
City of Yarra Feedback - Proposed New Residential Zones for Victoria

The following feedback is provided by the City of Yarra in response to *New Residential Zones for Victoria – A Discussion Paper, (DPCD, February 2008)*.

This is Council's preliminary view of the proposal for new residential zones given the absence of clarity regarding some issues. Council supports the principle of greater specificity and certainty on the nature and extent of residential development permitted in an area, and Council's role as the planning authority in determining this. However, there are a number of elements that Council does not support including limiting notice and review rights, limitations on specifying minimum heights, and elimination of permits for single dwellings.

It is important to clarify issues such as the introduction of new zones, the application of schedules, and the proposed variation of ResCode standards. At this early stage, Council has not given in-depth consideration to these matters.

The principles

Council supports the principle of providing greater certainty in relation to:

- delineating the desired extent of residential development change across the municipality;
- the inclusion in the planning scheme of development standards that can have a fine-grained application and/or can reflect local attributes and constraints;
- clearly specifying the range of matters which need to be considered on an application by application basis.

Application of Clause 56

Council also supports the proposal that an application to subdivide land for a development for which a permit has been granted, does not need to meet the requirements of Clause 56. The majority of Yarra's applications for subdivision relate to sites for which permits have already been granted for development. Accordingly, reference to Clause 56 is superfluous as all the relevant issues have been dealt with under Clause 55.

Use of schedules to the residential zones

It is agreed that by solely using the current suite of residential zones, it is difficult to deliver local objectives for residential development due to the inability to specify built form and amenity standards, e.g. height, setbacks, over-looking standards. As acknowledged in the Discussion Paper, it is possible to achieve those objectives utilising other VPP tools, such as Overlays and local policy. However under the current performance based regime, these still fail to provide the certainty being requested by both the community and development industry.

If the proposed system was to be applied in Yarra, Council envisages the following:

- no variation below ResCode standards;
- specification of additional standards on built form to protect neighbourhood character and residential amenity;
- the application of ResCode standards to development above four storeys;

- broad scale implementation of the Incremental Change Zone across the municipality and retention, and possible extension, of the Heritage Overlay;
- rezoning of Mixed Use areas, where appropriate, to the Incremental or Substantial Change Zone with provisions to ensure active street frontages with residential use, in general, being confined to the upper levels.

In a municipality like the City of Yarra with a fine grained development pattern, with areas of significant variation, the new system must enable the Planning Authority to apply site specific schedules or area specific schedules. This would require a mapping system that can readily and simply reflect the complexity of multiple schedules. This could be similar to the current mapping of Overlays and associated Schedules to the Overlay.

Council believes that the implementation of this system should be via some method of direct translation after local community consultation, and not require cumbersome and slow planning scheme amendment processes.

Response to residential strategic objectives

Whilst the rationale behind the proposed new residential zones may respond to strategic residential objectives relating to respecting neighbourhood character, consideration should be given to including specifications for other important strategic residential objectives such as housing diversity and affordability.

Proposed exemptions from notice and review

Greater efficiency and streamlining, reduced processing costs and better management of the limited resources required to administer planning schemes are laudable objectives, particularly having regard to the current levels of protracted processes and disputes.

However, given this proposal will not entirely eliminate discretion in the planning decision making process, and given the current level of community dissatisfaction with the planning scheme/system, Council does not support any diminution in third party notification and appeal rights. This is a fundamental part of our planning system and provides an important source of checks and balances in the functioning of the system.

A one-size fits all approach to either removing or diminishing notice and review provisions could significantly compromise the take up of the zones as has been exemplified by the very limited take up of the current Residential 2 Zone.

Development provisions

There are a number of specific issues relating to the ability to vary nominated development provisions for which feedback is provided:

Height

It is proposed that in all three new zones, there is the ability to vary provisions relating to height; but for the Substantial Change Zone, the specified maximum could not be less than 12 metres (approximately 4 storeys), and for the Incremental Change Zone, not less than 9 metres (approximately 3 storeys), which is the ResCode standard (A4).

It is not considered appropriate to constrain a Responsibility Authority's ability to vary provisions relating to height. It would be more appropriate to provide for variation of height via the schedules. If this were the case, specific precincts within a particular zone could be subject to different height provisions which may need to be lower than the minimum specified in the Discussion Paper.

ResCode Standards

Council would support the application of appropriate ResCode standards to buildings of four or more storeys. In conjunction with the provisions of clause 52.35, the ability to clearly articulate minimum standards for development (i.e. ResCode standards), would again achieve the certainty being requested by the development industry and the community.

Number of dwellings

The proposal includes the ability to specify a minimum number of dwellings per lot in the Substantial Change Zone (presumably to avoid underdevelopment) and a maximum number of dwellings per lot in the Limited Change Zone.

In principle, Council supports the ability of the Planning Authority to specify number of dwellings per lot and/or density in all of the proposed zones. How this might be prescribed would require a lot more work and take into account how the number of dwellings can be specified, to include a range of dwelling types and to ensure adequate provision for family sized dwellings.

Vegetation removal

Both the Incremental Change Zone and Limited Change Zone include the ability to require a permit for vegetation removal. Provisions relating to vegetation removal are already located in the general provisions of all Planning Schemes and in specific Overlays. Having provisions in schedules to the residential zones would only add a further and unnecessary layer of complexity.

Fast tracking

Council supports the notion of fast-tracking specific types of applications as one means of improving efficiencies in the consideration of applications for planning permits. However, such processes should be determined by the Responsible Authority. Council has recently initiated its own fast-tracking process and sees no need for provision in the new zones. One outcome from a more prescriptive approach as appears to be envisaged in the Discussion Paper, should be faster and better decisions

Planning permit requirements

It is noted that in all three new zones it is proposed that a planning permit would not be required to construct a single dwelling on a lot more than 300 square metres. In the Yarra Planning Scheme for the Residential 1 Zone, a permit is currently not required if the lot is more than 500 square metres.

This provision was introduced into the Yarra Planning Scheme on following basis:

“The City of Yarra has a unique urban form of considerable density and complexity. Prevailing building heights of one and two stories, regular rhythms

of setbacks, facades and roof forms, together with the small lots and narrow frontages, combine to create the unique character of many parts of Yarra's established residential neighbourhoods.

The established residential areas within Yarra are experiencing strong development pressures, comprising both new medium density development, and alterations and additions to existing dwellings. Strong community reaction has evolved in response to what has been regarded as inappropriate 'infill' development resulting in adverse impacts on neighbourhood character and on the amenity of adjoining properties.

It is also noted in relation to the request for requiring a planning permit for a dwelling on lots between 300 m² and 500 m² that the City of Yarra contains approximately 3,250 residential properties (now 4,926 and representing approximately 14% of all properties in the R1 Zone) which fall between 300 sqm and 500 sqm. Of the 3,250 properties, 50% are estimated to be between 300 sqm and 373 sqm which only just exceeds the current threshold.

The development and extension of single dwellings on these lots have the potential to cause loss of amenity to adjoining properties and impact on streetscape character in much the same manner as development on smaller lots.

As many of these sites between 300 m² and 500 m² are also subject to the Heritage Overlay or other development provisions of the Planning Scheme and hence already require planning approval. The requirement for approval of single dwellings on all sites up to 500 m² will not result in an excessive increase in the number of permit applications, but will reduce resident confusion and frustration that 'amenity' issues cannot be considered by Council in assessing such applications."

The underlying circumstances described above have not changed since this provision was introduced and should be retained.

How the new zones would be introduced

From the Information Session on the Discussion Paper, it is understood that the Government is seeking Council's view on the best way to implement a new system.

Council believes that strategic planning undertaken over the last decade, coupled with local knowledge, is sufficient to enable timely implementation of a new system. Council would not support a requirement to undertake a lengthy planning scheme amendment process after further costly and time-consuming strategic work to translate existing zone/s to the new zones. Council believes it is able to advise the Minister on the most appropriate application for the municipality of any new zone/s.

Support for implementation is dependent on Council being able to establish the most appropriate schedules for the various areas throughout the City after consultation with its community.