

## 5.1 NEW RESIDENTIAL ZONES FOR VICTORIA

(TP330:BG:RMK)

Ward : Whole Municipality

Responsible Director: Paul Kearsley

Reason for Council Consideration: Strategic Planning, Planning Scheme

### ***RECOMMENDATION***

*That Council make a submission to the Department of Planning and Community Development that:-*

- *supports the New Residential Zones as they are an improvement on the current zones and provide a more flexible approach to built form character, design and building height issues, while also allowing for the retention of third party objection/appeal rights.*
- *expresses concern about the combination of the existing building height definition and the proposed height limitations which appear to encourage flat roof design outcomes, potentially contrary to neighbourhood character objectives.*

### ***BACKGROUND***

In 2007, the State Government released a report titled 'Making Local Policy Stronger', which made a number of findings in regard to the relationship between planning policies and zones.

In particular, it found the structure of Residential Zones, and where they are applied, do not reflect the intentions of both State and Local policies with respect to opportunities for housing growth, and its spatial distribution.

A discussion paper, titled 'New Residential Zones for Victoria' was released in February 2008. In May 2008, Council reviewed this discussion paper, and determined to make a submission to the Department of Planning and Community Development. [Item 5.1 of Council Meeting 13 May 2008]

In February 2009, the Minister for Planning released a Draft version of the New Residential Zones for consultation purposes and further comment. A copy of the Consultation Draft of the New Residential Zones for Victoria is attached. [ATTACHMENT 1]

Submissions must be made to the DPCD by Thursday 9 April 2009. Submissions will be referred to an independent Advisory Committee that will make recommendations to the Minister for Planning on the final form of the zones.

**PROPOSAL**

Three new residential zones are proposed. They are:-

**Substantial Change Zone:-** which will provide for housing growth by encouraging a mix of housing types that includes medium to higher density housing.

**Incremental Change Zone:-** which will allow medium density housing that respects the character of the neighbourhood.

**Limited Change Zone:-** which will enable specific characteristics of the neighbourhood to be protected through greater control over housing.

When finalised, the new zones will allow Council to regulate key design elements for new housing in residential neighbourhoods, such as:

- Building height limits.
- Building setbacks from the street frontages.
- Building setbacks from side and rear boundaries.
- The provision of smaller or larger backyards.
- Limitation to the site area that can be built on.
- Limitation on lot sizes and the number of dwellings per lot. (Limited Change Zone)

The detailed zone provisions have been designed to reflect the purpose of each zone. In summary, the major elements of each zone are:-

<b>Substantial Change Zone</b> is designed to:	<b>Incremental Change Zone</b> is designed to:	<b>Limited Change Zone</b> is designed to:
<ul style="list-style-type: none"> <li>• Deliver housing at higher densities in locations that offer good access to services and public transport.</li> <li>• Enable preferred neighbourhood character and design objectives to be specified.</li> <li>• Allow for increased provision of small-scale offices and home businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide for housing at a range of densities that respects the neighbourhood character of Victoria’s towns and suburbs.</li> <li>• Enable preferred neighbourhood character and design objectives to be specified.</li> <li>• Allow for a range of appropriate non-residential uses.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure the existing neighbourhood character is protected by providing limited opportunities for new housing.</li> <li>• Enable preferred neighbourhood character and design objectives to be specified.</li> <li>• Constrain a wider range of non-residential uses to main road locations.</li> </ul>

<ul style="list-style-type: none"> <li>• Retain third party notice, objection and review provisions. Councils can set reduced requirements in consultation with community and DPCD.</li> <li>• Allow key residential siting and design requirements to be varied for different neighbourhoods.</li> <li>• Set a maximum building height limit of 13.5 metres (4 storeys) unless varied higher by the council.</li> <li>• Require a planning permit for one dwelling on a lot of less than 300 square metres in area.</li> </ul>	<ul style="list-style-type: none"> <li>• Retain third party notice, objection and review provisions. Councils can set reduced requirements in consultation with community and DPCD.</li> <li>• Allow key residential siting and design requirements to be varied for different neighbourhoods.</li> <li>• Set a maximum building height limit of 9 metres (3 storeys) unless varied higher or lower by the council.</li> <li>• Allow a planning permit to be required for one dwelling on a lot of between 300–500 square metres in area.</li> </ul>	<ul style="list-style-type: none"> <li>• Retain third party notice, objection and review provisions. Councils can set reduced requirements in consultation with community and DPCD.</li> <li>• Allow key residential siting and design requirements to be varied for different neighbourhoods.</li> <li>• Set a maximum building height limit of 9 metres (3 storeys) unless varied lower by the council.</li> <li>• Allow a planning permit to be required for one dwelling on a lot between 300–500 square metres.</li> <li>• Allow the number of dwellings permissible on a lot to be specified (provided it is not less than two dwellings).</li> <li>• Allow a minimum subdivision lot size to be specified.</li> <li>• Provide new application requirements for non-residential use and development of land.</li> <li>• Provide new decision guidelines for non-residential use and development of land.</li> </ul>
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It is proposed to replace the existing residential zones in planning schemes with the new residential zones. The detail of each transition will be determined in conjunction with the local council, but is anticipated to be generally as follows:

<b>Existing zone</b>	<b>Anticipated new zone</b>
Residential 1	Incremental Change Zone
Residential 2	Substantial Change Zone
Residential 1 Zone areas that also have an overlay that limits the opportunity for additional housing <ul style="list-style-type: none"> <li>• Neighbourhood Character Overlay,</li> <li>• Heritage Overlay,</li> <li>• Vegetation Protection Overlay</li> </ul>	Limited Change Zone

### ***CONSULTATION***

Information concerning the exhibition by the Minister for Planning of the Consultation Draft for New Residential Zones for Victoria was made available at the Municipal Offices, Oakleigh service Centre, Council Libraries, and identified in an article in the Monash Bulletin. Advice was also sent by Email to:-

- Monash Rate Payers Association
- Wheelers Hill Action Group
- Brandon Park Residents Action Group
- Notting Hill Community Assoc. Inc.
- Friends of Damper Creek Inc.

It is not possible to include a community response to the Consultation Draft of the New Residential Zones within this report having regard to the timeline for responses set by the Department for Planning and Community Development, however interested community groups or individuals may choose to make their own submission to the Department.

### ***ANALYSIS***

#### Response to Council's previous submission.

The version of the New Residential Zones currently under consideration appear to have responded to a number of the concerns expressed by Council in its previous submission to the discussion paper in May 2008.

- The new residential zones are better focussed on outcomes and are more consistent with the current structure of Planning Schemes.
- Unfortunately there does not appear to be any new incentive provisions for developers to provide residential development in a form that meet the specific housing needs of the local community.
- Sufficient detail has now been provided to make a fair assessment of the potential impact of the proposed residential zones. The detail on design

requirements expands the level of management to include the issues of site cover, building height (all new zones) and lot size and number of dwellings (Limited Change Zone).

- The retention of third party objection/appeal rights is noted however an option to exclude these rights remains available to Council subject to circumstances specific to a defined precinct. This is considered to be a sensible and practicable way of dealing with this issue.

In respect of the three new residential zones:-

#### Substantial Change Zone:-

The purpose of this new zone is to deliver housing at higher densities in locations that offer good access to services and transport including activity centres and strategic redevelopment sites. This zone is to apply to specific precincts with nominated neighbourhood character and design objectives.

Overall the new zone is an improvement on the current zone as it provides a more flexible approach to character, design and building height issues and allows the retention of third party objection/appeal rights.

The zone allows for different character/design solutions to different precincts as required. Third party rights can be excluded for a specific area if considered appropriate by Council.

#### Incremental Change Zone:-

The purpose of this zone is very similar to the current R1Z-Residential 1 Zone. That is it provides for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households and to encourage residential development that respects the neighbourhood character. In addition there is an emphasis on the management of residential development to achieve neighbourhood character and design objectives for specified precincts.

This zone is also considered to be an improvement as it provides a more flexible approach to character, design and building height issues. This schedule to the zone can be structured to respond to different character/design solutions for different precincts as required. Building height limits can be specified and can also be varied for different precincts to achieve specified objectives.

Third party rights can be excluded for a specific area if considered appropriate by Council.

#### Limited Change Zone:-

The significant difference in the purpose of this zone is that it is designed to ensure that residential development protects the neighbourhood character of the specified precinct. This zone provides the highest level of neighbourhood character protection and has the greatest control on development options.

Additional requirements must be met for any application for the use of a site or the development of a site.

While multi-unit development can occur, options exist to limit lot size and the number of dwellings permitted on a lot. (Must not be less than two dwellings).

Third party objection and appeal rights can also be excluded in this zone for a specific area if considered appropriate by Council.

### ***POLICY IMPLICATIONS***

There are two issues with the proposed New Residential Zones that are a concern.

#### 1. Building heights

All three zones include the option to specify the maximum building height for the zone and if none is specified a nominal height is set.

Proposed Zone	Building height requirement
Substantial Change Zone	The schedule may specify a maximum height limit greater than 13.5 metres (4 storeys)
Incremental Change Zone	The schedule may specify a maximum height limit greater or lower than 9 metres (3 storeys).
Limited Change Zone	The schedule may specify a maximum height limit lower than 9 metres (3 storeys).

Building height is defined in the Planning Scheme as:-

Building height    The vertical distance from natural ground level to the roof or parapet at any point.

The application of this definition with the height limits proposed for the new residential zones has the potential to encourage flat roofed development. It is possible to achieve a 3 storey development within 9 metres building height with a flat roof design. Similarly a 4 storey building is possible within a 13.5 metres building height with a flat roof.

This combination of definition and height limitation has the potential to result in buildings that fail to respect local; character or achieve the height limits being suggested by the new residential zones.

This aspect of design and height was considered by Council as part of the development of the Wheelers Hill Neighbourhood Activity Centre Structure Plan. That Structure Plan and the resultant DDO-Design and Development Overlay provision include within the Monash Planning Scheme identifies building height limits of 7m, 10.5m and 14m equivalent to 2, 3 and 4 storey residential development with an exception to vary

building height for architectural elements, including parapets and roof forms, that enhances the articulation of the built form and improve the appearance of the building.

This allows for building design to respect the existing character forms and/or provide for innovation as appropriate for the height of development suitable for the location. This is considered to be a better form of development height control than that proposed in the new residential zones.

## 2. Translation of the new zones into the Monash Planning Scheme

The Municipal Strategic Statement and Residential Policy provisions of the Monash Planning Scheme generally recognise that residential redevelopment in all residential areas of Monash is permissible provided that the development design meets the objectives of the Garden City and Neighbourhood Character requirements of the location and creates a quality design outcome that provides a suitable level of habitation standard for future residents.

Residential development is not promoted within any precinct, nor is it discouraged within any precinct. If necessary, Heritage or Vegetation Protection issues have to be resolved as a component of a residential redevelopment proposal.

This is fundamentally an incremental development approach to residential redevelopment.

The purpose of the Substantial Change Zone is to achieve a new built form character as specified in the Planning Scheme for an identified precinct. The Incremental Change Zone will encourage new development to respect the existing character and to manage change towards a new character as specified in the Planning Scheme for an identified precinct. The Limited Change Zone will ensure protection of the existing neighbourhood character with tight controls on new development.

Therefore the translation of the bulk of the existing R1Z-Residential 1 Zone should be straight forward utilising the Incremental Change Zone and the Neighbourhood Character Statements currently within the Planning Scheme for the various precincts identified by the Monash Neighbour Character Study and Guides.

A potential difficulty arises in determining the appropriate new residential zone and character statements for those areas covered by the Heritage Overlay and Vegetation Protection Overlay. A direct translation into a Limited Change zone may not be the most appropriate outcome. This will require further analysis.

Similarly, application of the Substantial Change Zone, which should be located in residential areas around significant activity centres will also need further analysis prior to any implementation.

Consideration should also be given to areas that suffer from a significant lack of infrastructure capacity, particularly storm water, for inclusion within a Limited Change Zone.

A decision on the translation into the proposed new zones is NOT required at this time. This is a matter to be undertaken at a later time, when required by the process to amend the Planning Scheme as defined by the Minister for Planning.

The Department of Planning and Community Development has advised that the initial translation will be by a Ministerial Amendment and should be policy neutral. That is the Planning Scheme provisions before and after translation should be as identical as possible.

Following translation, the residential zone provisions can then be modified as necessary to achieve Council's ongoing objectives.

### ***CONCLUSION***

Overall, the proposed New Residential Zones are considered to be appropriate for support by Council as the new zones are an improvement on the current zones and provide a more flexible approach to built form character, design and building height issues and allow for the retention of third party objection/appeal rights.

It is recommended that a submission be made to the Department of Planning and Community Development supporting the introduction of the New residential Zones but expressing a concern as detailed above about the combination of the existing building height definition and height limitation which appear to encourage flat roof design outcomes contrary to neighbourhood character objectives.