply the same percentage of a particular residential zone across two sub-regions when one sub-region can clearly accommodate more growth than the other sub-region.

It is evident that underlying policy intent of targets, to improve housing choice, increase capacity, protect neighbourhoods and consolidate urban form, can be undermined through manipulation of zones and their schedules. This can lead to lost opportunity and can be used to justify less than optimum outcomes where redevelopment opportunities exist.

The new residential zones are to be implemented by 1 July 2014 and the Committee recognises the demands of the timeframes for the draft amendments. The Committee, however, agrees with submissions that the proposed application of the new zones lacks rigour in some instances and has not been adequately justified in some cases.

While it was anticipated that current housing policy and strategies in some municipalities would present a sound basis for the delineation of zones, some municipalities do not have such policy in place. In other municipalities, relevant strategy is significantly outdated or was not prepared in a way that can easily implement the statutory tools now available in the new zones.

(v) Further Guidance

The Committee supports the preparation of housing strategies¹⁰ as a way of informing zoning choices. Housing strategies need to address strategic needs of the State and local policy framework to provide choice, affordability and diversity of housing options, as well as protecting areas of identified character.

Plan Melbourne recognises the need for good housing strategies to manage change and the need for further work to prepare or update policies.

¹⁰ In some areas, notably regional areas, this may go by other names, such as settlement strategies.

The Committee notes *Plan Melbourne's* short term actions supporting further work on housing strategies which should provide a stronger basis for future amendments that apply the new zones. This includes working with councils so that housing strategies take into account *Plan Melbourne* objectives, changed economic and demographic circumstances, new transport opportunities and current population projections.

The Good Planning Guide proposed in *Plan Melbourne* will have an important role to update the guidance provided in PN28, including the scope of housing strategies to underpin future amendments.

Recommendation

The Committee recommends:

- 1. Refer any matters, where the Residential Standing Advisory Committee has recommended that a draft amendment not proceed, to the Committee after Council has progressed the recommendations outlined in the relevant Stage One draft amendment report.**

4 Applying the three residential zones

4.1 The Issues

A number of submitters questioned how PN78 has been applied to introducing the new zones. A core question for the Committee is how the Practice Note should be applied where there was a lack of clear housing policy or other clear strategic justification to direct a specific zone change, or where Council had applied methodology in its housing strategy that did not directly correlate with the Practice Note.

The Committee has identified a number of common issues arising from applying the new zones in addition to those addressed in PN78. These include:

- Applying the zones in areas with Heritage Overlays (HO).
- Applying the zones in areas affected by single dwelling covenants.
- Applying the zones in broadacre residential subdivision.
- Addressing the built form transition between zones.
- Whether spot rezonings should be avoided.
- Integration of zone provisions between municipalities.

4.2 Translation amendments

A number of the draft amendments, particularly in regional and rural areas, sought policy neutral implementation of the existing planning framework for residential development. In these cases Councils generally acknowledged that further refinements to the application of the zones and the content of schedules might be required.

The Committee has considered whether implementing the new zones actually translates the existing policy, zones, overlays and incorporated documents, but has not generally challenged amendments where the status quo is maintained. In most circumstances the GRZ without local provisions specified in a schedule has been treated as a direct translation of the R1Z. There are examples where explicit local policy, overlays, or incorporated documents (such as structure plans or character and built form guidelines) mean that the RGZ or NRZ are the closest translation. Similarly, variations in schedules may have translated an overlay or incorporated document provision or existing variations to standards in the schedule to the R1Z.

The Committee has used the directions of PN78 to assist in translation exercises or to confirm whether refinements to the existing frameworks that are proposed by Councils warrant application of particular zones or schedules. In such cases, the Committee supports policy neutral translations.

4.3 Amendments seeking to implement new local housing policy

The Committee considers that strategic policy and the attributes of specific areas should underpin the application of residential zones. Housing strategies can provide a cohesive basis for implementing the residential zones, however, other strategic work may also underpin the application of the zones, such as Activity Centre and Precinct Structure Plans

which have been prepared and clearly define the land use and development parameters relating to activity centres.

Where the proposed justification sits outside the planning scheme, such as a strategy that is adopted but has not yet progressed through an amendment process or analysis undertaken specifically to support the draft amendment, the Committee has taken factors such as the level of community consultation, the rigour of the work and its policy implications into account. However, it has generally applied less weight to such documents given that they have not been tested through the planning scheme amendment process. In these situations the Committee has typically supported a transition to the GRZ in anticipation that further amendments will be required once the strategic work is completed.

From the housing and settlement strategies referred to the Committee, some common deficiencies or gaps were identified:

- Some failed to strategically justify the boundaries of where housing should or should not grow.
- 'Well defined' character may result in the use of NRZ, but this 'character' was not always adequately defined.
- The housing needs of a community were not matched with future available housing stock.
- Some appeared to be led by ensuring a specific housing target was met, rather than addressing housing choice and promoting a healthy housing market.
- Some appeared to be led by a desire to drive a specific zoning outcome, rather than forming robust housing policy.
- Some failed to properly capitalise on infrastructure, notably the PPTN and activity centre or employment nodes.

This is a reflection that such strategies were prepared for a range of different purposes, not always directly relevant to emerging issues or for applying the new residential zones.

In some cases:

- A generally sound strategy addressed broad policy intent but did not provide a clear link to the zone application.
- There was acknowledgement of the need to review a housing strategy but a desire to introduce the new residential zones first.
- Councils did not consider a housing strategy was necessary at this stage because structure plans, that had been prepared but not implemented in the Planning Scheme, identified sufficient development potential to accommodate the vast majority of the anticipated housing growth, and they were confident the rest could be provided by development in the remainder of the municipality.

Generally, the Committee found the draft amendments that relied on new or amended housing strategies or additional work that altered the locations where housing growth was to be promoted or restricted, lacked robust justification to apply the zones in the manner sought. This acknowledges the learning process all participants are going through in considering how to manage the responsibilities the new zones bring. The Committee is conscious that future rezoning from either the NRZ or RGZ, after they have been introduced,

may well be difficult due to likely opposition from the community and those with an intention to develop land. This supports a conservative approach to applying the new zones.

To establish a housing strategy that can adequately underpin the full use of the new zones, the Committee considers an integrated approach is required that addresses character in conjunction with housing capability, market choice, affordability and capacity. To create such housing strategies will take time and should relate to broader regional planning.

Where the Committee has not been able to establish that the housing strategy is sufficiently robust or advanced to apply the zones as proposed in the draft amendment, or the strategy does not appear to directly link to the proposed zone application, the Committee has supported a precautionary approach with an initial 'translation' of existing policy, overlay and old zone provisions. In many instances this means a translation from R1Z to GRZ with no additional requirements in a schedule. Therefore the initial introduction of the new zones will often be a translation of existing zones to new zones, rather than significant shifts in housing policy. Some Councils foreshadowed the need for subsequent amendments to introduce more substantial changes. The Committee considers this is consistent with the 'default' replacement of zones as directed by AN50.

4.4 Existing zone provisions

The Amendments all propose to rezone land from the R1Z and some from R2Z and R3Z. The R1Z has the following purposes:

To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood character.

In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

The R2Z has the additional purpose:

To encourage residential development that respects the neighbourhood character.

The R3Z has the additional purpose:

To limit the maximum height of a dwelling or residential building.

In the R3Z, a mandatory maximum height of nine metres (except on sloping sites a mandatory height of ten metres) applies; otherwise the provisions are similar to the R1Z. Of the draft amendments being considered by the Committee, only the Kingston Planning Scheme has applied the R3Z.

4.5 Proposed zone provisions

The zones have different purposes and significantly different provisions to achieve these purposes. The difference in purposes was listed in Chapter 2.1 and is outlined in Table 3.

Most notable is the increased capacity to set mandatory standards. In the NRZ, mandatory provisions are the only means of applying minimum lot size, maximum number of dwellings per lot and maximum height requirements. In the RGZ and GRZ, if a maximum height is specified it becomes a mandatory limit whereas the default height can be varied with a permit.

(i) Practice Note 78: Applying the Residential Zones (December 2013)

PN78 states that:

Applying the residential zones should be underpinned by clearly expressed planning policies in the planning scheme.

...

Alternatively, a council may have undertaken relevant strategic planning for their residential areas.

...

In deciding which residential zone should apply, the following principles should be considered:

- *the zone should support and give effect to the SPPF*
- *the zone should broadly support all relevant policy areas in the MSS (for example, economic, housing, environmental and infrastructure policy)*
- *the rationale for applying the zone should be clearly discernible in the LPPF*
- *the zone should be applied in a way that is consistent with its purpose*
- *the zone should give effect to any adopted housing strategy*
- *a balanced approach being utilised, promoting residential growth, moderate residential change and limited residential change to provide outcomes which achieve reasonable housing choice and diversity in a municipality*
- *the requirements of any applicable Minister's Direction must be met.*

Table 3 Key differences in zone provisions

Zone	Parent Provision ¹¹	Schedule
Maximum height for a dwelling or residential building		
RGZ	Should not exceed 13.5m	May specify a mandatory height
GRZ	Refers to Clause 54 and 55	May specify a mandatory height
NRZ	Must not exceed 8m	May specify a mandatory height
Minimum subdivision lot size		
RGZ	n/a	n/a
GRZ	n/a	n/a
NRZ	Not specified	May specify minimum lot size
Maximum number of dwellings on a lot		
RGZ	n/a	n/a
GRZ	n/a	n/a
NRZ	Must not exceed two	May specify maximum number of dwellings
Require a permit required for a lot between 300 and 500sqm		
RGZ	n/a	n/a
GRZ	No	May specify if a permit is required
NRZ	No	May specify if a permit is required
Permit to construct or extend one dwelling on a lot		
RGZ	On a lot less than 300sqm	n/a
GRZ	On a lot less than 300sqm	May specify if a permit is required
NRZ	On a lot less than 300sqm	May specify if a permit is required
Permit to construct or extend a front fence within 3m of a street on a lot		
RGZ	Only for two or more dwellings on a lot and if the fence exceeds the height specified in Clause 55.	n/a
GRZ	On a lot less than 300sqm and if the fence exceeds the height in Clause 54 and 55.	May specify if a permit is required on lots between 300sqm and 500sqm
NRZ	On a lot less than 300sqm and if the fence exceeds the height in Clause 54 and 55.	Yes, can detail lot size smaller than 300sqm where permit required
Clause 54 and 55 Standards		
RGZ, GRZ, NRZ	Clause 54 or 55 applies	May specify the requirements of: <ul style="list-style-type: none"> - Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme - Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme

¹¹ The provision that applies if nothing is specified in the schedule.

(ii) Advisory Note 50: Reformed Residential Zone Provisions (July 2013)

AN50 was issued in conjunction with Amendment V8 that introduced the new zones into the VPP. It states that:

Different approaches to applying the new residential zones are available depending upon the individual circumstances of each council. Councils should undertake a strategic approach to the implementation of the residential suite of zones and consider the opportunities presented by converting existing residential zones to the new residential zones.

AN50 establishes criteria for applying the residential zones depending on whether or not a Council has existing housing policy. In cases where housing policy is still being developed, or a council has not undertaken current or relevant policy work, the Advisory Note suggests the following approach:

A council can work to develop relevant policies that will provide the strategic basis for applying the new residential zones. Work can begin concurrently on the amendment to implement the new residential zones. This amendment process would include notification of the amendment and consultation on the provisions of the zones and schedules.

(iii) Discussion

PN78 and the directions of *Plan Melbourne* make it clear that the new zones enable councils to direct residential change to specific areas and constrain change in other areas. As discussed in Chapter 3.4, the Committee's reading of PN78 reiterates its position that, first and foremost, changes in zoning intent should be based on a clear strategic policy justification. This includes a housing policy that directs where housing growth is expected, where incremental change is expected and where identified character warrants specific protection or the management of hazards justify use of the NRZ.

Directing Housing Growth through the RGZ

Submissions from DTPLI, PTV and the MPA sought to emphasise the need to accommodate housing choice and to focus housing intensity and growth around employment and activity nodes where there is walkable access to public transport.

Some Councils were concerned that the RGZ, which provides for various commercial uses, may alter the character and amenity of a residential area or undermine activity centre policy by enabling the creep of commercial uses in locations where they are not sought. They therefore relied on schedules to the GRZ that had a higher maximum height than nine metres as a means of denoting an area of growth.

The key elements of the Zone purposes and the PN78 criteria and principles are outlined in Table 4.

Table 4 RGZ Purpose, role and principles

Residential Growth Zone	
Zone Purposes:	<p>Provide housing at increased densities in buildings up to and including four storey buildings.</p> <p>Encourage a diversity of housing types in locations offering good access to services and transport including activities areas.</p> <p>Encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.</p>
What is its role? (PN78)	Enables new housing growth and diversity.
Where will it be used? Likely application (PN78)	In appropriate locations near activity areas, train stations and other areas suitable for increased housing activity.
RGZ Principles	Committee Comments
Locations offering good access to services, transport and other infrastructure	<p>The Committee finds this principle useful and a key driver to its use, when combined with the following two principles.</p> <p>This requires some understanding of the housing market in application of the zone. <i>Plan Melbourne</i> foreshadows use of the RGZ in growth areas to facilitate the evolution of these areas as they mature.</p>
Areas where there is mature market demand for higher density outcomes	The principles refer to 'higher density outcomes' - yet the purpose statement refers to 'up to four storeys' and providing a transition between developments of different intensity, which could imply an alternative zone selection for buildings greater than four storeys.
Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth	

The Committee considers that uses such as a Shop and Food and Drink Premises in certain residential areas are unlikely to be of concern because the RGZ only allows these uses conditional to:

- being located within 100 metres of a commercial zone or Mixed Use Zone, and
- adjoining, or having access to, a road in a Road Zone.

There may be rare instances where a residential street with a different character and amenity (that surrounds an activity centre) meets these conditions.

The Committee understands the concerns of the Councils, particularly in regional or peri urban areas about the use implications of the RGZ and out-of-centre commercial activity. These concerns are relevant factors in considering whether and where the RGZ should be applied.

However, when comparing the criteria and principles in PN78 for applying the RGZ and GRZ, it is difficult to see how a GRZ can achieve a growth policy as sought by Councils (particularly in metropolitan Melbourne). This is because the GRZ does not anticipate anything more than moderate growth, and the purposes of the GRZ are weighted toward ensuring neighbourhood character drives an outcome. If growth is proposed in these areas, the use

of an alternative to the RGZ (such as GRZ but with mandated height limit over nine metres) will need to be supported by strong neighbourhood character policy and guidelines.

Consequently, if a neighbourhood character policy or guideline has not been updated to align with housing policy that may direct a preferred built form outcome for a GRZ area, then there will be a conflict in policy provisions and the zone purposes used to implement the policy. This will be particularly evident in locations more distant from activity centres where a weighting of character against competing policy to direct housing growth will be less evident.

Using the GRZ

AN50 directs that the GRZ will be the default zone and PN78 states it will be used “*in most residential areas*”. The Committee agrees this zone most closely aligns with the existing R1Z (and potentially R3Z with amended schedule). Relevant purpose provisions against PN78 directions are tabulated below.

Table 5 GRZ Purpose, role and principles

General Residential Zone	
Zone Purposes	Provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport. Encourage development that respects the neighbourhood character of the area. Implement neighbourhood character policy and adopted neighbourhood character guidelines.
What is its role? (PN78)	Respect and preserve urban character while enabling new housing growth and diversity.
Where will it be used? Likely application (PN78)	In most residential areas where moderate growth and diversity of housing is provided, it is consistent with existing neighbourhood character
Principles	Committee Comments
Areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character	This principle requires an evaluation of what a “more varied” character is, and more varied from what?
Areas where moderate housing growth and housing diversity is encouraged	

The Committee comments that the purposes of the Zone are clear - that decisions about design in this Zone must respect neighbourhood character and implement neighbourhood character policy and guidelines. This strengthens the role of neighbourhood character from that provided for in the existing R1Z and R3Z. The concerns of some submitters that use of the GRZ will lead to increased development beyond what occurs in a R1Z appear unfounded. Some submitters put to the Committee that a reduced area of GRZ (from previous R1Z) would place greater pressure on these areas to accommodate growth or that the ‘moderate’ growth of these areas would need to be escalated to offset the lack of development

opportunities in the NRZ. The Committee notes that it is aware that such arguments are becoming the subject of debate at VCAT hearings.

The Committee observes that there are some mixed messages derived from reading PN78 against *Plan Melbourne* and the zone purpose. The purpose of the zone refers to 'respecting' neighbourhood character, yet PN78 refers to 'respecting and preserving'. As discussed in the review of the NRZ principles, the Committee considers there is a significant difference in the two terms, and that this has a bearing on how the GRZ and NRZ might be applied. The use of the word 'preserve' in PN78 appears to contradict the principle that the zone should be applied 'where more varied character' exists.

Finally, the Committee observes that PN78 states that GRZ is expected to be used '*in most residential areas*' whereas the *Plan Melbourne* initiative to '*Deliver the Neighbourhood Residential Zone across at least 50 per cent of Melbourne's residential-zoned land*'. There appears to be no corresponding statement in the regional growth plans.

Restricting Housing Growth through the NRZ

There is a need to protect areas of identified character and environmental or landscape values. Determining the level of protection warranted for such areas and therefore whether the GRZ or NRZ should apply, was the subject of much debate in submissions to the Committee. The relevant purposes and principles of the NRZ are tabulated below and the Committee has highlighted what it considers are the key points of differentiation.

Table 6 NRZ Purpose, role and principles

Neighbourhood Residential Zone	
Zone Purposes	<p>Recognise areas of predominantly single and double storey residential development.</p> <p>Limit opportunities for increased residential development.</p> <p>Manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.</p> <p>Implement neighbourhood character policy and adopted neighbourhood character guidelines.</p>
What is its role? (PN78)	Restricts housing growth in areas identified for urban preservation.
Where will it be used? Likely application (PN78)	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character or environmental or landscape significance.
Principles	Committee Comments
Areas with a neighbourhood character that is sought to be retained	As discussed, all areas have 'a character'. To elevate it to one that is worthy of preservation, as referred to in the practice note, the Committee considers that the justification must be clearly demonstrated. It is assisted if the planning scheme identifies areas worthy of preservation in addition to the community seeking to preserve them. <i>Plan Melbourne</i> refers to such areas as having 'well defined' character. The Committee considers reference should be made to the zone purpose that refers to areas with an 'identified' character in evaluating this criterion.
Areas where more than 80% of lots currently accommodate detached dwellings	<p>The Committee found this criterion problematic. Firstly it leads to a somewhat arbitrary calculation of character and unnecessary assumption that having a well defined character that warrants protection is predicated on the neighbourhood having detached dwellings. An area may include a high proportion of detached dwellings but not have a cohesive character or discernible form worthy of preservation. The Committee considers that having a well defined character, or environmental or landscape significance is not predicated on the proportion of detached houses in an area.</p> <p>This criterion requires a boundary to be drawn so an area is identified for the percentage to be calculated. Many submitters took a street by street view of this, and others took a broader view. Establishing the extent of an area in the first instance was problematic.</p> <p>It may assist interpretation if this principle is clarified to refer to a majority of housing having a consistent form and/or setting. For example, a dominance of detached dwellings with consistent garden placement may be a consistent setting.</p>
Areas with Neighbourhood Character Overlays	The Committee finds this a relevant consideration. However, the role of the NCO under the framework provided by the new zones perhaps needs to be queried. The Committee notes that interactions between, or the integration of, the NCO and the new zone provisions should be addressed when amendments are prepared.
Residential areas with Heritage Overlays	The Committee addresses specific issues with this principle in Chapter 4.7. It may have relevance, but may not be a sole determinant. The statement of significance will be central to the interpretation of this criterion.
Areas of identified environmental or landscape	The Committee finds this a relevant consideration. These characteristics will often be delineated and managed by overlays. It may be appropriate in some

Neighbourhood Residential Zone	
significance (and constraints)	cases for the selection of a residential zone to reinforce the framework provided in the overlay, while in other cases it is reasonable to rely on the overlay.
Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term.	The Committee finds this a relevant consideration, particularly in areas such as towns in regional locations. It may be a factor that reinforces the appropriateness of the NRZ if an area has cohesive character and other planning objectives to manage urban form to make effective use of infrastructure are less relevant. Simply because an area is distant from core services however, does not mean an area by default has an identified character that warrants use of NRZ. The Committee believes that the existence of a service, such as public transport, is a more important factor than the quality or frequency of the service.

Respecting identified character and landscape values

The Committee considers that defining where to use the NRZ rather than GRZ requires the interrelationship of character and landscape values and other strategic objectives to be carefully assessed.

As PN43 comments:

It is common for some areas to be described as having 'little or no character', and other areas as having 'lots of character'. These sorts of descriptions confuse neighbourhood character with attractiveness. All areas have a character in the same way that all people have a personality. In some areas the character may be more obvious, more unusual, or more attractive, but no area can be described as having no character.

The character of all areas is to be respected (even areas that planners or designers might not think to be attractive). If, for a broader range of considerations, a change in the character of an area is sought, then this must be achieved by setting out a preferred future character statement in the planning scheme.

If the change undermines a key feature or characteristic of the neighbourhood without some policy basis, then a strong case can be made that the development does not respect the character of the neighbourhood. If the change is supported by local character objectives in the planning scheme, then the development can be considered to respect preferred character.

In the NRZ purposes, character is to be 'respected'; however, PN43 suggests it will be 'preserved'. *Plan Melbourne* refers to protecting 'areas of well-defined character'.¹² This perhaps is indicative of a greater level of restriction in the provisions of this zone, than suggested by the zone purpose to 'respect' the identified character.

The Committee considers there needs to be a distinction between an area simply being described in a character study, as opposed to one that warrants protection through identification as having some level of significance.

¹² Page 67 *Plan Melbourne*

Respecting character is defined in PN43 as:

It does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change.

The Australian Macquarie Dictionary suggests that to 'preserve' is to retain in particular quality or condition. Therefore the condition or quality needs to be identified and considered worthy of preservation over other goals of the planning scheme.

PN78 offers direction as to what may elevate an area of 'respecting' character to one where it warrants 'preservation' through the principles. The Committee found these somewhat helpful, but read alone, the principles have limitations. The Committee reinforces the comments of PN78 that the principles cannot be read in isolation and are only a tool to assist in directing use of the zones.

The difference in purpose statement and principles between GRZ and NRZ may seem small. However, the variance in language is important in deriving where the zones should apply. As was put to the Committee by many submitters, the mandatory provisions of the NRZ mean that this Zone is significantly more restrictive and limiting than the GRZ or RGZ. As such, the implications of using the Zone are significant.

To introduce mandatory provisions such as contained in the NRZ, there needs to be confidence that the 'closed' form of the Zone (i.e. one that does not allow for discretion to move away from mandatory density or heights) is appropriate. It should not lead to multiple site specific amendments to accommodate good proposals and the boundaries to which the mandatory provisions are to apply need to be clear and justified. This is consistent with PN59.

Identifying areas suitable for the NRZ therefore requires a balanced consideration of the integrity of the area; an area that warrants preservation over and beyond the other strategic imperatives to provide housing choice, affordability and the use of infrastructure. Having neighbourhood character policy and guidelines that not just describe character but identify the areas that warrant preservation, when balanced against other strategic directions, will be important.

The Committee has been able to identify and support the role of the NRZ when it is applied to specific areas where there is a clear understanding that there are limited opportunities to increase residential development due to a specific neighbourhood or landscape character and heritage values that is documented and defined.

A number of Councils sought to apply the Zone across broad areas and to include schedules to address the implications of the mandatory requirements of the Zone. This was particularly so where there is a wider range of lot sizes and character responses that are sought to be accommodated in the Zone. In these instances the Committee has had difficulty in linking the application of this Zone to the guidance in PN78 or AN50. The specific issues associated with applying mandatory provisions in the zones are addressed in Chapter 5 of this report and in individual Stage One draft amendment reports.

Responding to valued attributes, constraints and hazards

There is clear State and local policy to protect valued attributes such as heritage, landscape, and ecological assets and to protect life, property and community infrastructure from impacts from environmental hazards.

Where the significance of these attributes is recognised in a planning scheme, notably through existing overlays but also in explicit local strategies, policies and incorporated documents, the Committee has accorded significant weight to ensuring the zones and schedules align with the existing planning framework. The Committee has not revisited the strategic justification where the draft amendment translates existing planning scheme provisions. However, this does not mean that the NRZ is automatically warranted where an overlay applies.

The Committee notes that, although not specifically addressed in PN78, it may be appropriate to restrict residential development in existing residential zones close to uses with significant off-site impacts and posing risks to safety or could be relevant near hazardous industries.

In certain circumstances, where the BMO applies, there may be a policy predisposition against increasing the density of development thereby supporting the use of the NRZ. Management measures (including infrastructure upgrades and development standards) may effectively manage the more predictable risks associated with flooding hazards. Similarly, built form provisions in an overlay are likely to be sufficient to manage development in areas subject to a defined flight path of an airport. Unless development is subject to a level of amenity impact that is unsuitable for residential development, this attribute may not justify the application of the NRZ.

4.6 General use of the Practice Note Principles and Criteria

The Committee reiterates that PN78 principles and criteria contained in Tables 2 and 3 need to be read together with reference to the existing policy framework and the Zone purposes.

Many submissions sought to provide a rationale for the proposed zones by 'ticking off' the relevant principles and criteria. The Committee was not in a position to undertake site-by-site analyses of areas to which zones are to be applied. Nor does the Committee consider the correct use of PN78 is to determine zoning to broad areas based on 'ticking off the criteria' or applying one specific principle contained in Table 2. The Committee considers it would be inappropriate to use the criteria in this way. PN78 appears to acknowledge this by commenting at the top of Table 2 that *'Principles can be deduced from the purposes of the zones (and should be considered together)'*. This is a vital consideration because there should always be a reference back to the Zone purpose to clarify the application of the criteria.

The Committee considers that the principles are useful for addressing whether a particular site should be included or excluded from a particular zone, where the strategic rationale and principles for the general precinct are clear and already in place. For example, this could occur where the general application of the GRZ has already been deduced from strategic work, but the boundary between this zone and an area of RGZ is debated. In this instance, the criteria can be useful. While the Committee had some difficulty in interpreting specific

elements of the principles and that at times the language deviates from the purposes of the zone, the Committee found the broad principles to be useful, particularly when aligned to the diagrammatic table on page 3 and the zone purposes themselves.

Review of PN78 has clarified to the Committee that:

- The GRZ, while similar to the R1Z, has an added emphasis on respecting neighbourhood character and implementing neighbourhood character policy. The concerns of some submitters that being placed in this Zone, rather than in a NRZ, would lead to a significant change in the character of an area are unfounded.
- The RGZ (or a zone other than the three being considered by the Committee) is the primary zone to designate areas suitable for significant housing change that are not constrained by a neighbourhood character policy.
- The NRZ has a specific use to address identified neighbourhood character or environmental or landscape significance and constraints.

In clarifying these principles, the Committee notes that housing strategies and local policies that use labels such as 'minimal change' 'moderate change', 'incremental change' or 'substantial change' were generally prepared before the specific provisions of the new zones were known. These terms may mean different things in different housing strategies and may have led to different approaches to applying the zones. The Committee has not been in a position to revisit these strategies and the use of these terms from 'first principles', but has sought clarification of what they mean and how they have been used in applying the zones where appropriate.

The Committee considers that with the introduction of the new zones and the stronger emphasis on character as a definer of zone choice, there needs to be a review of the two practice notes that relate to neighbourhood character, with these potentially merged or combined with PN78. Alternatively, the three practice notes could be replaced by the Good Planning Guide proposed in *Plan Melbourne*.

The Committee recommends:

2. **Update and merge into a consolidated practice note, PN43: *Understanding Neighbourhood Character* (2001) and PN28: *Using the Neighbourhood Character Provisions in Planning Schemes* (2004) to address neighbourhood character and the principles for addressing it in planning schemes in conjunction with PN78: *Applying the Residential Zones* (2013). Alternatively, the three practice notes could be replaced by the Good Planning Guide proposed in *Plan Melbourne*.**

4.7 Implications of the Heritage Overlay

(i) Capacity to accommodate housing growth

The Committee acknowledges that there will be situations where housing growth will be appropriate on sites or within precincts that are subject to the HO. These situations could include sites subject to a site specific overlay, or within a precinct based overlay, or non-contributory sites within precinct overlays. Examples of these situations include:

- Sites that have extensive undeveloped land.

- Sites where large industrial complexes and other large structures are being recycled.
- Precincts that are characterised by more intensive development.
- Redevelopment of properties that do not contribute to the significance of a precinct.

Where there are other policy imperatives, such as proximity to an Activity Centre, that support residential growth, there may be scope to apply the RGZ or the GRZ to these types of sites. In these situations, the HO would continue to apply.

Alternatively, there will be sites where the nature of the heritage significance is such that there will be little, if any, scope for redevelopment and housing growth. This assessment will need to have regard to the citation or statement of significance for the place or precinct, and particularly the implications for built form. In these situations the NRZ or GRZ may be preferred zones. This approach is generally consistent with Table 2 in PN78 which identifies the NRZ and GRZ as being suitable in areas of identified neighbourhood character that have '*significant intactness*' and heritage areas which impose '*significant constraints on increased housing development*'.

The Committee concludes that there is no single approach for determining whether an area or site that is subject to a HO should accommodate, or be protected from, more intensive housing development. Determining the preferred zone will require an assessment of the nature of the heritage significance, the capacity of the site or precinct to accommodate housing growth and any broader strategic imperatives that might support housing growth on the site or within the precinct.

(ii) Applying the NRZ with the HO

The NRZ provides for a maximum of two dwellings on a lot, unless a different number is specified in the Zone schedule. In this context, a number of submitters highlighted that applying the NRZ to 'larger than average' lots (such as in inner suburbs where there are large potential redevelopment sites covered by site specific or precinct based HOs) might unreasonably constrain their redevelopment.

This situation could be overcome by increasing the number of dwellings in the schedule to the NRZ or by applying the GRZ or RGZ. The Committee agrees that this should be a factor in determining the appropriate zone for areas and sites that are subject to the HO and a reason for being cautious when applying the NRZ as the 'default' zone in conjunction with the HO.

4.8 Covenants

The issue is whether covenants should be a determining factor when applying the residential zones.

A covenant is a written agreement between landowners that restricts the use or development of land, such as limiting the number of dwellings on a lot or the height of buildings. A covenant is created under the *Transfer of Land Act 1958* and is registered on the property title. Generally, a planning permit cannot be granted for something that would breach a covenant.

Most notably, covenants:

- are introduced without any public scrutiny, and

- are not required to support planning objectives.

Although covenants can be removed or varied, this can be a complex process.

The Committee accepts that there are matters outside the realm of planning schemes, such as covenants, that can be relevant and that should be considered when applying the residential zones. However, these 'external' considerations should not be the key drivers of land use planning policy. As the Amendment C50 Panel to the Manningham Planning Scheme commented:

As a general planning principle the Panel does not accept that covenants should override the strategic planning for an area. The broader State and local policies to direct development should be the primary concern of planning provisions. Should private arrangements exist that prevent the implementation of these strategic directions then this is a separate matter that can be addressed in other forums.

The Committee agrees with this observation and concludes that strategic planning objectives should be the primary determinant of how the residential zones are applied. Planning authorities should be able to implement contemporary strategic planning aspirations for an area, independent of covenants. However, it is apparent that if a covenant has resulted in an identifiable character, particularly one that is recognised at a strategic level and/or protected by a VPP tool such as a HO or NCO, then that local character should be a factor in applying the zones.

4.9 Broadacre residential subdivision and development

The issue is which zone should be applied to broadacre land identified for residential development that is yet to be subdivided and developed. This is particularly an issue in rural and some regional municipalities which have typically applied the R1Z and the Development Plan Overlay (DPO). In metropolitan Melbourne and regional cities, such as Geelong and Ballarat, many of these areas are subject to Precinct Structure Plans and the Urban Growth Zone (UGZ).

Having reviewed the purposes of the three zones, PN78 and AN50, it is not clear how these areas are intended to be treated and which zone should apply. Some draft amendments proposed the NGZ, while others proposed the GRZ.

As a matter of general principle, the Committee accepts that there can be situations where the NRZ might be applied, even though there is no existing residential character. The NRZ might be appropriate where there is an aspirational character for an area, expressed at a strategic level, through a Design and Development Overlay (DDO), Environmental Significance Overlay (ESO) or another VPP provision, and/or through an approved Development Plan under the DPO. In these situations the character that is sought could be a response to environmental conditions or reflect a preferred built form or style of development.

However, the NRZ limits the number of dwellings on a lot to two unless varied in a schedule. This is an issue where a broadacre subdivision creates 'super-lots' for medium density housing which are intended to be developed and then re-subdivided. In situations where

there are intended to be more than two dwellings, this approach is not possible under the NRZ. A possible solution is to apply a site specific schedule that increases the number of dwellings permissible on a lot, however this is a cumbersome approach. In contrast, the GRZ and RGZ do not restrict the number of dwellings on a lot, although the purposes of the RGZ suggest that it would be inappropriate in broadacre areas.

For these reasons, the Committee believes that the GRZ should be the default zone in these areas, unless there are specific reasons to apply the NRZ or RGZ. This approach is consistent with current proposals to use the GRZ as the 'applied zone' in UGZ schedules. It is also consistent with the *Plan Melbourne* Initiative 2.1.4 'Develop more diverse housing in growth areas'.

Finally, once these areas have been developed, it is open to Councils to review the zoning and, if appropriate, apply the NRZ or schedules to the GRZ, particularly in light of any emerging character.

4.10 Multiple zone schedules

In applying the revised zones, Planning Authorities have adopted differing approaches to the schedules, particularly the NRZ, both in terms of the number of schedules applied as well as the size of the area affected by the schedules. As an example, one Council has prepared fifteen schedules to the NRZ, whereas some have prepared none. Similarly, some schedules have been applied to large areas of land, whereas some relate to only a small number of lots scattered throughout the municipality.

Concerns have been raised by a number of submitters that this varying approach to the zone schedules is unnecessarily complicating planning. Rather than implementing only three zones, it is in effect creating numerous residential zones throughout metropolitan Melbourne. This is contrary to the intent of the VPP to standardise and simplify planning and create a higher degree of certainty.

The question for the Committee is should the number of local schedules be rationalised so that the application of the three residential zones does not become complex and onerous.

Table 7 Number of schedules (at time of notice)

Planning Scheme	NRZ	GRZ	RGZ	No of Schedules
Ararat	2	1	0	3
Ballarat	1	1	1	3
Boroondara (part municipality)	n/-	n/-	1	1
Cardinia	1	2	0	3
Darebin	1	1	0	2
Greater Shepparton	1	1	1	3
Kingston	10	4	1	15
Latrobe	2	1	2	5
Moonee Valley	1	2	1	4

Moorabool	4	2	0	6
Moreland	2	1	2	5
Mornington Peninsula	1	3	0	4
Southern Grampians	1	1	1	3
Whittlesea	0	0	0	0
Total Schedules Proposed	27	20	10	57

The Committee acknowledges there is no one-size-fits-all number of schedules that each planning authority should apply as this will be determined by the range and complexity of issues that need to be addressed.

If design issues are already adequately dealt with through an existing overlay, then the Committee considers these matters should continue to be dealt with through the overlay provisions in conjunction with the GRZ. However, if they are not, it may be appropriate to include a schedule to the zone if it can be demonstrated it is strategically justified and the provisions of Clause 54 and 55 do not adequately address the issue.

A planning scheme should not be unnecessarily complicated by the introduction of an excessive number of schedules. When considering whether a schedule is required and what area it should be applied to, a Planning Authority should question:

- Whether the proposed schedule to the zone is strategically justified.
- Whether the matters can be adequately dealt with under the provisions of Clauses 54 and 55.
- Where there are two or more schedules which are either close to or identical in intent, whether they should be combined into one schedule.
- Whether the issues are adequately addressed by an overlay.
- Whether the application of schedules to scattered small lots will realistically achieve an identified issue.

In light of these issues, the Committee believes that the integration of the zone schedules and overlays warrants review. This review should address the respective roles of residential zones and overlays and which of these VPP tools should be used to manage built form outcomes and how to best reconcile potential conflicts. It is beyond the scope of the Committee to undertake a review of overlay provisions and their relationship with the zones.

Finally, the Committee considers that one way to minimise the number of schedules could be by developing schedules based on what they seek to achieve rather than simply relating to a specific location.

5 Residential zones provisions

Submissions across the 14 draft amendments raised issues about how the residential zone provisions were affecting the application of these zones. These issues can be categorised as:

- General concern about mandatory provisions being applied excessively and without clear justification.
- Whether to apply provisions in the zone or overlay when the same provisions can be applied in both.
- Applying the mandatory maximum building heights.
- Applying the maximum number of dwellings on a lot.
- Applying the minimum lot size.
- Variations to Clauses 55 and 55 in the schedules to the zones.

5.1 Mandatory provisions

Concern was raised about the mandatory provisions in the new residential zones, particularly in relation to the limit on the number of dwellings on each lot and the eight metre maximum building height in the NRZ.

Whilst there was no dispute that it is important to ensure development responds to neighbourhood character, concern was raised that mandatory height and density limits in the new zones could significantly confine the scope for site responsive solutions. Concern was raised that built form prescriptions may produce sub-optimal designs, lost opportunities and monotonous development with little variety. As examples, it was submitted that an eight metre height limit precludes roofs with a desirable pitch and mandatory maximum heights may be problematic in areas where higher floor levels are required to ensure flood free development. One of the biggest concerns was that the use of these mandatory heights constrains sensible responses to the site characteristics and the local context. They may also prohibit minor departures from the requirement that would have no impact on meeting design objectives.

Some submissions from planning and development professionals acknowledged that 'sacrificing' some development potential may be acceptable in the interests of certainty and administrative simplicity, however, it was submitted that:

- There is no evidence that the character across the vast majority of the areas to which the NRZ is proposed to be applied is sufficiently 'special' to warrant their '*preservation in aspic*'.
- It is a fundamental tenet of the VPP that flexibility is provided for innovative responses that achieve planning objectives in non-standard ways and facilitates the evolution of design.
- The proposed widespread use of minimum lot sizes and mandatory maximum building heights unnecessarily curtails the potential for innovative design responses that contribute to urban consolidation while respecting neighbourhood character.

Some Councils (notably Kingston) submitted that where a 'good' proposal was put forward that did not meet the proposed mandatory provisions, a planning scheme could simply

accommodate a site specific or spot rezoning to address this. Spot rezonings were identified as an option in Latrobe where the mandatory maximum number of lots did not enable the development of multi-unit lots identified in approved Development Plans for developing areas.

Interactions with, and the need to amend, building regulations were highlighted in submissions.

Whilst some submitters argued it is not appropriate to have mandatory provisions at all, the Committee recognises that *Plan Melbourne* reinforces and elevates the policy support for increased certainty about where more intensive residential development will be supported and the development standards that apply. This has been a key factor in the drafting of the new residential zones. The Committee's consideration is on the basis of whether the selection of the zone and variations to the schedules to introduce mandatory provisions is strategically justified and appropriate. The Committee's role is to evaluate the draft amendments on the basis of the options available through the new zones and schedules. However, the Committee has made observations and suggestions to these provisions if they affect the implementation of the residential zones.

Many municipalities appear to have used the introduction of the new zones to adopt mandatory provisions without a clear rationale for these provisions or an understanding of their potential impacts.

While prescribed requirements will establish the parameters for the design brief, and good designers should be able to work within that envelope, variations to established standards require justification which addresses both the efficacy of the proposed change in meeting design objectives and the implications of the change for meeting housing objectives. The Committee considers mandatory provisions require particularly strong justification because:

- There may be added pressure from clients for designers to maximise the use of the permitted envelope with increased likelihood of 'rules based' rather than site responsive design outcomes.
- There will be circumstances where certainty will be at the expense of sensible development outcomes that respond to the circumstances of the site or enable exemplary design solutions.
- There will be circumstances where a precinct wide dwelling density may be counterproductive or undermine broader strategic objectives, including:
 - where the lot sizes vary in an area and in particular the development of larger than average lots at a greater dwelling density than prescribed may be entirely consistent with the character of the locality
 - the recycling of existing buildings (including heritage places)
 - the redevelopment of existing multi-unit developments (such as social housing properties), and
 - where it is the built form and landscaping, rather than the number of dwellings, that is critical to ensuring character is respected or protected.
- Minor departures from prescribed requirements to address particular circumstances cannot be approved. A range of lot sizes, rather than a minimum lot size, will often

enable more effective responses to site conditions and/or will support housing diversity objectives.

The Committee considers a critical issue for Councils is to question whether the proposed zone is the most appropriate in the first place, particularly where they have identified the need for a significant number of variations through schedules. As stated previously, the existing strategic framework should be the key determining factor in selecting the most appropriate zone.

The Committee considers there needs to be clear strategic justification for introducing mandatory provisions and it needs to be clearly identified that these issues are not adequately dealt by any other existing planning provisions.

The Committee observes that, although applying the NRZ to indicate the strategic intent for the locality (as expressed in the zone purposes) was considered desirable, the mandatory provisions of the NRZ were not always seen as critical and raised various challenges. To address this issue, some Councils are proposing fine grained use of schedules or foreshadowing ad hoc site specific rezoning. Others are seeking changes to the scope of schedules to enable exemptions or density ratios rather than the more blunt tool of dwellings per lot. Alternatives to address these issues are:

- Removing the mandatory default dwelling density provision in the NRZ head clause.
- Allowing the schedule to the zone to 'turn on' a mandatory dwelling density provision.
- Allowing exemptions for certain categories of properties or if certain conditions are met.

5.2 Applying a schedule or relying on an overlay

DTPLI's planning guide *Using Victoria's Planning System* states:

In addition to the requirements of the zone, further planning provisions may apply to a site or area through the application of an overlay. Both are equally important.

The Committee's assessment of the draft amendments has been conscious that:

- Overlays identify locations with particular characteristics that warrant particular consideration.
- Irrespective of the zone, overlays continue to provide a framework to manage the attributes of a property or area.
- There is potential for inconsistency or ambiguity where the delineation of new zones does not align with existing overlays, or the zone and overlay provisions are inconsistent.

The Committee considers a distinction needs to be drawn between the strategic outcome sought and the tools used to achieve this.

The VPP provide a multitude of ways of achieving a strategic intent, through use of various zone and overlay provisions, both of which must seek to implement State and local policy. The new residential zones amend the suite of tools available to Councils. The question is

what are the best tools to achieve this strategic intent in a way that provides sufficient certainty, without an undue regulatory burden? This includes the role of policy as the basis of decision making in each of the zones.

The Committee considers using the zones and varying the schedules, notably the NRZ which has mandatory requirements as a default, need to be used with care so as not to usurp other provisions that already exist in policy or overlays applying to areas. The Committee considers this is particularly significant given the zone provisions relate to dwellings and residential buildings only, and the various overlays can relate to all buildings and forms of development. The Committee considers that, in some places, it may be better to enable the various overlay provisions to continue to be the enabling 'protector' of specific heritage, character or landscape attributes in an area. This would mean translating the R1Z to a GRZ (and in some cases even the RGZ) and relying on the existing overlays to continue to do their work.

The Committee notes this position was held by DTPLI in its submission to some amendments. For example, at the Mornington Peninsula hearing, its submission was '*If Council is satisfied the current DDO and DPO provisions are working effectively it may consider replacing the NRZ with the GRZ particularly where there is a risk that confusion in relation to maximum dwellings per lot or height may result*¹³'.

Alternatives to address this issue that involve changes to the Zone head clauses and/or the scope of schedules include allowing:

- An exemption to the mandatory provisions of the NRZ and mandatory heights in other zones if an overlay applies to the land that provides for different or discretionary provisions. However this still does not address the issue of other built form and development.
- The 'turning on' of mandatory requirements where they are considered appropriate to achieve the strategic and built form objectives.
- Altering the head clause of the zone to include an exemption to the effect that:

If an Overlay directs a different height or dwelling density provision, the provision of that Overlay applies and takes precedence over any such provision in this zone.

Even if these options were taken up, the Committee expresses concern that the NRZ should not simply be an additional layer of control where multiple provisions may already apply. Where various overlays apply and the NRZ is proposed, it may be that the combination of zone and overlays need to be reviewed in total to provide an integrated planning framework that reduces the potential for ambiguity or inconsistent provisions, and the complexity in administering the scheme. Again an interim approach to these situations would be to apply the GRZ, to avoid a multiplicity of potential conflict, even if an exemption applied in the zone.

The Committee recommends:

- 3. Review the integration of the zone schedules and overlays. This review should address the respective roles of residential zones and overlays and which of these**

¹³ As quoted from DTPLI – page 18 Mornington Peninsula Shire Population and Housing Report April 2014.

should be used to manage built form outcomes and how to best reconcile potential conflicts.

5.3 Applying maximum building heights

Submissions questioned whether it is appropriate to have mandatory height provisions within the schedules or whether a 'preferred' height provision would be more appropriate. Submitters supported both options. A number of submissions questioned whether it is possible to have preferred heights in a schedule given the wording in the head clauses in each zone.

The question for the Committee is whether the height provisions in the schedules are mandatory or not, and if so, is there scope within the zone provisions to enable exemptions to the head clause.

In considering this issue, the Committee has had regard to the head clauses for the three residential zones and PN78.

Head Clauses for the RGZ and GRZ

The clauses relating to the '*Maximum building height requirement for a dwelling or residential building*' in both the RGZ and GRZ states that '*The Maximum height of a building used for the purpose of a dwelling or residential building **must** not exceed the building height specified in the schedule to this zone.*' (Committee's emphasis)

In the RGZ, if no height is specified '*the maximum building height **should** not exceed 13.5 metres ...*' It states the building height requirement replaces the maximum building height specified in Clauses 54 and 55). (Committee's emphasis)

In the GRZ, if no building height is specified, the default height is that as specified in Clauses 54 and 55.

Both zones have a limited range of exemptions.

Head Clause for the NRZ

The clauses relating to the '*Maximum building height requirement for a dwelling or residential building*' states that '*The Maximum height of a building used for the purpose of a dwelling or residential building **must** not exceed the building height specified in the schedule to this zone. If no height is specified, the height of the building must not exceed 8 metres*' (Committee's emphasis)

Both zones have a limited range of exemptions.

The Practice Note

The Committee notes that PN78 states the RGZ and the GRZ have maximum default heights, however, '*... a higher or lower maximum building height can be set by council.*' Whereas in the NRZ, PN78 states there is a 'Mandatory' eight metre height limit, which can only be varied by Council with approval from the Minister for Planning.

In relation to *Key Attributes* of the RGZ, the PN78 states '*Encourages up to four storeys residential development by setting a discretionary height limit of 13.5 metres.*' In relation

to the GRZ and the NRZ it states *'Allows a schedule to specify a maximum building height for a dwelling or residential building'*, stating the maximum building height must be expressed in metres.

The Committee interprets these provisions and PN78 as stating that if a maximum height (expressed only in metres) is included within the schedule to the RGZ and GRZ, then this becomes a mandatory height; however, if no height is identified in the schedule, the discretionary heights either in the head clause or Clauses 54 and 55 apply. Having said this, there may be some ability for an exemption or to draft the schedule height to differentiate heights in specific circumstances, such as areas subject to flooding. In relation to the NRZ, the height is mandatory whether it is within the head clause or the schedule.

The Committee considers there is no capacity to specify a preferred height in any of the Schedules to the three residential zones. The only way in which this flexibility can be achieved is by not specifying a height in a schedule to the RGZ and the GRZ, and defaulting to discretionary height in the head clause.

5.4 Applying a maximum number of dwellings on a lot

Many submitters raised concerns with the ability to specify a maximum number of dwellings on a lot within a NRZ, including where there are existing dwellings such as aged care facilities, social housing or obsolete industrial or commercial buildings and where replacement of existing buildings may occur.

A number of Councils responded to these concerns by:

- Expressing the maximum number of dwellings for each lot on a sliding scale with more dwellings allowed the larger the lot.
- Providing for some exemptions to the specified maximum number of dwellings for each lot, most notably by providing for no increase in the number of dwellings if redevelopment occurs.
- Providing a general reference to 'if a lot contains more than one dwelling and is redeveloped, the maximum number of dwellings may exceed the requirements in this subclause, provided the total number of dwellings in the development does not exceed the number of existing dwellings on the site.'
- Expressing the number as a density ratio or number of dwellings per square metre.
- Expressing the number as 'preferred'.

The concerns raised by submitters with regard to these approaches have been:

- Whether it is appropriate to limit the number of dwellings within the zone at all, or whether this should be determined by whether the development can achieve compliance with objectives and design standards in Clauses 54 and 55.
- Whether this should be expressed as a number or a density ratio.
- Whether this should be a mandatory or preferred.
- What impact this will have on larger sites within the NRZ, or strategic redevelopment sites.

In relation to the NRZ where only two dwellings are permitted, it is important to be aware of the outcome of specifying a minimum subdivision lot size in the schedule to the zone. One

Council submitted that although the number of dwellings on a lot was restricted, there was the ability to apply for a subdivision (if the lot meets the minimum lot size) to create further lots that could accommodate two dwellings on each lot. This demonstrates how the NRZ can accommodate increased yield. For example, an 800 square metre lot with a single dwelling could be subdivided into two lots and then each of the created lots could contain two dwellings. This would effectively quadruple the number of dwellings. However, if the same lot is not subdivided, it is only permitted to have a second dwelling on the lot.

The issues for the Committee are how the number of dwellings should be expressed and whether it should be mandatory or preferred, and how it affects larger redevelopment sites and strategic redevelopment sites, growth areas and the redevelopment of existing buildings.

The Committee notes the head Clause to the NRZ specifically states:

The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. If no number is specified, the number of dwellings on a lot must not exceed two. (Committee's emphasis)

The NRZ specifies a default maximum of two dwellings on a lot. The zone allows a different maximum number of dwellings to be specified in the schedule. This maximum cannot be expressed as a density ratio or a sliding scale and cannot be exempt because the head clause only allows a single number to be specified in each schedule. The Committee therefore cannot support the use of these alternative approaches under the existing drafting of the zone and schedule.

In terms of whether the number is expressed as preferred or mandatory, the Committee notes the wording of the head clause clearly states '*The number of dwellings on a lot must not exceed the number specified in the schedule to this zone. If no number is specified, the number of dwellings must not exceed two.*' This demonstrates that these are mandatory provisions. Therefore, regardless of lot size, the number of dwellings on a lot within the NRZ is limited to two, or any specified number in the schedule.

As raised by a number of submitters, this raises a significant issue in relation to redevelopment sites and larger than average lots within the NRZ, which is particularly relevant in the inner suburbs where there are large potential redevelopment sites (old industrial/commercial) covered by precinct based HOs and other strategic redevelopment sites. As discussed in Chapter 4.9, this is a potential issue in developing broadacre residential areas. Including these sites in the NRZ could result in their underutilisation.

The Committee accepts the arguments presented by submitters that if mandatory limits on the number of lots apply, there is little incentive for owners/developers to retain these important heritage sites or incorporate the existing built form into the redevelopment of the site, which may result in their ultimate demise either through demolition or neglect. These arguments equally apply to strategic redevelopment sites and infill development to achieve housing diversity objectives. These arguments are relevant in relation to maximum building heights.

Recognising this, the Committee considers that if a number is specified, it must have a sound strategic basis. If it does not, the Committee considers that no number should be specified

at this time. The Committee considers this raises a fundamental question whether the NRZ is the most appropriate zone for sites such as these, or whether it would be more appropriate to include this land in the GRZ and consider redevelopment proposals under the provisions of relevant overlays and Clauses 54 and 55. The issues associated with mandatory limits on the number of dwellings in the NRZ has resulted in the Committee taking a cautious approach to the application of this zone.

In terms of the concerns raised by submitters that there should be no allowance to specify a number of dwellings and that it should be left to Clauses 54 and 55, the Committee notes the schedule to the zones has been drafted to make such an allowance. Therefore this is not a matter for consideration. The only comment the Committee makes on this matter is that if it is not appropriate to limit the number of dwelling on the lot, then the question needs to be asked whether the NRZ is the appropriate zone.

Options to address this could include:

- Removing the default limit of two dwellings in the NRZ and allowing the schedule to specify a number where it can be justified.
- Amending the NRZ to allow the schedule to the zone to specify the number of dwellings that can be constructed within different lot size ranges.

5.5 Applying a minimum lot size

The NRZ has the ability to regulate the minimum lot size for subdivision. Clause 32.09-2 states:

A permit is required to subdivide land.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

A number of Councils propose minimum lot sizes in one or more schedules to the NRZ and the minimum lot sizes vary to meet local needs and conditions. In a number of instances there are submissions from local residents arguing for larger minimum lot sizes than proposed and from consultants and developers arguing that either the minimum lot size should be reduced or that greater flexibility should be provided to meet a particular circumstance. Submissions argued that there is a need for flexibility in specifying the minimum lot size, particularly to reflect the provisions of local policy, plans or overlays. Some Councils have tried to address this through the expression of an average minimum lot size.

The Committee notes that where there is a perceived need by Councils to try and adapt provisions to meet these types of circumstances, the first question is whether the NRZ is the most appropriate zone, or whether the application of the GRZ is more appropriate.

With respect to expressing a minimum lot size as an average, the Committee considers that this is not possible given the zone head provisions clearly state “A schedule to this zone may

*specify a **minimum lot size** to subdivide land. Each lot **must be at least the area specified for the land ...***” and does not make provision for a sliding scale. (Committee’s emphasis)

In addition, the Committee considers that the use of a sliding scale is not appropriate as it is likely to be practically and administratively messy and it could result in outcomes where individual lot sizes vary significantly from the mean. It therefore could potentially be inconsistent with the purpose of the NRZ.

Like other mandatory provisions, the issues raised have meant that a more limited use of the NRZ, where a mandatory minimum lot size is specified, has been supported than may have been the case if more flexible provisions applied.

5.6 Variations to Clauses 54 and 55 in the schedules to the zones

A number of submissions raised concerns about the inclusion of what were interpreted as mandatory requirements by referring to ‘must’ in defining the variations to Clauses 54 and 55. It was submitted that given the parent clauses do not mandate these requirements, it would be unreasonable for the schedule to the various zones to attempt to do so. Concern was raised about the justification for such variations.

In considering whether variations to Clauses 54 and 55 are mandatory, the Committee has referred to Clauses 54 and 55 which outline the operation and requirement of these Clauses, and note that it is only the Objective which ‘must’ be met and not the Standard. In relation to Standards, the head clauses make it very clear that ‘*A standard contains the requirements to meet the objective. A standard **should** normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.*’ (Committee’s emphasis)

The Committee therefore considers that the standards are not intended to be mandatory and to include any reference to ‘must’ within the variation to these standards in the schedules is both incorrect and misleading.

In terms of the types of variations proposed, the Committee recognises the existing standards in Clauses 54 and 55 were established after lengthy and detailed investigation into appropriate amenity and design provisions for dwellings. PN28 states:

Using the schedule to the residential zones should only be necessary where it can be shown that the residential development standards in Clauses 54, 55 and 56 of the planning scheme do not adequately reflect the existing neighbourhood character attributes of the municipality and an LPP can be shown to be insufficient to deliver the desired outcomes.

The schedule should only be used where it can be shown to be the most appropriate and effective mechanism in achieving the desired neighbourhood character outcomes in comparison to other alternatives. Again, an evidence-based approach will be necessary to demonstrate the basis for the proposed provisions.

The Committee considers that any variation to Clauses 54 and 55 in the schedules should only be included where there is clear strategic justification and it can be demonstrated that the existing provisions of Clause 54 and 55 do not adequately address the issue.

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For these reasons, the Committee has been cautious about translating broad character design criteria, which have been prepared as guidance tools, into prescribed variations to Clauses 54 and 55 that may lead to unintended consequences or poor design outcomes that are not driven by the immediate site context, but a direction to meet a prescribed number.

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6 Other issues

In addition to issues related to applying the residential zones and the zone provisions, submissions raised the following issues:

- Inconsistency between the RGZ purpose related to developments of up to four storeys and the ability to set a higher maximum building height in the schedule to the zone.
- Legal implications of guidance in the GRZ schedule template in the Ministerial Direction.
- Ambiguity with the RGZ provisions relating to the application of Clause 55.
- The ability to construct a dwelling where there is an eight metre height limit and the need to elevate the floor level to address flooding issues.
- Treatment of main roads.
- Coordination and interrelationship of zones along municipal boundaries.

6.1 Consistency between the RGZ purpose and maximum height

One of the purposes of the RGZ is:

To provide housing at increased densities in buildings up to and including four storey buildings.

The GRZ head clause (Clause 32.07-7) (*Maximum Building Height requirement for a dwelling or residential building*) allows a schedule to specify a mandatory building height, however, if the schedule does not specify a maximum height, the default discretionary 13.5 metre height applies (with allowances for sloping sites).

The RGZ, however, provides the ability for a schedule to increase this maximum height and the *Decision Guidelines* specifically states:

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

...

For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

Clause 32.07-4 (*Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings*) states that 'A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.'

The RGZ contains a fundamental inconsistency between the purpose of the zone, the provisions such as Clause 32.07-7 and the decision guidelines. Despite the purpose of the RGZ, there is the scope for buildings to exceed four storeys.

In considering this issue, the Committee has had regard to PN78 which states in response to the following question 'Does the zone set a maximum building height for housing?' - 'Yes, 13.5 metres - But a higher or lower maximum building height can be set by Council.' PN78

also states that the RGZ *'Encourages up to four storey residential development (and complementary non-residential uses) by setting a discretionary height limit of 13.5 metres.'* At no point does PN78 suggest that development is to be limited to four storeys, with no ability to be varied. The Committee notes, however, that it could be inferred from the two RGZ purposes relating to the height of development and providing a transition between areas of more intensive use and development, and areas of restricted housing growth, that an alternative zone may be envisaged in areas where development at a greater scale is envisaged.

On this basis, the Committee concludes that the purpose of the zone which makes specific reference to four storeys is at odds with the remainder of the zone provisions and PN78 and that this inconsistency should be resolved.

Recommendation

The Committee recommends:

4. **Reconcile the reference to building heights in the purpose of the Residential Growth Zone with the provisions of the zone and associated references in Practice Note 78: *Applying the Residential Zones* (2013).**

6.2 Permit requirement for the construction or extension of one dwelling on a lot in the Schedule to the GRZ

Clause 1.0 in the schedule to the GRZ includes the following permit trigger:

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

This permit trigger only allows a planning authority to specify whether it is activated or not. However, the schedule template in the Ministerial Direction on the Form and Content of Planning Schemes includes the following commentary:

Where the permit requirement for the construction or extension of one dwelling on a lot remains at 300 square metres insert "None specified"

Where the permit requirement for the construction or extension of one dwelling on a lot is changed to between 300 square metres and 500 square metres insert "[insert number] square metres"

The Committee does not believe there is a legal basis to allow anything other than a 'none specified' or 'yes' response to the permit trigger.

If the intent was to determine whether a permit was required for a dwelling on a lot between 300 and 500 square metres, then the commentary in the Ministerial Direction needs to be changed. If the intent was to allow a Council to change the lot size for determining when a permit is required, then the schedule to the GRZ needs to be amended.

Recommendation

The Committee recommends:

- 5. Reconcile the schedule to the General Residential Zone with the commentary for the schedule template in Ministerial Direction on the Form and Content of Planning Schemes, in relation to the permit requirement for the construction or extension of one dwelling on a lot.**

6.3 References to Clause 55 in the Residential Growth Zone

The Committee believes that the RGZ provisions relating to the application of Clause 55 is ambiguous.

The Committee notes that Clause 32.07-4 (*Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings - Permit requirements*) states:

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

Clause 32.07-8 (*Buildings on lots that abut another residential zone*) states:

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

The Committee concludes these provisions introduce ambiguity and has interpreted them to mean:

- Clause 55 provisions apply to development of up to and including four storeys.
- For development of five or more storeys, only the specified Clause 55 standards apply and then only where the lot abuts one of the other nominated residential zones.

6.4 Amending height to address flood levels

A number of Councils seeking to apply the NRZ supported the use of a mandatory eight metre height provision but questioned the capacity to construct a two storey building at this height if a flood or stormwater overlay affected the land.

Kingston proposed to set the mandatory maximum height of dwellings and residential buildings in its proposed NRZ to 8.6 metres to accommodate potential increased finished floor levels associated with the Special Building Overlays. Its submission was that this generally required raising the finished floor level of up to 1.2 metres above natural ground level. To accommodate a conventional pitched roof two storey home, it submitted 8.6 metres was needed. For ease and simplicity it then sought to use this as the mandatory maximum height for all the NRZ area, whether or not the site was subject to flooding. This would still maintain a two storey building, but accommodate sites subject to flooding.

Some residents opposed the use of this provision outside of areas affected by flooding, stating the eight metre standard as set through the zone review process should be retained.

The Committee agrees that with a more confined building envelope such as sought through the NRZ, there is likely to be greater problems in addressing servicing or environmental constraints such as flooding that require a modest increase in height to accommodate the site constraint. However, it agrees with submitters that this should not result in the general 'default' of eight metres being amended for areas where the constraint does not exist.

The conundrum is whether to apply a varied height without needing to map different heights across different constraint areas, such as flood mapping. The Committee observes that if the head provision of the NRZ was amended to address this issue, the problem would be resolved. The provisions in Clause 32.09-8 could be revised to enable the overall height to be measured from natural ground level, as generally defined by the planning scheme, with the maximum height being eight metres, plus any applicable flood level. This enables the effective ground level of the new building to be placed at the applicable flood level, or at natural ground level where no flood level applies.

Recommendation

The Committee recommends:

6. Amend Clause 32.09-8 of the Neighbourhood Residential Zone to read as follows:

- a) **The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this Zone. If no building height is specified, the height of a building must not exceed 8 metres, plus any applicable flood level, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 9 metres, plus any applicable flood level.**

6.5 Treatment of main roads

Some draft amendments (for example Moonee Valley, Kingston and Boroondara) sought to direct housing growth to main roads. Clause 16.01-2 of the SPPF states:

Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

The phrasing of this policy statement reflects Amendment VC75. This Amendment gives protection to established residential neighbourhoods that are located outside areas designated for intensification. The Amendment removed previous statements that directed more intensive housing 'along' train, light rail and bus routes, a policy established through Amendment VC71 to align with the now defunct *Melbourne 2030 – Melbourne @ 5 Million*.

Plan Melbourne and existing State policy is to direct growth to nodes around activity centres and public transport stops, not along main roads, unless they are on or abut specified PPTN routes. Policies to direct growth to main roads therefore need to clearly demonstrate why a

different approach should be taken from directing growth to nodes as sought by State policy. The Committee notes that if the GRZ is applied, with the intent to direct growth to such main road locations, with an increased height limit, it may be confusing and directly conflict with neighbourhood character that remains the primary purpose of this zone.

Alternatively, if the RGZ is proposed along a main road, it will need to be justified as to whether it can achieve the purpose and principles for applying this zone, if well away from services. It may lead to significant differential interfaces to adjoining hinterland areas and potential commercial uses along main road strips, away from activity centres.

6.6 Integration between municipalities

A number of submissions raised issues about the coordination and interrelationship of zones along municipal boundaries. The Committee agrees that this is a factor that should be considered when applying the new zones. However, the Committee process has not allowed this to occur, given that not all zoning proposals for neighbouring municipalities have been available.

In any event, the Committee believes that the interrelationship of zones across municipal boundaries should be a factor when considering which zones to apply.

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Appendix A Terms of Reference

Appendices

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Appendix B Applying the residential zones

Appendices

Table 1 Principles for applying the residential zones from PN78

Residential zone			Principles in apply zones
Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)*
MUZ	Enables new housing and jobs growth in mixed use areas	In areas with a mix of residential and non-residential development. In local neighbourhood centres undergoing renewal and around train stations, where appropriate.	<ul style="list-style-type: none"> - Areas encouraging a range of residential, commercial, industrial and other uses - Areas to provide for housing at higher densities and higher built form that responds to the existing or preferred neighbourhood character
RGZ	Enables new housing growth and diversity in appropriate locations	In appropriate locations near activities areas, town centres, train stations and other areas suitable for increased housing activity such as smaller strategic redevelopment sites	<ul style="list-style-type: none"> - Locations offering good access to services, transport and other infrastructure - Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth - Areas where there is mature market demand for higher density outcomes
GRZ	Respects and preserves neighbourhood character while allowing moderate housing growth and diversity	In most residential areas where moderate growth and diversity of housing that is consistent with existing neighbourhood character is to be provided	<ul style="list-style-type: none"> - Areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character - Areas where moderate housing growth and housing diversity is encouraged
NRZ	Restricts housing growth in areas identified for urban preservation	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, heritage environmental or landscape significance	<ul style="list-style-type: none"> - Areas with a neighbourhood character that is sought to be retained - Areas where more than 80% of lots currently accommodate detached dwellings - Areas with Neighbourhood Character Overlays - Residential areas with HOs (such as larger heritage precincts, rather than individually recognised heritage sites) - Areas of identified environmental or landscape significance. - Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term
TZ	Provides for residential and other	In townships	<ul style="list-style-type: none"> - Areas in small towns for residential development and educational,

Residential zone			Principles in apply zones
Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)*
	uses in small towns. Enables modest housing growth		recreational, religious, community and a limited range of other non-residential uses to serve local community needs - Areas with Neighbourhood Character Overlays or policies
LDRZ	Enables low density housing	On the fringe of urban areas and townships where sewerage may not be available	- Areas for low-density residential development.

*Other principles and criteria may be required by councils to suit local circumstances.

Table 2 Criteria for applying the NRZ, GRZ and RGZ from PN78

Criteria*		Applicable to:		
		Neighbourhood Residential Zone (low levels of residential change)	General Residential Zone (moderate levels of residential change)	Residential Growth Zone (high levels of residential change)
Strategic				
1	Adopted housing and development strategy (not required for conversion only to GRZ)	Yes	No	Yes
2	Identified in Activities Area structure plan / policy	No	No	Yes
3	Brownfield/urban renewal site/area	No	No	Yes
4	Commercial or industrial land for redevelopment not in Activities Area (strategic justification for rezoning required)	No	Yes	Yes
Context				
5	Good access to transport choices (including walkability, public transport, cycling, road access)	No	No	Yes
6	Good access to employment options	No	No	Yes
7	Good access to local shopping	No	No	Yes
8	Good access to local community services	No	No	Yes
Character				
9	Level of development activity (existing and desired)	Low	Low/Moderate	High
10	Identified areas for growth and change (such as evidenced through DDO or similar)	No	No	Yes
11	Retention of identified neighbourhood character (such as evidenced through HO, NCO, DDO, significant intactness)	Yes	Yes	No
12	Heritage areas which impose significant constraints on increased housing development	Yes	Yes	No
13	Existing landscape or environmental character/constraints (evidenced	Yes	Yes	No

Criteria*		Applicable to:		
		Neighbourhood Residential Zone (low levels of residential change)	General Residential Zone (moderate levels of residential change)	Residential Growth Zone (high levels of residential change)
	through SLO, ESO, local policy)			
Constraints				
14	Risk associated with known hazard (evidenced through BMO, LSIO or EMO for fire, flood and landslip or other constraints identified through EPA hazard buffers or similar)	High	Low	Low

*There is no specific weighting to the criteria. This should be applied by councils to suit local circumstances.