

UPC3 Residential Zones Stage 3 Review - Priority work program

Abstract

On 11 June 2014, the Minister for Planning approved Amendment C190 to implement the new residential zones in the Boroondara Planning Scheme.

Following this approval, Council sought feedback from the community to identify any anomalies in the way that the new residential zones had been applied.

During the course of this feedback process, the Minister for Planning released Ministerial Direction No 16 which states that no changes to the residential zones would be entertained unless Council had an adopted Housing Strategy to support any requests.

Council resolved on 11 December 2015 to adopt the Boroondara Housing Strategy 2015.

Given that Council has now prepared and adopted a Housing Strategy, it is able to progress the assessment of potential changes to the residential zones.

It should be noted that, immediately following the adoption of the Boroondara Housing Strategy, Strategic Planning officers commenced the review of Precincts 24 and 74. These reviews have recently been completed.

Strategic Planning Officers have now assessed all of the remaining submissions and prepared a list of projects to be commenced in the 2016/17 financial year.

Officers' recommendation

That the Urban Planning Special Committee resolve to:

1. Adopt the priority work program contained in Attachment 1.
2. Authorise the Strategic Planning Department to commence work on the projects listed within the priority work program.

**Responsible director: John Luppino
City Planning**

1. Purpose

The purpose of this report is to seek the Urban Planning Special Committee's (UPSC) endorsement of the priority work program contained in **Attachment 1** to this report.

2. Policy implications and relevance to council plan

Council Plan 2013-2017

The priority work program implements Council's commitment to *'engage with our community in striving for protection and enhancement of the natural and built environment'* in order to achieve the objective *'the character of our neighbourhoods is protected and improved'*. (Theme 3, Strategy 10)

Public Health and Wellbeing Plan 2013-17

The priority work program of the new residential zones implements Strategic Objective 2 of the *Municipal Public Health and Wellbeing Plan 2013-17*, to *'enhance and develop our neighbourhoods to support health and wellbeing'* through Strategy 2.1: *'to consider health promoting principles when planning and developing the built environment'*.

Plan Melbourne

Plan Melbourne is the Victorian Government's metropolitan strategy, which was gazetted into Victorian Planning Schemes on 30 May 2014.

The priority work program as set out in this report is consistent with Direction 4.2 - *'Protect Melbourne and its suburbs from inappropriate development'* contained in *Plan Melbourne*.

3. Background

Approval of Amendment C190

On 11 June 2014, the Minister for Planning approved Amendment C190 to implement the new residential zones in the Boroondara Planning Scheme. The amendment was originally lodged with the Minister for Planning seeking his approval in October 2013.

However, the Minister for Planning did not approve Amendment C190 in the form requested by Council. Specifically, the Minister did not support:

- The various zone schedules proposing variations to ResCode development standards.
- The proposed Local Planning Policies regarding neighbourhood character and non-residential uses in residential areas.
- Design and Development Overlays proposed for single storey character areas and low front fence areas.

Public feedback process

In October 2013, Council made a commitment to its community that it would give every resident and residential property owner the opportunity to provide feedback on the new residential zones once they were approved. This commitment followed Council's request to the Minister to approve the new residential zones.

Council undertook the feedback process on the approved residential zones from 28 July to 29 August 2014 which included the following activities:

- Direct mail of an information brochure and covering letter signed by the Mayor to all property owners and occupiers of residential zoned land.
- Project specific website with an interactive map and property search function. Interested parties were able to download relevant zoning provisions and Neighbourhood Character Precinct Statements.
- Online submission form through the project website.
- Notices in the Progress Leader Boroondara Noticeboard, online bulletin and Council's Facebook page.
- Notice on Council's website in the 'Have Your Say' section.

The community was invited to provide feedback on the approved zones. Specifically this included whether property owners/occupiers thought that the way the zone had been applied to their property or broader precinct presented an anomaly. No specific consultation was carried out with regards to those aspects of C190 that the Minister did not approve.

Housing Strategy

On 1 July 2014, following the completion of the Residential Zones Standing Advisory Committee (RZSAC) Stage 1 process, the Minister for Planning introduced a new Ministerial Direction No.16. This direction requires councils to prepare a housing strategy to support the implementation of the new residential zones or changes to zones where they have already been applied.

Based on this retrospectively introduced requirement, a number of councils found their proposal for the new residential zones not supported by the RZSAC and the Minister. The need for a housing strategy is also clearly articulated in the RZSAC report on Amendment C199 (additional Residential Growth Zone areas) and the Overarching Issues Report (consideration of common issues in the Stage 1 process).

Officers only became aware of this new requirement for a housing strategy when the RZSAC Report was released on 17 September 2014 - after Council had already notified residents, invited feedback and the feedback period had ended.

As a result of the requirement for a housing strategy, Council was not able to address a number of rezoning requests received. Council therefore resolved in December 2014 to defer consideration of these rezoning requests until after the completion of a housing strategy.

With the adoption of the Boroondara Housing Strategy in December 2015, Council has fulfilled the requirements of Ministerial Direction No.16 and is able to commence the review of the deferred rezoning requests/anomalies.

Stage 2 process - anomalies

Following receipt of submissions, Council identified a number of changes that were of a minor nature and that did not require the strategic justification that would be provided by the housing strategy. It was determined that these anomalies could be addressed through a planning scheme amendment before the completion of the housing strategy.

Council exhibited Amendment C222 between 16 July 2015 and 21 August 2015. A total of 67 submissions were received.

Ultimately, Council adopted Part 1 of C222 in November 2015, Part 2 in May 2016 and abandoned Parts 3 and 4 in May 2016.

Review of Precincts 24 and 72

Immediately following the adoption of the Boroondara Housing Strategy in December 2015, Strategic Planning officers commenced a review of Precincts 24 and 74, in accordance with Council's commitment at the Council meeting in December 2014.

This review has been completed and was presented to the UPSC in March 2016. Officers have now reviewed the remaining work program.

4. Outline of key issues/options

Council is now able to commence the further strategic analysis of those zoning changes that required the finalisation of the Boroondara Housing Strategy.

Given the extensive areas and issues that require further investigation, a priority work program needs to be developed.

Officers considered:

- Matters that had been raised as part of the Amendment C190 feedback process but not yet addressed.
- Matters raised by the Ministerial Advisory Committee on Amendment C199.
- Issues that were raised through the development and consultation of the Housing Strategy.

Finally, officers considered the capacity within the Strategic Planning Department to deliver the amount of work required by each project. The final list was sorted to ensure that the work prioritised was able to be completed within the timeframe specified. As a result, some smaller projects of a lower priority have been moved forward as a result of additional capacity having been identified.

This has included an estimate of the duration and amount of work that will be required to:

1. Carry out an investigation of the project including reviewing the zone, the Neighbourhood Character Precinct Statement and any recommendations from other studies (such as heritage reviews).
2. Carrying out consultation with affected land owners.
3. Preparing and presenting a report to the UPSC with a final recommendation.

This estimate does not include preparing and exhibiting a planning scheme amendment, as investigations may conclude that the existing zone is appropriate and should be retained. In this eventuality a planning scheme amendment would not be required.

Taking officer capacity into account, the final recommended work priority can be seen at **Attachment 1**.

At the current time, Strategic Planning officers have not determined whether projects within each priority category should be carried out as a single amendment (where required), or whether it is more appropriate to consider them as discrete projects to be implemented separately. This will be determined during and/or following the full assessment of each project.

State Government

Any proposal to rezone areas or precincts that arises through these reviews will ultimately require the approval of the Department of Environment, Land, Water and Planning (DELWP) and the Minister for Planning.

Recently there has been media coverage criticising the large percentage of land within middle ring eastern suburbs, including within Boroondara, that has been placed within the Neighbourhood Residential Zone (NRZ). In the event that Council proposes to rezone any precincts into the NRZ, it is likely that DELWP officers and the Minister will require substantial justification for any change before they will support Council's proposal. DELWP officers have already communicated to Strategic Planning officers that they will be particularly critical of any proposal to include additional land in the NRZ.

The Minister and DELWP officers have recently informed Council that they will not authorise Council's amendment to rezone Precinct 24 from GRZ3 to GRZ1. In addition, the Minister prepared and approved Amendment C255 which removed mandatory maximum height controls from three commercial corridors within Boroondara, replacing them with discretionary maximum height controls. This shows that the Minister and DELWP are focussing on providing opportunities for additional development within Boroondara rather than on further restrictions.

In addition, the Victorian Government is presently undergoing a number of reviews regarding the planning system, including:

- Plan Melbourne Refresh, which is revising and updating the metropolitan planning strategy with an increased focus on environmental sustainability.
- Managing Residential Development Advisory Committee, which is examining the application and operation of the new residential zones.
- Better Apartments, which is investigating the introduction of state-wide apartment development guidelines.

It is presently unclear what recommendations may come out of these reviews, and what impact these recommendations may have on the City of Boroondara.

5. Consultation/communication

Council has undertaken extensive consultation and engagement with the community since the original request for the introduction of the new residential zones in October 2013.

Submitters whose request for zoning changes could be considered without the need for further strategic analysis were invited to attend the UPSC meeting on 13 November 2014. Residents had the opportunity to address the UPSC and provide verbal submissions in support of their request for zoning changes. A total of 56 residents addressed the UPSC.

Submitters whose request for zoning could not at that time be further considered until additional strategic analysis had been prepared received a letter to inform them of that fact.

With the completion of the housing strategy, these submissions can now be reconsidered.

As part of the consideration of each project, owners and occupiers of properties within the study areas will be informed of Council's deliberations, as well as any recommendations that are made. Owners and occupiers of properties within study areas will be invited to a meeting of the Urban Planning Special Committee to consider Strategic Planning's findings and recommendations.

In the event that a planning scheme amendment is commenced, owners and occupiers of affected properties will be notified as part of the statutory planning scheme amendment process.

6. Financial and resource implications

Any costs and statutory fees associated with future planning scheme amendments (including formal exhibition and Panel process) will be met by the Strategic Planning Department Budget.

For more complex strategic analysis, priority project budget bids may be required. The need for these will be determined on a project-by-project basis. No priority budget bid has been lodged for the 2016/2017 financial year.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

The recommended changes to the new residential zones are expected to have positive social and environmental impacts. Rezoning of areas to more appropriate residential zones or refinement of Neighbourhood Character Precinct Statements would allow Council to better manage residential development throughout the municipality.

Manager: Zoran Jovanovski, Strategic Planning

Report officer: Nick Brennan, Senior Strategic Planner

Attachment 1

Attachment 1: Residential Zones Priority Project table			
No.	Project Name	Project Description	Year commenced
1	Review of main roads and GRZ5 areas	GRZ5 areas were identified at the direction of the (former) Minister for Planning and considered by an Advisory Committee for suitability for the Residential Growth Zone. The Committee ultimately recommended that they be placed within the GRZ5 and that Council carry out a review to determine the most appropriate zone. As part of the same project, officers will review properties fronting main roads to determine whether the current zone is appropriate.	Jan 2017
2	Precinct 39.1 (Wattle Road, Hawthorn)	This precinct is within the GRZ2. Submissions are requesting that the precinct be rezoned to the NRZ as this more closely reflects the current character.	Jan 2017
3	Precinct 21 (east of Banool Road, Balwyn)	Requests have been received to change this area from GRZ1 to NRZ.	Jan 2017
4	Precincts 17, 32 and 42 (Victoria Road, Hawthorn East)	This street is in three different Character Precincts with areas of NRZ3 and GRZ3 on opposite sides of the road. A revised zone, precinct stamen or precinct boundaries will be investigated. In addition, a preliminary heritage assessment has been carried out that may affect the determination of the most appropriate zone.	Jan 2017