

1 BACKGROUND

This submission is made in response to the Victorian Coalition Government's package of reforms to the residential, commercial, industrial and rural zones which were released for comment on 17 July 2012. The closing date for submissions is 21 September 2012. In particular Councils have been asked to consider what impacts the zones will have on their municipality, how they should be introduced and any transitional issues that may need to be addressed.

The following key features of the proposed new zones are of particular relevance to Manningham:

- Replacing the existing Residential 1 and Residential 3 Zones with three new residential zones, being the Residential Growth Zone, the General Residential Zone and the Neighbourhood Residential Zone.
- Changing to the Low Density Residential Zone so that land can be subdivided into lots having a minimum area of 2000 square metres where sewerage is connected as a default, but maintains a schedule to specify a different lot size.
- Replacing the Business 1 and 2 Zones with a new Commercial 1 Zone.
- Amending the Industrial 1 Zone to remove the default floor space area restriction for an office.
- Amending the Rural Conservation Zone, to among other things expand the list of permitted uses including a broader range of accommodation, animal boarding, primary and secondary schools, changing discretionary uses from section 3 (Prohibited uses) to section 2 (permit required uses) and removing restrictions related to uses including group accommodation, residential hotel and restaurant.

• Although not directly related to Manningham it also amends the other rural zones to, among other things: support agriculture by making most agricultural uses 'as of right' and provide flexibility for farmers by allowing the sale of farm produce without the need for a planning permit and removing restrictions on the sale of processed produce.

It is anticipated that the reforms will be introduced into the Victoria Planning Provisions in October 2012 with the translation into planning schemes being the next step.

It is noted that Councils will then be provided with a further 12 month implementation period to consider where the new residential zones will apply. Councils should consider the results of existing housing strategy work and Department of Planning and Community Development's Housing Capacity data. Further clarification is sought on the timing and implementation of the new commercial zones together with the amended zones including the Rural Conservation and Low Density Residential Zones, as changes to these zones are expected to have a significant impact on landuse and development within these existing areas within the municipality.

2 INTRODUCTION

Council's submission provides a detailed response on the implications that the proposed new residential zones would have on its existing residential zones and policy framework. It is noted that Council has previously provided submissions in response to the former draft residential zones in both 2008 and 2009.

Further, Council has undertaken a significant amount of strategic work to identify where and how to manage residential change in the municipality. Strategic work undertaken has included the development of the *Residential Strategy* in 2002, which was recently reviewed and endorsed by Council in March 2012. The Residential Strategy provides a blueprint in terms of where residential densities should be channelled.

Other projects undertaken to implement key aspects of Council's Residential Strategy include the preparation and implementation of the Doncaster Hill Strategy (October 2002 – revised 2004); preparation of the Eastern Region Housing Statement (finalised April 2006); development and implementation of the Residential Character Guidelines (March 2005 – revised 2007 – revised 2012).

Various amendments have been undertaken to implement these key documents into the planning scheme. Amendment C50 (gazetted on 8 March 2007) is an important amendment as it introduced areas where Council is promoting areas of substantial and incremental change and areas where minimal levels of change are anticipated. Amendment C96 which is currently on exhibition, seeks to further strengthen the controls introduced as part of Amendment C50 to provide a greater level of certainty for developers, residents and other stakeholders and facilitate greater consistency in decision making.

In contrast, Council's feedback to the new Commercial Zones and amended Low Density Residential, Industrial and Rural Conservation Zones is quite high level, as Council has had insufficient time fully examine the impact these zones would have on Council's existing zones and planning policy framework.

The matters provided in Council's submission comprise those issues that are of particular relevance to Manningham City Council.

3 SUBMISSION

3.1 GENERAL

Further strategic work will need to be undertaken to more fully investigate the potential impacts of these zones on the existing policy framework including the need review existing or prepare new local policy to manage any unintended impacts of the zones and which may require the review of other zones within the Victoria Planning Provisions to determine whether alternative zones should be considered in some areas to ensure more appropriate planning outcomes.

For example it is considered that the Rural Conservation Zone (RCZ) in its current form is appropriate in terms of its land use restrictions, as a key purpose of the zone is, *'To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural*

values.’ Within Manningham much of the land included within the RCZ has significant biodiversity values, sloping topography and is subject to risk from bushfire or flood. Development in these areas should be carefully managed and it is considered that these areas are appropriately protected by the existing RCZ. It is considered that there may be merit in considering one of the other rural zones for land within the green wedge where these features are absent to allow greater flexibility.

Some of the proposed changes are quite significant and are therefore likely to have far reaching impacts on the local community. Council is therefore disappointed in the timing of the exhibition period, as the consultation runs into Council’s caretaker and election periods. Furthermore, Council is concerned about the limited consultation undertaken in relation to the new commercial and amended industrial, residential and rural zones.

3.2 NEW RESIDENTIAL ZONES

Council’s detailed response to the three proposed new residential zones is included in Attachment 1 to this Submission. The following provides a brief summary of the key issues raised in Attachment 1.

3.2.1 Purpose of Zones

Council generally supports the concept of the three new residential zones, which seek to provide greater clarity about where the zones should be applied and the type of development that can be expected in a particular area. It is considered, however, that the purpose of the Residential Growth Zone (RGZ) needs to be more explicit in terms of providing for a diversity of housing types in appropriate locations near activity centres, public transport and other services. The purpose of the RGZ, ‘To provide medium density housing at increased densities’ does not make sense. The purpose of the zone also needs to make reference to ‘neighbourhood character objectives specified in a schedule to the zone.’ These changes are required to give effect to Manningham’s existing controls where ‘substantial growth’ is supported (i.e. DDO8 - Residential areas surrounding Activity Centres and along Main Roads).

The purposes of the General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) are generally supported and are an improvement on the previous draft zones exhibited in 2009.

3.2.2 Land Use

Council is particularly concerned about the relaxation of the Table of uses of the Residential Growth and General Residential Zones, which propose to permit a range of commercial activities including shop and office. Allowing an expanded range of non-residential uses is inconsistent with Clause 21.09 of the Manningham Planning Scheme which is, ‘to ensure that commercial development is contained within the activity centres and that existing centres remain vibrant, viable and sustainable into the future.’

‘Small clusters of commercial development exist throughout Manningham. There is increasing pressure for linear commercial development along main roads and for new commercial development to be located outside activity centres. These types of development impact on the viability of existing centres and are often poorly located in terms of access to appropriate services and public transport.’

Issues relating to provision of car parking, loading and unloading of goods and amenity impacts also need to be carefully managed. There is also the potential for the proposed changes to result in the isolation of single dwelling between non-residential uses.

Permitting these types of uses is also inconsistent with *Manningham's Residential Strategy* (2012) and local planning policy framework, which seeks to encourage increased residential densities close to activity centres and along main roads. In Council's 2009 submission to the draft residential zones, Council highlighted its concern in allowing an expanded range of uses which will undermine the achievement of the primary purpose of the Residential Growth Zone (previously Substantial Change Zone) which is to increase densities. Presently Council faces an issue where in areas along main roads, such as Doncaster Road, residential homes are being converted into medical centers which represents an under development of the site. This could be compounded by permitting a larger range of non-residential uses such as office and shop in the residential zones.

Although Council does not support inclusion of the expansion of permitted uses, if these new provisions are introduced, a definition is required to clearly explain the term 'same street frontage' as land in the commercial or mixed use zones to clarify whether it includes adjacent land (i.e land located on the other side of the road, and how businesses accessed from side streets might be assessed).

As part of the introduction of the new residential zones, Council will need to review Clause 22.05 Non-residential uses in residential areas policy, in light of the proposed changes to expand permitted uses within the residential zones.

3.2.3 Heights of Non-residential Uses

It is further noted that these new permitted uses do not have any height limits, and a shop or office considered under section 2 of the RGZ or GRZ, does not have a maximum leasable floor area. It is therefore possible that a significant retail development could be proposed in proximity to a local activity centre which could have a significant impact on the viability of the existing retail area and on the local neighbourhood character and residential amenity.

3.2.4 Heights of Dwellings and Residential Buildings

With regard to maximum heights of a dwelling or residential building, Council is pleased that the heights have been revised since 2009 to enable a height of either less than or greater than 12.5 metres to be specified in the schedule within the Residential Growth Zone.

3.2.5 Schedule

Implementation of controls for areas of 'substantial change'

Although Council has not yet determined how our existing zones will be translated into the new reformed zones, the Schedule in its current form does not enable Council to implement a direct translation of its existing controls currently applying to areas identified for substantial change around activity centres and along main road (being the current DDO8). The DDO8 sub-precinct A currently specifies a preferred maximum building height of 11m together with a condition regarding a minimum lot size of 1800sqm, with a default maximum height limit of 9 metres (10 metres on a sloping site) if the minimum lot size cannot be achieved. The current Schedule does

not allow for Council to specify a minimum lot size for particular developments. It is considered that the ability to specify a minimum lot size will deliver the desired dwelling density.

Under to Amendment C96, which is currently on exhibition, DDO8 sub-precinct A is intended to be modified to specify a mandatory height of 11m with a condition specifying a mandatory minimum lot size of 1800sqm or more and a maximum height of 9m for developments on lots less than 1800sqm (10m on a sloping site), whilst similar non-mandatory heights and site area are specified for a new main road sub-precinct.

Number of Dwellings in the Neighbourhood Residential Zone

Council is disappointed that the DPCD has failed to make changes to the Neighbourhood Residential Zone (previously Limited Change Zone) to address our concerns regarding the translation of our existing controls. Presently, those areas of Manningham identified as 'limited change areas', which would likely be translated into the NRZ, are covered by a range of overlays including Design and Development Overlays which apply to the Templestowe Environmental Residential Area, Wembley Gardens, Warrandyte and Mullum Valley Estate, Donvale which identifies the need to retain the predominance of single detached housing and discourage other forms of development. Amendment C54, which is currently awaiting approval from the Minister, also proposes to apply a similar DDO to the Hillcrest area, Donvale. These areas are also covered by other overlays including the Environmental Significance and Significant Landscape Overlays.

The Schedule to the NRZ allows Council to specify the maximum number of dwellings permitted on a lot, however it must not be less than two dwellings. The proposed provision is contrary to the existing overlays for these areas, which are proposed to be retained. Council does not support this requirement in the proposed Schedule as it is inconsistent with the existing MSS and overlay provisions and will have a significant impact on the existing neighbourhood character and environmental and landscape values, if applied.

3.2.6 Underdevelopment and land consolidation

The DPCD also needs to address the issue of under development in the RGZ in order to encourage higher density housing and a diversity of housing types.

More policy direction and/or incentives is also required to encourage land consolidation of sites in identified residential growth/substantial change areas in order to minimise larger developments on single sites or smaller lots where often poor design outcomes are the result.

3.2.7 Translation

Council relies on a combination of zones, overlays and local policies to guide development within its residential areas. Council may still need to rely on these overlays and local planning policies to guide certain aspects of development in residential areas. The overlay controls will be particularly pertinent to the RGZ to give effect to built form outcomes and the NRZ where there are conflicts between the proposed and current planning provisions.

These examples detailed above demonstrate that the translation of the existing zones and overlays to the new residential zones in their current format may be problematic and it is important to note that the schedule in its current form will not result a policy neutral outcome. If this situation were to prevail it will lead to difficulty in administering the Manningham Planning Scheme in addition to sending confusing messages to developers, the residential community and other key stakeholders about where Council is seeking to channel development as the zones in their current format will not simplify the planning controls currently applying to residential land in Manningham. Council has undertaken considerable consultation in relation to the current controls applying to its residential areas, and it is considered the new zones should facilitate this translation

3.2.8 Bushfire Risk

We also take the opportunity to raise the tension between subdivision size and bushfire risk and requirements under the BMO and compatibility with Council policy and environmental and landscape issues, particularly within the Warrandyte area which would likely be included within the NRZ.

3.2.9 Overview

Whilst Council generally supports the concept of the three new residential zones, Council is concerned that the translation of the existing provisions into the new draft zones will be problematic.

Council is also concerned about the impact of expanding the list of permitted uses and allowing uses such as shop and office in areas outside the boundaries of activity centres. It is considered that it would be more appropriate to consider the Mixed Use Zone to facilitate greater flexibility in some areas, rather than expanding the permitted uses within the residential zones

3.3 LOW DENSITY RESIDENTIAL ZONE

In response to the increasing pressure for the rezoning of Low Density Residential areas, Council considered the future of these areas as part of its review of the Residential Strategy. Council's Residential Strategy (March 2012) notes that, *'the larger lots in the Low Density Residential Zone areas play an important role in offering a lifestyle opportunity for residents whilst contributing to Manningham's 'balance of country and city'. The character of the low density areas is generally characterised by acre sized blocks developed with prestigious homes on substantial sized land. In some cases the larger sized lots contain significant remnant vegetation and support intricate ecological processes.'*

'It is noted that the 'Sewer Backlog Program' is currently underway with areas being systematically upgraded. Despite the connection of properties to reticulated sewerage under the Sewer Backlog program, the Low Density Residential areas will remain as areas for low density to offer an alternative lifestyle opportunity for the community.'

The Low Density Residential areas are also characterised by undulating landform with prominent ridges, dissected by creeks and drainage lines. Much of the low density residential zoned land forms a buffer between the green wedge and Yarra River corridor areas and urban residential areas.

3.3.1 Purpose

It is Council's view that purpose of the LDRZ needs to be reviewed in light of the sewer backlog program with the current purpose of the zone being to 'provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater'. Manningham believes that the LDRZ area provides for an important alternative lifestyle choice in addition to providing a buffer to the green wedge. These purposes should be reflected in the zone.

3.3.2 Subdivision

Council does not support the reduction in subdivision minimum lot size (to 2000sqm) as the proposed changes will have a significant impact on the character, including the environmental and landscape values of these areas. The proposal to enable further subdivision of these lots is inconsistent with the *Residential Strategy* (March 2012) and will result in further fragmentation and erosion of the LDRZ.

Manningham has approximately 4,600 properties within the LDRZ of which almost 2,800 are 4,000sqm or greater. A significant proportion of these lots have been identified as part of Amendment C54 as having significant environmental values. Parts of Park Orchards and Donvale also fall within the Pine Tree Theme areas which are also proposed to be protected pursuant to controls proposed as part of Amendment C54, which is currently with the Minister awaiting approval.

Reducing the minimum lot size for sewered areas is not considered an appropriate response. The proposed change fails to consider issues relating to topography, environmental and landscape values and consequential vegetation loss resulting from the additional development that will be permitted on each lot where land is further subdivided. As noted above, Manningham has some 2,800 lots that could be further subdivided under the new provisions (once the sewer backlog program is completed) resulting in at least the same number of additional dwellings or other forms of intensive accommodation uses (noting that two dwellings are permitted on each lot). It is also likely that permitting further subdivision of these lots, in an unchecked fashion will result in a significant number of battleaxe lots (noting that this is currently an issue for Council – Clause 22.11 Battle axe blocks policy).

3.3.3 Schedule

It is acknowledged that the Schedule to the LDRZ provides for a minimum lot size to be specified, however Council is concerned that no guidance has been provided as to what criteria would be used or under what circumstances Council would be able to use the Schedule to raise the default minimum lot size.

3.3.4 Translation

The proposed change is of particular concern to Council and, we request that the introduction of this zone should be delayed until further comprehensive strategic work can be undertaken by Council in order to consider the implication of the proposed change.

3.3.5 Bushfire Risk

We also take the opportunity to raise the tension between subdivision size and bushfire risk and requirements under the BMO and compatibility with Council policy and environmental and landscape issues.

3.4 MIXED USE ZONE

Council currently only has three relatively small areas within the Mixed Use Zone (MUZ) comprising approximately 7 hectares. One of these areas is the Doncaster Park and Ride station adjacent to the Eastern Freeway. The second area is adjacent to the Macedon Plaza Neighbourhood Activity Centre, the third is at the intersection of Blackburn and Andersons Creek Road, Doncaster East which is primarily used and developed for a Mitre 10 and service station.

3.4.1 Purpose

The primary purpose of the zone is to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. The purpose has been modified to provide for housing at higher densities. As the new RGZ also proposed to expand the range of uses permitted in addition to encouraging increased densities, it is considered that the purpose of each of these zones of required to be more explicit and to provide greater differentiation between the zones.

3.4.2 Land Use

It is noted that the MUZ allows a range of commercial and industrial uses in addition to encouraging increased densities. A Food and drink premises, medical centre. Office and Shop (other than Adult book shop) are proposed to become Section 1 uses with a condition relating to the maximum leasable floor area. This is similar to the controls proposed within the RGZ and GRZ.

It may be that the MUZ would be a more appropriate solution to encourage a greater diversity of uses in proximity to existing activity centres, rather than seeking to expand the permitted uses within the RGZ and GRZ. The purpose of the MUZ could be amended to provide greater direction in terms of where the zone should be applied.

3.5 COMMERCIAL ZONES

As noted above, Council is concerned that there was no prior warning that it was proposed to review the commercial zones and it is considered that there is insufficient time to consider the impacts to our municipality in detail. This also applies to the proposed expansion of non-residential uses permitted within the Residential Growth and General Residential Zones in proximity to commercially zoned land, which has the potential to have a significant impact on the viability of neighbourhood and local activity centres.

Council is likely to need to undertake further work to determine the impact on its hierarchy of centres. Council currently has insufficient policy to guide appropriate uses within the existing B2Z and Council relies heavily on the existing hierarchy of the existing business zones to guide appropriate use and development within the existing B1Z and B2Z. Manningham City Council has a couple of B2Z areas that sit outside designated activity centres and which over time may become de-facto retail and commercial centres, particularly as some expansion into the residential areas is also proposed.

3.5.1 Buildings and Works

A key issue for our existing activity centres will be retaining activated street frontages within these centres. It is considered that the commercial zones (in addition to the Residential Growth and General Residential Zones) should include a condition relating to glazing along the street frontage or provision of activities which provide pedestrian access or interaction.

Further it is noted that current buildings and works controls do not control internal works e.g. erection of internal walls. Council recently experienced an application for a retail use, which required glazing to provide an activated street frontage, however, the applicant subsequently erected internal walls just within the glazing for the purpose of storage for the retail use. Such works impact on passive surveillance and reduce pedestrian interaction. There is an opportunity to improve built form outcomes within the provisions.

3.5.2 Land Use

Although not a particular issue for Council, it is queried why a cap has been applied to a place of worship, given the flexibility given for other uses, as generally services occur at specified times and participants are likely to visit a commercial area in which they are located.

3.5.3 Translation

As noted above, Council will need to undertake further work to determine the impacts of the new Commercial 1 (and residential) Zone of its existing business zoned areas. As Council will be undertaking a review of its Activity Centre Strategy and Local Activity Centre Plan, further work will be undertaken as part of this review.

In terms of translating the existing B1Z and B2Z, it is noted that Manningham has schedules in both the business zones which are proposed to be deleted. Further work will need to be undertaken to determine the consequential impacts of these changes if any.

3.6 INDUSTRIAL ZONES

Manningham has only three small areas of industrially zoned land comprising approximately 15 hectares. It is considered that removal of the office floor space restrictions could have a significant impact by limiting opportunities for industrial uses to locate within Manningham. If the future of industrial zones is more mixed, there is likely to be a problem in the future.

Clause 22.16 Industrial areas policy was prepared as part of Amendment C52, which was approved in October 2008, which seeks to discourage the establishment of non-industrial uses in the Bulleen and Templestowe industrial centres and consolidate the role of these centres. This policy may need to be reviewed to ensure it is more explicit and directly responds to expansion of office uses.

3.7 RURAL CONSERVATION ZONE

Manningham's Green Wedge largely includes land within the Rural Conservation Zone. These areas are primarily rural residential in nature and include some agricultural enterprises, hobby farms and environmentally significant properties. A key challenge for Council is to balance the competing interests between use of land for rural living, agricultural pursuits and biodiversity protection.

The MSS notes that '*development should protect and enhance the natural environment including the Yarra River and other waterways, topography, open space, habitat and fauna links within the green wedge and Yarra River corridor*'.

3.7.1 Purpose

Although the reforms seek to permit an expanded range of uses it is noted that the purpose of the zone has not been amended to reflect these changes.

3.7.2 Land Use

The major issue for Council is that the relaxation of permitted uses is opening up the zone and eroding the initial purpose and values for applying the Rural Conservation Zone to green wedge land in order to protect landscape and environmental values and the significant biodiversity of the area.

Making fewer uses prohibited and allowing more discretionary uses will have unintended impacts. It is important to note that a primary consequence of changing the RCZ is that it will erode Councils management of RCZ / Green Wedge areas and will allow the creep of urban uses into non-urban areas. The differentiation between all of the rural zones is increasingly becoming blurred. Further, as land in the RCZ may be cheaper than adjacent residential land, it may become more attractive to locate more intensive uses within the Green Wedge which will have a significant impact on the values Council is trying to protect.

It is noted that the amended RCZ seeks to permit a range of accommodation types currently prohibited in the RCZ. The major issue is managing the impact of these uses having regard to topography, environmental and landscape values, drainage and other risks (e.g. landslip, bushfire and flooding), access, car parking requirements and land capability with regard to loss of vegetation and access to sewerage.

These issues are also relevant to other section 2 and discretionary uses including animal boarding, food and drink premises, education centre, restaurant etc. Although the actual uses may not be inconsistent with the zone, the issue is more one of scale and intensity of the use and land capability.

A means of further regulating the appropriateness of some of these uses would be if either RCZ provision or the schedule could specify/or enable Councils to specify a minimum site area for particular uses commensurate with their intensity. It is considered the schedule should enable a minimum lot size for section 2 uses as having a minimum limit would be beneficial to prevent applications for such uses on inappropriate parcels of land. To this extent it is recognised that within the RCZ, there are a significant number of lots, well below the minimum lot size of the schedule to the RCZ, on which would be inappropriate to permit some uses.

There is also concern regarding Leisure and recreation facilities, particularly private facilities with regard to impact on amenity, the scope and intensity of works. Council is also concerned there will be applications for large facilities that aren't ancillary to a dwelling. These types of structure can have significant impact in relation to earthworks, drainage, heights of structures and they can be visually intrusive.

It is noted that as part of Council's submission to the Victorian Planning System Ministerial Advisory Committee In 2011, Council noted that, *'the current Rural Conservation Zone is too restrictive and does not enable a diversity of uses. There are currently a number of properties within the Manningham Green Wedge area which are non-conforming uses (including agricultural activities and tourist based enterprises) or are limited in their ability to expand e.g. enabling a farmer to process their fruit/vegetables to allow manufacturing sales which is prohibited in the RCZ. The retention and ongoing enhancement of these commercial properties is beneficial to Council and the broader community, however, the limitations of the zone threaten the long term future, viability of these uses and food security opportunities.'*

It is noted that the amended RCZ still prohibits sale of manufactured/processed foods which is an issue for ensuring ancillary uses to assist farmers to stay on the land.

3.7.3 Buildings and Works

Under Clause 35.06-5 Buildings and works it is noted that many of the buildings and works are likely to be triggered by an overlay control and as such the change to the zone provisions to increase the permit trigger for works is unlikely to be an issue, however it is considered that the zone provisions should provide greater certainty and better reflect the purpose of the zone.

3.7.4 Subdivision

Deletion of the mandatory requirement for a S173 agreement to prevent further subdivision of lots is unlikely to be a significant issue within Manningham. It was noted by DPCD that Council's can still decide whether it is appropriate to include a permit condition requiring an agreement under s 173 of the Act if it is deemed to be appropriate. There are few examples of such subdivisions being undertaken in Manningham.

3.7.5 Translation

It is considered that the Rural Conservation Zone (RCZ) in its current form is appropriate in terms of its land use restrictions, as a key purpose of the zone is, *'To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.'* Within Manningham much of the land included within the RCZ has significant biodiversity values, sloping topography and is subject to risk from bushfire or flood. Development in these areas should be carefully managed and it is considered that these areas are appropriately protected by the existing RCZ.

It is considered that the RCZ should be retained in its current form to protect areas within the green wedge that have significant environmental and landscape values or have other land capability issues and which are not suitable for more intensive development. It is considered that the DPCD should direct Councils to use one of the other rural zones which provide greater flexibility in terms of land use where these features are absent in order to allow greater flexibility.

Whilst the MSS has regard to and addresses much of the issues raised above matters, further review needs to be undertaken to determine whether Council would require further policy direction to manage the proposed expansion of permitted uses within the RCZ. Local policy may need to be developed to address scale, built form etc.

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
Purpose	<p>To provide medium-density at increased densities. To manage development to achieve the objectives specified in a schedule to this zone. To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> <p>It is considered that the actual intention of the Residential Growth Zone is lost in the stated purpose of the zone detailed above. The <i>New and Improved Residential Zones Fact Sheet</i> notes that the role of the zone is to enable ‘<i>new housing growth and diversity</i>’, and that the zone should be applied, ‘<i>in appropriate locations near activity areas, train stations and other areas suitable for increased housing activity.</i>’ It further states that the type of housing that can be expected within these areas is, ‘<i>A mixture of townhouses and apartments with underground car parking</i>’.</p> <p>The desired outcomes of the zone as detailed in the Fact Sheet have not been incorporated within the purpose of the proposed RGZ. Specifically the purpose does not make reference to delivering a diversity of housing at higher densities in locations that offer</p>	<p>To encourage development that respects the neighbourhood character of the area. To manage development to achieve the neighbourhood character objectives specified in a schedule to this zone. To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> <p>Point 2 of the Purpose only makes reference to ‘respect the neighbourhood character’ and does not make reference to existing or preferred character. Whilst such differences can be included in the schedule to the zone, it is considered that the zone should clearly state that the respecting neighbourhood character could relate to the existing or preferred character. Unlike the previous draft residential zones, it is generally considered that the new zones do provide sufficient differentiation between the purpose of the zones.</p>	<p>To manage neighbourhoods where there are limited opportunities for increased residential development due to identified neighbourhood character, environmental or landscape characteristics. To ensure that development respects the neighbourhood character. To ensure development is consistent with the objectives specified in a schedule to this zone. To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> <p>It is considered that the purpose clearly specifies the intent of the zone for limited development which is supported. We would be intending to use this zone for our residential areas with identified environmental and landscape values including Warrandyte township and parts of Templestowe and Donvale. These areas are currently affected by a DDO to manage buildings and works and subdivision. Reference to neighbourhood character, environmental or landscape characteristics is also supported. It is anticipated that most Councils would only apply this zone to areas with special neighbourhood or environmental/ landscape/ or heritage</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>good access to services and public transport including activity centres and strategic redevelopment sites.</p> <p>The purpose of the R1Z is considered to be a more appropriate purpose which is, 'To provide 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.'</p> <p>In line with M2030 and Council policy, including the Residential Strategy (March 2012), new residential development should be located in or around activity centres and abutting public transport routes.</p> <p>Further it is considered that the purpose should include reference to neighbourhood character as an overarching theme.</p> <p>It is noted that a schedule to the zone may contain objectives to be achieved for the area which may then include reference to existing or preferred neighbourhood character. Although these areas would experience significant change the neighbourhood character of these areas is no less important than other areas.</p> <p>It is noted that the new zone does not make reference to housing diversity. It is important that housing diversity is provided in higher density areas to</p>		<p>characteristics or values.</p> <p>However, although the purpose of the Neighbourhood Residential Zone specifies that development in these areas is intended to be limited, it is noted that provisions require that Councils cannot specify the maximum number of dwellings on a lot of less than two dwellings.</p> <p>Manningham City Council has identified 'limited growth areas' which exist in small pockets throughout the municipality, and it is anticipated that the remaining residential areas would be included in the Residential Growth and/or General Residential Zone. As such it is considered reasonable that these small pockets of land should be able to be adequately protected by the zone by providing for very limited or no development. Allowing two or more dwellings on a lot is not considered 'limited change' with respect to the translation of our existing DDO controls currently applying to these areas. In accordance with our growth strategy within the <i>Residential Strategy March 2012</i>, two or more dwellings on a lot, is considered 'incremental change'.</p> <p>Council will need to continue to rely on other overlay and policy controls to protect these identified residential areas, which is not resulting in a simplified planning process and will only add to the confusion of interpreting</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	ensure new housing stock continues to meet the changing needs of our communities.		the controls. Council is concerned that the introduction of these new zones may result in a review of the overlay controls, including the DDO, which may result in the erosion of the special character of these areas, if key elements, including the ability to specify number of dwellings and detail built form outcomes is removed.
Use	<p>Office (other than medical centre) is proposed to be a Section 1 use with conditions that the leasable floor area must not exceed 250sqm; it must be located within 100m of a CZ; and the land must have the same street frontage as the land in the CZ. If it does not meet the conditions above, an Office (other than medical centre) becomes a Section 2 use with conditions that it must be located within 100m of a CZ; and the land must have the same street frontage as the land in the CZ.</p> <p>Shop (other than Adult sex bookshop and Bottle shop) is also proposed to be a Section 1 use with conditions that it must be located within 100m of a CZ or MUZ; the land must have the same street frontage as the land in the CZ or MUZ; and the leasable floor area must not exceed 100sqm. If it does not meet the conditions above, a Shop (other than Adult sex bookshop, Bottle shop and</p>	<p>Refer to comments under General Residential Zone. Council does not support the proposed changes to the table of uses, due to the consequential impact the loosening of the controls will have on existing local activity centres and the impact on the amenity and character of surrounding residential areas.</p>	<p>It is noted that a Residential aged care facility is proposed to be a Section 1 use. Use for an aged care facility is not consistent with the purpose of the zone to manage the neighbourhood where there are <u>limited</u> opportunities for increased residential development... It is considered that a Residential aged care facility should be a prohibited use in the Neighbourhood Residential Zone. Our proposed limited change areas (being Warrandyte and parts of Templestowe and Donvale) tend to be not located near services and facilities, have special characteristics such as high environmental and landscape values and most have overlay controls restricting development to one dwelling. Having Residential aged care facilities as a Section 1 Use – permit not required is inconsistent with the notion of ‘limited change’. It is acknowledged that it is not the use itself which is the issue (as the use is generally</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>Convenience shop) becomes a Section 2 use with conditions that it must be located within 100m of a CZ or MUZ; and the land must have the same street frontage as the land in the CZ or MUZ.</p> <p>Council strongly objects to inclusion of an office and shop being permitted uses within the RGZ and the GRZ. It is considered allowing these commercial uses within the RGZ and GRZ is inconsistent with the purpose of the zone, is eroding differentiation between the commercial and residential zones, will provide for the de-facto expansion of the existing major, neighbourhood and local activity centres (which may have an economic impact on the ongoing viability of these centres), and will permit and encourage additional linear commercial development outside of activity centres and along main roads adjacent to commercially zoned land.</p> <p>Expansion of commercial activities into areas which are predominantly residential in nature may also impact on the amenity of adjacent residential properties.</p> <p>It is further noted that neither an office or a shop have a maximum floor area cap within section 2 – permit required. This could see the application for substantial office and/or retail development including supermarkets</p>		<p>consistent with the zone objectives) but rather the built form requirements for such a facility such as the total footprint of buildings.</p> <p>Whilst we request the Residential aged care facilities should be a prohibited use, at the very least it should be a Section 2 use – permit required with conditions to guide its location.</p> <p>The only other significant changes relate to inclusion of a Medical centre as a section 1 use - the gross floor area of all buildings must not exceed 250sqm and variation to the conditions for Place of worship which now only requires the gross floor area of all buildings must not exceed 250 sqm.</p> <p>The uses themselves are not considered inconsistent with the purpose of the zone. The issue for Council is primarily the impact of any buildings and works resulting from the use on the special environmental and landscape character of the area and potential impact on the amenity of adjacent residents.</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>adjacent to local activity centres. This could have a significant impact on the ongoing viability of these centres. Allowing these types of non-residential uses in proximity to activity centres is inconsistent with local planning policy, including Council's Planning Scheme, Activity Centre Strategy and Local Activity Centre Plan and more particularly the Residential Strategy. Although Council has not yet determined within which new residential zone it will translate its existing 'substantial growth areas', which are currently included within the Design and Development Overlay Schedule 8 (DDO8), there is some concern that further permitting additional non-residential uses within the RGZ and GRZ will create conflict in DDO8 areas where the aim of retaining existing dwellings and creating new housing stock will compete with proposals for new office/retail spaces and conversion of existing dwellings into office spaces and medical centres. Increases in office space would be better achieved with an Activity Centre, Commercial or Mixed Use Zone. The new zones may limit the potential for Council's to meet population targets. This will be in part due to the competition for land for a particular use and secondly it may impact on the opportunities for land consolidation,</p>		

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>particularly on main roads. Council's current policy is to discourage linear commercial/office development along its main roads (particularly Doncaster Road where there is already an increased demand in the number of non-residential uses proposed such a medical centres). It is Council's view that an Office and Shop should remain prohibited uses to prevent such linear development. Any change to introduce office and shop is not a policy neutral change and Council may need to review its local policy to adequately deal with future proposals for these uses.</p> <p>Within Manningham, Council has identified Doncaster Hill as an area where activated street frontages and office development is encouraged. Doncaster Hill together with The Pines MAC should provide adequate opportunity for office space, without the need to create additional opportunities for lineal commercial development along our main roads (where existing commercial areas exist)and around other neighbourhood and local activity centres.</p> <p>As noted above, the increased demand for non-residential uses within Manningham's identified 'substantial change areas' (i.e. R1Z land affected by DDO8) is already starting to create conflict in terms of the aim of</p>		

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>encouraging new higher density housing stock in these areas and minimising the proliferation of non-residential uses in particular areas abutting main roads. DPCD should consider introducing conditions for these types of uses to minimise the conflict and provide for clear planning outcomes.</p> <p>Based on the response above, Council does not support any other uses being included in Section 1 or Section 2 of the Table of uses and requests that Office (other than medical centre) and Shop (other than convenience shop) are made prohibited uses.</p> <p>It is further noted that a Medical centre is proposed to be a Section 1 use provided the gross floor area of all buildings must not exceed 250sqm (currently section 2 use).</p> <p>As noted above there is some concern that allowing medical centres uses will create conflict in DDO8 areas where the aim of retaining existing dwellings and creating new housing stock will compete with proposals for new medical centres and conversion of existing dwellings into medical centres, thereby impacting on opportunity to consolidate land for increased residential densities.</p> <p>The issues raised above equally apply to a food and drink premises. At least included as a Section 2 use it is</p>		

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>possible to consider the application in its merits.</p> <p>Further clarification is sought on the definition of 'same street frontage as the land in the CZ'. This needs to be clear on whether it has to be on the same side of the road, adjacent to land in the CDZ, and how this may impact on side streets if an existing business in a business zone has dual frontage. Further will this place pressure on Councils to rezone these parcels of land in future where they are being used for 'commercial purposes'.</p>		
Subdivision	<p>All applications exempt from notice and review.</p> <p>Officers do not have any particular concerns regarding exemption from notice as it is anticipated that most applications would be for the subdivision of an approved development or of an existing building.</p>	No changes proposed	<p>The schedule will enable Council to specify a minimum lot size for subdivision. No minimum or maximum requirement is specified in the zone. Whilst this provides Council with flexibility to translate existing provisions under the existing DDOs applying to these areas, an immediate conflict is created as Council can not specify a number of less than 2 dwellings on a lot.</p> <p>It is not an issue of whether or not an individual dwelling can be subdivided, rather allowing just one additional dwelling on a lot will have considerable impact on environmental and landscape values and existing infrastructure. Such development will result in loss of vegetation and increased site coverage of buildings. It will not be possible to translate our</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
			<p>existing controls to be policy neutral without the need to retain our existing overlay controls which currently specify minimum lot sizes for identified limited change areas. As noted previously the new zones will not simplify the existing planning controls, and in this instance may add to confusion and angst of the community.</p> <p>Council has submitted amendment C54 for approval which among other things undertook a review of the Design and Development Overlays applying to residential areas with environmental and landscape values. Controls restricting lots size and number of dwellings have applied to these residential areas for a number of years and few objections were received in relation to the existing restrictions of these controls. It is considered that these restrictions are generally accepted and supported by the community. Similarly Amendment C83 which has recently been approved for the Mullum Valley Estate (DDO11) also specifies no more than one dwelling is allowed on each lot.</p> <p>Consideration also needs to be given to the impact of allowing additional dwellings in areas subject to bushfire risk including Warrandyte.</p>
No of dwellings on a	n/a	n/a	The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. The number

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
lot			specified must not be less than 2. (Refer to comments above) Although Council considers that the schedule should be able to specify a requirement for a single dwelling, alternatively, Council should be able to specify a minimum lot size on which two dwellings can be considered. There may be smaller lots within these identified areas which are unsuitable for a second dwelling due to vegetation cover, topography, environmental values etc.
Construction and extension of one dwelling on a lot	<p>A permit is required to construct or extend one dwelling on a lot of less than 80sqm. (reduced from 300sqm) Removes the exemption for a planning permit for lots of between 300 – 500m². It is considered that the removal of this control will affect only a few properties if any, therefore Council has no objection to the proposed changes. Removes the requirement to construct a front fence within 3m of a street if associated with a dwelling on a lot less than 300sqm or on a lot between 300 – 500m² if specified in a schedule. The fence exceeds the maximum height in 54.06-2.</p> <p>The proposed changes are not considered to have a significant impact. It was noted that an amendment may be required to existing planning permits.</p>	<p>A permit is required to construct or extend one dwelling on a lot of less than 200sqm. (reduced from 300sqm). Retains the exemption for a planning permit for lots of between 200 – 500m² Retains the requirement to construct a front fence within 3m of a street if associated with a dwelling on a lot less than 200sqm or on a lot between 200 – 500m² if specified in a schedule. The fence exceeds the maximum height in 54.06-2.</p> <p>The proposed changes are considered minor in nature, however it is difficult to determine the impact until a decision is made regarding the translation of the existing controls into the proposed new zones.</p>	<p>Same as General Residential Zone.</p> <p>It is unlikely that any lots within the identified residential areas with environmental or landscape values would be exempt under the proposed changes as the minimum lot size is 650sqm. Council therefore has no objection to the proposed changes.</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
Construction & extension of 2 or more dwellings on a lot...	No changes proposed.	No changes proposed.	Deletes reference to developments to four or more storeys.
Requirements of Clause 54 and Clause 55	<p>Deletes Standard A4, B7 Add standard A6, A11, B9, B13, B18</p> <p>Removes standards relating to building height (A4 and B7), which is proposed to be incorporated into the schedule through mandatory height controls. (Refer to comments below) Council has no objection to the introduction of the new standards A6 and B9 relating to permeability, A11 and B18 relating to Walls on boundaries and B13 relating to landscaping.</p>	<p>Deletes Standard A4, B7 Add standard A6, A11, B9, B13, B18</p> <p>Removes standards relating to building height (A4 and B7), which is proposed to be incorporated into the schedule through mandatory height controls. (Refer to comments below) Council has no objection to the introduction of the new standards A6 and B9 relating to permeability, A11 and B18 relating to Walls on boundaries and B13 relating to landscaping.</p>	<p>Deletes Standard A4, B7 Add standard A6, A11, B9, B13, B18</p> <p>Removes standards relating to building height (A4 and B7), which is proposed to be incorporated into the schedule through mandatory height controls. (Refer to comments below) Council has no objection to the introduction of the new standards A6 and B9 relating to permeability, A11 and B18 relating to Walls on boundaries and B13 relating to landscaping.</p>
Buildings and works associated with a Section 2 use	No change proposed	No change proposed	No change proposed
Maximum height for a dwelling or	The Residential Growth Zone enables Council to specify a maximum building height in a schedule to the zone. There are some exemptions for an existing building and a building which	The General Residential Zone enables Council to specify a maximum building height in a schedule to the zone. There are some exemptions for an existing building and a building which	The Neighbourhood Residential Zone enables Council to specify a maximum building height in a schedule to the zone. If no building height is specified,

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
residential building	<p>exceeds the height for which a valid permit has been issued. If no building height is specified, maximum building height should not exceed 12.5m This building height replaces the maximum building height specified in Standard A4 in Clause 54 and B7 in Clause 55.</p> <p>The schedule as proposed does not enable Manningham City Council to implement a direct translation of its existing controls for its areas identified for substantial change around activity centres and along main roads (being the existing DDO8 controls or the amended controls proposed as part of Amendment C96 which is currently on exhibition).</p> <p>The DDO8 sub-precinct A currently specified a preferred maximum building height (11m) together with a condition regarding minimum lot size. Pursuant to Amendment C96, sub-precinct A is intended to be modified to specify a mandatory height limit of 11 metres with a condition requiring a minimum lot size of 1800sqm while similar, non-mandatory heights and site area are proposed for a new main road precinct. The schedule does not appear to provide for a minimum site area to be required. Precinct B as defined in DDO8 is also</p>	<p>exceeds the height for which a valid permit has been issued. If no building height is specified, the requirement set out in the relevant standard of Clause 54 and 55 applies.</p> <p>As it has not yet been determine how our existing zones will be translated into the new reformed zones, our comments detailed under the Residential Growth Zone are also relevant to the General Residential Zone. Further strategic work needs to be undertaken to determine the exact implications and impacts of the new zones in translating our existing zones.</p>	<p>maximum building height must not exceed 9m. There are some exemptions for an existing building and a building which exceeds the height for which a valid permit has been issued.</p> <p>Clarification is sought for all the zones as to whether the height listed in the schedule is a mandatory height. Some height limits are specified within the relevant overlay controls. In general, however, it is considered that a blanket 9m height limit is fair and reasonable.</p>

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>considered to be an area of substantial change (as compared to areas currently included in the R3Z where incremental growth is expected), however these areas have a height limit of 9 metres, with additional requirements specified in the DDO8 and the schedule to the R1Z. Council considers that more policy direction and/or incentives is required to encourage consolidation of sites in identified residential growth/substantial change areas in order to minimise larger developments on single lots or small sites.</p> <p>Avoiding the issue of site consolidation may lead to problems in the future where isolated residential lots are created between larger, multi-storey developments, providing limited opportunity for development on these sites, or possible underdevelopment of these sites.</p> <p>Council is already having to consider applications for larger building developments on single lots resulting in poor design outcomes. Council is concerned about the long-term implications of such development and queries whether DPCD considers this an acceptable outcome. Council has concerns about this approach and requests that DPCD seriously consider appropriate tools for encouraging land consolidation.</p>		

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	<p>The use of the DDO8 which specifies a recommended height limit in conjunction with a condition for a specified lot size and DDO2 which also specifies lot sizes have been reasonably successful in encouraging the consolidation of lots in parts of Manningham. There may be opportunity to incorporate similar controls into the schedule to the zone to encourage lot consolidation, avoiding the need to introduce a separate tool such as a DDO.</p> <p>It is considered that maximum heights should also be specified for other uses, given a range of non-residential uses are proposed to be allowed within the RGZ and GRZ.</p>		
Decision Guidelines	<p>Note that decision guidelines can specified in a schedule to this zone.</p> <p>Subdivision The pattern of subdivision and its effect on the spacing of buildings. Dwellings and residential buildings Includes reference for a development of four or more storeys, excluding a basement, the Design Guidelines for Higher Residential Development Includes new guidelines for non-residential uses and development</p> <p>The new decision guidelines are considered appropriate. It is noted that additional application requirements and decision guidelines can be included</p>	Same as Residential Growth Zone	Same as Residential Growth Zone (with exception of deletion of 4 storey buildings).

	Residential Growth Zone	General Residential Zone	Neighbourhood Residential Zone
	within the schedules to the zones.		
Advertising signs	No change proposed	No change proposed	No change proposed
Other Issues Raised	If the outcome is policy neutral, but does not simplify the planning tools, then it is reasonable to argue that the reason for the change and presumably the benefits have not been adequately identified. There is also concerns about the cost and resources required to implement the proposed changes. (Might raise these in the general submission)		