Planning and Environment Act 1987

Advisory Committee Report

Managing Residential Development Advisory Committee
Residential Zone Review

14 July 2016
Planning and Environment Act 1987
Advisory Committee Report pursuant to Section 151 of the Act
Managing Residential Development Advisory Committee
Residential Zone Review

14 July 2016

Kathy Mitchell, Chair
Michael Kirsch, Deputy Chair
Debra Butcher, Member
Sarah Carlisle, Member
Peter Gaschk, Member
Sarah McDonald, Member
Rachael O’Neill, Member
John Riley, Member
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<td>ABS</td>
<td>Australian Bureau of Statistics</td>
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<tr>
<td>ACZ</td>
<td>Activity Centre Zone</td>
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<td>AN50</td>
<td>Advisory Note 50: Reformed residential zones</td>
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<td>C1Z</td>
<td>Commercial 1 Zone</td>
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<tr>
<td>CCZ</td>
<td>Capital City Zone</td>
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<td>CDZ</td>
<td>Comprehensive Development Zone</td>
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<td>D</td>
<td>Document (No)</td>
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<tr>
<td>DDO</td>
<td>Design and Development Overlay</td>
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<td>DELWP</td>
<td>Department of Environment, Land, Water and Planning</td>
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<td>DZ</td>
<td>Docklands Zone</td>
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<td>General Residential Zone</td>
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<td>HIA</td>
<td>Housing Institute of Australia</td>
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<td>HO</td>
<td>Heritage Overlay</td>
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<td>IHDA</td>
<td>Increased Housing Diversity Areas</td>
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<td>LPPF</td>
<td>Local Planning Policy Framework</td>
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<td>MD16</td>
<td>Ministerial Direction Number 16: Residential Zones</td>
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<td>MAV</td>
<td>Municipal Association of Victoria</td>
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<td>Metropolitan Planning Authority</td>
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<td>Municipal Strategic Statement</td>
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<td>Mixed Use Zone</td>
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<td>Neighbourhood Character Overlay</td>
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<td>PPTN</td>
<td>Principal Public Transport Network</td>
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<tr>
<td>Acronym</td>
<td>Description</td>
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<td>PSP</td>
<td>Precinct Structure Plan</td>
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<td>Public Transport Victoria</td>
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<td>Residential Growth Zone</td>
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<td>RLZ</td>
<td>Rural Living Zone</td>
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<td>RZSAC</td>
<td>Residential Zones Standing Advisory Committee</td>
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<td>SPPF</td>
<td>State Planning Policy Framework</td>
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Executive Summary

(i) Overall Findings

Melbourne is a fast growing city, and Victoria is a fast growing State. Through natural birth increase, intrastate and overseas temporary and permanent immigration, Victoria is clearly a popular place to call home. The suburbs are growing, and the regional towns and cities are experiencing sustained levels of growth. Melbourne has an Urban Growth Boundary to keep urban sprawl in check.

To accommodate this growth, traditional housing options are making way for dual occupancies, townhouses and apartments. Where one dwelling may have existed on a large lot, these are now being converted to two or three units in the suburbs, or three and four storey apartment developments on main roads, public transport routes and in activity centres. Metropolitan and other activity centres are now generally well developed with townhouses and apartments, and new development forms are adding to the predominantly commercial and retail nodes. In the inner and central city, high rise apartments have emerged as the new and predominant residential built form, and this level of development will continue.

To try and provide some measure of planning control about how this new form of residential development and emerging housing options could be taken forward, two previous State Governments reviewed the residential zones.

In 2009, former Minister for Planning (Justin Madden) commissioned an Advisory Committee to undertake a wholesale review of the residential zones. That Committee recommended the Incremental (as the default residential zone), Substantial and Limited Change Zones. In 2012, former Minister for Planning (Matthew Guy) took that further, and commissioned another Advisory Committee to assist the introduction of the General (as the default residential zone), Residential Growth and Neighbourhood Residential Zones (along with other zone changes). These were collectively referred to as the reformed residential zones.

The current Minister for Planning (Richard Wynne MP) has now sought a review of the reformed residential zones through a new Advisory Committee process.

While it seems that the general ideology of reviewing and updating the residential zones was not in question, the roll out and application of the reformed zones has caused widespread angst and confusion. Key to this was four different planning processes used to introduce the reformed zones, resulting in a lack of clarity, transparency and consistency.

The former Residential 1 Zone was the default residential zone, and the reformed General Residential Zone was intended to be the new default zone. In many municipalities, it was. Many councils that made submissions to the Committee considered the General Residential Zone, as the default residential zone, ‘to be working very well’. However, in some of the early planning scheme amendments that implemented the reformed residential zones, land that was largely in the Residential 1 Zone was directly translated to the more restrictive Neighbourhood Residential Zone, through a section 20(4) process. This was justified on the basis of heritage and neighbourhood character issues, and that this translation would ‘protect the suburbs’.
This caused other councils to seek similar levels of Neighbourhood Residential Zone protection, and the situation emerged where much of inner and middle suburban Melbourne was being ‘locked up’ to protect the suburbs. Data from the Residential Zones State of Play reports indicate that 12% of metropolitan Melbourne is located within the Neighbourhood Residential Zone, but when that data is unpacked, there are six municipalities within the inner and middle band that have over 50% of residential land in the Neighbourhood Residential Zone, with three Councils having in excess of 70%.

In undertaking this review, the Committee has been cognisant of the work that has already been undertaken through the:

- New Residential Zones for Victoria Advisory Committee (August 2009)
- Reformed Zones Ministerial Advisory Committee (December 2012)
- Roll-out of the reformed residential zones (from July 2013)
- The Residential Zone Standing Advisory Committee (RZSAC) (February 2014)
- Plan Melbourne (May 2014) and Plan Melbourne Refresh (Discussion Paper October 2015).

The Committee considers that while there are some key issues to be reconciled with the zones, it would be inappropriate to suggest that there be further reviews from first principles, or that the reformed zones be ‘thrown out’. Rather, the Committee has taken a pragmatic approach by identifying what it considers quick fixes to make the zones more robust and workable having regard to managing growth, proximity to transport and jobs, housing affordability and diversity.

One of the key findings of the Committee is the inappropriate application of the Neighbourhood Residential Zone in some municipalities due to the way in which it was approved. There was a clear lack of rigour and transparency in the early application of the zones and it was not until the RZSAC process that questions were asked about why and how the Neighbourhood Residential Zone had been applied in such a way, and as the default zone in many municipalities. Instances where the application of the Neighbourhood Residential Zone has been applied as the default zone should be further reviewed.

Given the population growth expected in Melbourne in coming years, and the obligation of all councils to accommodate growth (while at the same time recognising that some other zones can provide for residential development), now is the time to make recommended changes to the residential zones, before they become too embedded in planning schemes.

While a range of matters were raised in the course of this review process, the Committee has addressed the key issues relating to the residential zones required by its Terms of Reference.

(ii) Consolidated Recommendations

The Committee recommends that the Minister for Planning:

Residential and Related Zones

1. Prepare and approve a ‘Day 1’ VC Amendment that includes the Committee’s recommended changes to the Residential Growth Zone, General Residential Zone,
Neighbourhood Residential Zone, Township Zone and Commercial 1 Zone. These include, but are not limited to:

**Clause 32.07 - Residential Growth Zone (Appendix H)**
- Amending the zone purposes
- Making maximum building heights specified in a schedule to the zone discretionary
- Exempting Residential aged care facilities from the maximum building height requirement
- Consequential changes to the schedule template.

**Clause 32.08 - General Residential Zone (Appendix I)**
- Amending the zone purposes
- Making maximum building heights specified in a schedule to the zone discretionary
- Exempting Residential aged care facilities from the maximum building height requirement
- Consequential changes to the schedule template.

**Clause 32.09 - Neighbourhood Residential Zone (Appendix J)**
- Renaming the zone to Limited Growth Residential Zone (LGRZ)
- Amending the zone purposes
- Increasing the mandatory maximum building height requirement for a dwelling or residential building from eight to nine metres, but with a maximum of two storeys
- Exempting Residential aged care facilities from the maximum building height requirement
- Exempting buildings subject to a Heritage Overlay from the density provisions where is it is for the adaptive re-use of non-residential buildings
- Including a ‘no net loss’ provision relating to the number of dwellings on a lot
- Providing a limited exemption from the maximum building height requirement for a dwelling or residential building for sites in the Special Building Overlay or the Land Subject to Inundation Overlay
- Consequential changes to the schedule template.

**Clause 32.05 - Township Zone (Appendix K)**
- Amending the zone purposes
- Making maximum building heights specified in a schedule to the zone discretionary instead of mandatory
- Exempting Residential aged care facilities from the maximum building height requirement
- Consequential changes to the schedule template.

**Clause 34.01 - Commercial 1 Zone (Appendix L)**
- Including Dwelling in section 2 of the Table of uses.
2. Approve a ‘Day 1’ VC Amendment that implements the List of Improvements, noted as Items 1 to 8 in Table Two of the *List of Suggested Improvements to the Residential Zones* as prepared by the Managing Residential Development Taskforce.

(Note: Recommendations 1 and 2 could be packaged as a single ‘Day 1’ VC Amendment.)

**Ministerial Direction No. 16 - Residential Zones**

3. Amend ‘Ministerial Direction No. 16: Residential Zones’ in accordance with Appendix M. The recommended modifications recognise that the reformed zones have largely been introduced and approved, and the revised Direction provides further direction about review and monitoring.

**Guidance on applying the residential zones**

4. Amend Planning Practice Note 78 to provide guidance to planning authorities on:
   - the continuing application of the residential zones
   - definitions of significant, moderate and limited residential development
   - monitoring and reviewing the performance of the residential zones
   - the preparation of housing strategies (alternatively, this could be dealt with in a new stand-alone Practice Note)

   The revised Planning Practice Note 78 should include:
   - the principles provided in Chapter 10.9
   - improved guidance in terms of evidence and justification required to support future implementation and review amendments

5. Withdraw Advisory Note 50.
6. Consolidate Planning Practice Notes 28 and 43 into an updated Practice Note that deals with neighbourhood character issues.

   These revised (or new) Planning Practice Notes and Ministerial Direction No. 16 will provide a more contemporary and considered framework for managing residential development. The Committee has not re-drafted the relevant Practice Notes but has provided its observations and findings on matters to be addressed.

**Future planning scheme amendments**

7. Require that future planning scheme amendments that implement or substantially review the application of the residential zones be reviewed through a public and independent process, such as a Panel established under Section 153 of the *Planning and Environment Act 1987* and/or an Advisory Committee established under Section 151 of the *Planning and Environment Act 1987*.

**Monitoring residential development**

8. Develop and implement a state-wide residential development and growth monitoring program to:
   - assist planning authorities to develop housing strategies
   - monitor residential development and assess the performance of the residential zones
• assist planning authorities to prepare planning scheme amendments that implement or review the residential zones
• inform the community and stakeholders about residential development trends and issues.

9. Produce State of Play reports every four years to assist planning authorities undertake planning scheme reviews required under Section 12B of the Planning and Environment Act 1987, and to inform other work such as housing strategies. The reports could include data at municipal, regional and state-wide levels that addresses (amongst other matters):
• housing diversity, including dwelling mix
• housing affordability, including data on average dwellings prices for each dwelling type
• housing supply data based on construction data rather than building approval data
• new dwelling provision and opportunities based on proximity to the Principal Public Transport Network, activity and employment centres.
1 Introduction

1.1 The Advisory Committee

The Minister for Planning appointed the Managing Residential Zones Advisory Committee (the Committee) on 29 November 2015 to report on the application of zones that provide for residential development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe, having regard to managing growth, proximity to transport and jobs, housing affordability and diversity.

The Advisory Committee comprises:

- Kathy Mitchell, Chair
- Michael Kirsch, Deputy Chair
- Debra Butcher, Member
- Sarah Carlisle, Member
- Peter Gaschk, Member
- Sarah McDonald, Member
- Rachael O’Neill, Member
- John Riley, Member.

The Committee was assisted by Andrea Harwood, Senior Project Manager of Planning Panels Victoria, who was responsible for stakeholder engagement and management, as well as assisting the Committee in all aspects of work. Ms Harwood was assisted by Emily To, Project Officer and Stefanie Poulos, Administration Officer, both of Planning Panels Victoria.

1.2 Terms of Reference

The Minister for Planning provided Terms of Reference for the Committee on 29 November 2015. These were amended on 9 February 2016 to extend the closing date for submissions from 29 February to 14 March 2016 (Appendix A). Clause 3 notes the purposes of the Committee are to:

a. Consider the process by which the new residential zones were implemented.

b. Review the current application of the zones that allow for residential development in the context of managing Melbourne and Victoria’s residential growth in a sustainable manner and improving housing affordability.

c. Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.

d. Recommend improvements to the residential zones.

e. Provide councils, the community and the industry with an opportunity to be heard.

Clause 26 of the Terms of Reference note that the Committee is to produce a report which identifies system-wide and implementation issues related to residential development and the residential zones, and in particular to consider:
a. The approach to monitoring residential development over time including consideration of Ministerial Direction No. 16, and the role of councils and the department.

b. A model methodology for preparing planning scheme amendments.

c. Any Taskforce suggestions for improving the residential zones.

d. Whether there are any further opportunities to improve the residential zones and/or associated planning tools.

...  
h. Any other relevant matters raised in the course of the public hearings that the Committee considers necessary.

The Terms of Reference note that the Committee is to provide the opportunity for interested parties to be heard, and that it must provide its report to the Minister for Planning within 40 business days from the last hearing date (which was Thursday 19 May 2016).

1.3 Extent of consideration

There are three preliminary issues that need to be addressed about the scope of work of the Committee. These relate to submissions that sought rezoning, other cities and towns in regional Victoria included in the review process, and the extent of zones that allow for residential development.

Clause 4 of the Terms of Reference notes that “It is not the role of the Committee to consider requests to rezone specific sites”. This is particularly relevant as a number of submissions sought rezoning and the Committee advised that this process was not able to accept these submissions.

The Terms of Reference note that its reporting framework relates to metropolitan Melbourne and Bendigo, Ballarat, Geelong and Latrobe. At the inception meetings in December 2015, the Committee made it clear that it would accept and consider submissions on and from any city or town in regional Victoria. It was advised by the Taskforce that the main reason the four nominated regional cities were included in the scope of consideration was due to the availability of relevant data being held for these cities that was in a form that would allow the State of Play reports to be prepared, but it did not preclude any other city or town being involved in this process.

With regard to the extent of zones that allow for residential development, the three main residential zones that provide for dwellings are the Residential Growth Zone (RGZ), General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ). Residential development (dwelling) is a section 1 or section 2, permit required use in many other zones, including:

- Low Density Residential Zone (LDRZ)
- Mixed Use Zone (MUZ)
- Township Zone (TZ)
- Commercial 1 Zone (C1Z)
• Rural Living Zone (RLZ)
• Rural Activity Zone (RAZ)
• Comprehensive Development Zone (CDZ)
• Capital City Zone (CCZ)
• Docklands Zone (DZ)
• Priority Development Zone (PDZ)
• Urban Growth Zone (UGZ)
• Activity Centre Zone (ACZ).

1.4 Consultation

Clause 12 of the Terms of Reference notes that:

The Committee may hold an Inception Meeting(s) with the relevant councils and Industry Bodies (refer to Appendix A). The purpose of this meeting is to outline the Committee process and to make preliminary directions to the Taskforce and councils. These meetings may be undertaken at a regional level.

The Committee undertook a series of inception meetings in December 2015 with the Plan Melbourne subregional groupings of councils, the nominated regional city councils and industry groups identified in the Terms of Reference. The councils and industry groups who attended the inception meetings are listed in Appendix B of this report.

Clauses 20 and 21 of the Terms of Reference note:

The Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.

The Committee may meet and invite others to meet with them when there is a quorum of at least two of its members.

The Committee held a series of meetings and workshops in February and March 2016 with various stakeholders, including councils and Industry bodies. Those parties are listed in Appendix B of this report.

Clauses 13, 14 and 15 of the Terms of Reference note:

The Taskforce will seek submissions on its Residential Zones State of Play reports and list of potential improvements. Consultation must comprise:

a. Direct notice to relevant councils and industry bodies.

b. Direct notice to known community groups (in consultation with the relevant council).


d. A comprehensive notice for each subregion in the relevant local newspaper(s).

... The Committee must consider all relevant submissions.
Further, Clauses 29, 30 and 32 of the Terms of Reference note:

The submission period will commence in early December 2015 and close at 5pm on Monday 14 March 2016.

The Taskforce is to prepare and publicly release its Residential Zones State of Play reports and list of improvements to the operation of the new residential zones no later than Tuesday 2nd February 2016.

The Committee is required to submit its issues and options report(s) in writing as soon as practicable but no later than 40 business days from the completion of the last subregional hearing and/or meeting. Committee emphasis

The Committee considers there is an anomaly in the Terms of Reference as it calls for an Issues and Options report(s). The Committee understands that this is an outcome of a former version of the Terms of Reference that initially proposed a two stage process, where the Committee would be required to prepare an issues and options paper for consideration. This did not occur, and this report is the one and final report of the Committee.

In August 2015, the Minister for Planning wrote to each Victorian local council to seek feedback on the current operation of the residential zones. He requested the councils to provide the details of local community and interests groups that may have an interest in the review of the Residential Zones. In December 2015, the Minister then wrote to each known community group identified by their respective Council, (approximately 516 groups across Victoria) as well as the nine industry bodies and the 36 councils listed in Appendix A of the Terms of Reference, advising of the Committee’s appointment, role and purpose. These known community groups, industry bodies and councils were again notified by letter from the Minister on 15 February 2016, advising of the release of the State of Play Reports and the subsequent extension to the close of the submission period.

In addition, notification included multiple advertisements placed in the Age, the Herald Sun and all metropolitan leader and regional newspapers in December 2015 and February 2016 and a reoccurring notification in the DELWP Planning Matters, a weekly electronic newsletter, between 4 February and 10 March 2016.

In response, the Committee received a total of 352 written submissions (Appendix C). The Committee acknowledges the extent and veracity of written submissions, and the further submissions provided through the public hearing process. There is extensive commentary on the submissions in the subsequent chapters of this report relating to each of the key issues under review.

Clauses 17 to 24 of the Terms of Reference note:

The Committee may pre-set the hearing dates.

The Committee will carry out a directions hearing and public hearing.

Concurrent hearings may be held with different members of the Committee.

...

The Committee may meet and invite others to meet with them when there is a quorum of at least two of its members.
The Committee may limit the time of parties appearing before it.
The Committee may regulate cross-examination.
The Committee may inform itself in anyway it sees fit.

A Directions Hearing was held on 1 April 2016 at Planning Panels Victoria. Approximately 50 parties and submitters were in attendance.

Public Hearings were held over a five week period from 18 April to 19 May 2016 at Planning Panels Victoria in Melbourne, and the regional cities of Geelong, Ballarat, Bendigo and Morwell. As per the Terms of Reference, the Committee limited the time frames for all parties that appeared before it.

Those in attendance at the Committee hearings are listed in Appendix D of this report.

1.5 Approach to this report

The Committee is cognisant of its Terms of Reference in responding to the purposes and tasks of this review. In this regard, this report discusses key background issues (planning policy, history of the residential zones, current application of the zones, State of Play reports), and the key strategic issues of managing growth sustainably, transport and jobs, and housing affordability and diversity as per its Terms of Reference.

This is followed by a discussion on implementation and monitoring issues, including the process of implementation, preparing planning scheme amendments, and monitoring residential development.

The Committee finalises its review by bringing this all together in the form of findings and recommendations relating to opportunities and improvements to the three main residential zones, as well as the other zones that provide for residential development.

The Committee has consolidated its recommendations in the Executive Summary only as the recommendations cross over many chapters.

In its report, the Committee has used the names of the councils, industry groups and community groups where appropriate, but has used the identifying submission or document number for individuals. In identifying the council name, it has not used ‘City of ...’ or Shire of ‘...', rather it has used the name only, eg Latrobe, Kingston. After each name, the Committee identifies a submission or document number in the following form (Sxx), (Dxx). The list of written submissions is included as Appendix C, and the Document list as Appendix E.

In acknowledging and referring to submissions throughout this report, it has not been possible to quote or comment on each and every submission. However, the Committee has collectively reviewed all submissions and all have contributed to the overall findings and recommendations provided to the Minister for Planning.
2 Background

2.1 Planning policy context

2.1.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides the state context for planning and decision making by planning and responsible authorities. The SPPF in conjunction with relevant policies in the Local Planning Policy Framework (LPPF) provides guidance for applying the residential zones.

Clause 16, Housing, provides the following strategies relevant to housing and residential development.

Clause 16.01-1 Integrated Housing:

Ensure the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.

Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

Facilitate the delivery of high quality social housing to meet the needs of Victorians.

Clause 16.01-2 Location of residential development:

Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Clause 16.01-4 Housing diversity:

Ensure housing stock matches changing demand by widening housing choice.

Support opportunities for a wide range of income groups to choose housing in well-serviced locations.

Clause 16.01-5 Housing affordability:

Deliver more affordable housing closer to jobs, transport and services.
Clause 18 Transport includes:

*Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.*

### 2.1.2 Plan Melbourne and Plan Melbourne Refresh


*Plan Melbourne* seeks to accommodate Melbourne’s projected population growth which is estimated to reach over 7.7 million people by the year 2051. To house this forecast population, it is estimated that an additional 1.6 million dwellings will be required, delivered in the form of 530,000 detached houses, 480,000 apartments and 560,000 townhouses.

Where relevant, planning and responsible authorities must consider and apply the strategy.

A number of chapters in *Plan Melbourne* provide guidance relating to residential development in the context of managing growth, proximity to transport and jobs, housing affordability and diversity.

*Plan Melbourne* aims to provide diversity of housing in defined locations that cater for different households, and are close to jobs and services. Four key housing directions include:

- **Direction 2.1:** Understand and plan for expected housing needs.
- **Direction 2.2:** Reduce the cost of living by increasing housing supply near services and public transport.
- **Direction 2.3:** Facilitate the supply of social housing.
- **Direction 2.4:** Facilitate the supply of affordable housing.

Chapter 4 of *Plan Melbourne*, ‘Liveable communities and neighbourhoods’, aims to “*create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities*”. Initiative 4.2.1 includes:

- Deliver the Neighbourhood Residential Zone across at least 50 per cent of Melbourne’s residential-zoned land.
- Ensure municipal housing strategies address the need to protect neighbourhoods.


…*to increase housing certainty for housing development,*

…*to facilitate an increase in affordable housing and housing supply in established areas,* and
to develop comprehensive data and strategies to better guide housing planning.

In terms of applying the NRZ to at least 50% of residential land, the Discussion Paper included two possible responses:

*Deleting the action and replacing it with a direction that clarifies how the residential zones should be applied to respect valued character and deliver housing diversity.*

*Retain at least 50 per cent as a guide but expand the criteria to be applied in variations between municipalities.*

A consultation period followed the release of the Discussion Paper and major submission themes were summarised in the Plan Melbourne Refresh Summary of Submissions (2016). Relevant to the remit of this Committee, the Summary of Submissions discusses:

- the application of the NRZ
- housing diversity
- new planning tools, specifically zones.

The Summary of Submissions refers to Plan Melbourne’s initiative to apply the NRZ to 50% of metropolitan Melbourne’s residential land and the notion of metropolitan housing supply. The Summary of Submissions noted that:

Many individual and local government submitters said that equity is important and all local government areas should take their fair share of population growth; some perceived this not to currently be the case. Some submitters were also concerned that there may be a requirement to wind back the extent of Neighbourhood Residential Zone currently in place.

With regard to supporting housing diversity, the report noted that many submitters:

... supported an approach that would help make housing flexible and adaptable to meet households’ needs as they change over time ...

The report noted that with regard to housing diversity, submitters generally said that:

Current apartment-style infill developments and compact greenfield subdivisions are not providing housing diversity.

A revised Plan Melbourne is expected to be released in 2016.

Beyond the SPPF and the metropolitan planning strategy, there is a need for effective residential planning at a more micro level. Plan Melbourne and other metropolitan planning strategies that precede it have underpinned the development of subsequent municipal housing strategies, structure plans and other strategic frameworks which have in turn influenced the range of planning tools selected to implement them.

However there is a need to ensure local planning frameworks provide sufficient long-term housing opportunities. The Plan Melbourne 2015 Review report prepared by the Plan Melbourne Review Ministerial Advisory Committee notes that it is not clear whether local municipal housing strategies will collectively deliver the quantum and diversity of housing required to meet the projected need.
Plan Melbourne established subregional planning through the five subregional groups, although to date, these have been used primarily to consider infrastructure needs. The Plan Melbourne Discussion Paper introduces options to better articulate the housing task for Melbourne, including setting metropolitan subregional housing targets or developing a metropolitan housing strategy that includes preferred housing outcomes.

A number of submissions were made about the potential benefits of a metropolitan Housing Strategy or better State direction to inform the preparation and content of municipal housing strategies. The Committee agrees that more expansive metropolitan or subregional housing policy would provide greater clarity and guidance to councils about managing residential growth at the local level.

2.1.3 Local Planning Policy Framework

The LPPF, the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Polices at Clause 22, set out councils’ land use policies and strategies that are tailored to municipal geographic and demographic characteristics.

2.1.4 Particular Provisions

ResCode is implemented by provisions at Clauses 54 and 55 that provide a range of objectives and standards for residential development. ResCode is further discussed in Chapter 10.5.

Clause 56 (Residential Subdivision) applies to subdivision applications in the NRZ, GRZ, RGZ, MUZ and TZ, and any CDZ or PDZ that provide for residential development.

2.1.5 Ministerial Direction No. 16 Residential Zones (MD16)

Ministerial Direction No. 16 - Residential Zones (2014) provides direction to planning authorities in metropolitan Melbourne in applying the RGZ, the GRZ and the NRZ.

MD16 requires a planning authority when preparing a relevant planning scheme amendment to:

- apply the GRZ or apply the three residential zones
- use a housing strategy to inform the balanced application of the three residential zones
- act without delay in applying the three residential zones
- evaluate and monitor the implications of the application of any of the three residential zones within two years of their gazetted into the planning scheme.

It further establishes that at least 50% of metropolitan Melbourne’s residential zoned land must comprise the NRZ.

2.1.6 Planning Practice Note 78 Applying the Residential Zones (PPN78)

Planning Practice Notes provide ongoing advice about the operation of the Victoria Planning Provisions (VPP), planning schemes and a range of planning processes, but do not carry any statutory weight.

Planning Practice Note 78: Applying the Residential Zones provides guidance about the purposes and features of the suite of residential zones as well as how to apply the zones.
2.2.1 Zone overlays, reason, industry

The Victoria State Planning Amendment Scheme 2013 provides for implementation of Residential Zones being introduced into planning schemes, with the aim of improving certainty for all development and planning processes. The current suite of new residential zones provide for improving the implementation of state and local policy and more determinative of outcomes. The report of the Reformed Zones Ministerial Advisory Committee succinctly stated its goal “for a better planning system ... to provide:

- Clearer rules
- Greater certainty
- Simple processes for simple proposals”.

The task of this Committee is to review the operation of the reformed zones. For that reason, some understanding of the historical context of the residential zones is important.

2.2.1 Report on new residential zones for Victoria

The three standardised residential zones, the Residential 1, 2 and 3 Zones introduced by the State Government in 1997, were reviewed and reported on a decade later through the Making Local Policy Stronger report of 2007. This report highlighted the mismatch between the policy framework and the implementation package of zones and overlays. Recommendation 1 of Making Local Policy Stronger sought that more planning certainty be provided by making it easier to implement policy through planning controls. In particular, that more opportunity be provided to express state and local policy outcomes through zones, overlays and particular provisions.

In February 2008, the Government released the discussion paper New Residential Zones for Victoria which outlined a broad structure for three new residential zones that provided for substantial, incremental and limited change. The proposed new zones were intended to more accurately reflect the objectives of state and local planning policies for housing and
provide more effective tools to councils to manage residential growth and change. The discussion paper contemplated that councils would have the ability to vary the standard zone requirements to meet local circumstances.

An Advisory Committee was appointed to review the three proposed residential zones and provide recommendations on the form, content, operation and implementation of the new zones. That Committee submitted its report, New Residential Zones for Victoria, in August 2009. (Note: this current Committee includes the Chair of the 2009 Advisory Committee [Ms Mitchell] and one other member [Mr Kirsch].)

That Committee supported the general approach of identifying high, medium and low growth areas. Importantly, the Committee noted that, irrespective of the new zones, significant residential development was expected to occur in the ACZ, MUZ, PDZ and CDZ, all of which were expected to play a key role in contributing to providing for housing intensification in established areas.

A key element of that work was the view that discretionary controls were the starting point in the VPP, and that the introduction of mandatory height controls as a default position was not supported. However, it advised that where strategically justified, a mandatory height should be able to be provided in a schedule to the proposed Limited Change Zone, or in a separate overlay. The Committee recommended that building height should be expressed in metres and not storeys.

That Committee’s recommendations were not formally responded to by the then Government, however the report was released publicly in 2012.

2.2.2 Reformed Zones Ministerial Advisory Committee

In July 2012, the then Minister for Planning released a package of proposed changes to the residential, commercial, industrial and rural zones of the VPP with the announcement of a public consultation process.

A Ministerial Advisory Committee, the Reformed Zones Ministerial Advisory Committee was appointed in November 2012 to assist with consultation and to provide advice about the final form of a suite of proposed reformed residential zones. The task included advising on the form and content of the zones as well as the manner by which the zones should be introduced.

That Committee submitted the Residential Zones Progress Report in December 2012 and made 21 recommendations. The recommendations suggested a number of improvements to the residential zones which aimed to provide greater protection of neighbourhood character and residential amenity, and provide clearer rules and greater certainty for the community.

The suggested changes were largely agreed to by Government, with 18 of the 21 recommendations supported in the Government’s March 2013 response.

2.2.3 The introduction of the new zones

The NRZ, GRZ and RGZ were introduced into the VPP through Amendment V8 in July 2013, and replaced the former Residential 1, Residential 2 and Residential 3 Zones. Key features of the reformed zones included:
new purposes to clearly define the zone
multiple schedules allowed to each zone
the ability to specify a maximum building height of a dwelling or residential building via a schedule.

Transitional provisions were inserted into the reformed residential zones through Amendment VC104 on 22 August 2013 to ensure that existing applications would not be disadvantaged by the new provisions included in the new residential zones.

The MUZ, TZ and LDRZ were also amended to align them with the features of the new residential zones on 15 July 2013 through Amendment VC100.

Councils were given one year from 1 July 2013 to implement the new residential zones into their planning schemes.

As anticipated by the Reformed Zones Ministerial Advisory Committee in its 2012 report, councils were at various stages of readiness to undertake a strategic implementation of the zones. In Section 9.1.2 of its report, that Committee wrote:

The ability of councils to quickly identify where the new zones should be applied and to determine the content of their new schedules is vastly different. Some councils have prepared, or are in the process of preparing, housing and development strategies and neighbourhood character strategies, while many councils have no such strategies, particularly in some rural municipalities. Many planning schemes include content in a schedule to an existing residential zone and differences in operation and implementation of the reformed zones will exist between metropolitan Melbourne and regional Victoria.

and further:

... the Committee supports the idea of a tiered approach to councils identifying how ready they are for implementation of the new residential zones as follows:
1. Councils with an existing housing and development strategy underpinning differing levels of change within their municipality. These councils could consider themselves as “tier 1” and capable of moving quickly to implementation via planning scheme amendments.
2. Councils undertaking development of a draft housing and development strategy underpinning differing levels of change within their municipality. These councils could consider themselves as “tier 2” and capable of moving toward implementation upon completion of this work.
3. Councils that have not yet undertaken any work towards a housing and development strategy underpinning differing levels of change within their municipality. For these councils in this “tier 3”, the starting point differs according to the nature of land use and development, level of development activity, spatial resolution of policy such as character and housing strategies, while taking into account inner, middle, outer, regional city and rural differences. Implementation depends upon
undertaking and completion of this work or whether the council needs to undertake further work.

To assist with implementation, the State Government published PPN78 in July 2013 that reflected the Committee’s approach and guided councils in their work.

The implementation of the reformed residential zones was generally undertaken in one of four ways:

1. Some councils with existing housing policies requested the Minister for Planning to exercise powers under section 20(4) of the Planning and Environment Act 1987 (the Act) to approve the implementation of the new zones with limited or no notice.

2. Three councils with draft or adopted housing polices proceeded in the normal way with a standard planning scheme amendment (Frankston, Greater Geelong and later, Knox).

3. Councils with no relevant policy work, or where the GRZ was a suitable response, opted to transition all of their residentially zoned land to the GRZ via one of two ‘direct translation’ amendments (Amendment GC9 and Amendment VC116).

4. Some councils went through the Residential Zones Standing Advisory Committee (RZSAC) process, and undertook a public hearing process in accordance with the RZSAC Terms of Reference.

Councils generally chose an approval process reflecting the stage of its readiness to undertake a strategic implementation of the zones.

Twenty metropolitan councils implemented the three core residential zones, the GRZ, NRZ and the RGZ. Fifty two councils opted for a direct translation to apply the residential zones. These were primarily regional Victorian councils.

2.2.4 Residential Zones Standing Advisory Committee

The RZSAC was appointed in February 2014 to advise the Minister for Planning on the suitability of draft amendments to introduce the new residential zones. (Note: the Deputy Chair of RZSAC is also Deputy Chair of this current Committee [Mr Kirsch].) At the time of appointment, only Glen Eira had applied the new residential zones (via a section 20(4) amendment).

The RZSAC considered 25 draft amendments, received approximately 2,256 submissions and heard over 600 submitters over a two stage process.

(i) Stage One

The RZSAC considered 14 draft amendments, and submitted the Residential Zones Standing Advisory Committee Stage One Overarching Issues Report and individual reports on each amendment in June 2014.

The Overarching Issues Report contained six overarching recommendations to address broader issues raised during the process to improve the performance of the zones and address uncertainties and ambiguities associated with applying the new zones. Specifically, the recommendations were to:
• Refer any matter, where the RZSAC has recommended that a draft amendment not proceed, to the RZSAC after council has progressed the recommendations outlined in the relevant Stage One draft amendment report
• Update and consolidate the following Planning Practice Notes to address neighbourhood character and the principles for addressing it in planning schemes in conjunction with PPN78:
  - Planning Practice Note 43: Understanding Neighbourhood Character (PPN43)
  - Planning Practice Note 28: Using the Neighbourhood Character Provisions in Planning Schemes (PPN28)
• Review the integration of the zone schedules and overlays to address respective roles of residential zones and overlays, and decide which of these should be used to manage built form outcomes and how to best reconcile potential conflicts
• Reconcile the reference to building heights in the purpose of the RGZ with the provisions of the zone and associated references in PPN78
• Reconcile the GRZ schedule with the commentary for the schedule template in the Ministerial Direction on the Form and Content of Planning Schemes, in relation to the permit requirement for the construction of extension of one dwelling on a lot
• Amend the NRZ to provide for an applicable flood level to be included in the maximum height.

The former Government agreed to the six overarching recommendations in September 2014 but they are yet to be implemented.

The Report included 31 ‘principles’ which were developed by the RZSAC during the review of draft amendments. The principles covered a range of topics including the SPPF and Plan Melbourne, housing strategies, application of the NRZ, GRZ and RGZ, schedules, overlays, PPN78, covenants, character, mandatory provisions and Clauses 54 and 55.

This current Committee considers that the principles are a best practice approach in informing the application of residential zones, and they remain relevant and current. The various themes and issues that underpin the principles are discussed further in the following chapters of this report.

Of the 14 draft planning scheme amendments in Stage One, RZSAC recommended that 10 draft amendments (Ararat, Ballarat, Cardinia, Darebin, Greater Shepparton, Latrobe, Moorabool, Mornington Peninsula, Southern Grampians and Whittlesea) proceed as amendments. It further recommended that four draft amendments (Boroondara, Kingston, Moonee Valley and Moreland) not proceed, and provided findings and recommendations to assist these councils to implement the zones.

(ii) Stage Two

In Stage Two, amendments were referred to the RZSAC either by the councils, or by the (former) Minister for Planning. The RZSAC considered a further 11 draft amendments, six of which were at the request of the Minister. The RZSAC produced 10 individual reports.

The RZSAC recommended that seven draft amendments (Banyule, Brimbank, Darebin, Maribyrnong, Melbourne, Whittlesea and Whitehorse,) proceed as amendments. It
recommended that three draft amendments (Boroondara, Nillumbik and Bayside) not proceed. Yarra requested the RZSAC to defer consideration of its amendment.

2.3 Current application of zones

Clause 3b of the Terms of Reference states that the Committee is to:

> Review the current application of the zones that allow for residential development in the context of managing Melbourne and Victoria’s residential growth in a sustainable manner and improving housing affordability.

2.3.1 Where zones allowing for residential development have been applied

The State of Play reports produced by the Managing Residential Development Taskforce (the Taskforce) provide a geographic analysis of where zones that allow for residential development have been applied across Victoria. The analysis includes any zone that allows for residential development - not just the three residential zones. The State of Play reports are discussed further in Chapter 3.2.

(i) Zoning in metropolitan Melbourne

The overall distribution of residential land across metropolitan Melbourne is summarised in Table 1.

Table 1 Overall distribution of residential land

<table>
<thead>
<tr>
<th>Percentage of residential land</th>
<th>Type of growth</th>
<th>Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>44%</td>
<td>Incremental change</td>
<td>GRZ</td>
</tr>
<tr>
<td>23%</td>
<td>Limited change</td>
<td>NRZ, RLZ, LDRZ</td>
</tr>
<tr>
<td>25%</td>
<td>Broad hectare</td>
<td>UGZ, CDZ</td>
</tr>
<tr>
<td>5%</td>
<td>Higher density</td>
<td>RGZ, CCZ, C1Z, ACZ and the MUZ</td>
</tr>
</tbody>
</table>


The distribution of the zones across Melbourne varies considerably from municipality to municipality, and from subregion to subregion. These variations are due at least in part to successive eras of settlement patterns across Melbourne. The table included at Appendix F summarises which zones are used in individual municipalities and in the four regional cities included as part of this review process.

(ii) Zoning in regional cities

In regional Victoria, the GRZ is the most commonly used residential zone. Most non metropolitan councils undertook a direct translation from the former Residential 1 Zone to the GRZ.

The larger regional cities contain significant areas of broad-hectare residential land. Greater Geelong has the most broad-hectare land (approximately 4,700 hectares), followed by Ballarat (approximately 1,700 hectares).
A significant proportion of residential land in the regions is zoned for limited change, reflecting that large areas surrounding regional cities and towns are zoned RLZ or LDRZ. These lower density zones often provide a buffer between urban areas and the surrounding rural areas. This is particularly noticeable in Greater Bendigo, which has 83.3% of its residential land in the RLZ and the LDRZ.

2.3.2 Discussion

Based on the information provided in the State of Play reports and submissions lodged by councils and others, it is clear that the majority of councils have used the suite of residential zones to guide development.

It is also apparent that many councils rely on other zones that facilitate residential development to meet housing targets, achieve consolidation and provide diversity in housing. Typically those municipalities where strong growth is occurring in other zones are centrally located, in particular, in the Central Subregion (including Melbourne, Maribyrnong, Port Phillip, Stonnington and Yarra).

However, it is clear from submissions that there is a perception, amongst some councils and some submitters, that the application of the zones has been unfair. This is based on the disparity between approval processes for implementing the new residential zones and the percentages of each zone applied to land in certain parts of Melbourne. Indeed, much discussion was focused on percentages to substantiate a position that some areas have to accommodate more growth than others.

Derived from the State of Play reports, a snapshot of the application of the residential zones is provided in the table at Appendix F. The table includes details of other land that is zoned to accommodate residential development, and references existing and projected housing and population targets and existing population density.

The Committee notes from a review of the data provided in the table at Appendix F that, based on population projections, there would be an increase of 1,680,963 persons by 2031 in metropolitan Melbourne and the four regions. The majority of the population growth will occur in the growth municipalities of Cardinia, Whittlesea, Melton and Wyndham, and in Melbourne. It notes the role that other zones that allow for residential development play in accommodating population growth, and that the subtlety of this effect may be lost in a crude assessment of which municipality has a higher percentage of land in the NRZ.

For instance, Stonnington has 33.4% of its land in the NRZ, but its existing average population density is 49 people per hectare of residentially zoned land and its projected population is 35,709 to 2031. It is a relatively densely populated municipality, has experienced high levels of growth and will continue to grow despite having a relatively high percentage of land in the NRZ.

Equally, Moreland has 61.7% of its land in the NRZ, but its existing average population density is 37 people per hectare of residentially zoned land and its projected population is 59,382 to 2031.

Conversely, Greater Geelong has 1.3% of its land in the NRZ, an existing average population density of 19 people per hectare of residentially zoned land, with a projected population of 77,509 to 2031.
The application of the zones is a complex matrix. While some municipalities may seem to have a disproportionate amount of land in the NRZ, it has been applied in areas that typically have higher than average existing population densities and where growth is on the whole expected to keep pace with other municipalities. Some of these municipalities also have large areas of land in other zones that facilitate residential development.

However, the critical issue is ensuring there is sufficient housing capacity to accommodate future growth and residential development opportunities, and ensuring that all municipalities in metropolitan Melbourne provide for a fair proportion of new growth. This is especially relevant in areas that have good access to services such as public transport, employment, retail and community facilities.
3 Managing Residential Development Taskforce

Clause 11 of the Terms of Reference is:

The Committee will be assisted by the Managing Residential Development Taskforce (the Taskforce) comprising staff from the Department of Environment, Land, Water and Planning. The Taskforce will:

a. Prepare a Residential Zones State of Play report for each of the Metropolitan subregions and one combined report for the four regional cities of Bendigo, Ballarat, Geelong and Latrobe (six reports in total). The Residential Zones State of Play reports will consider the residential zones and other zones that allow for residential development.

b. Compile a list of potential improvements to the operation of the new residential zones.

c. Undertake work at the direction of the Committee.

3.1 Background

At the commencement of this review process, the Planning Group of DELWP established the Managing Residential Development Taskforce to provide assistance to the Committee.

The Committee was initially assisted by the Taskforce through the establishment of the Inception Meetings in December 2015, the production of the Residential Zones State of Play Reports in late January 2016, and attendance at some of the public hearings by members of the Taskforce.

At the Inception Meeting, members of the Taskforce, through Mr Simon Micmacher, (Manager, Forward Policy and Research) and Ms Jessica Cutting, (Senior Project Manager, Planning Implementation) provided advice to the Committee and other participants about the forthcoming State of Play reports and the general program of work from the perspective of the Taskforce. Mr Micmacher was assisted by Mr Kieran Perkins (Senior Project Manager) and Mr Dave Matthews (Planner, Urban Research), and Ms Cutting was assisted by Ms Anna Huggins (Project Officer). (Note: Ms Cutting resigned from the Department in January 2016 and played no further role in the Taskforce).

The Taskforce, through Mr Micmacher, presented an overall summary of the key issues and findings from the State of Play reports at the commencement of each of the key sessions of the public hearings, these being:

- Threshold and industry – 18 April 2016
- Central subregion – 27 April 2016
- Northern and southern subregions – 3 May 2016
- Eastern and western subregions – 10 May 2016.

Following the submission of the State of Play reports and the presentations at the hearings, the Taskforce took no other role in the deliberations of the Committee.

The Committee expresses its appreciation of the Taskforce’s work in the early stages of the process, particularly that of Mr Micmacher for his contribution to this process.
3.2 State of Play Reports

Clause 11a of the Terms of Reference requires the Taskforce to:

*Prepare a Residential Zones State of Play report for each of the Metropolitan subregions and one combined report for the four regional cities of Bendigo, Ballarat, Geelong and Latrobe (six reports in total). The Residential Zones State of Play reports will consider the residential zones and other zones that allow for residential development.*

3.2.1 Overview

The State of Play reports provide a detailed snapshot of the current application of the new residential zones, along with important contextual information. The reports comprised:

- the Overarching Report
- reports for each of the five Subregions of metropolitan Melbourne identified in *Plan Melbourne*
- a Regional Cities Report for Ballarat, Bendigo, Greater Geelong and Latrobe.

The Overarching Report establishes the demographic and housing supply context for reviewing the application of the new residential zones.

The five Subregional Reports provide an overview at the subregional level, including information on demographics, housing supply, population growth, residential zones and anticipated population growth. They contain a chapter on each municipality within the relevant subregion, with information on how the zones were introduced and the current application of the residential zones.

The Regional Cities Report provides a chapter on each municipality, similar to the Subregional Reports, but does not include an overview at subregional level.

The State of Play reports cover the following key areas:

- population growth, housing supply and housing diversity data and projections
- where the three key forms of residential development in Victoria (urban renewal, broad hectare development and residential infill) are occurring and their impacts
- a geographic analysis of where zones that allow for residential development have been applied across Victoria
- the process by which the new residential zones were implemented
- the impacts to date of the new residential zones.

It is important to note that the analysis in the State of Play reports is not restricted to land contained in the new residential zones (the NRZ, the GRZ and the RGZ). It takes into account all zones that allow for residential development. The State of Play reports have provided valuable information that has greatly assisted the Committee in reviewing the implementation of the new zones, and addressing various elements of its Terms of Reference.

3.2.2 Population growth, housing supply and housing diversity

The State of Play reports provide information on:

- population growth, demographic change and household type in Victoria
• housing supply and housing diversity in Victoria.

(i) Population growth, demographic change and household type

The State of Play reports found that while similar patterns are expected in metropolitan Melbourne and regional Victoria, Melbourne will experience more rapid overall growth than regional Victoria:

• metropolitan Melbourne’s population is projected to grow by 73% by 2051, taking Melbourne’s population from 4.5 million to 7.8 million
• regional Victoria’s population is projected to grow by 60% by 2051, taking its population from 1.33 million to 2.13 million.

Victoria’s population is projected to age over the period to 2051. People aged 65+ are predicted to increase to 22% of the total population (from the current 14%). For some time, the proportion of regional Victoria’s population that is 65 plus has been increasing more rapidly than in metropolitan Melbourne. This trend is expected to continue.

Population growth in Melbourne is predicted to be strongest in locations where there is a greater capacity to provide new dwellings. This includes Melbourne’s growth areas (where land supply is plentiful), redevelopment sites (such as disused industrial land), and the Central Subregion (where development occurs at the greatest densities).

The distribution of growth in regional Victoria is predicted to be varied. Some remote areas are likely to grow very slowly (or even decline in population), while Victoria’s 10 regional cities are expected to account for 65% of regional Victoria’s growth. 70% of this growth is anticipated to occur in Ballarat, Greater Bendigo and Greater Geelong.

The Overarching Report analyses how Victoria’s growing population and changing demographics are influencing changes in household types. By 2051, it is expected that ‘couple with children’ households will remain the dominant household type in metropolitan Melbourne, growing from 540,000 in 2011 to 950,000 in 2051 (refer to Figure 1).

However, it is predicted that ‘couple with children’ households will start to become a smaller proportion in the overall mix of household types, as more rapid growth occurs in one or two person households both in metropolitan Melbourne and in regional Victoria. In 2011, there were under 800,000 smaller households in Victoria, whereas by 2051, it is projected that there will be over 1.6 million (refer to Figure 2).

The State of Play reports found similar patterns of change in household types between metropolitan Melbourne and regional Victoria. The key difference is that regional Victoria’s population has been ageing for longer than metropolitan Melbourne’s. By 2011, smaller single and two person households had already become the majority of household types in many regional locations. This is not expected to occur in metropolitan Melbourne except in the central city (where single and couple only households predominate) and certain suburbs (where older age groups predominate).
Figure 1  Past and projected households by type in metropolitan Melbourne, 2001 to 2051  
*Source: Overarching Report, Residential Zones State of Play, 29 January 2016*

Figure 2  Past and projected households by type in regional Victoria, 2001 to 2051  
*Source: Overarching Report, Residential Zones State of Play, 29 January 2016*
(ii) Housing supply and housing diversity

The State of Play reports analyse trends in building approvals for residential development in Victoria over the past 15 years (refer to Figure 3). The data shows that housing approvals has increased markedly over this period:

- during the 2000’s, Victoria averaged around 41,000 dwelling approvals per annum
- from 2009 to 2015, the average increased to over 54,000 dwelling approvals per annum, peaking at 66,000 in 2014/15.

Although the 2014/15 peak may not be sustained, high levels of approvals are predicted to continue.

![Graph showing building approvals in Victoria, Metropolitan Melbourne, and Regional Victoria from 2002-2015](image)

Figure 3 Annual residential building approvals: Metropolitan Melbourne, Regional Victoria and Victoria

*Source: Overarching Report, Residential Zones State of Play, 29 January 2016*

Over 80% of new dwelling approvals were issued for metropolitan Melbourne. In recent years, Greater Geelong experienced the largest share of regional housing supply.

According to the State of Play reports, the building approval data from the past 15 years shows the following trends:

- apartments in metropolitan Melbourne now comprise the main form of new housing in Victoria
- the supply of detached houses in metropolitan Melbourne has been somewhat volatile
there has been some growth in semi-detached townhouses and units, mainly in metropolitan Melbourne

- single dwellings represent over 90% of the new housing supply in regional Victoria (although Greater Geelong has experienced a noticeable increase in medium density development).

It is clear from the State of Play reports that the form of new housing supply varies considerably between:

- urban renewal areas (where apartments predominate)
- residential infill areas (where dual occupancy, townhouses and units predominate)
- broad- hectare development areas (where single dwellings predominate).

The State of Play reports do not seek to analyse in any detail what types of housing are in demand, and where demand is likely to increase in future. However the Overarching Report makes some significant observations.

First, smaller one and two person households are a significant and growing part of the overall mix of household types, particularly in regional Victoria. The growth in this sector is expected to continue. This is likely to lead to increased demand for smaller dwellings.

Second, the Overarching Report cites research by the Grattan Institute ‘The housing we’d choose’ (2011) that indicates that when trading off price against location, travel times and housing type, many households would prefer units and townhouses in established areas of Australia’s capital cities, instead of single dwellings on the urban fringe. The Grattan Institute’s research suggests that there is unmet demand for these types of dwellings.

3.2.3 The three forms of residential development

The State of Play reports look at the three primary forms of residential development in Victoria (urban renewal, broad- hectare development and residential infill) and provide some analysis of:

- where each form of residential development is occurring
- the predominant zoning for each form of residential development
- the built form impacts of each form of residential development.

According to the State of Play reports, across metropolitan Melbourne:

- 42% of new housing supply is occurring in urban renewal areas
- 31% is occurring in broad- hectare developments
- 25% is occurring in residential infill developments.

Further, it appears that the targets discussed in the Plan Melbourne Refresh Discussion Paper, for 70% of Melbourne’s growth to occur within Melbourne’s established suburbs and 30% to occur in the declared growth areas, are being met.

(i) Urban renewal

Urban renewal is the predominant form of new housing supply across Melbourne, providing 42% of Melbourne’s new housing, and occurs mainly on non-residentially zoned land (typically in the C1Z, MUZ and CCZ).
Urban renewal has mainly been within the Central Subregion, where transport infrastructure and employment growth have been greatest. Urban renewal is increasingly occurring in Melbourne’s middle ring suburbs, in and around activity centres and along major transport routes. In 2014/15, nearly half of all 4 plus storey apartment approvals (which is the predominant form of new housing supply in urban renewal areas) were in Melbourne’s middle ring suburbs.

Victoria’s regional cities are also experiencing some urban renewal in areas around transport and commercial activities.

Urban renewal generally consists of higher density development, often multi-storey apartments. Urban renewal areas can experience significant and rapid population growth and change in built form, with building height being a dominant feature. This is particularly so for large urban renewal sites (such as Docklands and Tooronga Village), and where clusters of smaller urban renewal sites occur.

These rapid changes in built form and population densities have given rise to community concerns, particularly in relation to liveability, amenity, pressures on infrastructure and quality of built form outcomes.

(ii) Broad-hectare housing development

Broad-hectare housing development is providing approximately 31% of Melbourne’s new housing supply. There is an estimated 25 plus years of land supply within Melbourne’s current and future Precinct Structure Plan (PSP) areas, and land in broad-hectare residential areas is generally the most affordable residential land.

Broad-hectare developments are generally zoned UGZ in metropolitan Melbourne and in some areas in Victoria’s larger regional cities.

Some broad-hectare areas are zoned CDZ. Broad-hectare development occurs predominantly in Melbourne’s declared growth areas on the fringes of metropolitan Melbourne. Up to 2015, growth areas in the Western Subregion were experiencing the most growth. Broad-hectare development is also occurring on the fringes of Victoria’s larger regional cities, including Geelong, Ballarat and to a lesser extent Bendigo.

Single dwellings are the predominant form of housing supply in broad-hectare residential areas, with townhouses and semi-detached housing representing a small but increasingly significant proportion of the supply in some growth areas.

(iii) Residential infill

Residential infill represents roughly 25% of Melbourne’s new housing supply, and typically takes the form of dual occupancies, smaller unit and townhouse developments of between two and nine dwellings, and ‘one for one replacement’. Units and townhouses can represent a more affordable alternative to single dwellings, particularly in Melbourne’s more established suburbs.

Residential infill development occurs in all of the residential zones – RGZ, GRZ and NRZ. The extent to which residential infill can occur, and the density and scale of change, is generally governed by the choice of residential zone, and the schedules that are attached to the zone.
A high proportion of Melbourne’s residential infill development is occurring in Melbourne’s middle ring, particularly in the eastern and south eastern suburbs. Relatively little residential infill occurs in the Central Subregion (which is dominated by urban renewal). Nor is residential infill a significant form of housing supply in Melbourne’s growth areas (which are dominated by broad- hectare development).

In regional Victoria, Greater Geelong is experiencing the most significant amount of residential infill, particularly in the Geelong West/Newtown area, and in Barwon Heads and Ocean Grove.

Residential infill (in particular dual occupancies and unit/townhouse developments) can have significant impacts on the built form and vegetation densities in established areas. The State of Play reports point out that residential infill projects annually transform more land area than major redevelopment projects, but tend not to attract the same levels of community attention or concern as some urban renewal projects.

3.2.4 Impacts of the new residential zones

The State of Play reports provide a geographic analysis of where zones that allow for residential development have been applied across Victoria. The analysis includes any zone that allows for residential development - not just the new residential zones. Further, the reports provide a brief summary of the process by which the residential zones were implemented in each of the metropolitan Melbourne municipalities and the four larger regional cities. The process of implementation of the zones is discussed in Chapter 7.

The State of Play reports discuss the known impacts of the new residential zones since their implementation on 1 July 2014.

For most municipalities, the new zones have been in operation for less than two years. This limits the extent to which the impacts of the new zones can be assessed. Two key factors are at play:

- many of the building approvals that were considered by the Taskforce when assessing current housing supply levels were issued before the new zones came into operation
- many planning approvals issued since the new zones became operational were assessed under the transitional provisions contained in the new zones.

Nevertheless, the State of Play reports analysed a range of data sources to examine the early impacts of the zones in relation to:

- housing supply
- certainty within the planning system
- the balance between protection and growth.

(i) Impacts on housing supply and housing capacity

The State of Play reports conclude that to date, the application of the new residential zones has had no identifiable impacts on aggregate housing supply in Victoria or in metropolitan Melbourne. There are, however, identifiable impacts on housing supply in specific locations.

The State of Play reports conclude that RGZ zoned land has become highly attractive as redevelopment land. This is because, although many RGZ areas were previously identified as
substantial change areas or major redevelopment sites in local policy, the zone (in particular the development and height objectives) has strengthened planning certainty for these areas, and provided greater certainty as to expected development yields.

The impacts of the NRZ are less clear. To date, the application of the NRZ has not resulted in a noticeable shortfall of new dwellings in metropolitan Melbourne. The State of Play reports anticipate that housing supply might start to decline as the NRZ takes full effect, but not substantially. This is largely because the supply of new dual occupancy and ‘one for one’ replacement housing will continue under that zone.

Impacts of the NRZ are anticipated to be greatest in areas with widespread application of the NRZ, for example Boroondara, Glen Eira and Bayside. The State of Play reports anticipate that these areas may see less new medium density housing in future, which might impact on housing diversity, choice and price in these areas. However these effects are likely to be localised, and are not anticipated to generate supply impacts of metropolitan significance.

(ii) Impacts on planning certainty

With the introduction of the new residential zones, many residential areas in metropolitan Melbourne have moved from a discretionary, policy-based framework to a mandatory framework. The State of Play reports conclude that this has resulted in greater certainty about where residential change will occur, and at what scale.

In particular, RGZ zoned land has become more attractive to developers as a result of the RGZ providing certainty as to yields. This has increased land values in RGZ areas, and has helped stimulate the housing market in these areas.

Similarly, the State of Play reports anticipate fewer planning disputes and Victorian Civil and Administrative Tribunal (VCAT) appeals in NRZ areas, as the mandatory height and development controls in the NRZ have provided greater certainty about the form and scale of development.

The State of Play reports point out that the greater certainty provided by the new residential zones may have had some unintended consequences, for example:

- restrictions in relation to roof pitches and lot sizes in the NRZ
- a lack of ability to manage the interface between high density development and adjoining residential land in the RGZ.

(iii) Balancing protection and growth

State planning policy (including Direction 2.1 of Plan Melbourne and MD16) directs local government to apply the zones to ensure current and future housing needs are met, by balancing the protection of some areas with support for residential growth in others.

The State of Play reports observe that the majority of metropolitan councils and regional cities have residential land near activity centres and major transport routes zoned for a mix of incremental and higher density development (for example, land that rings activity centres along the Frankston, Dandenong and Sunbury railway lines).

However, the application of the new zones outside activity centres and major transport corridors is less consistent.
3.2.5 Submissions

(i) Overview

Overall, submissions were very supportive of the State of Play reports. The submission from Frankston (S32) stated:

_First of all the Taskforce should be congratulated for the extensive work and the legibility that its information is presented. This provides a clear process for council to respond against and provides a consistent benchmark for all councils. It is hoped these reports can be prepared as a minimum every 5 years._

The Municipal Association of Victoria (MAV) (S132) described the State of Play reports as an “important and useful addition to the Advisory Committee process”, and recommended that the Department regularly prepare State of Play reports to assist councils applying or modifying the residential zones.

Support was not, however, universal. For example, Knox (S149) submitted that:

_Council considers that reports such as the Residential Zones State of Play Reports are of value only when it is clear what is being measured and for what purpose. Statistics provided in isolation of policy objectives add little value and are unlikely to be worth the significant resources required to produce this type of work. In this vein, we would say that reports such as these must provide information spatially, at a level which reflects the policy directions being assessed, such as activity centres at the local level or regions at the metropolitan level._

The Urban Development Institute of Australia’s (UDIA) (S322) submission noted that while the State of Play reports provide an important analysis of Melbourne’s current development challenges, other factors that drive housing development need to be better understood and examined when making sound and effective housing policy. These include matters such as project feasibility, development viability, development costs and risks, market and sub-market dynamics, land value impacts, cost implications and supply constraints.

(ii) Timing of the State of Play reports

A number of submissions agreed that it is too early to tell what the real impacts of the new zones are likely to be, especially given that:

- many current and recent planning approvals have been considered under the former controls (by virtue of the transitional provisions)
- there is often a lag between planning approval and building approval, and the supply data in the State of Play reports is based on building approval data.

(iii) Accuracy and reliability of population projections in the State of Play reports

Some councils submitted that the population projections in the reports may not be accurate. Several councils engage consultants to carry out municipal population projections, which differ from those in Victoria in Future (VIF) (on which the State of Play projections are
based). Most councils that raised the issue (including Hobsons Bay (S148), Nillumbik (S123) and Whitehorse (S129)) said that the VIF projections were generally higher than their local projections. Port Phillip (S262), on the other hand, pointed out that its actual growth has outstripped VIF projections. Port Phillip observed that the discrepancy arose because the VIF projections utilise a demand based approach, whereas population forecasts supplied by .id Consulting Pty Ltd are based on capacity.

Save Our Suburbs (S334) submitted that when comparing the population estimates in the State of Play reports with ABS figures on immigration and birth rates, the population projections in the State of Play reports might be over inflated.

(iv) Housing supply data in the State of Play reports

Moonee Valley (S81) questioned whether the housing supply data from planned major residential development projects in the municipality (based on the Urban Development Program, 2015) included figures for four major developments currently seeking planning approval. If the dwellings from these additional proposals were included, the estimated yield from planned major redevelopment projects would be approximately 11,200 in its municipality (compared with 7,700 contained in the State of Play report).

Submissions differed on whether the State of Play reports demonstrate that future housing supply across metropolitan Melbourne will be sufficient to accommodate growing population.

Some submissions, for example the UDIA (S322) and Wolfdene (S256), submitted that the State of Play reports demonstrate that there will be an under-supply of housing in some parts of Melbourne by 2031. The UDIA noted that the data in the reports shows that only one subregion and seven municipalities will achieve a supply rate which will accommodate projected population by 2031.

On the other hand, Save Our Suburbs (S334) submitted that the State of Play reports demonstrate that 14 municipalities will end up with an over-supply of dwellings and that the over-supply may in fact be more extensive than the State of Play reports suggest.

(v) The presentation of data in the State of Play reports

Some submissions were critical of the way in which the data in the State of Play reports is presented.

Ratio Consultants (S131) submitted that the emphasis on regions in the reports disguises some important statistics, such as that 41.4% of land within 10km of the CBD is in the NRZ.

Several submissions cautioned against the comparisons made in the State of Play reports between municipalities. For example, Moreland (S122) submitted that:

Defining percentages of land in each zone to compare across municipalities can be very misleading. Depending on the detail included in the schedules to the zone, what might be a GRZ in one municipality is equivalent to an NRZ in another.

Hobsons Bay (S148) submitted that comparing dwelling increases between different municipalities can be misleading:
The State of Play reports provide information on a number of key indicators and this data needs to be carefully considered to account for relativity and unintended consequences of the new zones. For example, Hobsons Bay and Whitehorse are both classified as middle ring municipalities. Hobsons Bay has averaged an increase of 350 dwellings per annum (2010-2014) while Whitehorse has averaged 700 over the same period. On the surface it would appear that Whitehorse has taken on a significantly greater share of new dwellings however, Hobsons Bay is approximately 55 per cent of the size of Whitehorse (in terms of population and number of dwellings).

(vi) The findings in the State of Play reports

Boroondara (S94) contested the finding in the State of Play reports that the NRZ is likely to have localised impacts on housing supply and diversity:

_It is considered that, although the reports acknowledge that more time is required to properly assess the impact of the new residential zones, it is misleading to imply that the impact of the NRZ on local housing supply, diversity and affordability may be greatest in local housing markets such as Boroondara without proper monitoring and analysis._

Boroondara submitted that despite large areas of NRZ having been applied within its municipality, it has been a leading area of housing growth in the established suburbs, and (along with Manningham and Whitehorse) has high levels of apartment approvals.

The UDIA (S322) queried the finding in the State of Play that Plan Melbourne’s 70/30 target is being met. The UDIA pointed to data from BIS Shrapnel that suggests that in 14 of the last 22 years, over 40% of Melbourne’s new dwelling were accommodated in greenfield areas.

(vii) Other issues noted in submissions

Wyndham (S251) submitted that the State of Play reports assume that under the UGZ, the applied zone is typically the GRZ. They advised that this is not the case in Wyndham, with several examples of the applied zone being the RGZ. The result is that estimates about the potential yield of new dwellings in growth areas could be understated.

Wyndham submitted that the State of Play reports contain some errors or incomplete information in relation to lot numbers and housing yields within the UGZ, and submitted that lot numbers and housing yields should be based on approved and proposed PSPs, rather than existing lots within growth areas.

Whittlesea (S329) submitted that strategic documents in the Whittlesea Planning Scheme that apply the CDZ, ACZ and UGZ (such as PSPs, Development Plans or Strategy Plans) impose built form limits that aren’t reflected in the zones. As a result, the estimates in the State of Play reports of dwelling yields in Whittlesea are inaccurate. Whittlesea submitted that over time, building approval data will be a more accurate measure of dwelling numbers in these zones.

Some submissions suggested that the definitions of different housing types in the State of Play reports are not consistent with community expectations (see for example Latrobe
(S137) and Wyndham (S251)), while Wyndham submitted that the definitions in the *Precinct Structure Planning Guidelines, 2013* (Growth Areas Authority) are preferred.

Other submissions noted that the State of Play reports do not address the impacts of residential development on local infrastructure, or sustainability. For example, the Blackburn Village Residents Group (S118) submitted:

> As far as sustainable development is concerned this issue is not addressed directly in the Overarching Report or any of the Sub-Region reports. There is no discussion of the existing infrastructure from a Melbourne wide perspective or at a Sub-Region or municipal level. The infrastructure required to cope with the increased dwelling density throughout metropolitan Melbourne is not addressed.

### 3.2.6 Discussion

The State of Play reports were widely supported in submissions, and the Committee considers that they have provided a very useful tool for reviewing the application of the zones.

While there were criticisms of the reports, these were usually related to matters of scope or detail, with few submitters challenging the overall usefulness of the work. In fact, many submitters supported the ongoing release of this kind of material and analysis to assist the monitoring of residential development and zoning issues, and as an input into reviewing planning schemes and municipal housing strategies.

### 3.3 Potential improvements to Residential Zones

#### 3.3.1 List of suggested improvements

Clause 11b of the Terms of Reference requires that the Taskforce will:

> Compile a list of potential improvements to the operation of the new residential zones.

The Taskforce prepared the *List of suggested improvements to the residential zones* that was released with the State of Play reports on 2 February 2016. This included two tables:

- Table One: List of suggested improvements to the residential zones
- Table Two: Improvements that will form part of a VC Amendment.

Table One documents 74 without prejudice ‘improvements’, grouped thematically around the three core residential zones.

The Committee understands that the content of Table One was informally derived from a number of sources. In August 2015, the Minister for Planning wrote to all councils seeking views on the new residential zones. Specifically, councils were asked to provide preliminary feedback on elements of the zones that they considered were working well and elements that could be improved. The responses were included in the Table One list.

The Committee notes there was confusion among some submitters about the purpose and usefulness of the Table, particularly given that it included some conflicting suggestions, for example:
Improvement 54, ‘Vary building heights through zone schedules’

Improvement 56, ‘Apply mandatory height limits’.

The List of suggested improvements, and the State of Play reports were prepared to inform interested parties of various options and approaches, to provide context for submissions and to raise general issues. The Committee understands that this was the intention of the Taskforce, and the Committee did not form any opinion on the validity or rationale for any of the suggestions included in the list.

Many submitters took the time to comment on the suggestions in Table One, in part or in full. Some submitters took a ‘tick the box’ approach, noting their agreement or disagreement with each suggestion, whereas others presented and discussed the key suggestions they agreed (or disagreed) with.

Many submissions focussed on:
- mandatory maximum heights, particularly in the NRZ
- maximum lot sizes in the NRZ
- clarification of ‘appropriate development’ in the NRZ
- clarifying the purposes of the NRZ and the GRZ.

3.3.2 VC Amendment

Table Two provides a list of 8 ‘improvements’ to the operation of the residential zones that the Taskforce advised would form part of a VC Amendment to all municipal planning schemes. The Committee understands some of these improvements were based on the RZSAC’s overarching recommendations, while others were based on DELWP’s review of the zones, and when approved would:
- allow for flood levels to be exempted from the maximum building height in the NRZ
- clarify permit requirements for the construction or extension of one dwelling on a lot in the residential zones
- introduce the ability for flexible requirements to the maximum number of dwellings on a lot through a density scale
- allow local exemptions for building heights to be specified in the zone schedules and allow an existing building to be demolished and constructed to the pre-demolition height
- clarify and provide consistent building height exemptions in all residential zones
- clarify and provide consistent transitional provisions in all residential zones
- clarify the exemption provisions relating to subdivisions in the NRZ
- provide for Plan Melbourne and Regional Growth Plan terminology updates relating to activity centres and town centres.

Table Two noted that submissions were not sought on these changes and that they were provided for “information purposes only”. Nevertheless, some submitters provided comments on this table, and the Committee shared the assumption with many submitters that the Amendment would be prepared and approved during the course of this review process. It was initially suggested by the Taskforce that the approval of this VC Amendment
would ensure that the Committee could undertake its work without being consumed by suggestions for administrative and operational improvements to the zones.

For these reasons, the Committee has not turned its mind or deliberations to the matters intended to be included in the VC Amendment. The Committee notes that these improvements were based on outcomes of the RZSAC process, and it is understood that these had been supported by the former and current Ministers. Understandably, there was a general expectation among councils and other submitters that the VC Amendment would proceed.

The Committee considers the improvements are justified, there was public commitment to proceed with them, they are integral to the reform and improvement of the zones and they should be implemented in conjunction with the recommendations of this Committee.

### 3.3.3 Other work of the Taskforce

There were two other pieces of work that the Taskforce initially advised it would undertake to assist the Committee.

The first of these was a detailed summary of the matters and issues raised by submitters. Despite being shown drafts of this work, and having the Taskforce seek endorsement of the way in which it was compiled, the Committee was not provided with a summary of submissions.

The second matter related to a commitment to provide accessibility mapping of residential areas in or near public transport nodes and routes. Again, this was discussed at early meetings with the Taskforce, but the Committee was not provided with any further mapping or information.
Strategic issues

The head Clause of the Terms of Reference notes the Advisory Committee is appointed to:

... report on the application of zones that provide for residential development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe, having regard to managing growth, proximity to transport and jobs, housing affordability and diversity. (Committee emphasis)

The three strategic considerations of ‘managing growth’, ‘proximity to transport and jobs’, and ‘housing affordability and diversity’ are discussed the following chapters, and provide the overall strategic context for the Committee’s deliberations.
4 Managing Growth Sustainably

4.1 Background

The principles of managing growth are embodied in the SPPF of the VPP, including at Clauses 10.02 – Goal, Clause 11.02-1 – Supply of Urban Land and Clause 11.02-2 – Planning for Growth Areas. Within these policies, there are core principles of:

- identifying population growth over a 15 year period
- ensuring that sufficient land and supporting infrastructure is available to meet forecast demand
- providing clear direction on locations where growth should occur
- consolidating and intensifying existing urban areas
- preserving buildings, areas and places of [defined] value
- providing a diversity of housing type and distribution
- considering neighbourhood character and landscape
- considering the limits of land capability, natural hazards and environmental quality
- considering service limitations and costs of providing infrastructure
- monitoring development trends and land supply.

Within this policy context and the Committee’s Terms of Reference, it is appropriate to consider the role that all zones that provide for residential development play in managing growth, not just the residential zones.

4.2 Submissions

The key issues raised in submissions were:

- general support for the State of Play reports and the regular monitoring of approvals, construction and population data
- it is too soon to ascertain the real impacts of the new residential zones
- housing diversity is not just about apartments - references were made about the opportunities and ability to “age in place” and that housing diversity and affordability need to be core criteria of housing policy
- the extent to which housing growth is occurring and population targets will be achieved on land in zones other than residential zones
- a “one size fits all” approach does not work and change means different things in different areas
- areas of [defined] value such as heritage places, has resulted in the inconsistent application of the NRZ to some places, and not to others.

An overwhelming theme arising from submissions was the perception that some municipalities were doing “more of the heavy lifting” in terms of accommodating growth, and questioned how this could be better managed in a more equitable manner.

In its criticism of the application of the NRZ, Echelon Planning (D302) noted:

*We note that about 22,148ha of land across Melbourne is already within the NRZ, resulting in some 341,000 existing residential lots having very limited*
future redevelopment potential. Given this, we suggest that the potential future supply impact of the NRZ is clearly of metropolitan significance, not just local significance as suggested by the State of Play report.

Further, Melbourne (S314) stated that:

The City of Melbourne requests that the Advisory Committee consider whether the introduction and implementation of the new residential zones, and particularly the Neighbourhood Residential Zone, has limited the ability of other sub-regions to contribute to the accommodation of Melbourne’s residential growth in a sustainable manner.

Darebin (S283) noted that identifying areas for intensification and preservation is a sound approach to managing housing growth in a sustainable manner, and that the application of the RGZ would contribute positively to housing supply. In relation to the NRZ, it contended:

However, the purpose and impact of the NRZ on housing growth may take some time to understand. It is noted that the NRZ appears to have been applied to some areas across metropolitan Melbourne that are well-located and could accommodate a higher proportion of housing growth, as directed by PN78.

In highlighting the importance that other zones that allow for residential development play in housing provision, Port Phillip (S262) observed that 64% of growth in its municipality occurs in commercial and mixed use areas. It further noted that the Fisherman’s Bend Urban Renewal Area will contribute on average, a further 800 plus dwellings per year, effectively doubling the city’s contribution to housing. It submitted that:

Council highlights that the State Government must provide the ability for local government to determine how it will deliver required housing growth. This will ensure the approach is well-planned, and responsive to local conditions and community aspirations.

While submitters acknowledged the role that particular areas, such as Fisherman’s Bend, and other zones played in the provision of housing supply, there was concern that housing diversity and affordability were not being sufficiently addressed, and that housing typology was being limited. The Victorian Planning and Environmental Law Association (VPELA) (S144) described the issue as follows:

We are mindful that the conversation on housing supply typically focuses on total dwelling numbers. Given the increased supply of high rise apartments across Melbourne, ... the issue of dwelling diversity continues to be overlooked. We encourage the Committee to consider the important role of traditional medium density housing (such as townhouses and low rise multi units) in providing dwelling diversity in established areas, its role in allowing ‘aging in place’ as well as contributing to housing affordability in so far as providing smaller housing in established areas. This form of housing provides a useful ‘middle ground’ between high rise apartments and detached dwellings and is often overlooked when dwelling capacity is measured.
Further submissions raised issues about infrastructure and the ability to accommodate growth, with Boroondara (S94) submitting that:

Council also urges the MRDAC to consider the importance to strategically assessing and planning for the provision and upgrading of key infrastructure. Projected growth must be considered in conjunction with the capacity and functions of key infrastructure and services such as drainage, sewerage, water supply, open space, social services and public transport.

Various councils raised concerns about the application of the NRZ. Moreland (S122) stated:

There must be greater consistency and equity in application of the zones across Melbourne with regard to the extent of area covered by each zone in each municipality or region...

Cardinia (S136) noted in its submission that:

Council believes that the application of the zones has been inequitable and that applying NRZ to huge areas of Melbourne will, in time, result in another expansion of the UGB in order for growth to be accommodated.

In highlighting the perceived over-application of the NRZ in inner areas, Ratio Consultants (S131) noted that:

Our estimate is that 41.4% of residential land within a 10km radius of the CBD is located within the NRZ, an important statistic that is not uncovered in the State of Play Reports given their emphasis on regions. With Councils like Port Phillip seeking to place 70% of its residential land within the NRZ and Hobsons Bay 47%, this figure could easily climb to over 52% in the near future.

At the hearing, Urbis (D101) provided its analysis of data, including population projections, residential requirements and building activity, and concluded that:

In summary, the NRZ has been most unreasonably used in the middle ring suburbs particularly at the expense of the General Residential Zone. This has a significant implication on how our city is shaped. For example it has placed even greater pressure on the fringe and urban growth areas where infrastructure and jobs are relatively scarce by comparison.

Failure of the middle ring suburbs to contribute to urban consolidation policy by an indiscriminate blanket approach to the new NRZ is harmful and distorts housing markets and shifts responsibility and pressure to other parts of the city.

However, Urbis agreed with the assessment made by the Taskforce where it said that to date, no identifiable impact on aggregate housing supply in Victoria or metropolitan Melbourne has emerged as a result of the zones.

While there was division in the views of submitters as to whether mandatory controls provided greater certainty to users of the planning system or stifled opportunities for better design, there was concern that the zones and schedules eroded the intent and purpose of the VPP. Submission 2 stated:
... the Design and Development Overlay tool is a vastly superior instrument for controlling built form outcomes, including the important question of the scale of development. There is no logical reason why DDO’s cannot be applied more extensively over areas zoned for residential use. If DDO’s became the default mechanism for controlling built form outcomes in all zones, the Residential Zones could focus upon their original purpose, to provide guidance over questions of land use. It may also be possible to reduce the number of residential zones too; this would be a welcome outcome.

At the hearing, the HIA (D38) argued:

*HIA submit the current planning system allows zone and schedule combinations to be implemented that essentially create a pseudo entirely new zone, this leads to unacceptable planning outcomes and needs to be rigorously reviewed and be brought back in to line with State based planning objectives.*

The Property Council of Australia (PCA) (D8) said:

*All Councils require a clean slate, with all residential land being zoned General Residential Zone by default, with other zones being used where there is strategic justification.*

Ratio (S131) supported a comprehensive review of the application of the zones:

*Given the manner in which local politics and self interest has resulted in the current implementation of the residential zones in Melbourne, it is essential that a state body, such as the MPA, be responsible for any further application to take the interests of the State and future generations into account.*

*In giving such responsibility to the MPA or similar body, it would then be appropriate for them to prepare a State wide/metro wide housing strategy that cuts across municipal boundaries and that this strategy must take into account the delivery of affordable housing and dwelling diversity.*

### 4.3 Discussion

It is clear to the Committee that the most vexed issue about the new residential zones was the construct and application of the NRZ. The majority of submissions were focused on this zone; however, there were divergent views about its benefits and disbenefits.

Submissions focused on whether it would adequately contribute to accommodating Melbourne’s residential growth, whether there had been enough or too much NRZ applied in particular areas, the extent of the NRZ between municipalities, whether the inclusion of land in the NRZ adversely affected property values and development potential, and the ability to achieve housing diversity and affordability.

The Committee shares the concerns about the application of the NRZ. It was not intended that the NRZ be the default zone that would replace the Residential 1 Zone. Indeed, the 2009 *Report on New Residential Zones for Victoria*, observed that the Incremental Change Zone (which became the GRZ) would replace the Residential 1 Zone as the ‘default zone’. The 2012 *Residential Zones Progress Report*, prepared by the Reformed Zones Ministerial Advisory Committee went further and noted:
It would be unlikely that a whole municipality especially in the metropolitan area, would translate all its residential areas to the Neighbourhood Residential Zone or indeed the Residential Growth Zone. The Committee agrees with submitters on the need for sound strategic justification and that guidelines are required.

The proposed residential zones are tools to implement Government policy to identify areas that are expected to accommodate population growth and protect areas with existing neighbourhood character from rapid change. The Committee accepts a zone which limits housing growth is reasonable, however, it should be applied in conjunction with the suite of zones to achieve housing diversity and manage growth across a municipality.

The RZSAC expressed its concerns about the widespread application of the NRZ in some municipalities, and confirmed this position its Stage One Overarching Issues report, that included the following principles:

**P7**  The NRZ should not be used as the ‘default’ residential zone.

**P8**  The application of the NRZ at the municipal level should not be driven by the 50 percent reference in Plan Melbourne or the percentages applied in other municipalities.

**P9**  The NRZ should not be applied in precincts where there is policy support for significant housing growth, including near PPTN stops and activity centres unless supported by sound justification.

**P12**  The GRZ will typically be the ‘default’ zone for the R1Z.

**P26**  The existence of a Heritage Overlay does not automatically justify applying the NRZ.

**P29**  The existence of ‘character’ does not automatically justify applying the NRZ.

Consistent with the views of previous advisory committees, this Committee believes that the default zone is and should be the GRZ. However, the debate should not just be about percentages and which municipality has a higher percentage of its land in a particular zone. There should not be a percentage ‘target’ for applying the NRZ at all - reliance on a target will create a self-fulfilling system where housing strategies will be focussed on a particular percentage, rather than meeting other objectives for urban consolidation, housing diversity and affordability.

The Committee was disappointed that one council and one community group in the Eastern Region (in two different municipalities), when asked at the Hearing how growth in the respective municipalities could occur, replied that new growth could “go to the west” (The Committee has chosen not to provide the submission name or number for these submitters).

The Committee considers that each municipality needs to plan for its own growth, and it needs to do so with the collective goal to manage sustainable growth in Melbourne and Victoria. It is not appropriate to ‘lock up the suburbs’ and place limitations on consolidation opportunities that may otherwise be achieved on well-located and well-serviced land. At the
same time, it is not appropriate to direct all or the overwhelming majority of growth to main roads and activity centres. Not everyone wants to live in an apartment on a main road. It was put to the Committee that there is a missed opportunity for townhouses and other forms of medium density housing to be located off main roads, but near and close to the Principal Public Transport Network (PPTN) and activity centres.

This Committee agrees with the RZSAC finding that:

*Analysis at a local level does not provide an understanding of the implications of the local planning framework for housing provision that satisfies needs at a regional and State level.*

While particular areas identified for growth and other zones that allow for residential development are actively contributing to and accommodating housing, the focus on apartments to accommodate and meet the lion’s share of growth, misses the point of managing growth. Managing growth is about providing housing diversity and choice, and allowing people to age in place and readily access services and facilities.

In the words of one submitter (S10):

*Ageing in place is no longer an option, families in moderately new/renovated homes are being forced out of GRZ’s as they are being treated as urban renewal, rather than mixed moderate consolidation and renewal zones.*

*It cannot be the intention of the GRZ that there is only room for apartments close to amenities, and all families must travel further than apartment dwellers to access amenities. There must be room for both, but that is not our experience in our street – it appears growth trumps everything, and there is no saturation point. Growth in the suburbs should be moderate and spread more evenly.*

This sentiment goes to the issue of housing diversity and affordability, as well as access to services and facilities. It raises an interesting point, supported by Stonnington in its submission (D36), that outside mandatory control areas there is an inference that much higher densities are, or should be, permitted.

While policy seeks to encourage higher density housing on sites that are well located in relation to activity centres, employment corridors and public transport, it also seeks to ensure that housing stock matches changing demand by widening housing choice, as well as to support opportunities for a wide range of income groups to choose housing in well-serviced locations.

### 4.4 Findings

The Committee makes the following findings in relation to ‘managing growth sustainably’:

- Significant time and resources have been expended in the application of the reformed residential zones, and it is not necessary or practical to ‘unpick’ the use of these zones.
- State government housing policy and direction should provide more guidance to assist councils prepare local housing strategies.
• The application of the Neighbourhood Residential Zone in some municipalities may have compromised the intent and integrity of how the combination of the three residential zones should operate, potentially to the detriment of broader housing and growth policies.

• Municipalities that have a significant proportion of land in the Neighbourhood Residential Zone should review that allocation as part of the review of residential zones required under the revised Ministerial Direction No. 16.
5 Transport and jobs

5.1 Background

The SPPF housing policy (Clause 16) encourages the location of higher density housing on sites near activity centres, employment corridors and public transport. Transport policy (Clause 18) seeks the integration of land use and transport including concentrating high density residential development around activity centres and the PPTN. Implementation of these policies is reinforced through PPN78 which proposes use of the RGZ near activity centres, railway stations and in locations with good access to services including transport.

While MD16 does not specifically mention transport criteria, the requirements of the Transport Integration Act 2010 are included in Ministerial Direction No. 11: Strategic Assessment of Amendments as a requirement to be met. Guidance for planning authorities is provided in Planning Advisory Note 34: Addressing the Transport Integration Act 2010 in planning scheme amendments. This advises that planning scheme amendments should have regard to the transport system objectives, decision making principles and any statement of policy principles.

The State of Play Overarching report indicates that approximately 5% of metropolitan Melbourne is zoned to support higher residential densities and recognises that many councils use zones such as the C1Z, MUZ and ACZ for this purpose. The report states that in general, urban renewal has been occurring in areas with goods access to public transport and jobs:

... over the past five years there has been extensive renewal activity throughout the Central Subregion, which has added population to locations with substantial transport infrastructure and services, and where Victoria’s employment growth has been greatest. Many of Melbourne’s urban renewal sites as well as those in regional cities are also in proximity to transport infrastructure and commercial activity.

5.2 Submissions

The key issues raised in submissions were:

- higher residential densities around activity centres have generally been facilitated using the C1Z, MUZ and ACZ
- proximity to public transport has not been properly considered in applying the residential zones, with the NRZ being used in some areas with very good access to transport and activity centres
- in some municipalities residential development is seen to be overtaking commercial centres.

5.2.1 Transport

Some councils submitted that the application of the new zones, combined with the application of other zones in activity centres, has set a planning framework that supports increased residential densities in areas with good access to public transport and services.
These councils believe that this has been undertaken within the context of housing strategies and in a way that protects neighbourhood character.

As an example, Kingston (S71) submitted that it has implemented Plan Melbourne by facilitating housing growth in close proximity to public transport services, specifically along the Frankston Railway line and connecting bus routes. Kingston noted that this line is currently subject to a significant upgrade and connects residents to the Melbourne CBD and South Yarra employment locations, while bus routes connect directly to the Monash employment cluster.

Other submitters raised public transport capacity as an additional consideration, not just proximity to public transport. An example provided was the overcrowding on the number 19 tram (North Coburg - Flinders Street Station) following the approval of some 3,500 apartments in Brunswick in the last five years.

Further examples provided included reference to the Sandringham line where it was argued that there is spare capacity but little increase in density proposed, while development is occurring along the Frankston line where there are known existing capacity constraints.

Several submitters in the Lalor area were concerned about the application of the NRZ in an area close to public transport and services. Submitter S14 stated:

*The area of Lalor I live in meets all the requirements of a GRZ1 or RGZ1 owing to the government’s own guidelines for this type of zoning e.g. close proximity to transport, markets, schools, infrastructure etc.*

Public Transport Victoria (PTV) (D2) pointed to the role that increased densities within the pedestrian catchments of public transport have in underpinning the demand for and the consequent justification for increased service frequency and operating hours. In this regard, PTV considered the extent of the catchment covered by appropriate zones is not sufficient as the RGZ has only been applied to 3% and 5% of residentially zoned tram and train catchments. At the Hearing, PTV supported the application of zoning to allow higher residential densities within an 800 metre catchment, and recommended that the PPTN provide the basis for increased densities:

*It is recommended that MRDAC should take account proximity to the PPTN in the application of the zones that encourage residential development. It is also recommended that MRDAC provide guidance about how the PPTN should be considered when determining the appropriate residential zone.*

The Group of Planning Industry Professionals (D19) submitted:

*The introduction of the NRZ extensively across the inner and middle suburbs works to undermine State Policy… Boroondara has 76% of its residential land within the NRZ (State of Play, Eastern Subregion Report). This is despite, in contradiction to the 20 minute city concept and PN78, the vast majority of this municipality being within 800 metres (an easy 10 minute walk) of key nodes of public transport and activity centres.*

The provision of bicycle and pedestrian paths, along with permeability to access public transport, was also raised in submissions.
Other submitters expressed opposition to a blanket approach of zoning land near public transport for higher density residential development. Boroondara stated (D102):

*It would be easy to make a blanket rule that all residential property along a fixed transport route should be zoned GRZ or RGZ or that all residential property above a prescribed size should be zoned GRZ or RGZ, but that does not speak to the heritage overlay that may apply to those properties or to the neighbourhood character policies embedded in the planning scheme.*

There was some concern that in planning for increases in density near public transport, the focus is on the construction of apartments only, rather than providing a mix of accommodation types.

### 5.2.2 Employment

A number of councils expressed concern that the existing planning frameworks within activity centres (particularly the C1Z and the MUZ) are resulting in a focus on apartment development at the expense of employment and services. These concerns were expressed by Stonnington (S92), Moreland (S122) and Port Philip (S262) amongst other submitters, and this issue is further discussed in Chapter 14.

Some councils believe that broader employment opportunities are not being given sufficient weight when planning urban renewal sites. Knox (D149) submitted that urban renewal sites should be considered for employment use, rather than defaulting to residential use:

*The State Government needs to lead by example in the development of government land and disposal of surplus land. Integrated, transit oriented development provides an opportunity for State Government to establish best practice approaches, and requires a whole-of-government approach.*

Yarra (D327) shared this concern, particularly regarding urban renewal sites designated in *Plan Melbourne*. It considered that new tools, such as vertical zoning, are needed to manage residential and employment mix to enable their important role for employment and economic activity to continue:

*The future mix of land use activity was unclear in Plan Melbourne and unfortunately was seen to favour residential uses rather than future economic growth. Similarly, the other zones which allow residential development (apart from the Activity Centre Zone) allow little or no scope to manage activity mix and achieve employment outcomes. This means that the zones either exclude residential development and protect employment or allow residential development and provide no scope to retain or manage a significant proportion of employment related activity.*

### 5.3 Discussion

#### 5.3.1 Public Transport

The State of Play reports note that while some councils have (sparingly) used the RGZ, higher density residential development is generally being facilitated by use of other zones that have been applied in activity centres. There is some concern, as expressed by PTV, that residential development densities are not taking full advantage of the potential public
transport catchment. An example of this is where development has occurred along tram routes, but has not been facilitated on properties one road or more back from the route. Such areas still have good access to tram services, but also have enhanced residential amenity being away from major roads.

The application of the NRZ in significant areas adjacent to public transport nodes is of concern. In some cases there does not seem to be any overriding heritage or neighbourhood character issues which would militate against the use of the RGZ or the GRZ.

The capacity of particular public transport services, including any proposals for upgrades, should be a factor in applying the zones. This has been reflected in some submissions regarding the variable application of the RGZ and GRZ, for example, in the contrast between the Frankston line and the Sandringham line.

Traffic congestion and accessibility issues need to be considered in planning development around railway stations, particularly where a mix of housing types is not provided. While access for new residents is increased, there is the potential for access for other households to be degraded. This can be exacerbated where park and ride facilities are lost or where congestion increases travel times for bus access.

The Committee is of the view that accessibility to public transport, including walking and cycling routes, and the permeability of areas, require greater consideration in the application of the residential zones. However, it notes that some councils highlighted that some areas along transport routes are subject to the Heritage Overlay, including Stonnington (D36) which submitted:

_Given this context we need to strike a balance between supporting opportunities for residential and for that matter commercial development and protecting heritage values. More refined planning processes such as structure planning are the most appropriate forum to address this tension between development and protecting heritage._

In early discussions with the Taskforce, it presented a draft public transport accessibility map and indicated that it was working with the PTV to complete this work so that it could be used by the Committee. The _State of Play Overarching Report_ (page 33) refers to this work:

_The Managing Residential Development Taskforce has commissioned new work to further investigate land use zoning and dwelling growth along public transport corridors, which will be available to the MRDAC._

This work was not completed and has not been made available to the Committee. The Committee believes that it would have been useful information and urges that it be completed and made available more broadly.

The Committee considers that proximity to the PPTN is an important consideration when applying zones that encourage high residential densities. This approach is consistent with the SPPF. Accessibility mapping, if available in the future, would enhance this consideration. In the absence of this mapping, consideration of distance from transport can be used as a proxy provided accessibility and service levels are also considered.
The PTV (S307) submission proposed principles for viable and higher quality public transport service including a permeable road and walking network to access public transport stops and stations. Accessibility mapping takes this permeability into account rather than relying solely on straight line distance (e.g. 400 metre radius) from the public transport access point. It can consider other aspects such as service frequency and distance to potential destinations. An understanding of an areas’ overall accessibility to public transport would provide a superior input to consideration of areas suitable for higher density residential development.

5.3.2 Employment

With regard to employment opportunities, some councils expressed concerned that retention of employment and encouragement of non-residential uses is not being given sufficient weight in planning for urban renewal sites. The Committee can understand this view, noting that it would seem that the focus of recent urban renewal has been on residential development at the expense of urban consolidation in the broader sense.

5.4 Findings

The Committee makes the following findings in relation to ‘transport and jobs’:

- Many areas with good public transport access opportunities have been included in the Neighbourhood Residential Zone.
- Public transport accessibility, capacity and level of service should be key factors in the application of the residential zones.
- There is significant opportunity to increase residential densities in areas with good public transport access, particularly on train lines with existing or planned capacity increases, and along tram routes.
- The public transport accessibility mapping project commenced by the Taskforce should be completed and made available to councils, agencies and stakeholders.
6 Housing diversity and affordability

In addition to the Terms of Reference head clause, Clause 3b requires the Committee to:

Review the current application of the zones that allow for residential development in the context of managing Melbourne and Victoria’s residential growth in a sustainable manner and improving housing affordability.

6.1 Background

6.1.1 Policy

The policy regarding housing diversity and affordability, along with Plan Melbourne has been discussed in Chapter 2. The Plan Melbourne Refresh Discussion Paper explores a range of options about how Plan Melbourne can place a stronger emphasis on providing more diverse and affordable housing.

Additionally, the State of Play reports provide an analysis of past and projected household types. This analysis and the implications for the demand for different forms of housing stock are discussed in chapter 3.2.2 of the Committee’s report.

6.1.2 Previous Advisory Committee reports and recommendations

The New Residential Zones for Victoria (August 2009) report noted that the “... new zones do not specifically address ... housing affordability or housing diversity”. That Committee concluded:

While the Advisory Committee acknowledges the importance of these issues, it considers these broader issues can be better addressed in other parts of the scheme especially the SPPF. The Advisory Committee concludes that broader housing policy issues should be expressed in the SPPF or MSS and not the zones.

The Residential Zones Progress Report (2012) recommended varying the purpose of the RGZ to clarify its role in encouraging a diversity of housing types, by including the following purpose (which ultimately was included):

To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.

That report commented that the “... purpose of the General Residential Zone is to respect and preserve neighbourhood character while allowing moderate housing growth and diversity”. That Committee recommended varying this zone to include the following purpose (which was included):

To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

In relation to the NRZ, that report noted:

The Committee accepts a zone which limits housing growth is reasonable, however it should be applied in conjunction with the suite of zones to achieve diversity and manage growth across the municipality.
The RZSAC Stage One Overarching Issues Report noted:

*The Committee shares the concern [of submitters] that applying the NRZ excessively beyond its intended purpose and without sound justification ... is very likely to compromise the ability to meet the projected growth in households in a way that also addresses choice, affordability and diversity in housing supply. It is important to maintain long term opportunities, foster affordability and avoid unnecessary constraints on the ability of a healthy housing market to respond to needs for a variety of housing options.*

The Committee considers important tests for proposals to implement the new zones are whether:

- The long-standing State and local policies to increase the diversity of housing are supported, particularly in locations across the metropolitan area with good access to services and jobs. This extends to opportunities for multi-unit housing and regional cities and towns.
- Housing provision that enables people to move through lifecycle stages within their local community is facilitated.

The RZSAC commented that it:

*... supports the preparation of housing strategies as a way of informing zoning choices. Housing strategies need to address strategic needs of the State and local policy framework to provide choice, affordability and diversity of housing options ...*

In relation to the application of the NRZ, the RZSAC commented that:

*Identifying areas suitable for the NRZ ... requires a balanced consideration of the integrity of the area; an area that warrants preservation over and beyond the other strategic imperatives to provide housing choice, affordability and the use of infrastructure.*

Two principles in the RZSAC report address housing diversity and affordability:

**P3** The application of the new residential zones must support the directions and initiatives of the SPPF, Plan Melbourne and Regional Growth Plans (where relevant). This includes policy that promotes housing diversity and directs housing growth.

**P10** The use of the NRZ in response to identified character should be balanced with policies and strategies to provide housing choice and affordability.

### 6.2 Submissions

The key issues raised in submissions were:

- the form of current housing development, particularly apartments, is not providing a diverse range of housing types
- the need for the established middle suburbs of Melbourne to contribute to increasing housing diversity
• concern that the widespread application of the NRZ will impact on housing diversity
• housing affordability is influenced by a range of factors, not just land zoning
• the application of the residential zones, particularly the lack of RGZ land, and the range of local variations in schedules impacts on affordable housing opportunities
• suggestions for addressing housing affordability.

6.2.1 Housing diversity

In relation to the overarching use of the residential zones, Whittlesea (S329) submitted that:

The residential zones have provided Council with the ability to better articulate and manage growth and diversity across the municipality and a practical and defendable means of implementing our Housing Diversity Strategy ...

Highlighting housing diversity (and to a lesser extent housing affordability), the Group of Planning Industry Professionals (S243), whose view was shared by the Victorian Young Planners Committee (S269), commented:

The continued shortfall in housing numbers and trend towards the supply of either single detached dwellings or high rise apartments at the expense of traditional medium density housing has significant implications for housing choice, aging in place and affordability.

Despite the need for increased housing numbers and a wide range of housing choices, the residential zones focus primarily on protecting neighbourhood character and fettering diversity of choice.

Other submissions commented that there is little diversity in what is currently being developed, arguing that development is focussed on one and two bedroom units (S1, S182), two conventional dwellings on a lot, and multi-storey apartments (S282, S284).

Save Our Suburbs (S334), in referencing Sydney and Melbourne’s Housing affordability Crisis Report 2: No End in Sight (Birrell and McCloskey, March 2016), submitted that there is an unmet demand for three-bedroom houses, not small apartments. Some submissions commented that it was important for central areas to maintain a mixture of dwelling sizes – including larger blocks with family homes (S232), while others raised concern about the loss of single family homes in existing inner and middle suburbs (D72, D99).

Several submissions commented on the need for the established middle suburbs of Melbourne to contribute to increasing housing diversity (S243, S288). The Surveying and Spatial Sciences Institute (S239) commented that many of Melbourne’s established middle suburbs have a very low supply of smaller dwellings or apartments, and that encouragement should be given for them to deliver their share of Melbourne’s expected growth.

The PCA (S146) commented that:

Not only does Melbourne need a wider range of housing choices, the housing options need to be affordable and located close to jobs, services and public transport. The middle ring areas now have aging households, aging housing stock and need for greater diversity to accommodate a larger number of one and two person households, residents of whom want to remain in the areas.
The Australian Institute of Architects (S342) commented that:

... quarantining large areas via restrictive controls regarding height, open space requirements and other techniques will thwart demands for new forms of housing ...

Port Phillip (S262) made suggestions for planning mechanisms for enhancing housing accessibility and adaptable housing design.

A number of submissions commented on the impact of the NRZ on housing diversity. Some said that the widespread application of the NRZ significantly limits incremental growth and impacts on dwelling diversity and affordability (S288, S326).

Other submissions contended that widespread application of the NRZ did not constrain housing diversity (S160). This submission commented that the NRZ increases diversity by protecting single dwellings with gardens.

Hobsons Bay (S148) submitted that while existing multi-unit developments in the NRZ provide diversity to areas dominated by detached dwellings (and that the retention of these housing types is important) the current provisions of the NRZ mean that any redevelopment could only provide a maximum of two dwellings on a lot.

### 6.2.2 Housing affordability

A number of submissions commented on the effect of zoning on housing affordability, with the Master Builders Association (S326) submitting there are a range of factors contributing to the price of housing in Australia that include:

- Supply-side restrictions (zoning, the availability of land);
- Proposed housing developments experiencing long planning delays and multiple fees, levies and charges adding cost to the process;
- …

... However, as a primary driver of housing availability for development, zoning is an important lever in addressing housing affordability.

The MAV (S132) submitted:

*Councils do not believe there is evidence to suggest that the zones are currently impacting housing affordability. Indeed it may be almost impossible to draw direct causal links between the zones and housing affordability due to the multiple factors that influence affordability.*

Save Our Suburbs (S334) commented that:

*The flood of complaints about “locked up suburbs” is largely from private planning professionals and property developers who stand to benefit financially from increased development in the low-rise leafy suburbs where units can be sold at a premium. They cite housing affordability to justify their position, but affordability is largely dependent on negative gearing, land banking by development corporations drip-feeding the market to inflate prices, and cashed-up foreign investors being allowed to force first-home buyers out of the market.*
A number of other submissions suggested that the residential zones, and how they have been applied, impact on the provision of affordable housing options and housing affordability generally (S243, S288). Submission 207 noted that the implementation process by local councils focussed on land usage, with no discussion of how affordable housing will be provided. Submission 103 commented that the application of zones diminishes the ability to deliver affordable housing and suggests that the zones have no regard to the role of not-for-profit housing in accessible locations.

Several submissions commented that the lack of RGZ land restricts opportunities for the provision of affordable housing (S128, S326). Submission 128 contended that areas that are suitable for affordable housing (at high density and substantial change) are now zoned GRZ.

The Surveying and Spatial Sciences Institute (S239) submitted that the wide range of local variations impact on housing (land) affordability, and commented that the process of land subdivision ahead of development provides opportunities for families and first home buyers to enter the market without having to compete with speculators and investors.

Darebin (S283) submitted that:

The ongoing monitoring of the zones should also analyse changes to housing prices. The application of the zones may result in certain areas becoming more or less affordable; this should be considered in the overall application of the zones and their ongoing monitoring.

A number of submissions made suggestions for addressing housing affordability:

- introducing a new urban development zone that includes mandatory affordable housing provisions (S103)
- introducing a separate zone for affordable housing (S103)
- requiring social/affordable housing to be provided within private developments (S118, S262)
- providing exemptions or incentives for social housing projects (S262, S283)
- trialling ‘inclusionary zoning’ (S283)
- providing for ‘as of right’ second dwellings associated with existing dwellings, as distinct from a dual occupancy (S350).

### 6.3 Discussion

There is an obligation on all planning authorities to provide for housing diversity and affordability to meet the needs of their current and future communities. The SPPF provides clear direction in relation to the role of planning in supporting housing diversity and affordability, with specific policies for both of these thematic issues as well as other related policies that support housing diversity and affordability.

#### 6.3.1 Housing diversity

The RGZ, GRZ and NRZ, as well as the other zones that provide for residential development vary in the extent to which they address housing diversity. While some zones include a clear purpose for providing diverse housing types, the purposes of other zones do not. The Committee notes however, that this does not mean these other zones cannot support housing diversity objectives and outcomes.
The Committee notes that the drafting of the zone purposes that specifically relate to housing diversity are inconsistent across different zones. Further, some zones (such as the MUZ) include purposes specifically relating to providing housing at different densities but there is no reference to providing housing diversity, even though these zones generally provide for a wide range of accommodation uses. The Committee considers that there is an opportunity to review and, where appropriate, align these purposes across different zones to ensure that housing diversity policies are supported by the zones that provide for residential development.

Notwithstanding, the zone purposes relating to housing diversity should not necessarily all be the same. The differences in zone purposes convey the different functions that different zones have and the extent to which the zones are intended to contribute to housing diversity. For example, the relevant RGZ purpose refers to ‘encouraging’ a diversity of housing types, whereas the equivalent purpose in the GRZ refers to ‘providing’ a diversity of housing types.

Submissions raised concern about the extent to which the application of schedules to the zones and the detail of local variations within schedules constrain opportunities for achieving housing diversity.

Local variations to provisions such as the number of dwellings on a lot and the minimum lot size can impact on housing diversity and affordability. The Committee considers that variations to the siting and design requirements, including building setbacks, site coverage, permeability, private open space requirements and building heights, can impact on housing diversity and affordability. Variations to such provisions can impact on the land area
required for each dwelling, the number of dwellings able to be developed, the size of dwellings, the ability to provide a range of layouts to accommodate different needs, and the overall cost of dwellings.

The Committee considers that the potential impacts of zone schedules on housing diversity (and affordability) should be considered when applying the residential zones and/or variations to the zone schedules, as well as during the planning scheme review process.

6.3.2 Housing affordability

The Committee agrees with submissions that highlighted the range of factors that affects housing affordability. While zoning was not considered to be a significant issue in some submissions, the Committee believes that it is a relevant factor, particularly in terms of land supply, providing opportunities for development in sought after areas and ensuring that the planning provisions do not impose any unnecessary time or cost constraints.

The primary SPPF policy that informs how land use planning is to facilitate housing affordability is Clause 16.01-5 (Affordability). Having regard to this, the Committee considers that it is critical that the strategies in Clause 16.01-5 that support this objective are effectively implemented by planning and responsible authorities. These strategies relate to ensuring appropriate supply of land to meet demand and providing a choice of housing types to meet diverse and changing household needs.

The Committee considers that zoning of land is a key mechanism to ensure adequate supply of land for residential development, both in new growth areas and existing urban areas, as well as enabling a range of housing types to be provided that meet the needs of households. Some submissions questioned whether planning authorities, in implementing the RGZ, GRZ and NRZ, have ensured there is adequate land available for residential development for a diverse range of housing types. The Committee considers that this is something that should be monitored by planning authorities as part of their regular planning schemes reviews in accordance with section 12B of the Act.

While some submissions called for a zone or other planning scheme requirements to directly require development to include affordable dwellings and social housing, the Committee notes that Plan Melbourne Refresh is considering this issue and that it provides a more appropriate avenue to explore such opportunities.

6.4 Findings

The Committee makes the following findings in relation to ‘housing diversity and affordability’:

- All municipalities have a responsibility to provide for housing diversity and affordability to meet the needs of their current and future communities.
- Residential zones should be strategically applied to ensure an adequate supply of land and to enable a range of housing types to be provided.
- Housing diversity and affordability objectives must be considered during the preparation of housing strategies and other relevant strategic work to inform planning scheme reviews.
Implementation and Monitoring Issues

The Terms of Reference note that the Committee is to produce a report which identifies system-wide and implementation issues related to residential development and the residential zones, and in particular consider:

a. The approach to monitoring residential development over time including consideration of Ministerial Direction No. 16, and the role of councils and the department.

b. A model methodology for preparing planning scheme amendments.

c. Any Taskforce suggestions for improving the residential zones.

d. Whether there are any further opportunities to improve the residential zones and/or associated planning tools.
7 Process of implementation

7.1 Background

Clause 3a of the Terms of Reference requires the Committee to:

Consider the process by which the new residential zones were implemented.

The background and history to the introduction of the new residential zones are discussed in Chapter 2 of this report.

This Committee has summarised some ‘case studies’ derived through issues raised in submission and the hearing process (see Appendix G). These include:

- Glen Eira C110 (a section 20(4) amendment)
- Melbourne C179 (an RZSAC amendment)
- Whittlesea C181 (an RZSAC amendment)
- Greater Geelong C300 (a standard planning scheme amendment)
- Greater Bendigo C205 (a section 20(4) amendment)
- Port Phillip (yet to implement the residential zones).

Included in Appendix G is a summary of recent VCAT decisions, where the Committee has examined recent cases to inform its thinking about the process of implementation. Further Appendix G addresses issues relating to Diamond Creek and Yarrambat, where submissions were made about land outside the UGB.

7.2 Submissions

While submissions noted many positive aspects of implementation of the reformed residential zones (in particular the RZSAC process), overall, submissions were critical of the implementation process. Criticisms included:

- the different implementation processes led to inconsistent outcomes, a lack of transparency, and (in some cases) unfair results
- the implementation process lacked a cohesive and consistent methodology
- implementation was, in some cases, a highly politicised process
- implementation of the new zones was undertaken in an ambiguous policy environment
- timeframes for implementation were insufficient.

This was summarised by Planisphere Consultants (S150):

Our view is that, while the framework [of the reformed zones] is sound, the implementation of the zones was significantly flawed. A number of factors contributed to this, however the primary issues related to the pre-empting of Plan Melbourne, the short time frame available to Councils to introduce the zones, and the different pathways that were available in terms of implementation. This contributed to a significant politicisation of the implementation process, which was exacerbated by a lack of oversight and transparency.
Several councils, along with the MAV (S132), submitted that implementation of the reformed zones was a long and arduous process that put a significant demand on local government resources. According to the MAV, the data contained in the State of Play reports shows there are currently no issues with housing supply and type (by which the Committee assumes the MAV means housing diversity), and a greater period of time should be allowed to bed the zones down before any major changes are made.

Some councils that went through direct translation amendments are now significantly progressed in implementing the reformed zones, and are concerned that any major changes to the zones resulting from this current review may impact on their implementation work (in particular on the strategic policies they have developed to underpin the implementation of the new zones).

7.2.1 Approval pathways

The single biggest issue relating to the implementation process raised in submissions was that the different approval pathways led to a lack of consistency, transparency, and fairness.

Amendments approved under section 20(4) of the Act were the subject of particular concern. Many submissions (including from various councils) expressed the view that section 20(4) amendments were not adequately scrutinised regarding:

- their strategic basis, or the strategic basis for the policies that underpinned the amendments
- their consistency with the principles and criteria in PPN78 and AN50
- their consistency with the principles set out in the RZSAC Stage One Overarching Issues Report.

Several submissions said that the different approval processes have resulted in an inequitable application of the new zones across Melbourne, and a sense of distrust between the community, local government and the State. Darebin (S283) described the impacts this has had in particularly strong terms:

*Darebin is entitled to argue that its community has been let down as a result of it following the Department’s direction on applying the new residential zones and by cooperating with due process throughout, as opposed to mounting a political lead solution to the allocation of the new residential zones.*

*This level of inconsistency raises issues of transparency and equity, and creates confusion and concern among Councils and their communities.*

Some submissions noted an ‘east west divide’ in the distribution of the residential zones, with municipalities in the eastern and south eastern parts of metropolitan Melbourne ending up with much larger proportions of NRZ than northern and western municipalities. Several submissions argued that those councils who ‘got what they wanted’ with extensive areas of NRZ are leaving other councils to bear an unfair burden, as higher density residential developments will inevitably be displaced to those municipalities with less NRZ.
7.2.2 Strategic justification for amendments

Many submissions commented on the inconsistencies and inequities between councils regarding the amount and quality of strategic work underpinning the application of the new zones. Key themes were:

- some amendments were supported by housing strategies and neighbourhood character studies that were current and had been tested through a community consultation and/or independent review process, whereas others were not
- some amendments (or the strategic documents underpinning them) demonstrated the relationship between population projections or targets, capacity analyses and the application of the new zones, whereas others did not.

Strategic justification issues are discussed in Chapter 8.

7.2.3 The RZSAC process

Submissions were generally very supportive of the RZSAC process, noting that it made a significant positive contribution to the implementation process. The RZSAC provided confidence and transparency in relation to the amendments that it considered. Other benefits of the process noted in submissions included RZSAC:

- providing an overarching view of the residential zones and their implementation
- providing an expedited process for councils to participate in
- establishing standards for and consistency regarding public notification of amendments
- ensuring a proper and independent analysis of the implications on housing supply of applying the zones.

Save Our Suburbs (S334) submitted that the implementation process would have been “more coherent” if the RZSAC had been established around the same time as the new zones were introduced into the VPP. This Committee notes that there was a clear recommendation from the Reformed Zones Ministerial Advisory Committee that the new zones be introduced though a Standing Advisory Committee process to ensure rigour and consistency, but that recommendation was not taken up until the formation of the RZSAC in response to slow take up times and concerns about how the new zones were being applied.

On the other hand, Hobsons Bay (S148) submitted that the RZSAC accepted “varied approaches” by councils, and Whitehorse (S129) submitted that the RZSAC imposed “unattainable justification requirements” in relation to Whitehorse draft Amendment C174, which was considered by the RZSAC Stage Two and was not supported.

Darebin (S283) submitted that certain factors tended to undermine the benefits that the RZSAC process otherwise brought to the implementation of the new zones, including:

- the RZSAC process was undermined by politically motivated decisions
- some RZSAC recommendations were upheld when amendments were approved, while others were not
- the process was rushed, resulting in avoidable errors and inconsistent outcomes.

Kingston (S71) submitted that the RZSAC’s Terms of Reference did not allow consideration of other zones allowing for residential development, which prevented it from considering the impacts of implementing the new residential zones in their full context:
Effective implementation of the new residential zones also necessitates consideration of all other zones that can accommodate housing. A key limitation of the implementation process of the new residential zones was the explicit restriction on the Terms of Reference of the RZSAC to consider other zones, and thus policy, thereby imposing a perceived need for the new residential zones to accommodate growth at a significantly increased rate than necessary.

7.2.4 Policy environment

Another key criticism in submissions was that implementation was undertaken in an ambiguous policy environment – both state and (in some cases) local.

The MAV (S132) submitted that the state housing policy framework should be clarified (particularly in relation to metropolitan Melbourne), with a more explicit connection between the policy settings of the SPPF and the residential zones. The MAV suggested this could be achieved through the inclusion of desired policy outcomes or guidelines. Similar issues were raised by the PCA (S146).

Several submissions said that implementing the new zones ahead of Plan Melbourne has led to poor outcomes, with the objectives of Plan Melbourne not being achieved. Other submissions stated that the application of the residential zones should be reviewed in context of Plan Melbourne and Plan Melbourne Refresh.

Some submissions were critical that the new zones were implemented without a metropolitan housing strategy that could in turn guide local housing strategies and provide a more regional context for the application of the new zones.

Submissions said that the ambiguous policy environment has contributed to outcomes whereby the implementation of the new zones has been inconsistent with the current policy framework. It was said that the widespread application of the NRZ in some municipalities has ‘locked up the suburbs’, and will make it difficult to achieve the housing supply required by State policy. Submissions raised many examples of the NRZ being applied along major transport routes and in well served areas surrounding activity centres.

7.2.5 Guidance material for implementation

Many submissions referred to a lack of timely guidance material in relation to the new zones and how they should have been implemented. This was seen as a key deficiency in the implementation process, and a factor that contributed to many of the other perceived deficiencies in the process.

7.2.6 Collaboration and consultation

Several submissions noted a lack of collaboration between councils during the implementation process, leading to an overly ‘localised’ approach to implementation with insufficient consideration of regional issues, and (in some cases) incongruous results, particularly between neighbouring municipalities. Other submissions stated that there should have been better collaboration between State and local government.

Other submissions noted the lack of consistency in the amount and comprehensiveness of community consultation in relation to implementation amendments, and the strategic work
underpinning these amendments. The most common theme was that amendments approved under section 20(4) of the Act involved less community consultation than those that went through the RZSAC process or an independent panel.

Some submissions asserted that the State government should have consulted more with the community about some of the broader issues behind the new zones. This would have resulted in better engagement with the community, better understanding of the underlying objectives sought to be achieved through residential zone reform, and better outcomes when councils consulted with their communities about local implementation of the zones.

Some submissions asserted that the community consultation undertaken by some councils was selective, targeted primarily at those areas and residents who were proposed for the NRZ, with less consultation for residents and areas that were proposed for the GRZ. Examples include a group of submissions relating to Major Street Highton in Bayside, and a group of submissions relating to Geelong West.

Several individual submissions asserted that, even where community consultation had taken place in relation to how the new zones were to be implemented, the community’s views were not taken into consideration or given adequate weight.

Other submissions noted instances where material used to justify amendments, such as neighbourhood character studies, was adopted by councils without community consultation and/or an independent review process. Oral submissions from Ratio Consultants noted the *Whitehorse Neighbourhood Character Study*, 2014 as one such example.

### 7.2.7 Time frames

Several councils felt that 12 months was an insufficient time frame for implementation, especially for councils that did not have an existing housing strategy that was readily transferable to the new zones. They considered that the time frames were inadequate to allow for thorough strategic consideration and meaningful community consultation.

Greater Geelong (S151) said the 12 month time frame was “*both a blessing and a curse*”:

>The City was fortunate that our housing strategy was already implemented into the planning scheme and provided the overarching framework for the new zones. Despite this, the Minister’s timeframes still required considerable resources from across the City’s four planning teams and attention to be diverted from other planning projects. The benefit of the tight timeframe was the momentum created by the impeding deadline to accelerate internal decision making and the decision making in the Council Chamber.

### 7.3 Discussion

The Committee considers that implementation process reflected the former Government’s clearly stated intention to expedite the introduction of the reformed zones, and to ensure that the new zones were operational across Victoria by 1 July 2014. The Committee considers that the implementation process was largely well intentioned, and in many instances implementation was successful and accorded with State planning policy.

However, there are some seemingly anomalous results in the implementation of the reformed zones, some of which are discussed in the case studies in Appendix G. It is clear
that there are perceptions that the implementation process in some municipalities was driven by politics, rather than sound strategic planning, and that the implementation of the zones has not been fair or transparent.

The reformed zones have now been largely implemented, and at the time of writing, only eight metropolitan councils are yet to fully implement the suite of zones. Four of those are at various stages of progress toward doing so. However, the Committee considers that the implementation process provides some important lessons that can be applied to future amendments that implement the suite of zones, or that review the current application of the zones across a municipality (or a substantial part of a municipality).

7.3.1 Process issues

(i) Approval pathways

In the Committee’s view, the primary factor contributing to the anomalies in the implementation of the reformed zones was use of the multiple approval pathways to implement the new zones. This has led to a number of the implementation problems highlighted in submissions, including the widespread perception that councils that got in early with a section 20(4) amendment got a ‘free kick’, both in terms of process (the amount of work they had to undertake to justify their amendments), and outcomes (they have an unfair proportion of NRZ, and are not bearing their fair share of the load in terms of residential growth).

The multiple approval pathways have caused significant concerns, and in the Committee’s opinion, in future, there should be one approval pathway for amendments that implement or review the residential zones. This single process should be one which involves transparency, broad community consultation, and independent review.

The Committee considers that, on the whole, the strategic justification was more robust and more consistent for amendments that went through consultation and independent review processes (either RZSAC or a panel). The Committee considers that independent review played an important role in helping to avoid the perception that the implementation process was politicised, or that decisions about the implementation of the zones were made on the basis of political, rather than strategic, imperatives.

VPELA (S114) summed up views expressed in many submissions:

*The consistency in the application of the zones and the planning process is an important consideration. We would encourage that in any review and ongoing changes to the zones that all LGAs adopt the same standards of strategic justification, community consultation, transparency and independence of review, such as the RZSAC or Independent Planning Panel process. It is vital that major changes in planning policy be tested and reviewed by a Planning Panel or Advisory Committee, especially one with far reaching implications for housing delivery and affordability.*
(ii) Changes made at the adoption and/or approval stages

Examples were brought to the Committee’s attention of changes being made to amendments during adoption or approval stages, with some discussed in the case studies in Appendix G. Generally speaking, there is little or no transparency around these type of changes. Despite many of the changes including rezoning, they appear to have been made without community consultation, independent review, or consultation with affected parties.

The Committee considers this has resulted in unfortunate outcomes, including:

- a lack of clarity as to what, if any, strategic justification there was for applying certain zones in certain areas
- inconsistencies between local policy and the application of the zones
- a perception that implementation decisions were politically driven
- distrust between State and local government, and government and the community.

The Committee notes that the Act allows changes to be made to an amendment prior to adoption and approval, and that the recommendations of an independent review body such as a Panel or an Advisory Committee are not binding on either the planning authority or the Minister for Planning. However the Committee considers that significant changes should not be made without further notice being given to potentially affected parties. Although the Act provides for further notice to be given, the Committee understands that this did not occur in some of the instances brought to the Committee’s attention.

(iii) Collaboration

During the Hearings, the Committee was informed of instances where councils had received mixed messages from DELWP concerning the implementation of the new zones, particularly regarding the use of schedules versus overlays. There appears to have been mixed messages around the appropriate zone to nominate as the applied zone under the Schedule to the UGZ, with some councils being told that the GRZ was the appropriate default applied zone for PSP areas, and others being told that the RGZ was the appropriate default applied zone.

Several submissions noted a lack of collaboration between councils during the implementation process, leading to an overly ‘localised’ approach to implementation. In its written submission, Mornington Peninsula (S53) noted the logic of coordination between and across regions (possibly through the sub-regional groups established to assist in the implementation of Plan Melbourne) in relation to the development of specific municipal housing targets and the implementation of the residential zones.

Housing supply, housing affordability and housing diversity are State wide issues, and the application of the zones within each municipality should be considered in the context of its regional, as well as local, impacts. The Committee considers that this would be assisted by better collaboration between councils in relation to the application of the zones within their municipalities.

Greater Geelong (S151) referred to the G21 Alliance, an alliance of government, business and community organisations across the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast municipalities. The G21 Alliance provides a forum for the member councils to work together to “understand regional settlement planning, land supply
and infrastructure issues”. The G21 Alliance developed the G21 Regional Growth Plan (2013) in partnership with State Government, which “provides a planning framework to support growth of the region up to and beyond a population of 500,000 (up from 290,000).”

The Committee considers that the G21 Alliance could provide a useful model for other regional collaborations between councils.

(iv) Consultation

In several instances, the application of the reformed zones has resulted in some change to the policy status and/or the development potential of land. An example is Greater Geelong Amendment C300, which applied the RGZ to land previously zoned Residential 1 in parts of the Increased Housing Diversity Areas (IHDA) in Geelong West, Manifold Heights and Newtown. In most, if not all, of these cases, no direct notification was given to landowners.

The Committee considers that for amendments which affect a whole municipality, direct notification is not always practical. However the Committee considers that where anything other than a direct, policy neutral translation is proposed, landowners should be directly notified of the amendment. This is further explored in the case studies in Appendix G.

(v) Timeframes

The Committee considers that the 12 month timeframe given to councils to implement the reformed zones in some cases resulted in amendments being rushed, without thorough and well prepared strategic justification. The Committee appreciates the intent behind imposing a time limit, and does not consider that it was inappropriate for a time frame to be imposed. However the 12 month time frame has, in the Committee’s view, contributed to some amendments lacking an appropriate level of strategic justification (including the several amendments not supported by the RZSAC).

Perhaps a better outcome would have been an immediate direct translation process (especially given most residential land in the Melbourne metropolitan area was zoned Residential 1), with councils then provided with a more realistic time frame to undertake or complete its strategic review, followed by a fast track standing advisory committee process, as recommended by the New Residential Zones Advisory Committee in 2009.

7.3.2 Outcomes

(i) Application of the NRZ as a ‘default’

A number of amendments applied the NRZ to more than 50% of residentially zoned land in the municipality. They are Glen Eira C110 (80.8%), Bayside C106 (79.9%), Boroondara C190 (75.7%), Moreland C153 (61.7%), Yarra C176 (52.3%) and Brimbank C158 (52%). The Committee considers that the extensive application of the NRZ in these municipalities is potentially an anomaly that warrants further investigation.

The NRZ was never intended to apply as the default residential zone. It was intended to apply only where strategically justified, for example in areas of recognised neighbourhood character, heritage, environmental or landscape significance, or areas which may not have good supporting infrastructure (PPN78). It was intended that overlays, rather than zones, would be the principal mechanism for addressing these issues. Many of these municipalities
are well serviced by public transport, and contain several activity centres. State policy encourages urban consolidation in such areas.

The Committee notes that the zones were implemented in each of these municipalities through section 20(4) amendments without formal public exhibition. There was no independent review of the strategic justification for these amendments and it is not apparent to this Committee whether there was adequate strategic justification.

(iii) **Zoning issues in particular areas**

The case studies discussed in Appendix G raise some concerns about the application of the zones in particular locations. These were cases brought to the Committee’s attention through submissions, there are bound to be others. While it is beyond the Committee’s Terms of Reference to recommend specific rezonings, the Committee considers that the apparent zoning anomalies in central Barwon Heads, the Peter Lalor Estate, and the areas in South Yarra affected by a DDO should be reviewed.

(iii) **NRZ along major transport routes**

Many submissions referred to the inappropriate application of the NRZ along major transport routes. Examples included along the Sandringham train line in Bayside (where the GRZ and RGZ had been applied along the Frankston line), and the application of the NRZ along major tram routes in Glen Eira and Boroondara. For the reasons discussed in Chapters 5 and 13, the Committee considers that the application of the NRZ along major transport routes may in many cases be inappropriate, and should be reviewed.

7.3.3 **Impacts of the new zones**

(i) **Impacts of the NRZ**

Appendix G includes a discussion of several VCAT cases concerning the reformed residential zones, and demonstrate some emerging issues about the way the NRZ is being interpreted and applied. Although it remains early days, and the impacts of the NRZ are not yet fully apparent due to the operation of the transitional provisions, the cases provide a basis on which some predictions can be made about the likely future impacts of the NRZ.

Different approaches have been taken by VCAT in weighing up the purposes of the NRZ (particularly those relating to limiting development and respecting neighbourhood character), and competing policy objectives supporting urban consolidation and location of more intensive residential development in well serviced areas and around major transport routes. Some cases give greater emphasis to the purposes of the NRZ, whereas others give greater weight to the competing policy objectives.

This has arguably led to inconsistent outcomes in the NRZ, although the Committee notes that these inconsistencies relate mostly to higher density proposals that have had the benefit of transitional provisions. New applications will be far more restricted due to the mandatory height and density controls contained in the NRZ.

One of the objectives of the new residential zones was to provide greater certainty about where residential growth would be directed, and the likely built form of new development (particularly in the NRZ). There is no doubt that, once the transitional provisions are no
longer having an effect, the mandatory height and density controls in the NRZ will restrict to a significant degree the density and built form outcomes in the NRZ. However, the cases reveal that multiple issues can still arise in the NRZ, and that the purposes of the zone can be interpreted in different ways, and weighted differently against competing policy objectives.

The cases demonstrate that the purposes of the NRZ, if strictly interpreted, have the potential to significantly limit the extent of new growth in the NRZ. This is particularly so if the approach taken by the Tribunal in *Verbuk v Bayside City Council* [2014] VCAT 967 is applied consistently, and that opportunities for new residential development are limited on a site by site basis. It may be that concerns about the widespread application of the NRZ ‘locking down the suburbs’ will become more apparent once the effect of the transitional provisions starts to decline.

*LPD Property Pty Ltd v Yarra City Council (Final)* [2015] VCAT 1824 demonstrates that the Tribunal has been willing to accept the principle that, as a result of the restrictions on growth arising from the widespread application of the NRZ in some municipalities, sites in other zones allowing for residential development should be allowed to be developed to their maximum development potential.

(ii) Impacts of higher density development

*52 Park Street Pty Ltd v Port Phillip City Council* [2013] VCAT 2199 and the other cases mentioned in Appendix G relating to ‘development equity’ highlight the importance of planning decision-making taking into account not just the amenity impacts of the proposed development on the existing surroundings, but on the future development potential of neighbouring sites. The cases highlight the technical complexities that arise (and the consequential burden on the planning system in terms of time and cost) when this is not done.

7.4 Findings

The Committee makes the following findings in relation to ‘process of implementation’:

- Amendments that implement the residential zones, or involve a significant review of the residential zones, should be progressed through a standard planning scheme amendment process and/or an advisory committee.
- Implementing and reviewing the residential zones will be improved through ongoing engagement and collaboration between State and local government.
8 Preparing planning scheme amendments

Clause 3c of the Terms of Reference requires the Committee to:

Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.

Clause 26b of the Terms of Reference requires the Committee to advise on:

A model methodology for preparing planning scheme amendments.

The two issues are closely linked and therefore have been addressed together in this chapter.

Clause 3c refers to ‘relevant planning scheme amendments’. In the context of this chapter the Committee defines ‘relevant planning scheme amendments’ to include the following circumstances:

- ‘implementation’ amendments for those councils that are yet to implement the suite of residential zones, beyond the default application of the GRZ
- any ‘wholesale’ review of the application of zones that allow for residential development within a municipality, including zoning changes or changes to the relevant schedules
- any ‘large scale’ rezoning of residential land – for example, where the residential zones (or schedules) for a whole suburb or township are being reviewed or changed.

Thus the discussion in this chapter relates to amendments where significant areas of land will be affected or there will be significant impacts on the provision of land for residential development. It does not apply to small scale, site specific or localised amendments.

8.1 Background

As discussed in Chapter 2.2.2, the Reformed Zones Ministerial Advisory Committee identified that municipalities would be at differing levels of readiness in terms of implementing the reformed residential zones. That Advisory Committee identified there would need to be a ‘tiered’ approach to implementation.

AN50 and PPN78 were released in July 2013. AN50 provided information about the introduction of the new zones, including a further discussion of the ‘tiered’ approach. It outlined a series of principles and criteria to guide the application of the residential zones.

PPN78 identified the importance of sound strategic planning for residential areas to ensure that land use and development achieve the required outcomes for an area. In relation to the type of strategic work required to support an amendment, PPN78 states:

Many councils have already undertaken strategic planning and resource management studies for their residential areas and used this work to articulate strategic objectives in their Municipal Strategic Statements (MSS). New strategic work may not be required if existing policies address the key residential land use issues in the municipality and adequately reflect the planning outcomes that the council wants to achieve.
If the MSS objectives and local policies no longer provide clear guidance for decision making, or there are strategic gaps, new strategic work may be required. Before commencing new strategic work, the planning authority should review the policy components of the planning scheme and other relevant studies.

The RZSAC included as Recommendation 2 in its Stage One Overarching Issues Report, that PPN78 should be updated, alongside a merging of two neighbourhood character related practice notes PPN43 and PPN28, or that the three practice notes could be replaced by a ‘Good Planning Guide’ as proposed at the time in Plan Melbourne.

The purpose of PPN28 is to provide guidance about how to plan for neighbourhood character and how to apply neighbourhood character provisions when preparing amendments to planning schemes. PPN43 has a different purpose as it aims to provide guidance about what is meant by neighbourhood character and how to appropriately consider neighbourhood character as part of planning permit applications.

MD16 was gazetted on 4 June 2014 and relates specifically to the RGZ, GRZ and NRZ. It comprises various directions including:

6. A planning authority must apply the residential zones in either the following two ways;
   a. By applying the General Residential Zone to all residential land in a municipality (other than to land zoned Mixed Use, Township or Low Density Residential), or
   b. By applying the three residential zones.

7. A planning authority must use a housing strategy to inform the balanced application of the three residential zones as detailed in point 6 b).

In addition, Planning Practice Note 46: Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments is relevant when considering the level of evidence and justification needed when preparing planning scheme amendments.

As discussed in earlier chapters of this report, and keeping in the mind the various ‘guidance’ documents noted above, councils adopted a variety of different approaches to the preparation and provision of material in support of their respective planning scheme amendments to implement the reformed residential zones.

The purpose of this Chapter is to provide more detailed guidance around the evidence and justification required to support future implementation and review amendments.

8.2 Submissions

Submissions on these matters raised three key (albeit overlapping) issues:

- the use of ‘guidance’ material
- the content of work needed in support of amendments
- the methodology to be used in preparing amendments.
8.2.1 Guidance

There were high levels of dissatisfaction from a range of councils over the lack of guidance and direction available upon the introduction of the new zones, and in relation to the nature and extent of work required to justify their implementation. These submissions suggested that if greater clarity had been available at the time then, notwithstanding the four different implementation processes that were used, there would likely have been greater consistency ‘across the board’ in terms of evidence and justification.

Many submissions referred to a lack of timely guidance material in relation to the new zones and how they should be implemented. Many noted the release dates of AN50 (July 2013), PPN78 (July 2013), MD16 (gazetted June 2014) and the RZSAC Stage One Overarching Report (and its principles) (completed June 2014) with some of these guiding ‘tools’ released after several implementation amendments had already been significantly progressed or approved. This was seen as a key deficiency in the implementation process, and a factor that contributed to many of the other perceived deficiencies in this process.

Other issues raised in submissions included:

- inconsistencies between the PPN78, AN50, the Principles from the RZSAC’s Stage One Overarching Issues Report and the requirements of MD16
- ambiguities in the guidance material
- a lack of guidance material in relation to the level of strategic justification required for an amendment; the methodology for preparing a housing strategy; and the level of community consultation expected for the implementation of the new zones.

The outcomes of these inconsistent processes, and the lack of direction at a state level, were discussed by Mornington Peninsula (S53):

*This is a critical issue and insufficient guidance from the State in the past has led to each Council, to a certain extent having to ‘reinvent the wheel’ in terms of how various character studies, open space studies and structure planning has been undertaken. Similarly, there is no endorsed ‘best practice’ model for framing effective neighbourhood character provisions ...*

Similar comments were made by Brimbank (S96):

*While it is clear that strategic justification is required to support the amendment process it is not clear exactly what justification is sought and that these expectations remain consistent over time. The various approaches pursued by different councils demonstrate the variety of approaches and differences in strategic justification provided to support various amendments.*

There was a consistent view from many councils that the process and consistency issues highlighted above could be addressed via improved practice notes. In this regard a number of submitters suggested that MD16 and PPN78 (in particular) should be revised to provide greater clarity around the strategic justification/methodology required, noting that there is perhaps a requirement for a new practice note. As an example, Maribyrnong (S154) submitted:
... there has been a vast difference in the strategic justification and rationale applied between Councils during the implementation of the residential zones.

Furthermore, the current MD16 and Practice Note 78 lack guidance and direction on the level of strategic justification required to implement the zone and/or vary any requirement in the schedule ...

In a similar vein, VPELA (S114) submitted:

*Given the understandable difficulties facing many Councils during the process and the mixture of housing studies, neighbourhood character studies and the like it would appear prudent for the Department to prepare a practice note on the preparation of housing studies. This would ensure that the output of these studies were based on a common methodology and ensuring consistency in data, whilst reflecting local circumstances. This may avoid the criticism of these documents when at the independent review phase ...*

### 8.2.2 Content

Other consistent themes raised in submissions related to content, in particular the nature of work required to support planning scheme amendments. These were discussed in varying levels of detail from council to council, and ranged from bigger picture submissions around the type of strategic work required to justify amendments, to more detailed submissions outlining recommended methodologies and information that should be utilised.

These key themes can be summarised as follows:

- Is a housing strategy required to support amendments?
- What role should neighbourhood character studies play in supporting the implementation of the residential zones?
- What detail should the supporting material and methodology include? For example, what role should capacity analysis play in supporting the implementation of the residential zones? What role is there for qualitative versus quantitative data? How recent does supporting material need to be?

There was a range of views from submitters about these issues.

In terms of housing strategies, a common theme was that a housing strategy should be required, consistent with the stated requirement of MD16 and Principle P4 identified in the RZSAC *Stage One Overarching Issues Report*. For example, Yarra (S327) submitted:

*Housing strategies are intended to be a key strategic justification for the new residential zones. If they are to be used in the wider context of managing residential development in municipalities, it would be useful if there was greater direction and guidance on developing and implementing Housing Strategies such as a Practice Note or Advisory Note.*

In supporting the use of housing strategies, it was generally acknowledged that many implementation amendments in metropolitan Melbourne were supported by housing strategies. Some, however, were not, and were instead based on neighbourhood character studies or local policies related to housing, settlement or neighbourhood character.
Submissions noted the varying quality of, and methodologies behind, housing strategies, and called for a more standardised approach to their preparation.

A number of submitters highlighted a need for neighbourhood character assessments to be undertaken either as part of, or in addition to, housing strategies. Some submitted that neighbourhood character is a fundamental issue that needs to be taken into account when applying the residential zones.

Notwithstanding the generally accepted view about the need for housing strategies, some submitters highlighted that as part of the previous implementation process, some councils chose to rely only on neighbourhood character assessments rather than a housing strategy, an approach that some submitters considered was not appropriate.

This difference in opinion about the role of neighbourhood character assessments is clearly demonstrated when comparing the views of Boroondara (S94) and Port Phillip (S262). While Boroondara submitted that neighbourhood character should be given greater consideration in any future review of the zones, Port Phillip expressed a contrary view:

Council considers that the implementation of zones across Melbourne has placed too greater emphasis on managing neighbourhood character at the expense of effectively directing growth.

In relation to the detail that should be included as part of the work undertaken to support amendments, many submitters simply sought further detailed guidance from the State to ensure that appropriate and adequate supporting work is undertaken.

However, a number of submitters, particularly councils, provided detailed submissions outlining the type of information they felt should be required. For example, Moreland (S122) stated:

The level of evidence and justification needed to support the application of the zones should include the following:

- How the approach implements State and Local Policy in the SPPF and MSS;
- Any new strategic work that has been undertaken to inform the application of the zones ...
- An assessment of the impact of the approach on housing supply, including the ability to meet forecast future population and housing estimated for the municipality ...

There was much discussion around capacity analysis. Some submissions, such as Wolfdene (S252) pointed to an inadequate relationship between the application of the new zones, population demands or targets, and capacity analyses. A number of submitters felt that a metropolitan-wide capacity analysis had an important role to play in providing strategic justification for amendments. Conversely, other submissions cautioned against a capacity analysis being the primary driver behind the implementation of the new zones, particularly at a local level. Knox (S149) submitted that:

Demonstration that a municipality can accommodate projected population growth should form a part of the evidence base for planning scheme amendments relating to residential development. However, Council considers that development capacity in itself should not be the key driver of the
development of housing strategies (and accompanying amendments) .... Assessments of land capacity should only be used to ensure that projected growth can be accommodated through proposed planning policies and controls.

Submissions were made around the use of quantitative and qualitative data. Whitehorse (S129) described the challenges that arise when the strategic justification for an amendment requires both quantitative and qualitative data, and when the qualitative data (such as neighbourhood character studies) involves some degree of subjective assessment:

One of the difficulties of planning is that it is often subjective and qualitative, however this is made harder by the moving ‘goalposts’ that Councils are required to chase. In the past, a strategic document was deemed to be sufficient justification for planning scheme amendments and other planning processes. However it now seems that this is no longer the case and in particular, that quantitative data is now required. It is in this vein that Council seeks clarification on the type of information, strategy and data required for particular amendments. For example, aspects such as neighbourhood character are difficult to quantify so information on how this should be presented is sought.

Finally, the currency of policy work used to justify the implementation of residential zones was raised in submissions, with a number of submitters questioning how recent strategic studies need to be to provide adequate strategic support. This issue was raised in the context of the implementation process, with some submissions noting, for example, that the policies used to justify Amendment C110 to the Glen Eira Planning Scheme (approved under section 20(4)) were over 10 years old, whereas other amendments relied upon more recent strategic work (Amendment C110 is one of the case studies discussed in Appendix G).

8.2.3 Model Methodology

The methodology that should be used in planning scheme amendments was raised by a number of submitters, with various examples of the approaches that might be adopted. Much of the discussion about methodology was caught up in the more general discussion around level of evidence and justification required for amendments, and related to some of the issues already discussed, in particular, consistency and transparency of process, and the nature and content of supporting strategic material.

A further issue raised by submitters was the importance of consultation as part of the amendment process. This was outlined by Knox (S149), who submitted:

Comprehensive and sound community engagement is a valid and essential part of the evidence base for municipal wide, strategic planning scheme amendments.

This was further emphasised by Nillumbik (S123) which stated:

It is considered that the requirements to justify introduction or variation to a residential zone should be:

- A Housing Strategy and associated neighbourhood character documents where relevant
• Community consultation
• Supply and demand analysis derived from ongoing State of Play reports and other credible data sources.

8.3 Discussion

8.3.1 Guidance

The Committee accepts the views of many submitters that greater clarity and definition of information requirements to support amendments would have been of assistance to councils when implementing the new residential zones. It considers that AN50 and the more detailed PPN78 provide useful guidance about which of the zones to apply in particular circumstances. The Committee recognises that PPN78 was of assistance to most (although not all) councils when considering the application of the new zones.

Greater Bendigo (D134) noted that the principles and criteria outlined in PPN78 were used as a foundation for the criteria used in the Greater Bendigo Residential Strategy (2014) and were then modified slightly to suit the local context.

The Committee notes the various options offered by PPN78 in relation to the level of strategic documentation required to support amendments. While on the one hand this offered flexibility to councils, it also meant there was no clear direction as to what form of strategic documentation or justification was acceptable. In addition, PPN78 only provides broad guidance around the different strategic documents that may be acceptable (for example, requiring an ‘adopted housing and development strategy’ for the application of the NRZ and the RGZ). It does not provide detail around the content or specific issues to be addressed in such a document.

The timing of AN50, PPN78, the RZSAC Stage One Overarching Issues Report (and its principles) and MD16 was clearly an issue, with a number of councils already well progressed in preparing amendments before some of this guidance material became available.

The Committee considers that PPN78 should be updated (and AN50 withdrawn), to provide an improved level of guidance in terms of evidence and justification required to support future implementation amendments. The revised practice note should clearly establish the work required to be undertaken in particular circumstances, and should clearly identify issues to be addressed in such work. As further discussed, the Committee believes that not all of MD16 remains relevant and that it should be revised (see Chapters 9 and 10).

The Committee agrees with the RZSAC recommendation that the existing neighbourhood character related practice notes (PPN28 and PPN43) should be amalgamated and updated to provide improved guidance about neighbourhood character. Finally, the Committee believes that a revised PPN78 (or a new Practice Note) should be prepared to provide councils with guidance about the content and preparation of municipal housing strategies.

8.3.2 Content

The Committee agrees with many submitters and RZSAC that implementation and review amendments should be supported by:

• clear consideration of housing policies at a state and regional level, including policies in the SPPF
• a municipal housing strategy\(^1\) that has been subject to (or will be as part of the amendment process) independent review
• where the NRZ is proposed to be applied, an assessment of the character that underpins the use of the NRZ (including neighbourhood character, or heritage, environmental or landscape significance) that has been subject to (or will be as part of the amendment process) independent review.

These requirements should be clearly articulated in the revised PPN78 and the new or revised Practice Notes addressing neighbourhood character and housing strategies, and applied to all relevant amendments (as defined in the introduction to this chapter). This does not mean that a new housing strategy needs to be prepared each time there is an amendment that relates to the residential zones. However, it does mean that an amendment should only progress if there is appropriate and current strategic support in place.

Councils should only rely on housing strategies (or associated strategic reviews) that are current and relevant.

In terms of content, the Committee notes the differing views of submitters in relation to the need (or otherwise) for capacity analysis to be undertaken for municipalities as part of the strategic justification of relevant amendments. The Committee’s view is that while capacity analysis has a role to play when preparing a housing strategy for a municipality, it should not be prepared in isolation and as the only supporting document for an amendment. Instead, housing capacity analysis should be used as part of the preparation of an overarching housing strategy, and to test whether the strategy is workable, will meet future housing requirements and that the selection of residential zones to implement the strategy is appropriate.

The Committee notes the issues raised by a number of submitters in relation to qualitative and quantitative analysis. In relation to this, the Committee considers that identification of clear and consistent guidance for the preparation of supporting documentation will assist in better managing the expectations around qualitative versus quantitative data, particularly in the context of neighbourhood character studies.

Keeping the above in mind, the Committee believes that a robust housing strategy should address(include the following matters:

• consideration of the current housing policy context at a national, state, regional and local level
• consideration of current zone and overlay controls
• consultation and community engagement
• assessment of the existing population and housing profile of a municipality
• assessment of projected population growth
• assessment of projected housing demand, including the mix of housing types
• assessment of housing capacity
• identification of key issues/challenges that emerge from the above issues
• development of future housing objectives and strategies

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\(^1\) In some areas, particularly regional areas, this may go by other names, such as settlement strategies.
• assessment of the methods of implementation of the housing strategy, including clear directions around any proposed changes to the planning scheme, including the policy framework and the selection of residential zones, overlays and other VPP tools.

The Committee considers that the requirements for housing strategies should be based on these issues and documented in a revised PPN78 (or a new practice note that complements and builds upon a revised PPN78). In relation to neighbourhood character assessments, this should take the form of a combined and updated PPN28 and PPN43.

8.3.3 Model methodology

The Committee believes that a model methodology for implementation and review amendments should be included in the revised PPN78. At a broad level, the revised PPN78 should include the following steps as part of the model methodology:

• assessment of existing national, state, regional and local level policies in relation to housing
• review of existing strategic documentation and material to determine whether new work needs to be prepared. This review needs to take into account the age of the existing material and the assessment pathway it has previously been through (for example through a panel process or a section 20(4) amendment with no independent review)
• consultation with adjoining municipalities and DELWP to facilitate consistency
• preparation of either new material (in the form of a housing strategy and/or character or environmental assessment – where relevant) or a review of existing material
• addressing the requirements of any relevant Practice Notes (including any new or amended Practice Notes)
• clear community and stakeholder engagement
• review of the amendment by either a panel (as per a standard amendment process) or by an independent advisory committee appointed under section 151 of the Act (or a combination of both).

8.4 Findings

The Committee makes the following findings in relation to ‘preparing planning scheme amendments’:

• Amendments that implement the residential zones, or involve a significant review of the residential zones across a municipality (or a substantial part of a municipality), should:
  - be supported by a robust and contemporary housing strategy (or equivalent strategic document) that has been prepared in accordance with relevant planning practice notes, and has been subject to independent review (or will be as part of an amendment process)
  - be supported by an assessment of the factors that underpin the application of the Neighbourhood Residential Zone, such as neighbourhood character, heritage, environmental or landscape significance that has been subject to independent review (or will be as part of the amendment process)
- include appropriate community consultation, including direct notification where appropriate
- not be changed following exhibition (other than minor changes) without direct notice given to potentially affected parties, and their views being considered.

- Planning Practice Note 78 should be updated to provide an improved level of guidance in terms of evidence and justification required to support future residential zone implementation and review.
- Advisory Note 50 should be withdrawn.
- *Ministerial Direction No. 16 – Residential Development* should be revised to remove redundant references to the application of the residential zones, and instead to address ongoing monitoring of the residential zones.
- A revised Planning Practice Note 78 (or a new Planning Practice Note) should provide guidance on the preparation and content of housing strategies.
- Planning Practice Note 28 and Planning Practice Note 43 should be consolidated into an updated Practice Note that deals with neighbourhood character issues.
9 Monitoring residential development

Clause 26a of the Terms of Reference requires the Committee to advise on:

*The approach to monitoring residential development over time including consideration of Ministerial Direction No. 16, and the role of councils and the department.*

9.1 Background

9.1.1 Ministerial Direction No. 16 – Residential Zones

The former Minister for Planning gazetted MD16 on 1 July 2014. This Direction was linked with the introduction of the three new residential zones (NRZ, GRZ and RGZ) and provided specific guidance and parameters for planning authorities introducing the new zones.

Clause 10 of this Direction states:

*A planning authority must evaluate and monitor the implications of the application of any of the three residential zones (Residential Growth Zone – RGZ, General Residential Zone – GRZ and Neighbourhood Residential Zone – NRZ) within two years of their gazettal into a planning scheme.*

More particularly:

*Planning authorities must specifically assess the effect of the residential zones(s) on housing supply, housing prices, infill development site land prices and the availability of land for infill development but are not limited to those matters.*

9.1.2 Other land monitoring data sources

The Committee notes that a number of government bodies and institutions and the private sector undertake residential land development monitoring/surveying programs. Some of these are highlighted below.

(i) State Government

Urban Development Program

DELWP has undertaken the Urban Development Program (UDP) since early 2000. The UDP draws on information and feedback from a comprehensive range of sources across state and local government, as well as additional datasets on housing and associated land development. The UDP addresses industrial land supply that may provide a useful link into monitoring needs regarding residential/jobs links.

Data analysis in the UDP offers consistent residential development - trend analysis over the forecast period. This trend analysis can be important in predicting future housing demand. Data obtained and recorded in the UDP indicates it is predominantly used by the local government sector and land development industry.
State of Play Reports

The State of Play reports were prepared by the Taskforce to inform the Committee and stakeholders of various residential zone and development. The background and content of the reports are discussed further in Chapter 3.2.

Metropolitan Planning Authority

During the inception workshops, the Committee was informed that the MPA undertakes residential development monitoring, focused around growth areas/key development sites. The MPA sees a strong link between employment and job creation opportunities, infrastructure and service needs, and associated residential growth. The Committee considers that targeted monitoring of these factors will continue to provide a useful adjunct to a broader metropolitan/regional based monitoring model.

(ii) Local Government

The Committee notes that various councils undertake periodic residential development strategy analysis and monitoring as resources permit. This is often associated with their ongoing housing strategy development and new residential rezoning amendment proposals. A number of submissions from local government during the hearings indicated a strong preference to rely on this data, rather than rely on VIF forecast data released by State Government.

(iii) Other

The PCA (S146) informed the Committee that it conducts its own residential development monitoring focused on market demand and conditions. It was not clear to the Committee whether this data is readily available to the broader community, or used solely by the PCA to monitor development on behalf of its members. Nevertheless the Committee believes this type of monitoring could provide useful additional data and analysis on how market ‘demand’ is shifting or changing across the metropolitan area in ‘real time’. This could be a useful addition to the analysis undertaken by the MPA and others.

The Committee is aware that the UDIA also undertakes similar research on a regular basis to assist its members.

The Committee notes that housing related research, surveys and reports are regularly released by universities and other academic institutions. These reports and surveys seek to target and address current housing trends occurring in the residential/housing sector. For example the Grattan Institute’s The housing we’d choose report (2011) provides information on housing demand. The Committee notes these types of reports can be topic/market trend specific or targeted at a high policy level.
9.2 Submissions

9.2.1 Ministerial Direction No. 16

(i) Monitoring and review

Some councils raised concerns about the resources required to undertake the type of monitoring required in MD16. For instance Whitehorse (S129) submitted:

... any attempt by the State Government to push monitoring requirements onto local government is likely to be resisted. Without the capacity to increase rates, there will not be sufficient resources for Councils to undertake this work alongside other existing work.

Others submitted that State government should take the responsibility for long term monitoring and review of residential zone performance. This included (but was not limited to) submissions from Banyule (S265), Darebin (S283), Manningham (S276), Melton (S139), Whitehorse (S129), Moreland (S122), Port Phillip (S262), Stonnington (S92) and Yarra (S327).

Stonnington (S92), while supporting the monitoring regime outlined in MD16, suggested that the time frame for monitoring should commence three years from gazettal of any residential rezoning. Yarra (S327) submitted a four to five year monitoring review period would suffice. Stonnington further suggested that:

There should also be clear guidance regarding the information required in the reports to ensure consistency across the State.

Melton (S139) added to this view by requesting:

... the MRDAC recommend that the Minister for Planning commit to a monitoring and review timeline, to track the new residential zones progress prior to making any changes.

This view was strongly supported by a number of other councils including Hobsons Bay (S148). Banyule (S265) further suggested that priority be given to monitoring and evaluating the performance of the NRZ.

In contrast, Greater Geelong (S151) submitted that:

As a discrete and self contained regional city and urban settlements we believe that monitoring of the performance of the new zones should be undertaken at a municipal level rather than a state wide or regional level.

Manningham (S276) took a different position, indicating that residential monitoring needed to be undertaken at a regional level. Some councils, including Nillumbik (S123), highlighted concerns that population projections and information provided in the State of Play reports may be inaccurate.

Darebin (S283) commented on monitoring affordable housing:

The ongoing monitoring of the zones should also analyze changes to housing prices. The application of the zones may result in certain areas becoming more or less affordable; this should be considered in the overall application of the zones and their ongoing monitoring.
The MAV (S132) observed:

*The requirements of the Ministerial Direction No. 16 are considered onerous. Councils would be assisted by the Department:*

- Providing a consistent methodology and guidance
- Linking the monitoring of planning schemes so that it is not a separate process.

Hobsons Bay (S148) said:

*Further guidance is also required to ensure that there is a standardised approach across municipalities in the monitoring and review of the new zones implementation. The review of Ministerial Direction No. 16 (Residential Zones) should provide more guidance as to the way the new zones should be monitored and reviewed.*

(ii) **The 50% Neighbourhood Residential Zone target**

A common criticism of MD16 related to the 50% NRZ target at Clause 9:

*At least 50 percent of Metropolitan Melbourne’s residential zoned land (other than land zoned Mixed Use, Township or Low Density Residential) must comprise of the Neighbourhood Residential Zone.*

Submissions said that this target should be removed, as it is arbitrary and creates unrealistic expectations in the community about the amount of NRZ that should apply in any given municipality. Casey (S309) submitted:

*This directive is unclear in its implementation and authority ... The use of a prescriptive regional measure is flawed as an individual planning authority cannot deliver the 50% NRZ target for Melbourne, it can only seek to apply all three zones where strategically justified within its own municipality.*

Hobsons Bay (S148) submitted:

*The Ministerial Direction No. 16 (Residential Zones) should be reviewed with removal of the reference (at section 9.0) to:

- At least 50 percent of metropolitan Melbourne’s residential zoned land (other than land zoned Mixed Use, Township or Low Density Residential) must comprise of the Neighbourhood Residential Zone.*

The MAV (S132) criticised the use of an arbitrary target, submitting that because local circumstances vary significantly, zones should be applied according to strategic policy and the attributes of land, rather than percentage targets.

9.2.2 **Monitoring residential development**

Many councils submitted it was too early to establish useful residential development trends and reach conclusions on performance following the introduction of the reformed zones. This view was also reflected in the State of Play Overarching report.

Nevertheless, the Committee was assisted by various comments on residential monitoring approaches and principles provided in council and industry submissions. For example, Knox
(S149) suggested “that monitoring without being clear what was being measured and for what purpose”, would not produce the most useful data.

With respect to the State of Play reports, Port Phillip (S262) reflected the general council support for this work:

The Managing Residential Development Taskforce State of Play Reports provides a useful snapshot of housing growth and population trends. Their value would be enhanced by the provision of more detailed development data which councils can further interrogate.

The submission went on to suggest that:

This process should be complemented by a review by an independent body (such as Planning Panels Victoria) to allow Councils and the community to provide local input and be heard.

VPELA (S114) supported ongoing monitoring:

Given the fluid nature of demographic projections and population trends, we encourage the committee to consider the need for regular and routine reviews of the application of the residential zones at the Council level. This could occur as part of the 3 yearly MSS review.

In addition to submitting that the monitoring requirements in MD16 were onerous on councils, the MAV pointed out that:

Providing a consistent methodology and guidance and linking the monitoring of planning schemes so that it is not a separate process … would in its view, help the process of monitoring over time.

This view was expanded in Submission 150, which suggested that the need for “sophisticated monitoring” of housing construction and supply was now required. In addition, the Master Builders Association (S326) recommended that the Minister for Planning set up and allocate the responsibility for ongoing residential development monitoring.

Submissions called for future State of Play reports to include various types of capacity analysis, including:

- metropolitan capacity analysis for Melbourne
- capacity analysis of larger brownfield sites, activity centres and other commercial or mixed use centres
- capacity analysis of medium density development opportunities and residential infill opportunities across Melbourne.

9.3 Discussion

The Committee recognises that it is too early to assess the impacts of the new zones on residential development outcomes. Many submissions from local government generally supported the continuation and need for regular monitoring and review of residential development, the Committee acknowledges that it is too early to assess the impacts of the new zones on residential development outcomes.
Some submissions called for future State of Play reports to include detailed information for each municipality on neighbourhood character, local community expectations, liveability, and population forecasts. The Committee does not support this approach. The State of Play reports provide a broad overview of residential development across Victoria. They are not intended to provide a detailed local analysis. The Committee considers that this is the role of local councils, not State government.

Local government prefers that State Government take the lead in undertaking residential zone monitoring. Many councils stated concerns around lack of resources to undertake this work. Other submissions suggested independent review of residential development monitoring, including the need for private sector and community input. Though acknowledging differing views around population and demographic forecasting, the Committee considers a cross section working group of government and industry groups could be facilitated through DELWP, to help develop a ‘best practice’ approach around this matter. This approach if followed could address concerns around calls for ‘independent monitoring’.

9.3.1 Ministerial Direction No 16

(i) Monitoring and review

The Committee notes that monitoring and evaluation of the new zones required under MD16 have not yet been completed as the two year timeframe, in the main, has not yet occurred. The Committee notes that many of the other directions in MD16 are redundant or are no longer relevant, as they have been overtaken by subsequent events and actions.

No consensus was reached in submissions about the preferred period within which monitoring should occur. Submissions ranged from the current two-year period stipulated in MD16, with others suggesting up to four to five years. The MAV suggested the period should coincide with statutory requirements for planning scheme reviews.

In terms of MD16, the requirement for reviewing the zones within two years of their gazettal was a ‘one off’ requirement that is unrelated to ongoing long term monitoring and review. The Committee believes that the need for this ‘one off’ review remains relevant, but that it should be carried out within four, rather than two years of the gazettal of the zones. This will provide a more realistic timeframe for the implications of the new zones to be monitored, understood and assessed. This is reflected in the revised MD16 recommended by the Committee at Appendix M.

In terms of ongoing review, the Committee believes that this should be done as a matter of course as part of the planning scheme review process under section 12B of the Act and when planning authorities prepare or review relevant strategic work such as housing strategies. The need for this ongoing review should be reflected in the revised PPN78.

(ii) The 50% Neighbourhood Residential Zone target

The Committee agrees that the 50% NRZ target in MD16 has been unhelpful and confusing because it references a Melbourne metropolitan target to a single planning authority and local government. It is not clear to the Committee what it was intended to achieve or how it
was intended to be applied. The Committee understands that this issue is being addressed through *Plan Melbourne Refresh*.

The Committee agrees with submitters that the NRZ should be applied on the basis of broader strategic policy and in response to local circumstances and characteristics, rather than to achieve an arbitrary target.

Given the uncertainties about the intent and use of this requirement, the Committee has deleted it from revised MD16 at Appendix M.

### 9.3.2 Ongoing monitoring of residential development

#### (i) State of Play Reports

Most submissions commented that the material included in the State of Play reports was a good starting point for ongoing monitoring. The Committee concurs with this view and recommends that DELWP produce the State of Play reports on a regular basis. The Committee believes that the reports should be published ahead of the four yearly planning scheme reviews that councils are required to undertake under the Act. This timing would assist councils in undertaking those reviews.

In the Committee’s view the value in the State of Play reports lies in their reporting of factual information in the possession of DELWP or other the State government bodies. The Committee does not believe that the State of Play reports should include detailed qualitative analysis of whether the application of the zones reflects, or is achieving, State or local policy. As submissions to this Committee have demonstrated, whether or not the zones have been applied consistently with policy is a matter of judgement, and is open to different interpretations.

The Committee acknowledges submissions suggesting that the population projections in the State of Play reports (which are based on VIF) are commonly higher than projections undertaken by or for councils at a municipal level. It is beyond the Committee’s remit to make detailed recommendations concerning the appropriate methodologies for undertaking population projections. The Committee notes, however, that the VIF population projections are undertaken by State government on a regular basis, and for a range of purposes. The Committee considers that it is appropriate for the State of Play reports to continue to be based on VIF population projections rather than local capacity-based population projections. Further review on this approach can be undertaken as the monitoring program develops and responds overtime.

Future State of Play reports need not include information about the process by which the residential zones were introduced in each municipality. Although this was useful information to inform the Committee for the purposes of this report, it is unlikely that this will remain particularly relevant in the future.

The Committee believes the following data sets are useful starting points for ongoing monitoring at a State level:

- zones that allow for residential development (including number of lots and area by zone)
• proportion of land in zones capable of being developed for residential purposes (not just the three reformed zones)
• recent housing construction data over a four year period (rather than building approvals data), noting the Committee acknowledges that a reliable and consistent data source is a critical part of accurate residential monitoring
• planned major residential development projects and growth planning using (for example) UDP and MPA data sets as a source base, which could include ‘actual on-ground’ construction data for specific target groups/sub/regional areas
• data on dwellings approved, dwelling mix, apartment size and average dwelling prices (which could inform an analysis of housing diversity and affordability)
• the location of PPTN routes, employment centres and activity centres in relation to new residential development.

The Committee encourages further discussion and refinement around these matters, facilitated by DELWP with local government and development sector interests, to ensure the State of Play reports are useful at the State, regional and local levels.

(ii) Local Government

In the Committee’s view, municipal level research and data analysis on residential growth and development, forms a very useful and important adjunct to other longer-term infrastructure/capital works planning programs undertaken by councils. This work can include regular monitoring, review and updates for longer-term in conjunction with DELWP and the MPA. The Committee encourages councils to continue this local level residential development analysis and monitoring, while recognising that some local government areas (particularly regional and rural areas) have limited capacity to undertake this work on a regular basis.

The Committee believes that access to data sources and specialist resources, particularly in regional and rural areas, should be addressed through State Government assistance to regional and rural councils.

The Committee notes that the range of matters monitored by most metropolitan councils covered a vast array of data sets, and is often localised in scope. This includes demographic and demand analysis, population growth (by area and type), household size and type, ageing patterns, migration movements, resident mobility, housing affordability (including income, rental and mortgage stress, home ownership and car ownership), housing stock and type of residential development activity (including building approval data, planning permit activity, decisions, objection numbers) and VCAT decisions (including discussion of financial cost and mapping of multi-unit development approvals). With the use of other data sets such as the ABS census, the Committee considers all of this information will be useful to monitor and consider at times, particularly at the local level.

The Committee has commented in this report on the importance of monitoring housing diversity and affordability. The Committee recommends that attention to these matters should continue to be a focus of local government in any significant application or review of the RGZ, GRZ and NRZ, and (any other zones providing for residential development). This information should form an integral part of the ongoing review of planning schemes,
together with any residential growth monitoring programs and analysis that may be undertaken by the State government.

9.4 Findings

The Committee makes the following findings in relation to ‘monitoring residential development’:

- Ministerial Direction No. 16 should require that planning authorities review the performance of the reformed residential zones within four years of their gazettal.
- Planning Practice Note 78 should encourage planning authorities to review the residential zones and associated strategic issues as part of the planning scheme review process under section 12B of the Act and when they prepare or review relevant strategic work such as housing strategies.
- DELWP should lead ongoing residential development monitoring across the State, with assistance provided to local government, particularly in regional and rural areas.
- DELWP residential development monitoring reports should be delivered generally in the form of the State of Play reports, including appropriate additions and refinements noted in the Committee’s report. The frequency and timing of these reports should assist the planning scheme review process.
Opportunities and improvements

Clause 3d of the Terms of Reference requires the Committee to:

*Recommend improvements to the residential zones.*

Further, Clauses 26c and d require the Committee to provide advice on:

*Any Taskforce suggestions for improving the residential zones.*

*Whether there are any further opportunities to improve the residential zones and/or associated planning tools.*
10 General Issues

Clause 26h requires the Committee to advise on:

*Any other relevant matters raised in the course of the public hearings that the Committee considers necessary.*

This chapter responds to general issues that were raised in submissions, including issues that are common to the residential zones.

10.1 Residential zones and overlays

10.1.1 Key issues

The key issues are:

- whether residential zone schedules or overlays should be used to manage character, built form and design outcomes
- the relationship between and the implications of using zone schedules in combination with an overlay (or number of overlays).

10.1.2 Background

The *Report on New Residential Zones for Victoria* (2009) report identified that a key difference between the existing zones and the (then) proposed new zones included the “potential to replace existing overlays and absorb them into the schedules to the new zones”.

That Advisory Committee considered that the planning scheme overlay regime should remain in place and noted that the schedules to the zones could not replace all of the objectives, details and development triggers in planning scheme overlays. However the Advisory Committee noted this did not mean that a “Council would not be able to use just a zone (and its schedule) rather than a zone and an overlay”.

This Committee notes that the structure of the zone schedules considered by that Committee enabled the neighbourhood character and design objectives for an area to be expressed in those schedules. This is not the case with the current schedules to the RGZ, GRZ and NRZ.

With regard to the relationship between residential zone schedules and planning scheme overlays, the report of the Reformed Zones Ministerial Advisory Committee commented:

*In the case where overlays apply on residential land, the opportunity also exists for councils when applying the varied zones to consider the objectives of those overlays and whether height or other provisions can be consolidated into the schedules of the new residential zones. Alternatively, councils also need to consider whether specific overlay provisions achieve different objectives and need to remain in their planning scheme.*

The RZSAC *Stage One Overarching Issues Report* commented that where an existing planning scheme overlay adequately dealt with design issues, these matters should continue to be dealt with through overlay provisions.
In further considering whether a schedule to a residential zone or an overlay should be applied, the RZSAC commented:

The Committee considers using the zones and varying the schedules ... need to be used with care so as not to usurp other provisions that already exist in policy or overlays applying to areas. The Committee considers this is particularly significant given the zone provisions relate to dwellings and residential buildings only, and the various overlays can relate to all buildings and forms of development. The Committee considers that, in some places, it may be better to enable the various overlay provisions to continue to be the enabling ‘protector’ of specific heritage, character or landscape attributes in an area. This would mean translating the R1Z to a GRZ (and in some cases even the RGZ) and relying on the existing overlays to continue to do their work.

The RZSAC recommended:

Recommendation 3:

Review the integration of the zone schedules and overlays. This review should address the respective roles of residential zones and overlays and which of these should be used to manage built form outcomes and how to best reconcile potential conflicts.

This recommendation was agreed to in the Government’s response (September 2014).

10.1.3 Submissions

A number of submissions, primarily from councils and industry groups, commented on the relationship between zone schedules and overlays. The key themes of the submissions were:

- confusion regarding when zone schedules and overlays should be used
- the strengths or opportunities provided by zone schedules and overlays.

Stonnington (S92) submitted that there is confusion as to how the zone schedules and overlays such as the Design and Development Overlay (DDO) and the Neighbourhood Character Overlay (NCO) operate together. Greater Bendigo (S120) commented that further guidance should be provided about how zone schedules and overlays interact, and the best tools to achieve desired outcomes. Macedon Ranges (S152) said:

... introducing schedules to the residential zones (as opposed to new overlay controls) is an attractive option ... as the variations to ResCode specified in Schedules apply to single dwellings via the Building Regulations, even if a planning permit is not required. This ensures consistency across a neighbourhood or streetscape, while maintaining an efficient development approval process.

The Victorian Young Planners Committee, PIA (S269) submitted that overlays such as the DDO and HO “can be more dexterously used to engage with neighbourhood character and built form requirements that are required to engage with design outcomes that reinforce elements of a neighbourhood that cannot be protected by the NRZ or GRZ alone”.

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The Peri Urban Group of Rural Councils (S300) identified the opportunity for red tape to be reduced through reworking and expanding the residential zones and their schedules while rationalising planning scheme overlays.

10.1.4 Discussion

The structure of the schedules to the RGZ, GRZ and NRZ are such that they are clearly limited in their scope to residential development, and quite specifically to dwellings and residential buildings, rather than all development within that zone. This suggests that there is clearly a role for planning scheme overlays to manage design and built form more broadly.

The scope of the schedules in other zones is also limited. For example, the schedule to the LDRZ is limited to setting a permit trigger for outbuildings. The schedules to these other zones provide either no or limited scope for managing design and built form.

Therefore, without substantial review and revision of the structure of all zones and associated schedules to enable zones to manage design and built form outcomes, and potentially other outcomes such as landscape. Overlays will continue to be required to manage built form (and other) outcomes.

It is not within the scope of this Committee to consider the role of zone schedules and their relationship to planning scheme overlays more broadly, or to undertake a review of the structure of all zones and their associated schedules; this would constitute a separate and substantial project in its own right.

While some submissions have suggested that there is a need for improved clarity about the interaction of zone schedules and overlays, the Committee notes that only a small number of submissions raised this as an issue. The Committee considers that the limited scope of the schedules to the RGZ, GRZ and NRZ provides sufficient clarity around when these schedules should be used versus when a planning scheme overlay would be more appropriate.

While several submissions provided data regarding the number of RGZ, GRZ and NRZ schedules across the state, and some submissions provided examples of where zone schedules and overlays have been applied, no evidence was submitted to demonstrate that there is a significant existing or emerging issue in relation to the inappropriate compounding of zone schedules and overlays. As noted above, due to the limited scope of the RGZ, GRZ and NRZ schedules, there may be legitimate reasons for zone schedules and overlays to apply to the same area.

The Committee notes, however, that if not carefully managed, compounding planning scheme controls through the application of both zone schedules and overlay provisions could occur. Having regard to the short timeframes and the different processes by which the new residential zones and their associated schedules were implemented, the Committee notes that it is possible that there may be some duplication of controls through the application of zone schedules and overlays to some areas.

The Committee considers that it would be appropriate for planning authorities to identify and remove any unnecessary duplication between schedules to the RGZ, GRZ and NRZ and overlays that apply to the same area. This should be done as part of the regular planning scheme review process.
10.1.5 Findings
The Committee makes the following findings in relation to ‘residential zones and overlays’:
- Overlays have an ongoing role in managing development, design and built form outcomes.
- The application of the residential zone schedules has resulted in some duplication of, and conflict with, overlays, but this is not a widespread issue.
- Planning authorities should monitor and review planning schemes to identify and remove duplication and conflict between overlays and schedules to the residential zones as part of the regular planning scheme review process.

10.2 Residential zone schedules
10.2.1 Key issues
The key issues are whether the application of the new residential zones and their associated schedules has:
- resulted in an inappropriate proliferation of schedules
- unnecessarily complicated the use of these zones and planning schemes more generally.

10.2.2 Background
The New Residential Zones for Victoria (2009) report commented that:

*There is only a need to have a separate precinct and schedule if there are to be different requirements. There is no need to have a separate schedule for areas that have a different character but have the same requirements applied.*

*The Advisory Committee concludes that the critical issue is not the number of schedules that might be applied but the strategic justification for the different schedules.*

The principles established by the RZSAC include:

- **P23** Schedules should only be applied where there is a clearly defined need and it can be demonstrated that the provisions of Clause 54 and 55 are not adequate.

- **P24** The use of local schedules should be minimised and schedules should preferably be applied on a broad scale rather than on a site specific basis.

- **P31** Variations to the Clauses 54 and 55 in the zone schedules should be justified and should not be applied if the existing provisions of Clauses 54 and 55 are adequate.

The RZSAC noted that there had been a range of approaches to the application of schedules, both in the number of schedules applied and the size of the area to which they had been applied.
The RZSAC acknowledged that “there is no one-size-fits-all number of schedules that each planning authority should apply”. However it commented that “a planning scheme should not be unnecessarily complicated by the introduction of an excessive number of schedules”.

10.2.3 Submissions

Various submissions from local councils and industry groups commented on the number of schedules to zones, including:

- the extensive number of schedules to the RGZ, GRZ and NRZ
- the complexity caused by the extensive number of schedules.

In relation to the number of schedules used, Ratio Consultants (S131) observed that there are presently 141 schedules in the residential zones. Ratio called for the deletion of schedules, and submitted:

*The overuse of schedules has resulted in 141 different residential zones in metropolitan Melbourne. The number of schedules is not only confusing for the users of the Victorian planning system but are also being abused by some Councils by creating defacto NRZ in the GRZ and so on. The purpose of each zone, the emphasis on site responsive design and neighbourhood character and ResCode provides sufficient direction on these matters.*

The Group of Industry Professionals (D19) submitted:

*The group submits that there is no need for schedules. ResCode has by and large performed well to guide development in the Residential 1 zone and there is no reason why it cannot continue to provide the appropriate tools for the assessment of residential development particularly in the General Residential Zone or indeed the Neighbourhood Residential Zone.*

On the other hand, many councils supported the use of schedules and have used them to implement neighbourhood character policies. Stonnington initially proposed a table of heights for particular areas in a lesser number of schedules. When this was not supported, it introduced 13 extra schedules to implement different maximum height controls.

Other submitters expressed concern that in some cases, schedules have been used to substantially alter the zone controls and restrict development contrary to the purpose of the GRZ.

VPELA (S114) and others submitted that there are some 141 schedules across the three new zones in metropolitan planning schemes. Moreland (S122) submitted that there are in excess of 200 schedules to the three new zones across Victoria. These submitters commented that the application of numerous schedules had increased the complexity within planning schemes and created uncertainty.

Some submissions made suggestions to address the proliferation of schedules. VPELA further suggested that a “useful recommendation of the advisory committee would be to suggest allowable ranges for each variable element in the schedules across the 3 zones”.

Moreland (S122) suggested that it “*may be more efficient and consistent ... to develop a limited number of standardised ‘off the shelf’ schedules ... where Councils then select the best fit schedule ...*” Moreland suggested the alternative of removing the opportunity for
schedules to the zones entirely, combined with associated changes to the NRZ and Clause 55. Stonnington (S92) commented that it had previously proposed including different height areas and requirements within the one schedule.

The Victorian Young Planners Committee, PIA (S269) disagreed that the number of schedules to the RGZ, GRZ and NRZ should be limited. Rather, it submitted that “(a) consistent methodology for application of the zones, including practice note guidance from the State government, will ensure that schedules are appropriately applied in accordance with the purpose of the zone”.

10.2.4 Discussion

The Committee accepts that the number of schedules to the RGZ, GRZ and NRZ, both within individual planning schemes and across all planning schemes, has complicated these zones and planning schemes generally. Although it is difficult to quantify these impacts, they are likely to include:

- confusion on behalf of land owners and permit applicants
- planning permit applications not being consistent with the relevant schedule provisions
- increased demand for planning and responsible authorities to provide advice on zone schedules, with resultant impacts on workloads
- an increased need for land owners and permit applicants to seek expert town planning or design advice
- increased processing times for planning permit applications, both in the amount of time required to undertake an assessment and the length of time to reach a decision
- increased costs in the preparation and assessment of planning permit applications, and the consequential costs of any additional time taken in reaching a decision
- no discernible or distinct differences in the outcomes of the application of different schedules to the zones.

However, the Committee also notes that overlays, including the NCO, DDO, SLO and HO, are extensively applied within residential areas to control built form. These overlays also add a level of complexity to the planning system and potentially have similar impacts as the zone schedules.

In terms of the ‘options’ put to the Committee to address the issue of schedules, the Committee notes the following:

Allowable ranges for each variable element in the schedules across the 3 zones

This option will not necessarily result in a reduction in the number of schedules. It is possible that, even with limiting the range of variations for each of the elements contained in a schedule, the range of combinations of the variations may result in as many (or more) schedules. This option, however, may have merit in addressing concerns that the variations included in schedules can result in the schedules effectively changing the nature of a zone. For example, that the variations imposed in a schedule to the GRZ may be made that zone the same or more restrictive than the standard NRZ.
A limited number of standardised ‘off the shelf’ schedules

The Committee acknowledges that there may be many schedules to the RGZ, GRZ and NRZ that are the same or similar, both within the same planning scheme and between different planning schemes. It is noted however that a considerable range of combinations of elements can be managed through the schedules. As such, setting a standard set of schedules that may be applied in these zones is not a simple exercise. The Committee also notes that the content of schedules varies significantly, particularly between schedules applied in metropolitan Melbourne and those applied in regional areas.

A key role of the schedules is to tailor the building height provisions of the zone and the siting and design provisions of Clauses 54 and 55 to better address character and other built form character issues. The Committee is not convinced that providing a limited number of standard, ‘off the shelf’ schedules, would adequately address a range of neighbourhood character and other design objectives.

A single schedule that allows for multiple variations for different areas

While this approach could certainly reduce the number of schedules, it would also increase the complexity of the schedules. On balance, the Committee does not believe that this approach is warranted.

Removing schedules in combination with associated changes to the NRZ and Clause 55

The Committee notes that the ability to tailor standard residential zone and other provisions through schedules is a long standing and entrenched feature of Victorian planning schemes. The Committee considers that these schedules provide an important mechanism for ensuring that what are otherwise generic land use and development provisions are able to respond to localised circumstances. The Committee considers that, in principle, the ability to tailor planning scheme provisions to local circumstances provides for good planning outcomes at the local level.

The Committee concludes that while the number of schedules to the RGZ, GRZ and NRZ should be minimised, it agrees with the Report on New Residential Zones for Victoria (2009) that “the critical issue is not the number of schedules that might be applied but the strategic justification for the different schedules”.

10.2.5 Findings

The Committee makes the following findings in relation to ‘schedules’:

- The over-application of the residential zone schedules has complicated some planning schemes and the planning process.
- Planning authorities should seek to minimise the use of residential zone schedules.
- Residential zone schedules should only be used where there is a clearly defined justification for varying the default provisions.
10.3 The need for a new zone

10.3.1 Key issue

The key issue is whether a new zone is necessary to provide for urban renewal and redevelopment sites.

10.3.2 Submissions

In discussion meetings prior to the public hearings, the Committee met with members of the Plan Melbourne 2015 Ministerial Advisory Committee, who raised the issue of an urban renewal or greyfield type zone.

Port Phillip (S262), while not specifically calling for a new zone, sought an outcome, particularly in the Fisherman’s Bend Urban Renewal Area, which enables more control of land use outcomes including the ability to balance commercial and residential development:

*Development of a planning framework/mechanism for urban renewal areas, which more effectively directs and delivers specific land use outcomes, and provides for a range of development typologies and intensities*

The need for an urban renewal zone was canvassed by Submitter 103 in the context of the redevelopment of large industrial sites which may occur over several years and involve a mix of uses and a variety of development types.

10.3.3 Discussion

The planning for renewal of former industrial or surplus sites raises broad planning challenges, however there have been many sites successfully redeveloped in recent years using existing planning frameworks.

The example given by Port Phillip relates primarily to Council’s concern that current development approvals are leading to lack of housing diversity in the Fisherman’s Bend Urban Renewal Area. Their concerns would seem to be more related to the particular zone that has been applied rather than need for a new urban renewal zone.

The Committee considers that this current process is not the forum to determine whether there should be a new zone to cater for urban renewal of greyfield development opportunities. It is understood that the issue is being canvassed more fully through the *Plan Melbourne Refresh* review, which is a more appropriate forum for such a consideration.

10.3.4 Finding

The Committee makes the following finding in relation to ‘the need for a new zone’:

- The existing suite of residential zones and other zones that allow residential development provide sufficient options to cater for urban renewal sites, however consideration of new zones could be further ventilated through *Plan Melbourne Refresh*. 
10.4 Supporti ng growth through infrastructure contributions

10.4.1 Key issue

The key issue is whether established urban residential areas should have a standard development contribution scheme available in order to ensure municipalities are equipped to keep pace with the projected growth.

Improvement No. 33 of the Taskforce’s List of Suggested Improvements included the following proposal which attracted a significant number of submissions:

Establish urban area infrastructure development contribution scheme for residential areas.

10.4.2 Submissions

Submissions provided strong support for the implementation of a standard infrastructure contribution scheme for established urban areas.

Niche Planning Studio (S306) agreed and clearly summarised the challenges facing Melbourne by noting:

As it stands, much of the infrastructure in the middle and outer ring subregions is under pressure. Niche believes that transport and community infrastructure should be upgraded to meet the demands of Melbourne increasing population to ensure that we retain our status as one of the world’s most liveable cities.

A number of municipalities within the established areas and middle ring of metropolitan Melbourne provided in principle support for this concept including; Bayside, Glen Eira, Manningham, Melton, Port Phillip and Whitehorse.

Specifically, Boroondara (S94) submitted:

... The current process for introducing a Development Contributions Plan into an established municipality to assist with meeting the costs of increased infrastructure demand is onerous and inefficient. Established municipalities have limited financial capacity to support current infrastructure demands let alone increased future demand.

This failure and unwillingness by successive Victorian State Governments to establish better infrastructure funding measures will detrimentally affect the ability of established municipalities such as Boroondara to upgrade ageing infrastructure to cope with the imposition of a possible 70/30 housing target.

Melbourne (S314) also supported the need for standard development contribution scheme:

For infrastructure that is required to be provided for infill development, there needs to be a revised development contributions system to allow councils to easily access contributions for such investment ...

Casey (S309) noted:

... in recognition of impacts on infrastructure arising from increased densities and redevelopment. This is particularly relevant in activity centres and areas zoned RGZ where increased densities are encouraged, and will result in
increased loads on community infrastructure, parks, drainage, etc. From an equity perspective the developers should fund these accelerated impacts on infrastructure.

Frankston (S32) also noted:

We strongly support Improvement #33 which will assist with infrastructure development contributions as Council is grappling with rate capping and reductions in state and federal grants along with meeting infrastructure expectations from new residents.

The Peri Urban Group of Rural Councils (S300) commented that:

The ability to utilise the Standard Development Contributions across the peri urban region remains a key priority and one that will assist to ensure new residential areas and developments are appropriately supported with infrastructure and community facilities.

In contrast, the Association of Consulting Surveyors Victoria (S266) considered that:

... significant 'development taxes' already apply to such areas through the Metropolitan Planning Levy and Planning Scheme defined open space contribution requirements and that any such scheme should require a high level of justification.

10.4.3 Discussion

The Government announced a new and alternative infrastructure contribution system based on standard levies in 2014, with the introduction of legislation in 2015. The standard levy scheme is intended to provide a simple and transparent system for levying pre-set contributions toward the provision of infrastructure.

The Standard Development Contributions Advisory Committee in 2013 recommended that a development levy apply to growth areas, strategic development areas and established urban areas, however the new standard system in established urban areas has not been adopted.

In established metropolitan areas, the only opportunities to capture contributions are through a Development Contribution Plan that must be incorporated into a planning scheme via a Development Contributions Plan Overlay, or by another means such as a Section 173 Agreement. These existing methods can be complex, time consuming, lack flexibility, be inconsistent in their application across areas, and come with risk in terms of their implementation.

The Plan Melbourne Review Ministerial Advisory Committee report of 2015 recommended the adoption and implementation of the standard levies for urban areas. The Government, in its Plan Melbourne Refresh Discussion Paper did not support this recommendation.

Melbourne's population is growing strongly and is projected to continue to grow strongly in the future. As thoroughly articulated, and strongly supported in the submissions to this Committee, successfully levying contributions to infrastructure remains a difficult and time consuming task for many councils.
10.4.4 Findings

The Committee makes the following findings in relation to ‘supporting growth through infrastructure contributions’:

- A simplified method to levy infrastructure contributions would ensure infrastructure can better keep pace with a growing population and increased housing delivery.
- Further consideration should be given to the introduction of standard levies for urban areas.

10.5 ResCode

10.5.1 Key issues

The key issues are:

- ResCode needs to be reviewed having regard to the context of the new residential zones and the higher density typology envisaged by the RGZ
- ResCode provisions are not suitable for four storey apartments and higher density development.

10.5.2 Background

(i) ResCode in the planning system

ResCode is applied through the planning permit system or the building permit system. In planning schemes, the ResCode provisions comprise Clauses 54 (which applies to one dwelling on a lot), 55 (which applies to two or more dwellings on a lot and residential buildings) and 56 (which applies to residential subdivision).

The ResCode provisions apply to the RGZ, GRZ, NRZ, Muz and TZ. The Clause 56 provisions also apply to the CDZ or PDZ where the zone provides for residential development. The provisions of Clause 55 do not apply to developments of five or more storeys, excluding a basement.

The provisions in Clauses 54, 55 and 56 contain objectives that must be met, standards that should be met and decision guidelines.

(ii) ResCode in the building system

In the building system, the ResCode provisions are set out in Part 4 of the Building Regulations 2006 (Building Regulations). These provisions apply to single dwellings on a lot:

- where no planning permit is required for the construction of the dwelling, or
- where a planning permit is required for the construction of the dwelling but the relevant planning scheme does not regulate the same matter as that regulation in relation to the siting of the building.

The provisions in the building system comprise prescriptive standards that must be met. Where a standard is not met, the report and consent of the relevant council must be obtained.
(iii) ResCode standards in relation to dwellings

In both the planning and building systems, the ResCode provisions (other than Clause 56 subdivision provisions) apply to the construction of new dwellings as well as alterations and extensions to dwellings.

The ResCode provisions in Clauses 54 and 55 contain a range of neighbourhood character, building siting, design and amenity provisions. The provisions in Part 4 of the Building Regulations contain a more limited range of building siting and amenity provisions. There is an alignment of a sub-set of standards between Clauses 54 and 55 and Part 4 of the Building Regulations.

A number of the ResCode standards in Clauses 54 and 55 may be locally varied through the schedules to the residential zones (RGZ, GRZ, NRZ, MUZ and TZ). These variations also vary the equivalent standards in Part 4 of the Building Regulations.

10.5.3 Submissions

Darebin (S283) submitted that “...the new residential zones have altered the context in which ResCode operates, and that it should be updated accordingly. ResCode was developed with a very different development typology context in mind ...”.

The submission by Monash (S130) commented on the conflict between the different development outcomes directed by the zones and the generic application of ResCode standards across the three new zones.

The List of Suggested Improvements provided by the Taskforce, included the proposal:

15 Introduce a Building Design Guideline criteria for multi-level developments.

Although the scope of this ‘improvement’ is not entirely clear to the Committee, it was supported in various submissions, including some council submissions that also acknowledged that ResCode could be improved. Port Phillip (S262) submitted that:

... a comprehensive review of ResCode to bring together a number of pieces of work currently being undertaken by the State and Local Government (i.e. Plan Melbourne Refresh, the Better Apartments Project, affordable housing and environmentally sustainable design). This work would be complemented by further guidance on appropriate design outcomes based on building typology (i.e. detached and attached houses, unit developments, low rise apartment buildings, buildings over five storeys, high-rise apartment buildings) and location (residential, mixed use, retail and commercial).

Moreland (S122) commented that “... ResCode is not a suitable assessment tool for the four storey apartment typology expected in the Residential Growth Zone...”. Ratio Consultants (S131) recommended exempting development within the RGZ from specified Clause 55 standards, on the basis that these standards are too onerous for high density development.

Darebin (S283) noted that further guidance is needed regarding higher density development.

A range of changes to the ResCode residential development provisions were recommended in submissions, including:
• refinements to standards and objectives to relate to different development outcomes expected in each of the new residential zones (S283)
• making compliance with the standards mandatory (S225)
• deleting provisions that duplicate zone and State policy provisions (Greater Bendigo S120)
• giving greater effect to environmental sustainability and liveability (Banyule S265).

Submission 116 raised concern that “… Substantial variations from ResCode standards are already evident in single dwelling building permits without any apparent oversight or enforcement action from the Victorian Building Authority ….”. This submission provided photographs of alleged examples of non-compliant single dwellings.

10.5.4 Discussion

The key issue raised in relation to the ResCode provisions was their suitability (Clause 55) for managing four-storey apartment and higher density development, particularly in the RGZ.

The Clause 55 provisions apply to a variety of development types, ranging from modest two dwellings on a lot to four-storey apartments and residential buildings. The Committee notes that a number of submissions contend that the nature and form of multi-dwelling development has intensified since the Clause 55 provisions were introduced in 2001. However, in the view of the Committee, insufficient evidence has been provided to draw any firm conclusions as to the suitability of the provisions of Clause 55 to the apartment and higher density development typology that may be expected to occur in the RGZ.

However, given the length of time since the ResCode provisions were introduced, the range of development typologies that these provisions apply to, and the intensity of development that may be expected in the RGZ, the Committee considers that it would be appropriate for DELWP to undertake an evaluation of the alignment of the ResCode provisions with the purposes and expected outcomes of the residential zones. This evaluation would inform DELWP of the need for a review of the ResCode provisions.

The Committee notes that DELWP is currently undertaking the Better Apartments project, aimed at developing apartment design guidelines and that the outcomes of this project may have implications for the ongoing role of the ResCode provisions in relation to the siting and design of apartment buildings.

In relation to the interrelationship between the ResCode provisions, the schedules to the residential zones and the building permit system, the Committee considers that the key issue is whether the local variations to the ResCode standards, given effect through the schedules to the residential zones, are being applied through building permits for single dwellings.

Since the introduction of the RGZ, GRZ and NRZ, there has been a substantial increase in the number of residential zone schedules. As noted previously, there are multiple local schedules across the residential zones. Given the large number of schedules, the Committee notes that there is a possibility for errors to be made such that the local variations within the zone schedules may not always be applied through the building permit system. The Committee notes, however, that no confirmed evidence has been provided as to whether
there is an actual issue in this regard, and if so, what the extent of any such issue is. The Committee considers that this is a matter that should be monitored by DELWP.

10.5.5 Findings

The Committee makes the following findings in relation to ‘ResCode’:

- The alignment of the ResCode provisions with the residential zones should be further evaluated by DELWP to determine if a review of the ResCode provisions is necessary.
- The application of local variations within residential zone schedules through the building permit system should be monitored by DELWP.

10.6 Maximum building heights

10.6.1 Key issues

The key issues are:

- the certainty associated with mandatory maximum heights
- the lack of design flexibility associated with mandatory maximum heights
- whether zones that provide for residential growth and change (the GRZ and RGZ) should enable mandatory maximum building heights to be applied.

10.6.2 Submissions

There were a number of submissions in support of mandatory heights being expressed in the residential zones. There were divergent views as to whether there should be an increase in the height control in the NRZ from eight to nine metres. Typically it was residents and resident groups that opposed the change, and industry groups and some councils that supported the change. Additionally, some considered that there should be no reference to four storeys in the RGZ.

Niche Planning Studio (S306) welcomed the use of mandatory controls:

... as they offer benefit in streamlining planning applications, as well as the development process more generally. However, there is concern surrounding the over-application of mandatory controls which would subsequently draw away focus from performance-based methods. The latter play an equally important role in fostering innovation, enhancing neighbourhood amenity and shaping positive design outcomes particularly for sites with unique topography requiring less stringent regulatory frameworks.

However, Niche noted:

We recommend caution be exercised in the application of mandatory controls at the expense of performance-based criteria. We acknowledge that mandatory controls lift minimum standards, but they should not be used at the expense of fostering best practice.

Collie (S140) shared a similar view and said:

We do not consider that there should be a one size fits all mandatory height limit, as the height of development should be assessed on a case by case basis
and informed by neighbourhood character and amenity impacts on adjoining properties.

We are of the view that building height should be performance based and be assessed having regard to the site context and design response, which is consistent with a number of rulings at the VCAT as well as in the findings of recent Panel reports.

Boroondara (S94) supported the application of mandatory height controls, where appropriate, to achieve desirable built form outcomes:

It is considered that it is important to continue the application of mandatory height controls in appropriate locations to ensure the protection of neighbourhood character.

Mandatory heights provide certainty for all parties.

Whitehorse (S129) shared that view in relation to heights in the NRZ:

Mandatory height requirements provide certainty in NRZ areas. That said, some provision needs to be made for other uses, such as retirement villages, which should be allowed to exceed these heights.

Macedon Ranges (S152) noted that:

Mandatory controls related to minimum lot sizes and building heights provide certainty for Council and the community, expedite decision making and reduce appeal processes.

Submission 191 observed that “Without a mandatory height control there will be temptation for developers to push the envelope”.

Not all submitters shared these views. VPELA (S114) observed that:

Techniques such as 8 metre mandatory height controls, generous private open space provisions and low site coverages work to mask the use of the NRZ and potentially undermine the strategic objectives of state policy.

The HIA (S310) considered mandatory heights to be a problem for many home builders as “…it often constrains their ability to design a functional and modern dwelling(s) particularly when coupled with varied ResCode requirements”.

Urbis (S133) and (S288) argued that:

The removal of mandatory height requirements will allow informed decisions to be made based on the existing scale and character of the area rather than the existing provisions which place no regard on the local context.

Casey (S309) noted that an increase to a maximum building height of nine metres is:

Practical to allow for pitched roof design of two storey dwellings, especially where required to be consistent with streetscape character, to allow increased ceiling heights for improved occupant amenity, and to allow for two storey dwellings in areas constrained by higher flood levels in a SBO or LSIO.
In relation to the GRZ and RGZ mandatory heights, Melton (S139) argued that:

This is too prescriptive and defeats the purpose of flexible schedules that allow Council discretion as to building height requirement.

Submission 294 contended that:

The use of mandatory heights, whether 8.0m or 9.0m and whether in the RGZ or any other residential zone, tends to make flat rooves more likely than pitched rooves; that defect could be overcome by setting a two-stage height control, along the lines of 8.0m, but where the maximum height above ground level of the majority of the external wall perimeter length is less than 7.5m, 9.0m.

In relation height limits for non-residential uses, Stonnington (S92) said:

Non-residential developments within residential zones are not subject to the mandatory maximum building heights. This is somewhat illogical and results in odd outcomes leading to arguments about transition of building heights undermining the purpose of the mandatory provisions in the first instance.

Taking a pragmatic view in relation to monitoring of the residential zones and the height issue, Yarra (S327) observed:

It is still rather early to judge how the mandatory height provisions will work, how they will change outcomes and whether there are things which need to change as a result. The way they work and are interpreted by practitioners, VCAT and the wider community will need to be monitored. The early feedback and practice points to some issues and adjustments but more will emerge in the medium term.

The PCA (S146a) advised the Committee of changes to the National Construction Code allowing a greater use of timber frames, noting that as a result, overall heights of buildings will be greater than those constructed on concrete slabs. It stated:

In light of this progress in construction techniques, we request that this issue be resolved by altering the mandatory height limits to determine the number of storeys (or another measure), rather than using the current standard. This would allow architects, structural engineers and other consultants to test various system options and (sic) to find the most efficient solution. The current mandatory height limits as they are written in the zones put timber based solutions at a competitive disadvantage.

The Australian Institute of Architects (S342) was critical of the mandatory controls and submitted that:

... one effect of mandated outcomes has been a greater focus on height rather than design as the relevant arbiter of what defines acceptable development, resulting in a lack of innovation and limitations on the diversity of housing types available in the market. An approach which includes both consideration of planning aspects – including but definitely not limited to height limits – and specific responses based on the context of the site and surrounds
complemented by excellence in design – should be the key measure in assessing the impact of any development.

In relation to the List of suggested improvements, there were varying opinions as to whether the NRZ height limit should be either eight or nine metres. Most councils and industry stakeholders supported increasing the height to nine metres, while some individual submitters and community groups preferred that it remain at eight metres. Planning Backlash Inc (S147), through its Convenor, argued that if the height in the NRZ was to increase to nine metres, it should be for two storey development only. Many others shared that opinion.

10.6.3 Discussion

The Committee acknowledges that one of the key features of the reformed zones process has been the provision of greater certainty. At the same time, while the zones have provided a higher level of certainty, there have also been some anomalies. The NRZ, for example, has a mandatory height of eight metres, yet it has been argued that some home owners have not been able to extend to two stories as the height of the dwellings exceeds eight metres. The RGZ and GRZ provide for residential growth and change, but provide for a mandatory maximum building height to be specified in a schedule. The purposes of the RGZ encourage development up to four storeys, yet other provisions speak of five in the same zone.

Much has been written in recent years about height, and whether heights should be mandatory or discretionary. There is no doubt that this will be an ongoing debate.

The 2009 Advisory Committee noted its preference for heights to be discretionary, and this current Committee accepts that the debate has moved on slightly since then in relation to the residential zones.

The Committee agrees with the 2012 Reformed Zones Advisory Committee that non-residential uses should not be subject to height controls that apply to residential buildings. It is a purpose in all zones to provide a range community, education and other complementary uses. Quite simply, these buildings by their very nature adopt a different built form and scale (and often are subject to other regulatory requirements relating to schools, child care centres and medical centres).

There was debate between submitters as to whether the height control in the NRZ should be mandatory or discretionary, and whether it should be eight or nine metres. The Committee understands that the community’s concern in increasing the height to nine metres is more to do with the ability to achieve a three storey building rather than nine metres per se.

On balance the Committee accepts that it would be a retrograde step to totally abandon the level of certainty provided by mandatory height limits. But at the same time, there needs to be a greater degree of flexibility to accommodate residential development going forward.

The Committee is satisfied that there is an issue in achieving two storey dwellings in an eight metre height control, and considers a mandatory height of nine metres in the NRZ is warranted, but only for a two storey built form. The increase in the control to nine metres will cater for instances where the existing dwelling stock is more substantial, where a new dwelling is therefore in keeping with the prevailing scale; where the provision of pitched
roofs or steeper pitched roofs are a feature of the neighbourhood; the increased height will cater for alternative construction methods such as timber footings; will provide more flexibility in terms of design; and, will allow for higher floor to ceiling heights and in turn greater internal amenity. The Committee therefore recommends that the mandatory maximum height control be amended to refer to nine metres (in two storey built form) in the NRZ.

The Committee notes the submissions relating to the existing provisions of the NRZ that allow, among other things, that extension of an existing building, or the construction of a new building, may exceed the specified building height if it does not exceed the height of immediately adjacent buildings facing the same street do not reference corner blocks. Accordingly, the Committee recommends that this provision be amended to refer to buildings on the same street, rather than facing the same street. This change is included in the recommended zone at Appendix J.

In relation to the GRZ and RGZ, these zones include discretionary default maximum building heights that can be varied in a schedule. However, a scheduled maximum building height becomes a mandatory rather than discretionary maximum. The Committee believes that allowing a mandatory maximum building height in these zones is contrary to their purposes which, among other things, anticipate residential growth and change. While the Committee accepts that it might be useful to vary the default height in a zone schedule, it does not agree that it should become a mandatory provision. If there is a compelling need for a mandatory maximum height, this can still be achieved through the use of an overlay. This change is included in the recommend zones in Appendices H and I.

Other issues relating to height are flooding (that is buildings in a Land Subject to Inundation Overlay or Special Building Overlay), and how to treat above roof features such as architectural features, lift overruns, solar panels and the like.

While it was anticipated that some issues such as sliding scales and overall building height where land is subject to flooding would be addressed by way of the proposed VC Amendment, it is not clear to the Committee whether this amendment will be approved or if it is, the timing of the approval.

In relation to areas subject to flooding, the Committee agrees with the findings of the RZSAC that the provision of the NRZ should allow for any additional height required by the relevant flood authority to be accommodated, as is presently the case in the GRZ. Accordingly, the Committee recommends that the NRZ be amended to reflect this.

The Committee does not believe that it is necessary to amend the NRZ to allow for architectural features and lift overruns to exceed the mandatory height control given its recommendation that the maximum height be increased from 8 to 9 metres.

Finally, the Committee notes that the template schedules for these zones will need to be revised to reflect some of these recommendations.

10.6.4 Findings
The Committee makes the following findings in relation to ‘maximum building heights’:

- The mandatory maximum building height in the Neighbourhood Residential Zone should be increased to nine metres, but limited to two storeys.
• The Neighbourhood Residential Zone should allow for any additional height required by the relevant flood authority to be accommodated.
• The General Residential Zone and Residential Growth Zone schedules should enable the default maximum building height to be varied, but only as a discretionary maximum height.

10.7 Residential aged care facilities

10.7.1 Key issue

The key issue is whether the zones should provide greater support and flexibility for residential aged care facilities, particularly in terms of building height.

10.7.2 Background

Amendment VC50 was gazetted in December 2008 and implemented a faster planning approval process for residential aged care facilities, including policy regarding the design and appropriate location for such facilities.

As a result, the following planning framework currently applies:
• Clause 16.02-3 (Residential aged care facilities) identifies the need for the timely development of residential aged care facilities and the delivery of adequate land supplies and redevelopment opportunities to enable older people to live in appropriate housing in their local community.
• Clause 16.02-4 (Design and location of residential aged care facilities) encourages well designed and appropriately located aged care facilities, recognising that such facilities are appropriate uses in residential areas, different to dwellings in both their purpose and function and therefore will have a different built form, require a mix of housing to be provided, and should be located in residential areas, activity centres, strategic redevelopment areas and close to services and public transport.
• Clause 74 includes a specific definition for residential aged care facilities which is “land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility”. Included in the definition of residential aged care facility is ‘nursing home’. ‘Residential aged care facility’ is nested within ‘residential buildings’.
• Residential aged care facilities are Section 1 uses in the RGZ GRZ, NRZ, MUZ and TZ.

These zones are structured so that maximum building heights specified in the zones apply to residential aged care facilities, unless they are specifically excluded in the schedules.

10.7.3 Submissions

The general impacts of the residential zones on housing diversity were raised in many submissions and have been discussed more broadly in Chapter 6.

In terms of residential aged care facilities, the impacts of the new zones were also specifically raised in a number of submissions.
Spiire (on behalf of Japara Health Pty Ltd) (S275) outlined some of the challenges being faced by aged care providers in the context of an ageing population, the concept of ageing in place, and the problems that have emerged in providing appropriate accommodation in the context of the NRZ and GRZ provisions. Spiire submitted:

*Planning must recognise that aged care facility developments do not have the same level of flexibility in their development that other residential developments may have. ... Further, the heights generally allowed for within the NRZ and GRZ are based on dwelling developments which do not require the same building services as aged care facilities. These services unavoidably increase the overall height of aged care facilities.*

MGS Architects (S103) submitted:

*The application of the zones has given no regard to the important role of not-for-profit land holdings in locations accessible to public transport and services. An example is the Villa Maria site in Studley Park Road, Kew ... In this case the not-for-profit option was in early discussions to develop a 4-5 level aged care facility. An outcome clearly aligned with housing need in the ageing suburb but one prohibited by the new zone ...*

Currie and Brown (on behalf of the Seventh Day Adventist Church) (S290) discussed an existing aged care facility in Nunawading where the land is zoned part GRZ and part NRZ, and where the height restrictions of the NRZ, in particular, impact significantly on the ability to upgrade and operate the facility.

MGS Architects’ comments were made in the context of a broader discussion around the availability of affordable housing, and went on to suggest that consideration should be given to a new, separate zone for affordable housing.

Similarly, the Currie and Brown submission suggested that consideration be given to a specific schedule for the GRZ to be applied to aged care facilities, or the application of a site specific zone such as a Special Use Zone.

In comparison, the Spiire submission, which focussed only on residential aged care facilities, went on to suggest that an appropriate way to resolve issues with the NRZ and GRZ would be to exempt residential aged care facilities from the mandatory maximum height requirements in the zones, as well as amending all the residential zones to ensure the purpose of the zone clearly seeks to provide a diversity of housing typologies, including developments such as aged care facilities. In addition, the submission suggested that an advisory committee should be established to investigate ways to accelerate the delivery of aged care facilities in established urban areas.

**10.7.4 Discussion**

The potential impacts of the new zones on residential aged care facilities was discussed by the Reformed Zones Ministerial Advisory Committee in its *Residential Zones Progress Report* (2012), where it noted on page 43 that the provisions of the NRZ and GRZ would be:

*... likely to preclude or affect some residential aged care facility proposals, or require a design to comply with the low scale purpose of the zone.*
The report went on to suggest that the RGZ and MUZ would be suitable zones for such facilities.

More recently, the issue of how residential aged care facilities are treated in the residential zones has been discussed in the Panel report for Amendments C131 and C133 to the Knox Planning Scheme. At that Panel Hearing, a number of submissions were made by aged care providers and the Panel concluded as follows:

*The Panel concludes that the application of residential zones and schedules should not restrict the expansion and redevelopment of aged care facilities unless there is clear and specific justification for the restrictions.*

The Committee agrees with the view of that Panel and with the concerns of submitters in relation to the impact of the zones on the ability to provide residential aged care facilities in appropriate locations. This is particularly so given the extensive application of the NRZ.

The Committee notes that there is clear, strong, state policy support to facilitate the provision of residential aged care facilities to meet existing and future needs. This policy support identifies the need for such development to be timely and for it to enable older people to live in their local community. The policies clearly identify, as outlined in the Spiire submission, that residential aged care development is different to dwellings in terms of purpose and function, and will therefore have different built form outcomes to dwellings.

The Committee is of the view that the RGZ, GRZ NRZ and TZ zones should be modified to exempt residential aged care facilities from the maximum building height requirements for dwellings and residential buildings.

The Committee notes there are a number of ways in which these exemptions could be applied. The approach that was ultimately gazetted in the Knox Planning Scheme included at Clause 3 of Schedule 2 to the GRZ (‘Maximum building height requirement for a dwelling or residential building’) the following sentence:

*The requirements of this clause do not apply to a building used for the purpose of a Residential Aged Care Facility. The requirements of Clause 54 and 55 apply.*

In the case of the NRZ for Knox, the same sentence was included at, for example, Clause 5 (‘Maximum building height requirement for a dwelling or residential building’) of Schedule 1, thereby providing an exemption for residential aged care facilities from the mandatory height control included in the Schedule.

Another option could be to exempt residential aged care facilities from the relevant ‘maximum building height’ clause of each of the RGZ, GRZ, NRZ and TZ provisions (noting that such a change is not proposed for the MUZ where the maximum building height requirement relates to all buildings, not just dwellings and residential buildings).

The Committee believes that if the above changes are made to the relevant zones, this will provide the aged care sector the greater flexibility it requires to continue to meet the demand for such facilities. These changes are included in Appendices H, I, J and K.

In light of this, the Committee does not agree with submissions that a separate advisory committee be established to investigate ways to accelerate the delivery of aged care
facilities in established urban areas, or for a separate Special Use Zone or Schedule to the GRZ to be established to facilitate the delivery of residential aged care facilities.

10.7.5 Findings

The Committee makes the following findings in relation to ‘residential aged care facilities’:

- There is strong policy support at a State level to facilitate the provision of residential aged care facilities and to enable ‘ageing in place’.
- Maximum building height controls in the current suite of residential zones do not adequately reflect State policy support for facilitating residential aged care facilities.
- Residential aged care facilities should be excluded from the maximum building heights in the Neighbourhood Residential, General Residential, Residential Growth and Township Zones.

10.8 Covenants

10.8.1 Key issues

The key issues are:

- the relationship between (pre-existing) restrictive covenants and the choice of residential zone
- the application of new covenants to titles (particularly in growth areas) that prevent the purposes of the zone from being achieved.

Restrictive covenants are private agreements, generally registered on a certificate of title to land. They restrict what can be done on the land, and bind current and future owners of the land.

The interaction between restrictive covenants and planning controls has long been an issue in the Victorian planning system. As noted in the New Residential Zones for Victoria report:

_The extent to which a private planning treaty (such as a single dwelling covenant) could undermine public planning policy of urban consolidation is a concern. Many submittors were confused about the effect of the new zones on areas covered by existing covenants._

The RZSAC _Stage One Overarching Issues Report_ identified that the application of zones in areas affected by single dwelling covenants was a common issue arising from applying the new zones.

10.8.2 Submissions

In relation to the use of covenants in growth areas in Geelong, Greater Geelong (S151) observed:

_Many of the developers in the new residential estates include single dwelling covenants and design guidelines on the new titles. These covenants are included on the title by the developer after the planning process is completed. These single dwelling covenants are intended to provide certainty for prospective purchasers about the character of the developing area. However, many of these controls do not have a sunset clause and planning officers and_
building surveyors are left to enforce these controls despite no input in their drafting in the first instance. Without a sunset the future intensification of these areas at a ‘second phase’ of development will not be possible.

Submission 36 noted:

It is clear to me that restrictive covenants agreed to decades ago are an outdated means of managing residential land use. Many covenants in Victoria are at odds with current policies and some system of review is well overdue.

Moonee Valley (S81) said:

In researching the ‘Brimbank’ approach to their IMAT it was learned that registered restrictive covenants were considered as a ‘development constraint’ within their modelling. However, the RZSAC was clear in their Stage 1 overarching Issues Report that such covenants are not a relevant planning consideration and should not be considered when developing zoning policies for an area.

Submission 65 observed that:

By restricting multi-unit developments the original, ”Garden Suburb” will be maintained for existing property owners and future residents. The single dwelling covenants that are attached to the titles of these properties must be enforced at all costs so that the heritage value of the estate is maintained.

In relation to Amendment C300 to the Greater Geelong Planning Scheme, a number of submitters, including Submission 162 commented:

Up until the changes introduced by C300 its’ character was protected by various covenants and codes to regulate building activity. Such suburbs cannot be preserved without zoning support.

10.8.3 Discussion


Kingston (38) submitted that not applying a Limited Change Zone [to areas affected by single dwelling covenants] would give rise to an incorrect perception of the amount of growth potential in an area. The Advisory Committee recognises that it is not easy to vary or remove restrictive covenants by way of a planning permit application in most cases.

The Advisory Committee does not see that the presence of restrictive covenants in itself should automatically mean that the Limited Change Zone is applied, because in some cases the best approach would be to remove the covenants … The correct zone should be guided by what planning policy says about an area, not by private agreements.

However, the practice of applying the NRZ in areas affected by covenants remained common.

Several of the Stage One amendments considered by the RZSAC proposed the application of the NRZ in areas affected by covenants. The RZSAC addressed the issue in its Stage One
Overarching Issues report, referring to a previous Panel report, Amendment C50 to the Manniningham Planning Scheme (February 2006), that sought to implement the Manniningham Residential Character Guidelines. In relation to covenants, the Panel commented:

*As a general planning principle the Panel does not accept that covenants should override the strategic planning for an area. The broader state and local policies to direct development ... should be the primary concern of planning provisions. Should private arrangements exist that prevent the implementation of these strategic directions, then this is a separate matter that can be address in other forums.*

The RZSAC agreed with the observation made by the Panel and concluded that “*strategic planning objectives should be the primary determinant of how the residential zones are applied*”.

The RZSAC noted that “Planning authorities should be able to implement contemporary strategic planning aspirations for an area, independent of covenants. However, it is apparent that if a covenant has resulted in an identifiable character, particularly one that is recognised at the strategic level and/or protected by a VPP tool such as a HO or NCO, then that local character should be a factor in applying the zones”.

The RZSAC found (via Principle 29) that:

*The NRZ should not be applied solely on the basis of single dwelling covenants. The choice of zone should reflect the broader strategic direction for these areas.*

Private covenants are separate to the planning system. The choice of zone should be determined by strategic planning, and State and local planning policies, not by the existence of a private covenant. Although the existence of a covenant might coincide with identifiable neighbourhood character, the existence of the covenant alone should not be used to justify the application of the NRZ.

The Committee does not accept submissions that suggested that the application of the NRZ in areas affected by covenants is necessary to preserve the area. In the Committee’s view, the only circumstance in which the existence of a covenant will be relevant in the choice of zone is whether it has resulted in identifiable neighbourhood character that is worthy of protection. If identifiable neighbourhood character exists, then the objective of preserving that neighbourhood character must be weighed up against competing State and local policy objectives (such as urban consolidation in appropriate locations), and the selection of zone made accordingly.

Nor does the Committee accept submissions that the NRZ should be applied in areas affected by covenants in order to avoid a situation where the zone encourages more growth than is likely to be realised if the covenant remains. As the 2009 Advisory Committee pointed out, the appropriate outcome from a strategic planning perspective may be for the covenant to be removed.

The Committee understands that the practice highlighted by Greater Geelong of developers applying covenants to new estates in growth areas may be driven by a desire to push up land prices in these areas. Covenants can provide prospective residents or investors with some
certainty that the area will not be further developed in the immediate or longer term, maintaining the value of their investment.

The Committee further understands that the practice is not limited to growth areas in Geelong. Wyndham has expressed similar concerns in relation to the use of private covenants.

The Committee considers that this practice can be problematic, because:

- the application of covenants could result in minimal change being able to be achieved in areas where the zone or the structure planning for the area encourages further change
- flow on effects may mean that growth is forced into other locations without covenants in place
- the widespread application of covenants could make it difficult to achieve housing affordability or diversity in affected areas
- covenants are a very blunt tool and are difficult to remove once they are in place
- the application of private covenants can undermine not just the purposes of the zone, but also planning tools like the Small Lot Housing Code (2014) and ResCode
- covenants will restrict the development of ‘second generation’ housing in these areas, unless the covenant automatically sunsets
- covenants apply a ‘third layer’ of planning, adding complexity to the system.

Although these problems may be able to be alleviated to some extent if covenants were to automatically ‘sunset’, it may not alleviate the problems in the short term. By the time the covenant sunsets, expectations in the community are likely to have already been created that the area will not be subject to change.

10.8.4 Findings

The Committee makes the following findings in relation to ‘covenants’:

- Planning Practice Note 78 should reinforce that the existence of a covenant does not by itself justify applying the Neighbourhood Residential Zone
- The practice of applying covenants in new residential areas should be strongly discouraged.

10.9 Planning Practice Note 78

10.9.1 Key issues

The key issues are:

- whether PPN78 provides clear, current and consistent advice to planning authorities in applying the residential zones
- whether there are any critical content gaps that should be addressed.

10.9.2 Submissions

Submissions that addressed PPN78 were on balance supportive of the tool, recognising its importance in providing practical guidance in applying the zones. VPELA (S114) noted:

_We would encourage the Advisory Committee to reinforce the important role of PN 78 in the application of the zone, a practice that did not appear to have_
sufficient emphasis when the zones were implemented in 2014. The PN provides an appropriate framework for the application of the residential zones, particularly for Councils that did not have the housing strategies in place to guide its decision making.

Various improvements were suggested in submissions, but there were no clear overarching themes. Most submissions suggested improving the clarity of the guidance within PPN78, including the weighting given to the different criteria and updating the note to better align with the findings of the RZSAC process.

Stonnington (S92) supported this view and stated:

In general this practice note should be updated to provide consistency between the zones and the Metropolitan Planning Strategy. For example, it could incorporate guidance regarding application of the schedules.

Darebin (S283) commented extensively on PPN78:

In contrast to the Ministerial Direction, Practice Note 78 (Applying the Residential Zones) provided detailed criteria for the application of the new zones …. these criteria proved to be problematic for Councils and the RZSAC in applying the residential zones. In particular, the Practice Note was not clear on weighting of criteria and was therefore inconsistently interpreted and applied.

An example of this is the case for the accessibility and intactness criteria. According to Table 2 of the Practice Note, both the GRZ and NRZ are not applicable in areas that have good access to public transport, employment, shopping and community services. This contradicts a purpose of the GRZ … and creates confusion about where the GRZ and RGZ should be applied.

Macedon Ranges (S152) also commented extensively:

**Existence of overlays** - Practice Note 78 (2015) states that the Neighbourhood Residential Zone would be appropriate in areas with a Neighbourhood Character Overlay or Heritage Overlay, or areas of identified environmental or landscape significance. Alternatively, the Residential Zones Standing Advisory Committee Stage One Overarching Issues Report (2014) states that “the overarching consideration is whether the overlay should be accompanied by a restrictive zone or whether the overlay provisions should be allowed to operate with a less restrictive zone” (Principle 11 and 25). Clarification is required about when a restrictive zone should be applied and when a less restrictive zone with an overlay control is preferred.

**Neighbourhood character** – Practice Note 78 (2015) states that the Neighbourhood Residential Zone would be appropriate in areas with a neighbourhood character that is sought to be retained. Alternatively, the Residential Zones Standing Advisory Committee Stage One Overarching Issues Report (2014) states that “the use of the NRZ in response to identified character should be balanced with policies and strategies to provide housing
choice and affordability, and efficient service infrastructure provision” (Principle 10).

In commenting from a growth area perspective, Cardinia (S136) noted:

*It is also considered that Practice Note 78 fails to recognise Growth Area Council’s use of the Urban Growth Zone which covers extensive residential areas in the growth corridor. Land in the Urban Growth Zone in Cardinia Shire comprises 58 percent of the land available for residential development.*

10.9.3 Discussion

PPN78 currently provides information about the suite of residential zones, including their purposes and features, as well as guidance in applying the zones and schedules.

As identified in the submissions and discussed elsewhere in this report, the Committee considers that PPN78 is a useful and comprehensive guidance tool, recognising that some improvements and updates should be made to improve its currency and clarity.

The suggested changes will provide improved guidance to planning authorities on:

- the application of the residential zones and their amended purposes, including definitions of ‘significant’, ‘moderate’ and ‘limited’ growth
- principles for applying the residential zones
- the preparation of housing strategies (if included in an amended PPN78 or a stand-alone new Planning Practice Note)
- monitoring and reviewing the performance on the residential zones.

There also need to be consequential changes, such as the removal of redundant information or superseded guidance in relation to the transition from the former suite of residential zones.

The Committee considers that the key gaps in the PPN78 are key principles in applying the zones based on the work of the RZSAC, guidance about the elements of strategic planning work that should underpin the justification in applying the residential zones and guidance to review the performance of the zones. These matters have been discussed elsewhere in this report, however this chapter consolidates the key changes based on the Committee’s findings.

(i) Principles for applying the residential zones

The Committee considers PPN78 would be improved by including a series of Principles to guide the application of, or a substantial review of, the residential zones.

The Committee recommends that PPN78 reflect the following 15 Principles which cover:

- the application of the zones
- housing strategies
- the use of schedules and overlays
- covenants
- character.

The Principles are based on the Committee’s findings and are significantly informed by the outcomes of the RZSAC process.
Housing Strategies

P1 The broad application of the residential zones should be based on a housing or similar strategy (eg structure plan) that specifically addresses where and how housing growth will be accommodated.

Applying the Neighbourhood Residential Zone (to be renamed to Limited Growth Residential Zone (LGRZ))

P2 The LGRZ should not be used as the ‘default’ residential zone.

P3 The LGRZ should not be applied in precincts where there is policy support for significant housing growth, including near PPTN stops and activity centres unless supported by sound strategic justification.

P4 The use of the LGRZ in response to identified character should be balanced with policies and strategies to provide housing diversity and affordability, and efficient service infrastructure provision.

P5 The use of the LGRZ to limit residential development in areas subject to environmental values or hazards should have regard to whether the zone provisions are necessary in addition to the relevant overlay.

Applying the General Residential Zone

P6 The GRZ is the ‘default’ residential zone.

P7 The GRZ is preferred for broadacre land identified for residential development that is in the process of subdivision and development.

Applying the Residential Growth Zone

P8 The application of the RGZ or the GRZ is preferred for larger scale housing redevelopment sites (including those for social housing).

P9 The RGZ (or a zone other than one of the three residential zones) should be applied to nominated or potential urban renewal precincts unless an alternative residential zone is specifically justified.

P10 The RGZ (or a zone other than one of the three residential zones) is the primary zone for areas identified for significant housing change that are not constrained by ‘character’.

Residential Zone Schedules

P11 Schedules should only be applied where there is a clearly defined need and it can be demonstrated that the provisions of Clause 54 and 55 are not adequate.

P12 The use of schedules should be minimised and only be applied on a broad scale rather than on a site specific basis.

Overlays

P13 Existing overlays should be a factor when considering which zone to apply. The overarching consideration is whether the overlay should be accompanied by the LGRZ or whether the overlay provisions should be allowed to operate with a GRZ or other
zone. The existence of an identified neighbourhood character, heritage, environmental or landscape overlay does not provide the strategic justification for applying the LGRZ.

Covenants

P14 The LGRZ should not be applied solely on the basis of single dwelling covenants. The choice of zone should reflect the broader strategic direction for these areas.

Character

P15 The existence of ‘character’ does not automatically justify applying the LGRZ.

(ii) Preparation of Housing Strategies

MD16 directs that a planning authority must use a housing strategy to inform the application of the residential zones. Further, Principle 2, as recommended by the Committee establishes that the application of residential zones be based on a housing or similar strategy, such as a structure plan.

Chapter 8.3 outlines the Committee’s recommended elements that a housing strategy should address.

(iii) Monitoring

Consistent with the recommended changes in MD16, the Committee considers that PPN78 should be updated to support the regular review of residential zoning and housing issues through the planning scheme review process required under section 12B of the Act and when preparing or revising strategic work such as a housing strategy.

10.9.4 Finding

The Committee makes the following finding in relation to ‘Planning Practice Note 78’:

- Planning Practice Note 78 plays a critical role in providing guidance to planning authorities and should be maintained, however it must be revised and updated to restore its currency and to provide greater clarity and direction.
11 Residential Growth Zone

11.1 Key issues

The key issues in relation to the RGZ are:

- general support but not widespread use
- increased certainty around development outcomes
- ambiguities in zone purposes and other clauses, particularly around height provisions
- application and use of mandatory height provisions in the zone and schedules
- use of the RGZ in growth areas and key development sites
- improved development and building outcomes in transition areas, particularly where the RGZ adjoins lower density residential areas
- non-residential uses in the zone.

11.2 Submissions

Some councils advised they were still undertaking strategic work to determine where the RGZ could be applied in their municipality.

The wording in the purposes of the RGZ provides for the following density and height outcome: “To provide housing at increased densities in buildings up to and including four storey buildings.” The MPA (S352) recommended that consideration be given to changing the purpose of the RGZ to better accommodate five to six storey development, and suggested that a separate schedule and or changes to ResCode be considered to accommodate five or more storeys. The submission recommended that the zone purposes be amended to clearly reflect opportunities for five to six storeys. MGS provided a case study in Monash to the Committee to help demonstrate this point.

Brimbank recommended that the current RGZ purposes relating to housing diversity and density should be clarified to reduce potential housing underdevelopment, while Port Phillip (S262) suggested that the MUZ is more appropriate for facilitating growth.

Other submissions were made around the current wording of the purposes of the RGZ, including a number of submissions that the RGZ failed to adequately distinguish between different types of residential development.

Hobsons Bay (S148) suggested that greater controls were needed in the RGZ to protect neighbourhood character. Maribyrnong (S154) suggested that current controls in the RGZ limited potential growth in PSP areas. To address this concern, the council recommended the removal of reference to four storey height limits in the zone provisions. Some submissions raised concerns regarding the transition of residential development from the RGZ into other lower density residential zones, and others suggested that a transition zone should be considered as part of this current review.

Submissions identified that Clauses 32.07-7 (Maximum building height requirements for a dwelling or residential building), 32.07-9 (Application requirements) and 32.07-11 (Decision guidelines) include references to development of “five or more storeys”.

Some concerns were raised in submissions regarding multiple schedules used in the RGZ, often with little variation other than minimal changes to overall building heights.

Other submissions raised concerns about the range and scale of non-residential uses that did not require planning permits in the RGZ, suggesting the zone should include a requirement for buildings and works permits associated with all non-residential uses. These submissions commented this would help improve the management of non-residential activity in the zone. The submissions pointed out this may also help councils provide a stronger focus on maintaining employment opportunities in commercial areas around this zone, as well as managing other matters such as car parking and built form.

Kingston (S71) submitted that the Committee should consider recommending an ability to schedule in (or out) commercial uses to encourage greater use of the RGZ. Monash (S130) noted that it has avoided the use of the RGZ due to some commercial uses being 'as of right.' Conversely, Wellington (S281) suggested the zone needs to maintain greater focus on commercial uses in this zone.

Stonnington (S92) raised concerns over the list of ‘as of right’ non-residential uses in the Table of Uses. The submission recommended a building and works permit provision for non-residential uses should be introduced into the zone. Brimbank (S96) raised this matter, but suggested further controls should be considered in the RGZ to prevent ‘commercial creep’ into RGZ zones. Latrobe (S137) reiterated the call for permits to be required for non-residential uses.

Several submissions commented that the lack of RGZ land had restricted opportunities for the provision of affordable housing (S326, S128). One submitter (S128) noted that some areas in his municipality close to activity centres and identified as suitable for affordable housing (high density, substantial change) were zoned GRZ, not RGZ.

11.3 Discussion

The Committee notes that many submissions highlighted that the RGZ has created certainty with respect to particular development outcomes. The State of Play reports noted that zones providing for higher density development, including the RGZ have been applied to around 5% of all residential land across the metropolitan area. In some regional areas and cities, the RGZ is not used at all. A number of councils submitted that other zones were being used to accommodate higher density residential development, particularly in ACZ and significant development areas subject to the C1Z, MUZ, CDZ or UGZ.

The Committee does not see the limited use of the RGZ as a flaw with that zone. The Committee notes the information provided in the State of Play reports demonstrate councils have encouraged appropriate higher density residential development around activity centres and nominated growth areas by using the MUZ and CDZ, and in the growth areas the UGZ. However the Committee is confident that the continued use of the RGZ will add greater choice and in some cases more certainty, to the ongoing residential growth needs and demands in metropolitan Melbourne and Victoria generally.

The State of Play reports highlight that RGZ zoned land has become attractive as redevelopment land. These reports note that identifying potential redevelopment sites in local policy and then applying the RGZ (in particular specifying the development and height
objectives for those areas via schedules to that zone) has helped strengthen planning certainty and expected development yields for these areas.

Some submissions raised concerns regarding the ‘transition areas’ between residential development, particularly from the RGZ to other adjoining lower density residential zones. It was suggested that good design outcomes were often difficult to predict in these areas to adequately protect amenity and neighbourhood character. The Committee considers a new ‘transition zone’ is unnecessary and is not warranted to address these concerns. In the Committee’s view this matter should be addressed by appropriate overlays, combined with the zones and local policy.

The RGZ was specifically developed and introduced to accommodate higher density residential development opportunities within higher building form, where justified by appropriate strategic planning and urban design work. State planning policy highlights that this scale of residential development should locate in areas where service infrastructure and public transport is readily available, and within and close to activity areas. The Committee therefore recommends changes to the purposes of the zone to help clarify its application and use. The Committee also acknowledges that the reference to four storeys in the zone purposes may create confusion and uncertainty in the application of this zone.

Concerns over the use of multiple schedules (often with little variation between schedules, other than height) was raised in some submissions. The RZSAC noted “A planning scheme should not be unnecessarily complicated by the introduction of an excessive number of schedules”. General issues with the residential zone schedules are discussed in Chapter 10.

Concerns were raised in some council submissions about the range of commercial uses allowed in the RGZ without a planning permit required for use or buildings and works. These submissions have argued that the zone should provide for a ‘buildings and works’ permit to control and manage land use mix. In responding to this issue, the Committee considers some caution needs to be exercised, particularly given the reformed zones have only been in place for a relatively short while.

The Committee considers that further controls over non-residential uses currently listed in Section 1 – Permit not required, needs to be clearly justified by evidence that a problem exists, as well as being tested against the scale of the issue. Proposed changes need to be strategically substantiated. It is not clear that the submissions have been able to establish this to the satisfaction of the Committee. The Committee notes these non-residential uses are already controlled by limited floor areas and location requirements, which if not met, then a planning permit is required.

The Committee’s recommended zone is included at Appendix H.

11.4 Findings

The Committee makes the following findings in relation to the ‘Residential Growth Zone’:

- The Residential Growth Zone is an important component of the suite of residential zones and provides certainty for larger scale residential development.
- The purposes of the Residential Growth Zone should be modified to better describe how the zone is to be used and what it is intended to achieve.
12 General Residential Zone

12.1 Key Issues

The key issues in relation to the GRZ are:

- the GRZ is working well
- the use and number of schedules, particularly the number applied by some councils, has been questioned as has their use to alter the allowable density of development
- the purpose of the zone, including the relationship to neighbourhood character and the definition of moderate growth.

12.2 Submissions

The GRZ was generally supported by councils and submitters with few suggestions for changes.

Greater Bendigo (S120) advised that it had used the GRZ as the default zone across all of its residential areas, and stated:

As an overarching comment our view is that the General Residential isn’t broken. There are some minor alterations that could be made to the zone to improve its functionality, but our view is that as a statutory planning tool it is working for the city.

Greater Bendigo suggested changing the purpose of the zone to remove reference to neighbourhood character and submitted that the ResCode provisions needed to be improved and updated to improve building outcomes for medium to high-density residential development.

Other submissions noted that the new zones have not been in place for sufficient time to consider changes, including Stonnington (D36):

Council has had less than 2 years’ experience with the new zones and we reiterate that this relatively short lapse in time does not enable the full implications of the new zones to be considered. This lack of information should not be a basis for making changes to a system which at first blush is working exactly as it was intended.

Some resident and community group submissions did not see the GRZ as the appropriate translation for the Residential 1 Zone, and considered that it allows for too high a density.

Some submissions discussed the certainty provided by the zone compared to the flexibility offered under the former zones. Stonnington submitted (D36):

The advent of the new zones has brought a measure of certainty to these areas resulting in a less inefficient system by simply cancelling out or prohibiting proposals that do not meet certain ResCode quantitative parameters by virtue of the mandatory nature of those provisions. The potential cost savings this brings to the planning system by ensuring that planning resources are not engaged with applications that have dubious
prospects of success has never been quantified but we submit it would not be insubstantial. While we do not doubt that this in some cases blocks out innovative development, the overall disadvantage is outweighed by the significant benefits that that certainty brings to the process and the community that is affected by that process.

Several submissions called for the reference of ‘moderate housing growth’ in the purpose of the zone to be defined, to provide clearer direction regarding levels of expected growth. For example, Darebin submitted (D87):

Provide guidance as to what ‘moderate housing growth’ is and how it compares to the scale of growth in the NRZ and RGZ. The scale of change can vary greatly. Further guidance should be provided as to the scale of change that is anticipated in the GRZ. This is particularly important given the perception of the GRZ as a ‘neutral’ zone with lesser focus on neighbourhood character.

The idea of removing the permit trigger for lots under 500 square metres was generally opposed by councils and the community, with Bayside (D58) submitting:

The permit trigger ensures that the future character, including the retention of key neighbourhood character elements and amenity impacts can be assessed in a highly urbanised municipality where the increasing densities makes it more important to ensure that minimum standards of amenity are provided for adequately.

12.3 Discussion

The GRZ is the most appropriate translation of the previous Residential 1 Zone and was applied as the default zone where councils had not successfully implemented the three new zones within the required 12 month time frame.

While there are concerns with the spatial application of the GRZ, submissions indicated that the GRZ provisions are seen to be working well with general acceptance from councils and the community. There have however been suggestions for minor changes that have some merit.

In response to submissions about the GRZ purposes, the Committee recommends some changes that will better describe when the zone is to be used and what it is intended to achieve. In relation to permit triggers for lots under 500 square metres, the Committee does not believe that any change to the existing provisions is necessary or warranted.

The call for a definition of moderate housing growth has some merit; however it may be more appropriate to provide this within the revised PPN78 rather than the GRZ purpose. This would provide the opportunity to recognise that the location of the area (for example inner Melbourne or regional Victoria) would influence the perception of what moderate growth means.

The use of schedules varies significantly between councils. The concern under the GRZ is their use, in some cases, to alter the default provisions to such an extent that development is unduly restricted and the GRZ become akin to a NRZ. The Committee agrees that this is a
legitimate concern and believes that its recommended changes to the zone will partly address this, particularly removing the opportunity to apply a mandatory maximum building height. However, it is largely the responsibility of councils and DELWP to ensure that the GRZ is used as intended and that schedules are not used to create a defacto NRZ. Broader issues around the use of schedules are addressed in Chapter 10.

The Committee’s recommended zone is included at Appendix I.

12.4 Findings

The Committee makes the following findings in relation to the ‘General Residential Zone’:

- The General Residential Zone should be applied more widely and be used as the default residential zone.

- The purposes of the General Residential Zone should be modified to better describe how the zone is to be used and what it is intended to achieve.

- Planning Practice Note 78 should provide guidance about:
  - the use of General Residential Zone schedules, particularly those that can impact the development potential of sites
  - avoiding the use of General Residential Zone schedules that create a de facto Neighbourhood Residential Zone.
13 Neighbourhood Residential Zone

13.1 Key Issues

The key issues in relation to the NRZ are:

- the name and purposes of the zone
- whether there should be a sliding scale for the number of dwellings on a lot
- the subdivision provisions
- social housing
- whether there should be a ‘no net loss’ provision
- non-residential uses and height controls.

13.2 Submissions

The application of the NRZ has been the most contentious of the three zones and its use raised a range of issues in submissions.

The Group of Industry Professionals (D19) noted that the minimal change policy in the Glen Eira Planning Scheme that applied before the introduction of the new zones in many ways reflected the purposes of the NRZ by generally discouraging housing other than dual occupancies. The submission noted:

> [H]owever, the policy contained criteria, which if met, could permit the development of a particular site for a greater number of dwellings. The introduction of the Neighbourhood Residential Zone has removed that flexibility but it did not remove the many large lots within the City of Glen Eira that remain zoned Neighbourhood Residential.

There were submissions that addressed the inconsistency between the application of the NRZ and a HO, in that heritage buildings often exceed eight metres in height, yet infill development that would be consistent in terms of scale of surrounding built form is prohibited by the eight metre height limit. Further, the application of the zone prohibits the adaptive re-use of heritage buildings for increased densities because of the maximum two dwelling allowance. Other submissions said that matters of heritage and the appropriateness of a proposed built form can be adequately addressed under the HO provisions or heritage policy, and the NRZ should not be used for this purpose.

In relation to the issue of height and relationship between the zone and the HO, Urbis (S133) made the following submission:

> The blanket height restriction of 8 metres is an arbitrary control which unnecessarily restricts development on sites where the existing character already has no relevance to the provisions of the policy.

In relation to an area in Richmond, the submission noted:

> Given that extensive residential use and development has already occurred within the land zoned NRZ1, it is nonsensical to restrict further opportunities for increased residential development based on preferences for a low scale neighbourhood character. The land is within proximity to a Major Activity
Centre (Bridge Road), close to public transport and has already been subject to high levels of change. Any issues regarding respect to the existing heritage fabric can be addressed under the provisions of the Heritage Overlay.

Melbourne (S314) noted that:

The character of an area can be developed and enhanced through an approach that balances genuine heritage qualities with a gradation of increased densities, especially in areas that are already well connected to public transport.

Yarra (D35) advised that as part of its submission to Amendment C176 to the Yarra Planning Scheme, it had proposed a sliding scale of dwellings on a lot in the NRZ. It said:

This sliding scale proposal was developed because in many parts of Yarra, residential areas have recognised heritage significance but also a variety of lot sizes which reflect a diverse development history. It is considered that there should be the ability to include a sliding scale reflecting maximum dwellings related to lot size as a way of adapting the NRZ to more appropriately reflect its context.

Various other councils called for the need to provide a sliding scale. In addition, Moreland (S122) identified that a lower density did not automatically lead to a more appropriate development, as there were issues with larger building footprints and therefore no difference in the extent of built form and site coverage. Moreland recommended that Clause 55 be amended to include a reduced site coverage and increased ground floor private open space in the NRZ.

However, other councils, including Bayside (S331) suggested that the retention of the control to allow a maximum of two dwellings should be maintained. Melton (S139) noted that limiting the development of dwellings, based on dwellings per lot is flawed. It noted that the circumstance could arise where a lot can be subdivided into numerous parcels and urged the Committee to consider the introduction of a mechanism to require a section 173 agreement to prohibit further subdivision.

Various other submitters raised concerns with the ability to subdivide land into more than two lots. Whitehorse (S129) noted that:

The unrestricted allowance for subdivision into any number of lots in the NRZ appears contrary to the two dwelling restriction and the purpose of the zone, and seems to undermine the intent of the NRZ. The ability to subdivide into more than two lots within the NRZ does not provide the best outcomes, as facilitating Council’s ability to consider development layouts, rather than vacant lots, provides better scope to assess and achieve planning policy objectives.

At the hearing, Stonnington (D36) suggested that this could be readily addressed by amending Clause 32.09-3 to address both dwellings and lots.

In the absence of a sliding scale that allows for variation in terms of number of lots, the Association of Consulting Surveyors Victoria (S266) observed that:
Subdivision within an NRZ to be crucial in instances where very large lots have been included within an NRZ, (perhaps by oversight) and 2 dwellings could be considered a gross underutilisation of land. The ACSV is aware of instances where subdivision has been undertaken on very large lots within the NRZ with full Council support in order to achieve an appropriate outcome.

Some councils, including Manningham and Yarra Ranges were of the view that the schedule to the zone should continue to allow only one dwelling on a lot in areas of environmental significance.

As highlighted in Appendix G, Melbourne raised issues of inconsistency between the application of the residential zones and DDO, citing an example in South Yarra. Land included in DDO, which sets a mandatory maximum building height of 12 metres is now included in the NRZ where the mandatory height control is eight metres.

Port Phillip (S262) suggested that a way to address potential inconsistency is to amend the parent clause of each of the new residential zones to identify that a height limit in a DDO prevails. It noted that:

*Design and Development Overlays are prepared following a detailed built form analysis of specific locations and as such provide a more refined approach than the residential zones to managing the form and scale of new development.*

Port Phillip (S262) noted that it was of the view that there was:

*Scope for a performance based system for building heights based on preferred ‘discretionary heights and absolute maximum ‘mandatory’ heights that incentivise specific development outcomes (i.e. affordable housing, environmentally sustainable design) whilst also giving the certainty to the community and not compromising amenity outcomes.*

Submissions raised issues with the application of the NRZ and the ability to accommodate and facilitate social housing. Darebin (S283) suggested that social housing should be exempt from the maximum number of dwellings per lot, but that the two storey maximum height should be maintained. Port Phillip submitted that the parent clause of the zone should be amended to exempt social housing from density controls, and said:

*During the preparation of its translation of new residential zones, Council recognised that the application of the Neighbourhood Residential Zone would result in a lower dwelling density than (sic) currently achieved on most social housing sites (noting the typically smaller unit size results in increased site density).*

*This would impact on both the renewal of existing social housing sites and limit scope/viability for the development of new sites.*

It observed that ResCode provisions would still apply to ensure development proposals respect neighbourhood character and the amenity of adjoining properties.

The other issue relating to density was in relation to a no net dwelling loss for existing multi-unit developments. Darebin (S283) submitted that:
[w]here a lot currently accommodates multiple dwellings, redevelopment should enable the same number of dwellings to be constructed. Development should remain in keeping with the neighbourhood character.

Hobsons Bay raised this issue in its submission (S148). It noted that existing walk-up flats were important in providing for housing diversity, but where zoned NRZ and at the end of their life cycle they could not be replaced with comparable developments. It noted that the only alternative would be to rezone the individual sites to the GRZ, “which would be cumbersome and result in spot rezonings”. However, Manningham (S276) suggested that this “should relate back to neighbourhood character objectives rather than be a blanket control”.

Collie Planning (S140) was cautious about such an approach, noting that such a policy had the potential to conflict with other requirements of the planning scheme, including Clause 55. It noted that:

> Many of the older unit developments in established areas would not achieve current planning standards. There may be instances where a redevelopment of a site results in a reduced yield in order to meet current planning controls and the expectations of the market.

Various councils raised issues in relation to non-residential uses that are now Section 1 – as of right uses. Subject to satisfying corresponding conditions in the Table of Uses, such uses may establish without the need for a planning permit for either use or development. Some councils were critical of this, and as observed by Melton (S139):

> This change prevents Councils to consider the potential amenity impacts of these uses, and ameliorate them through the permit process. Examples of these uses include medical centres and places of worship.

There was concern amongst councils that non-residential developments within residential zones are not subject to mandatory maximum building heights. It was suggested by councils, including Stonnington (D36), that this resulted in outcomes that undermined the purpose of the mandatory controls.

Nillumbik (S123) criticised what it saw as the broad and rigid nature of the zones. It was critical of the genesis of the three zones, and submitted that it is difficult to tailor the zones to direct growth in a manner which respects character (where there are character overlays) and considers locational attributes. It noted:

> Put simply, we are wanting to allow for some additional growth within some Neighbourhood Residential Zone areas where more than two dwellings can be accommodated on very large lots without impacting on the character of the area and at the same time have some additional constraints on the extent of growth within the parts of the General Residential Zone which unnecessarily increases the number of car depend (sic) dwellings.

> Within a flawed VPP construct of ‘no go’, ‘go slow’ and ‘go-go’ residential zones, there needs to be effective ‘go a bit slower’ or ‘go a bit faster’ options to enable Councils to meet local planning policy objectives whilst still remaining consistent with state planning policy.
Wyndham (D89) raised a similar concern in relation to the applicability of the NRZ in its municipality, given the purposes of the zone. It noted that the focus of the zone on limiting development was due to identified neighbourhood character as well as other heritage, environmental or landscape characteristics. It noted that a real constraint on development potential in its municipality was one of lack of infrastructure in the short to medium term. It requested that the Committee review the purpose and decision guidelines to take into account other development limiting factors.

Submission (S108) shared this view and observed that:

A fundamental ‘principle’ is that the NRZ should only be applied where special contextual characteristics or other circumstances/constraints exits that could be compromised by dwelling densities in excess of 2 dwellings/lot (eg heritage, traffic, character, topographical, geomorphological, drainage, vegetative, ecological etc). It remains my opinion that most of the abovementioned constraints can be addressed through the application of overlay provisions, and rarely would site constraints be a reason to restrict dwelling density per se.

While mandatory controls provide clear guidance to councils, developers and the community as to anticipated and allowable development outcomes, the tension that flows from this is the inference that outside of mandatory maximum height areas, much higher densities are or should be permitted. This issue was raised by Stonnington (D36), which suggested that:

The Practice Note should be amended to include a definitive statement that the use of mandatory controls in one area should not lead to any inferences about the acceptable height of buildings in another area. This will save countless time and arguments in decision making.

This was a view shared by the Victorian Young Planners Committee of the PIA (S269) which submitted:

There is potential for the application of zones to polarise housing densities when inconsistently applied. Swathes of NRZ polarise development densities, creating a push for high development densities in the GRZ and RGZ that seek the upper limit. The combination of large areas of NRZ and smaller GRZ or RGZ areas limits “gentle density”, resulting in either high or low density options without a logical transition.

Opposition to retaining mandatory controls was put by various groups, such as Urbis (D101) which suggested that:

The zones and their schedules need to be reviewed and the more onerous and indiscriminate mandatory controls (plus the purposes of the zones and their guidelines) wound back to a more performance and merit based approach.

It was suggested that a more appropriate approach would be to have discretionary height controls. Message Consultants supported this view (D82) where it was suggested that there are:
“Tick the box” town planning assessments as opposed to the use of judgement and discretion.

In support for removal of the density control from the NRZ, Submission (S108) observed that:

As I often say, in town planning terms it is less relevant whether a building that has otherwise been deemed to be acceptable to its specific context (in terms of character, amenity and traffic impacts) contains one or 3+ dwellings. The housing and design industries can adapt to prescriptive building envelopes and design guidelines. But prescribing ‘density’ simply misses the point and doesn’t necessarily result in improved character or amenity outcomes.

13.3 Discussion

(i) Zone name and purposes

The name and purposes of the NRZ were raised in many submissions, particularly in the context of its extensive application in some municipalities.

There were perceptions that the NRZ is the ‘preferred’ zone and that the GRZ, for instance, was a lesser outcome. The contrary view was that the NRZ stifled development opportunities and reduced the value of properties.

It seems to the Committee that, quite unintentionally, the name of the zone has been divisive. Yarra Ranges (D120) observed:

The name – in practice the planners have found the NRZ sends out a very clear message – perhaps it is the connotation of ‘neighbourhood’ and all that it implies.

The Committee believes that using the term ‘neighbourhood’ has attached a range of value judgements to the NRZ that potentially confuse the interpretation of the zone’s purposes. It also uses a different naming convention to that used for the other residential zones, whose names reflect the preferred scale of development or the extent of change (RGZ, GRZ, LDRZ). For these and other reasons expressed in this report about the range of issues raised about the NRZ, the Committee believes that the zone should be renamed the Limited Growth Residential Zone (LGRZ).

The Committee maintains the strong view that the NRZ should not be used as the default residential zone. The Committee considers that neighbourhood character is only one of a number of considerations, and that it should not automatically override other policy objectives relating to housing choice, affordability or access to services and infrastructure. The Committee agrees that the purpose of the zone is to allow for limited residential growth and believes that it is appropriate to leave the purpose at that, without the need to reference built form outcomes of single and double storey residential development or to have a specific purpose that relates to neighbourhood character policy.

The recommended zone is included in Appendix J.
(ii) Density control

As noted above, the Committee cautions against the use of the NRZ just because land is in a HO. However, the Committee agrees with submitters who identified an inconsistency between a mandatory density control of two dwellings and the adaptation and re-use of heritage buildings. Limiting the potential redevelopment of such buildings to only two dwellings may result in an inefficient use of land and/or mean that a heritage building is left undeveloped. The Committee is of the view that buildings subject to a HO should be exempted from the NRZ density provisions, if proposed as adaptive re-use of non-residential buildings. This is included in the recommended zone at Appendix J.

In relation to a more general ‘sliding scale’ density provision, the Committee agrees that the zone should provide the ability to manage dwelling density. The Committee notes that this approach was discussed by RZSAC. The VC Amendment discussed in Chapter 3.3.2 is intended to include a density scale provision.

(iii) Subdivision

Various council submissions raised concerns that applications for vacant lot subdivision were benefiting from a ‘loophole’ in the NRZ provisions, in that multiple subdivisions could be approved in order to circumvent the density provisions in the zone. The Committee does not agree with this view and confirms that vacant lot subdivision is a legitimate use of the provisions, and is controlled by Clause 56 of the planning scheme. Again, if there is an issue with applications for vacant lot subdivision on larger lots, then perhaps the NRZ is not the appropriate zone for the land. The Committee is of the view that no change is required to the subdivision controls of the NRZ.

(iv) Social housing

The Committee notes submissions that density and height controls should not unnecessarily constrain genuine social housing projects. The Committee accepts that there might be circumstances where the provision of ‘social housing’ outweighs other planning objectives, although the Committee notes that planning schemes do not generally distinguish between private and public housing.

Presently, there is no planning scheme definition of ‘social housing’, although ‘crisis accommodation’, ‘shared housing’ and ‘community care unit’ are included within the definition of ‘residential building’ and are subject to the density and height controls that apply to residential buildings.

The Committee believes that further consideration would need to be given to how ‘social housing’ is treated in the VPP, in a definitional sense and within residential zones, before it could be exempted from height or other controls in the NRZ.

(v) No net loss

Some councils submitted that there should be no net loss of dwellings where older apartment buildings are being replaced. Other submitters cautioned against this on the basis of current policies and building requirements relating to neighbourhood character, siting, amenity expectations of new residents and neighbouring residents.
This issue was considered by the RZSAC in relation to Amendment C179 to the Melbourne Planning Scheme. The RZSAC concluded that “it should be permissible for a site to be redeveloped with the same (or lesser) number of dwellings that existed at the approval of the amendment.”

The RZSAC noted:

The Committee believes that this is an important issue because the NRZ should not be a disincentive to replacing old or sub-standard multi-dwelling buildings. This is an issue in the City of Melbourne where the NRZ has been recommended for areas that include isolated multi-dwelling buildings that because of their age and condition might warrant replacement. In this situation, the Committee agrees with Council that there should be an opportunity for a replacement building to include the same number of dwellings as the building being replaced.

The Committee agrees that this flexibility should be provided in the NRZ and has included a ‘blanket’ no net loss exemption (Clause 32.09-3) in the recommended NRZ at Appendix J. An alternative approach would be to allow exemptions in local schedules where warranted.

(vi) Non-residential uses

There is no doubt that non-residential uses can be an important part of a neighbourhood. This is reflected in the purpose of the NRZ to allow for non-residential uses to serve local community needs in appropriate locations. The Committee notes that ‘medical centre’ was included as a Section 1 use in the Table of Uses in the NRZ following the recommendation by the 2012 Reformed Zones Ministerial Advisory Committee. The Committee acknowledges council submissions that raised concerns about the establishment of medical centres without the need for a planning permit, but concluded that this is not a widespread issue or recurring problem that warrants change. The Committee is satisfied that the existing provisions provide sufficient regulation, although it is a matter that could be monitored by DELWP.

13.4 Findings

The Committee makes the following findings in relation to the ‘Neighbourhood Residential Zone’:

- The zone name and purposes should be changed to better guide the application of the zone.
- Proposals for the adaptive re-use of non-residential buildings in a Heritage Overlay should be exempt from the maximum dwelling provisions.
- There should be greater flexibility in regulating the maximum number of dwellings on a lot.
- There should be a ‘no net loss’ exemption relating to the number of dwellings on a lot.
14 Other zones

The Terms of Reference require the Committee to consider all zones that provide for residential development.

The Committee is satisfied that the other zones that allow for residential development work well and there is no apparent need to make any significant changes to the content or application of these zones. This was reflected in the fact that most submissions were focussed on the three residential zones (the NRZ, GRZ and RGZ), rather than the other zones.

However, some submissions raised discrete issues relating to some of these zones that are discussed below.

14.1 Residential use in the Commercial 1 and Mixed Use Zones

14.1.1 Key issue

The key issue is the extent to which the C1Z and MUZ are being used for residential rather than ‘employment generating’ uses.

14.1.2 Submissions

Moreland (S122) raised concerns about the increasing focus on residential, rather than employment generating uses within the C1Z and MUZ zoned land, particularly in activity centres. Moreland submitted that this was contrary to policies that sought to encourage employment in activity centres and was not something that Council could directly control given that ‘accommodation’ and ‘dwellings’ are respectively in section 1 of the table of uses in the C1Z and MUZ. Moreland proposed that these uses be included in section 2, and that policy be used to guide this discretion in specific locations.

Port Phillip (S262) submitted that the “purpose of the C1Z must recognise the primacy of retail/commercial uses and that the extent and nature of residential development should be determined through strategic planning for individual centres (and applied through local provisions/policy as appropriate)”. Port Phillip submitted that the MUZ typically results in residential development “with little meaningful retail/commercial activity to contribute to a mixture of uses within a precinct, in particular the provision of active retail/commercial uses at street level”. Port Phillip sought more flexibility in the MUZ “to deliver strategic outcomes, through the use of the local schedule” and noted that including ‘dwellings’ as a section 1 use “undermines the objective to achieve a true mix of uses sought for some areas”.

Stonnington (S92) expressed concerns about residential development “crowding out” employment uses in activity centres, notably within the C1Z and in Neighbourhood Activity Centres:

It is Stonnington’s concern that the “head of steam” on residential development in this cycle has been ‘crowding out’ employment uses in activity centres due simply to the impact of land values on the speculative effects of residential development. It is important for the Committee to consider balancing residential, employment and retail opportunities in commercially zones areas which are under increasing pressure. High level urban planning
principles directing residential growth along the PPTN around activity centres and transport hubs needs to be balanced with still providing opportunities for employment within these centres to create sustainable and liveable neighbourhoods.

Stonnington referred to Amendment C172 to its scheme that proposed the use of ‘vertical zoning’ within the ACZ as a means of addressing this issue. Although that Amendment is yet to be approved, the concept was supported by the Amendment C172 Panel which also noted:

The Panel agrees that market intervention is needed to achieve a mix of residential and employment uses, although several submitters considered that this should be left to the market. The Panel observes that one of the roles of planning is to provide the framework within which the market operates. This is needed as the market is not perfect and will not necessarily result in outcomes which generate a net community benefit. In summary, the Panel agrees with Council that intervention is justified.

Other councils such as Boroondara indicated, in discussions with the Committee that the loss of employment opportunities is not an issue within its Major Activity Centres. In its experience, redevelopment has generally included viable retail and office uses at ground and, in many cases, first floor level with residential above. Boroondara did however consider that moving dwelling to section 2 was worthy of consideration, particularly given that in its experience developments in the C1Z generally involve other permit triggers.

Submission 182 echoed the view that the C1Z is a defacto residential zone. The Malvern East Group (S199) submitted that the C1Z is primarily used for residential purposes and that the commercial components contributed little to ongoing employment and servicing the local community.

The Group of Industry Professionals (S243) did not agree that the C1Z in activity centres has been focussed on residential development to the detriment of commercial activity and the role of activity centres. They contended that residential development adds to the vitality and on-going economic viability of centres, particular smaller ones. Further, that residential development meets stated Government policy with regard to co-location of residential development with transport and employment generating uses.

14.1.3 Discussion

It is clear that the C1Z and MUZ are increasingly being used for residential, rather than commercial development in metropolitan Melbourne. This is borne out in the State of Play reports that highlight the extent to which these zones, particularly the C1Z, are providing for the growth in new apartments. It is also clear from the Committee’s collective knowledge of many activity centres.

While the growth in apartments has many positive outcomes, the Committee agrees with the general proposition that the current dynamics in the residential market have favoured residential rather than commercial investment in some activity centres. This is potentially to the detriment of those activity centres and communities, where a more balanced provision
of land uses might achieve broader planning objectives relating to service provision, accessibility and employment creation.

The Committee agrees with submitters who argued that there are benefits to be gained from planning authorities being able to influence decisions about the land use mix in activity centres, particularly in accordance with policy. In this context, the Committee shares the view of the Stonnington C172 Panel which recognised that planning has a role in achieving a mix of residential and commercial uses in activity centres.

For these reasons, the Committee believes that ‘dwelling’ should be included as a section 2 use in the C1Z table of uses, but not in the MUZ. The Committee believes that achieving an appropriate land use mix is a more pressing issue in the C1Z than the MUZ, given that the C1Z is applied more extensively and is the predominant zone in activity centres.

While the Committee has concerns about introducing new ‘requirements’ into the VPP, it is satisfied that this change to the C1Z is warranted. It also considers that the change is unlikely to be a significant imposition on applicants given the existing requirements for ‘buildings and works’ permits in that zone.

It might be argued that the ACZ provides this opportunity and that it is open to council’s to use that zone rather than the C1Z where they seek to influence the land use mix. While this is true, the ACZ is a more complex zone that requires more justification and analysis than the C1Z, and is not a zone that will be suitable or necessary for many activity centres, most of which are suitable for the ‘off the shelf’ C1Z.

**14.2 Managing built form in the Commercial 1 Zone**

**14.2.1 Key issue**

The key issue is whether the C1Z schedule should provide for built form issues to be regulated.

**14.2.2 Submissions**

Moreland (S122) submitted that the C1Z schedule should provide the opportunity to specify maximum building heights and any relevant design and development objectives.

**14.2.3 Discussion**

The C1Z schedule is limited to regulating leasable floor areas and does not provide an opportunity to manage built form outcomes, as does the MUZ schedule, which provides for various matters, including variations to Clause 54 and 55 requirements.

Where there is a need to manage built form outcomes in areas zoned C1Z, this has typically been achieved through the DDO, which provides a more comprehensive basis on which to manage these issues. Although the C1Z schedule could be expanded to make provision for some design issues (such as in the MUZ), the Committee believes that the typical complexity of these issues is best addressed through a site or area specific DDO schedule, rather than a generic C1Z schedule.

The combined use of the C1Z and DDO has worked well and the Committee has not been persuaded that there is a need to expand the coverage of the schedule to address built form.
14.3 High density development in the Low Density Residential Zone

14.3.1 Key issue
The key issue is whether the LDRZ provisions should be more focused on ‘low density’ outcomes.

14.3.2 Submissions
Mornington Peninsula (S53) submitted that the LDRZ facilitates accommodation uses such as ‘retirement villages’ and ‘residential villages’ that are not ‘low density’ in nature. The Shire proposed that these types of uses should either be prohibited or that a schedule should enable a maximum site coverage (20% for example) to be specified. The Shire further proposed that the LDRZ should require a default size for ‘outbuildings’ that do not require a permit.

Manningham (S276) submitted that the LDRZ should include “an additional objective that recognises the transitory role of the LDRZ between suburban and non-urban areas, and include an additional objective that recognises the ‘lifestyle’ role of the LDRZ”.

14.3.3 Discussion
The Committee believes that the ‘accommodation’ issues raised by Mornington Peninsula are best addressed through the use of policy and/or overlays, such as the DDO. This approach provides for issues to be addressed on a local basis without the need for additional state-wide provisions that may not be universally applicable or necessary. In relation to ‘outbuildings’, the LDRZ schedule can specify the dimensions above which a planning permit is required and is it not clear why a ‘default’ standard should be applied or what that standard might be.

In relation to the Manningham submission, the LDRZ includes two purposes:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The LDRZ is applied in a variety of circumstances and does not always serve the role described by Manningham. In light of this, there is no need to be more specific in the LDRZ purposes or to include a list of situations when it might be applied. However, it is open to planning authorities to include this type of material in local planning policy.

14.4 Applied residential zones in the Urban Growth Zone

14.4.1 Key issue
The key issue is what applied residential zone should be used in the UGZ.

14.4.2 Submissions
Wyndham (S251) advised that the RGZ has typically been the ‘applied zone’ in recent PSP amendments that have introduced the UGZ. Wyndham opposed the blanket use of the RGZ
as the applied zone given that its purpose is to promote residential development at higher densities and scales. Wyndham submitted that applying the RGZ would be inconsistent with Council’s adopted Housing and Neighbourhood Character Strategy, PPN78 and the recommendations of the Reformed Residential Zones Ministerial Advisory Committee that supported the use of the GRZ as the preferred zone for broad acre residential development. Melton (S139) raised similar concerns at the Hearing.

14.4.3 Discussion

It is not clear to the Committee why the RGZ would be used as the ‘blanket’ applied zone in the UGZ, particularly in areas that have not been identified for the scale or density of residential development typically associated with that zone. The use of the RGZ as the applied zone was considered by the recent Panel for Amendment C145 (Rockbank PSP) to the Melton Planning Scheme. That Panel concluded:

Given the PSP’s differentiation between the high density residential opportunities areas and the remaining residential areas, different controls will be needed. In this respect, when the UGZ is removed, the high density residential opportunities will be in a RGZ and the residential in a GRZ, which is consistent with PPN78. On the basis, and given that the use of applied zones in the UGZ is intended to provide consistency and simplicity, the Panel concludes that it would be appropriate that the applied zones reflect the differences.

While this seems to be a logical approach, the Committee believes that the selection of applied residential zones within the UGZ is a matter that needs to be resolved between the MPA, DELWP and the growth area councils.

14.5 Findings

The Committee makes the following findings in relation to the ‘other residential zones’:

- The ‘other’ zones that provide for residential development work well and there is no need to make any significant changes to their content or application.
- Planning authorities should be able to influence the land use mix in the Commercial 1 Zone, particularly the extent of residential and employment generating land uses. ‘Dwelling’ should be included as a Section 2 use in the Commercial 1 Zone table of uses.
- The Design and Development Overlay, rather than an expanded Commercial 1 Zone Schedule, is the preferred Victoria Planning Provision tool to manage built form in activity centres.
- The Low Density Residential Zone provides a sound basis for managing low density residential areas, however planning authorities can augment the zone with policies and overlays to address local issues.
- The selection of ‘applied’ residential zones within the Urban Growth Zone is a matter that needs to be resolved between the Metropolitan Planning Authority, DELWP and the growth area councils.
15  Summary of findings

15.1  Summary response to Terms of Reference

Clauses 25 and 26 of the Terms of Reference note that the Committee must provide its advice to the Minister for Planning and produce a report which identifies system-wide and implementation issues related to residential development and the residential zones. The recommendations of the Committee provide the mechanisms to address the key considerations in the Terms of Reference.

For completeness, the Committee has noted its response to each of these terms as follows:

26a  The approach to monitoring residential development over time including consideration of Ministerial Direction No. 16, and the role of councils and the department

The Committee has provided its key findings about monitoring residential development and amending Ministerial Direction No 16 in Chapter 9.

26b  A model methodology for preparing planning scheme amendments

The Committee has provided its key findings in relation to preparing planning scheme amendments in Chapter 8, including discussion of the content and justification for amendments, together with recommendations relating to various ‘guidance’ documents.

26c  Any Taskforce suggestions for improving the residential zones

The Taskforce provided a List of Suggested Improvements to the Residential Zones, which many councils in particular commented upon. This list was derived from various sources, and importantly it did not represent the views and opinions of the Minister for Planning, the Department, the Taskforce or the Committee. They were provided for discussion purposes only. Some of the ‘improvements’ noted have found their way into the Committee’s final recommendations, however the Committee has not undertaken a checklist or tick list of all suggested improvements.

26d  Whether there are any further opportunities to improve the residential zones and/or associated planning tools

The Committee has generally supported the existing residential zones, but found there are opportunities to improve them and the associated planning tools. This is discussed in Chapters 11, 12, 13, and 14.

26e  A summary of submissions to the Committee

The Committee has extensively raised and commented on the submissions throughout its report in Chapters 3 to 14 inclusive.

26f  A list of persons who made submissions considered by the Committee

The Committee received a total of 352 written submissions, with the list of submitters provided at Appendix C.
26g  A list of persons consulted or heard

The Committee conducted inception meetings with councils and stakeholder groups in December 2015, and workshops and discussion with local councils, (including regional councils), as well as stakeholder groups and other agencies in February and March 2016. The full list of parties consulted through these processes is provided in Appendix B.

The Committee held public hearings over 17 days from 18 April to 19 May 2016 in metropolitan Melbourne and regional Victoria, where 94 council, stakeholder groups, community groups and individual parties presented. A list of all parties to the public hearing is provided in Appendix D.

26h  Any other relevant matters raised in the course of the public hearings that the Committee considers necessary

The other relevant matters raised in the course of the hearings, (as well at the inception meetings and the workshops) are discussed as General issues in Chapter 10.

15.2  Consolidated findings

(i)  Managing growth sustainably (Chapter 4):

• Significant time and resources have been expended in the application of the reformed residential zones, and it is not necessary or practical to ‘unpick’ the use of these zones.
• State government housing policy and direction should provide more guidance to assist councils prepare local housing strategies.
• The application of the Neighbourhood Residential Zone in some municipalities may have compromised the intent and integrity of how the combination of the three residential zones should operate, potentially to the detriment of broader housing and growth policies.
• Municipalities that have a significant proportion of land in the Neighbourhood Residential Zone should review that allocation as part of the review of residential zones required under the revised Ministerial Direction No. 16.

(ii)  Transport and jobs (Chapter 5):

• Many areas with good public transport access opportunities have been included in the Neighbourhood Residential Zone.
• Public transport accessibility, capacity and level of service should be key factors in the application of the residential zones.
• There is significant opportunity to increase residential densities in areas with good public transport access, particularly on train lines with existing or planned capacity increases, and along tram routes.
• The public transport accessibility mapping project commenced by the Taskforce should be completed and made available to councils, agencies and stakeholders.

(iii)  Housing diversity and affordability (Chapter 6):

• All municipalities have a responsibility to provide for housing diversity and affordability to meet the needs of their current and future communities.
- Residential zones should be strategically applied to ensure an adequate supply of land and to enable a range of housing types to be provided.
- Housing diversity and affordability objectives must be considered during the preparation of housing strategies and other relevant strategic work to inform planning scheme reviews.

(iv) **Process of implementation (Chapter 7):**
- Amendments that implement the residential zones, or involve a significant review of the residential zones, should be progressed through a standard planning scheme amendment process and/or an advisory committee.
- Implementing and reviewing the residential zones will be improved through ongoing engagement and collaboration between State and local government.

(v) **Preparing planning scheme amendments (Chapter 8):**
- Amendments that implement the residential zones, or involve a significant review of the residential zones across a municipality (or a substantial part of a municipality), should:
  - be supported by a robust and contemporary housing strategy (or equivalent strategic document) that has been prepared in accordance with relevant planning practice notes, and has been subject to independent review (or will be as part of an amendment process)
  - be supported by an assessment of the factors that underpin the application of the Neighbourhood Residential Zone, such as neighbourhood character, heritage, environmental or landscape significance that has been subject to independent review (or will be as part of the amendment process)
  - include appropriate community consultation, including direct notification where appropriate
  - not be changed following exhibition (other than minor changes) without direct notice given to potentially affected parties, and their views being considered.
- Planning Practice Note 78 should be updated to provide an improved level of guidance in terms of evidence and justification required to support future residential zone implementation and review.
- Advisory Note 50 should be withdrawn.
- Ministerial Direction No. 16 – Residential Development should be revised to remove redundant references to the application of the residential zones, and instead to address ongoing monitoring of the residential zones.
- A revised Planning Practice Note 78 (or a new Planning Practice Note) should provide guidance on the preparation and content of housing strategies.
- Planning Practice Note 28 and Planning Practice Note 43 should be consolidated into an updated Practice Note that deals with neighbourhood character issues.

(vi) **Monitoring residential development (Chapter 9):**
- Ministerial Direction No. 16 should require that planning authorities review the performance of the reformed residential zones within four years of their gazettal.
• Planning Practice Note 78 should encourage planning authorities to review the residential zones and associated strategic issues as part of the planning scheme review process under section 12B of the Act and when they prepare or review relevant strategic work such as housing strategies.
• DELWP should lead ongoing residential development monitoring across the State, with assistance provided to local government, particularly in regional and rural areas.
• DELWP residential development monitoring reports should be delivered generally in the form of the State of Play reports, including appropriate additions and refinements noted in the Committee’s report. The frequency and timing of these reports should assist the planning scheme review process.

(vii) Residential zones and overlays (Chapter 10.1):
• Overlays have an ongoing role in managing development, design and built form outcomes.
• The application of the residential zone schedules has resulted in some duplication of, and conflict with, overlays, but this is not a widespread issue.
• Planning authorities should monitor and review planning schemes to identify and remove duplication and conflict between overlays and schedules to the residential zones as part of the regular planning scheme review process.

(viii) Residential zone schedules (Chapter 10.2):
• The over-application of the residential zone schedules has complicated some planning schemes and the planning process.
• Planning authorities should seek to minimise the use of residential zone schedules.
• Residential zone schedules should only be used where there is a clearly defined justification for varying the default provisions.

(ix) The need for a new zone (Chapter 10.3):
• The existing suite of residential zones and other zones that allow residential development provide sufficient options to cater for urban renewal sites, however consideration of new zones could be further ventilated through Plan Melbourne Refresh.

(x) Supporting growth through infrastructure contributions (Chapter 10.4):
• A simplified method to levy infrastructure contributions would ensure infrastructure can better keep pace with a growing population and increased housing delivery.
• Further consideration should be given to the introduction of standard levies for urban areas.

(xi) ResCode (Chapter 10.5):
• The alignment of the ResCode provisions with the residential zones should be further evaluated by DELWP to determine if a review of the ResCode provisions is necessary.
• The application of local variations within residential zone schedules through the building permit system should be monitored by DELWP.

(xii) Maximum building heights (Chapter 10.6):
• The mandatory maximum building height in the Neighbourhood Residential Zone should be increased to nine metres, but limited to two storeys.
• The Neighbourhood Residential Zone should allow for any additional height required by the relevant flood authority to be accommodated.
• The General Residential Zone and Residential Growth Zone schedules should enable the default maximum building height to be varied, but only as a discretionary maximum height.

(xiii) Residential aged care facilities (Chapter 10.7):
• There is strong policy support at a State level to facilitate the provision of residential aged care facilities and to enable ‘ageing in place’.
• Maximum building height controls in the current suite of residential zones do not adequately reflect State policy support for facilitating residential aged care facilities.
• Residential aged care facilities should be excluded from the maximum building heights in the Neighbourhood Residential, General Residential, Residential Growth and Township Zones.

(xiv) Covenants (Chapter 10.8):
• Planning Practice Note 78 should reinforce that the existence of a covenant does not by itself justify applying the Neighbourhood Residential Zone.
• The practice of applying covenants in new residential areas should be strongly discouraged.

(xv) Planning Practice Note 78 (Chapter 10.9):
• Planning Practice Note 78 plays a critical role in providing guidance to planning authorities and should be maintained, however it must be revised and updated to restore its currency and to provide greater clarity and direction.

(xvi) Residential Growth Zone (Chapter 11):
• The Residential Growth Zone is an important component of the suite of residential zones and provides certainty for larger scale residential development.
• The purposes of the Residential Growth Zone should be modified to better describe how the zone is to be used and what it is intended to achieve.

(xvii) General Residential Zone (Chapter 12):
• The General Residential Zone should be applied more widely and be used as the default residential zone.
• The purposes of the General Residential Zone should be modified to better describe how the zone is to be used and what it is intended to achieve.
• Planning Practice Note 78 should provide guidance about:
- the use of General Residential Zone schedules, particularly those that can impact the development potential of sites
- avoiding the use of General Residential Zone schedules that create a de facto Neighbourhood Residential Zone.

(xviii) Neighbourhood Residential Zone (Chapter 13):

- The zone name and purposes should be changed to better guide the application of the zone.
- Proposals for the adaptive re-use of non-residential buildings in a Heritage Overlay should be exempt from the maximum dwelling provisions.
- There should be greater flexibility in regulating the maximum number of dwellings on a lot.
- There should be a ‘no net loss’ exemption relating to the number of dwellings on a lot.

(xix) Other zones (Chapter 14):

- The ‘other’ zones that provide for residential development work well and there is no need to make any significant changes to their content or application.
- Planning authorities should be able to influence the land use mix in the Commercial 1 Zone, particularly the extent of residential and employment generating land uses. ‘Dwelling’ should be included as a Section 2 use in the Commercial 1 Zone table of uses.
- The Design and Development Overlay, rather than an expanded Commercial 1 Zone Schedule, is the preferred Victoria Planning Provision tool to manage built form in activity centres.
- The Low Density Residential Zone provides a sound basis for managing low density residential areas, however planning authorities can augment the zone with policies and overlays to address local issues.
- The selection of ‘applied’ residential zones within the Urban Growth Zone is a matter that needs to be resolved between the Metropolitan Planning Authority, DELWP and the growth area councils.
Appendix A  Terms of Reference

Managing Residential Development Advisory Committee
Version: 29 November 2015

Advisory Committee appointed pursuant to section 151 of the Planning and Environment Act 1987 to report on the application of zones that provide for residential development in metropolitan Melbourne and the four regional cities of Bendigo, Ballarat, Geelong and Latrobe, having regard to managing growth, proximity to transport and jobs, housing affordability and diversity.

Name
1. The Advisory Committee is to be known as the Managing Residential Development Advisory Committee (the Committee).
2. The Committee is to have members with the following skills:
   a. Statutory and Strategic Planning.
   b. Transport planning in the context of residential development.
   c. Knowledge and understanding of land development practices, planning law and the reformed residential zones.

Purpose
3. The purpose of the Committee is to:
   a. Consider the process by which the new residential zones were implemented.
   b. Review the current application of the zones that allow for residential development in the context of managing Melbourne and Victoria’s residential growth in a sustainable manner and improving housing affordability.
   c. Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.
   d. Recommend improvements to the residential zones.
   e. Provide councils, the community and the industry with an opportunity to be heard.
4. It is not the role of the Committee to consider requests to rezone specific sites.

Background
5. The Neighbourhood Residential Zone, General Residential Zone and Residential Growth Zone (the new residential zones) were introduced into the Victoria Planning Provisions through Amendment V8 in July 2013. The Mixed Use Zone, Township Zone and Low Density Residential Zone were also amended shortly afterwards through Amendment VC100.
6. Each council was given 12 months to prepare an amendment that justified the application of the new residential zones into their planning scheme. Where a council did not finalise an amendment to implement the new residential zones by 1 July 2014, the General Residential Zone was applied to all residually-zoned land.
7. On 1 July 2014 the State Government replaced the Residential 1, Residential 2 and Residential 3 zones with the new residential zones in all Victorian planning schemes. A considerable proportion of planning schemes has the General Residential Zone applied as the default zone.

8. The new residential zones have been applied state-wide in differing ways, with a wide range of local variation.

9. The Residential Zones Standing Advisory Committee was established in February 2014 to advise on the method of application of the proposed new residential zones into local planning schemes. The Committee considered 25 proposals, heard over 1,600 parties, and provided an overarching issues report and 25 specific reports. It suggested improvements to the residential zones in its Stage One Overarching Issues Report.

**Method**

10. The Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report(s).

11. The Committee will be assisted by the Managing Residential Development Taskforce (the Taskforce) comprising staff from the Department of Environment, Land, Water and Planning. The Taskforce will:

   a. Prepare a Residential Zones State of Play report for each of the Metropolitan subregions and one combined report for the four regional cities of Bendigo, Ballarat, Geelong and Latrobe (six reports in total). The Residential Zones State of Play reports will consider the residential zones and other zones that allow for residential development.

   b. Compile a list of potential improvements to the operation of the new residential zones.

   c. Undertake work at the direction of the Committee.

**Stage One – Consultation**

12. The Committee may hold an Inception Meeting(s) with the relevant councils and Industry Bodies (refer to Appendix A). The purpose of this meeting is to outline the Committee process and to make preliminary directions to the Taskforce and councils. These meetings may be undertaken at a regional level.

13. The Taskforce will seek submissions on its Residential Zones State of Play reports and list of potential improvements. Consultation must comprise:

   a. Direct notice to relevant councils and industry bodies.

   b. Direct notice to known community groups (in consultation with the relevant council).


   d. A comprehensive notice for each subregion in the relevant local newspaper(s).

14. All submissions are to be collected at the office of Planning Panels Victoria and electronic copies will be made available to other submitters upon request within ten working days from the close of the submission period.

15. The Committee must consider all relevant submissions.

---

2 Councils may wish to undertake additional consultation at their own cost.
16. The Committee will direct the Taskforce to undertake work to assist it in understanding the issues raised in submissions.

**Stage Two – Public Hearing**

17. The Committee may pre-set the hearing dates.

18. The Committee will carry out a directions hearing and public hearing.

19. Concurrent hearings may be held with different members of the Committee.

20. The Committee may conduct workshops or forums to explore design issues or other matters. Any workshops or forums will be a public process.

21. The Committee may meet and invite others to meet with them when there is a quorum of at least two of its members.

22. The Committee may limit the time of parties appearing before it.

23. The Committee may regulate cross-examination.

24. The Committee may inform itself in any way it sees fit.

**Stage Three – Issues and Options**

25. The Committee must provide its advice to the Minister for Planning.

26. The Committee must produce a brief issues and options report(s) which identifies system-wide and implementation issues related to residential development and the residential zones. In particular the Committee should consider:
   
   a. The approach to monitoring residential development over time including consideration of Ministerial Direction No. 16, and the role of councils and the department.
   
   b. A model methodology for preparing planning scheme amendments.
   
   c. Any Taskforce suggestions for improving the residential zones.
   
   d. Whether there are any further opportunities to improve the residential zones and/or associated planning tools.
   
   e. A summary of submissions to the Committee.
   
   f. A list of persons who made submissions considered by the Committee.
   
   g. A list of persons consulted or heard.
   
   h. Any other relevant matters raised in the course of the public hearings that the Committee considers necessary.

**Submissions are public documents**

27. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report, or five years has passed from the time of its appointment.

28. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain ‘in camera’.
Timing

29. The submission period will commence in early December 2015 and close at 5pm on Monday 14 March 2016.

30. The Taskforce is to prepare and publicly release its Residential Zones State of Play reports and list of improvements to the operation of the new residential zones no later than Tuesday 2nd February 2016.

31. The Committee is required to submit its issues and options report(s) in writing as soon as practicable but no later than 40 business days from the completion of the last subregional hearing and/or meeting.

Fee

32. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.

33. The costs of the Committee will be met by the Department of Environment, Land, Water and Planning.

Richard Wynne MP
Minister for Planning

Date: 1/2/16
Appendix A – Other Information

The following information does not form part the Terms of Reference.

Project Management

Administrative and operational support to the Committee will be provided by Anna Huggins, Planner of the Department of Environment, Land, Water and Planning on anna.huggins@delwp.vic.gov.au or 9223 1754.

Day to day liaison for the Advisory Committee will be through Andrea Harwood, Senior Project Manager of Planning Panels Victoria on (03) 8392 6744 or andrea.harwood@delwp.vic.gov.au.

Relevant councils

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Industry Bodies

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## Appendix B  Initial Stakeholder Consultation

### Inception Meetings

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<td>Regional Cities</td>
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### Industry (11 and 16 December 2015)

- Building Designers Association of Victoria
- Master Builders Association
- Municipal Association of Victoria
- Planning Institute of Australia
- Property Council of Australia
- Urban Development Institute of Australia
- Victoria Planning and Environmental Law Association

### Stakeholder Consultation

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<tr>
<td>Moonee Valley City Council (4 February 2016)</td>
<td>Moonee Valley Councillors and Senior Planning Officers</td>
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<tr>
<td>Metropolitan Planning Strategy Ministerial Advisory Committee (9 February 2016)</td>
<td>Roz Hansen, Chair&lt;br&gt;Bernard McNamara, Committee Member</td>
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<td>DELWP, City of Greater Bendigo, Golden Plains Shire Council and Macedon Ranges Shire Council (10 February 2016)</td>
<td>Robert Rorke, Manager Loddon Mallee, Regional Planning Services, DELWP&lt;br&gt;Andrew Cockerall, Coordinator Strategic Planning, City of Greater Bendigo&lt;br&gt;Mark Stubbs, Senior Strategic Planner, City of Greater Bendigo&lt;br&gt;Trevor Budge, Manager Strategy, City of Greater Bendigo&lt;br&gt;Ross Douglas, Manager Planning, City of Greater Bendigo</td>
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## Appendix C  Written Submissions

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## Appendix D  Parties to the Public Hearing

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## Appendix F  Summary of Zones

### Melbourne - average population density of 157 people per hectare of residentially zoned land

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<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
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<tr>
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<td>39</td>
<td>2,246</td>
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<td>14</td>
<td>273</td>
<td>272</td>
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<td>% of res. zoned land</td>
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<td>32.4%</td>
<td>1.6%</td>
<td>32.7%</td>
<td>32.6%</td>
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<td>100,244</td>
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<td>48,935</td>
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### Maribyrnong - average population density of 40 people per hectare of residentially zoned land

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<th>Av. Annual</th>
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<td>184</td>
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<td>898</td>
<td>9</td>
<td>213</td>
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<td>% of res. zoned land</td>
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<td>70%</td>
<td>.07%</td>
<td>16.6%</td>
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<td></td>
<td>75,154</td>
<td>120,306</td>
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<td>30,235</td>
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### Port Phillip - average population density of 83 people per hectare of residentially zoned land

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<th>Av. Annual</th>
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<td>1,412</td>
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<td>Area ( hectares)</td>
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<td>90</td>
<td>144</td>
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<td>52.5%</td>
<td>5.4%</td>
<td>8.7%</td>
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<td>134,562</td>
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### Stonnington - average population density of 49 people per hectare of residentially zoned land

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### Yarra - average population density of 66 people per hectare of residentially zoned land

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<tr>
<td>Number of lots</td>
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<td>Area ( hectares)</td>
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<tr>
<td>% of res. zoned land</td>
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<td>23.1%</td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>78,901</td>
<td>119,020</td>
<td>2%</td>
</tr>
<tr>
<td>Households</td>
<td></td>
<td></td>
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<td>36,534</td>
<td>54,677</td>
<td>2%</td>
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</table>
## Boroondara - average population density of 32 people per hectare of residentially zoned land

<table>
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<tr>
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<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>43,893</td>
<td>11,481</td>
<td>439</td>
<td>2,980</td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>2,903</td>
<td>745</td>
<td>36</td>
<td>151</td>
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<tr>
<td>% of res. zoned land</td>
<td>75.7%</td>
<td>19.4%</td>
<td>.09%</td>
<td>3.9%</td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td></td>
<td></td>
<td>167,062</td>
<td>195,805</td>
<td>0.8%</td>
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<tr>
<td>Households</td>
<td></td>
<td></td>
<td></td>
<td>63,852</td>
<td>79,539</td>
<td>1.1%</td>
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</tr>
</tbody>
</table>

## Knox - average population density of 24 people per hectare of residentially zoned land

<table>
<thead>
<tr>
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<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>57,116</td>
<td></td>
<td>2,749</td>
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<tr>
<td>Area (hectares)</td>
<td>4,254</td>
<td>529</td>
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<tr>
<td>% of res. zoned land</td>
<td>88.9%</td>
<td>11%</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>154,623</td>
<td>179,198</td>
<td>0.7%</td>
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</tr>
<tr>
<td>Households</td>
<td></td>
<td>56,112</td>
<td>70,291</td>
<td>1.1%</td>
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</table>

## Manningham - average population density of 21 people per hectare of residentially zoned land

<table>
<thead>
<tr>
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<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>1,723</td>
<td>35,385</td>
<td>2,012</td>
<td>5,405</td>
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<tr>
<td>Area (hectares)</td>
<td>250</td>
<td>2,362</td>
<td>163</td>
<td>1,965</td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>5.3%</td>
<td>49.8%</td>
<td>3.4%</td>
<td>41.5%</td>
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<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>116,743</td>
<td>138,485</td>
<td>0.9%</td>
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<td></td>
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</tr>
<tr>
<td>Households</td>
<td></td>
<td>42,226</td>
<td>52,049</td>
<td>1.1%</td>
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</table>

## Maroondah - average population density of 22 people per hectare of residentially zoned land

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<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>15,901</td>
<td>28,380</td>
<td>705</td>
<td>962</td>
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<tr>
<td>Area (hectares)</td>
<td>1,470</td>
<td>2,014</td>
<td>31</td>
<td>117</td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>40.5%</td>
<td>55.5%</td>
<td>0.8%</td>
<td>3.2%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>107,319</td>
<td>130,203</td>
<td>1%</td>
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</tr>
<tr>
<td>Households</td>
<td></td>
<td>41,832</td>
<td>52,595</td>
<td>1.2%</td>
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</table>

## Monash - average population density of 28 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>908</td>
<td>67,593</td>
<td>84</td>
<td>1,782</td>
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<tr>
<td>Area (hectares)</td>
<td>53</td>
<td>4,298</td>
<td>4</td>
<td>132</td>
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<td></td>
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<tr>
<td>% of res. zoned land</td>
<td>1.2%</td>
<td>95.8%</td>
<td>0.1%</td>
<td>3%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>177,345</td>
<td>209,493</td>
<td>0.8%</td>
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<tr>
<td>Households</td>
<td></td>
<td>65,180</td>
<td>78,312</td>
<td>0.9%</td>
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</tr>
<tr>
<td>Whitehorse - average population density of 28 people per hectare of residentially zoned land</td>
<td>NRZ</td>
<td>GRZ</td>
<td>RGZ</td>
<td>Other</td>
<td>2011</td>
<td>2031</td>
<td>Av. Annual</td>
</tr>
<tr>
<td>Number of lots</td>
<td>29,914</td>
<td>29,810</td>
<td>2,709</td>
<td>1,608</td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>1,914</td>
<td>1,700</td>
<td>174</td>
<td>156</td>
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<tr>
<td>% of res. zoned land</td>
<td>48.5%</td>
<td>43.1%</td>
<td>4.4%</td>
<td>3.9%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>157,542</td>
<td>189,684</td>
<td>0.9%</td>
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<tr>
<td>Households</td>
<td>60,743</td>
<td>74,853</td>
<td>1%</td>
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<tr>
<td>Yarra Ranges - average population density of 12 people per hectare of residentially zoned land</td>
<td>NRZ</td>
<td>GRZ</td>
<td>RGZ</td>
<td>Other</td>
<td>2011</td>
<td>2031</td>
<td>Av. Annual</td>
</tr>
<tr>
<td>Number of lots</td>
<td>24,273</td>
<td>3,057</td>
<td>1,486</td>
<td>14,684</td>
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<tr>
<td>Area (hectares)</td>
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<td>235</td>
<td>89</td>
<td>2,570</td>
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<tr>
<td>% of res. zoned land</td>
<td>45.1%</td>
<td>4.5%</td>
<td>1.7%</td>
<td>48.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>148,907</td>
<td>171,678</td>
<td>0.7%</td>
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<td>Households</td>
<td>55,348</td>
<td>68,937</td>
<td>1.1%</td>
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<td></td>
</tr>
<tr>
<td>Bayside - average population density of 29 people per hectare of residentially zoned land</td>
<td>NRZ</td>
<td>GRZ</td>
<td>RGZ</td>
<td>Other</td>
<td>2011</td>
<td>2031</td>
<td>Av. Annual</td>
</tr>
<tr>
<td>Number of lots</td>
<td>32,209</td>
<td>4,524</td>
<td>29</td>
<td>1,494</td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>1,891</td>
<td>403</td>
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<td>71</td>
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<tr>
<td>% of res. zoned land</td>
<td>79.9%</td>
<td>17%</td>
<td>0.1%</td>
<td>3%</td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td>96,119</td>
<td>113,491</td>
<td>0.8%</td>
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<td></td>
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</tr>
<tr>
<td>Households</td>
<td>37,305</td>
<td>46,051</td>
<td>1.1%</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Cardinia – average population density of 12 people per hectare of residentially zoned land</td>
<td>NRZ</td>
<td>GRZ</td>
<td>RGZ</td>
<td>UGZ</td>
<td>Other</td>
<td>2011</td>
<td>2031</td>
</tr>
<tr>
<td>Number of lots</td>
<td>2,711</td>
<td>15,182</td>
<td>N/A</td>
<td>7,577</td>
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<tr>
<td>Area (hectares)</td>
<td>502</td>
<td>1,479</td>
<td>3,777</td>
<td>1,970</td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>6.5%</td>
<td>19.1%</td>
<td>48.9%</td>
<td>25.5%</td>
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<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td>75,832</td>
<td>161,355</td>
<td>3.8%</td>
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<tr>
<td>Households</td>
<td>27,241</td>
<td>59,178</td>
<td>4%</td>
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<tr>
<td>Casey - average population density of 24 people per hectare of residentially zoned land</td>
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<td>GRZ</td>
<td>RGZ</td>
<td>UGZ</td>
<td>Other</td>
<td>2011</td>
<td>2031</td>
</tr>
<tr>
<td>Number of lots</td>
<td>88,283</td>
<td>7</td>
<td>3,243</td>
<td>5,756</td>
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<tr>
<td>Area (hectares)</td>
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<td>35</td>
<td>6,902</td>
<td>1,838</td>
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<tr>
<td>% of res. zoned land</td>
<td>44.9%</td>
<td>0.2%</td>
<td>43.4%</td>
<td>11.5%</td>
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<tr>
<td>Est. resident popn</td>
<td>261,282</td>
<td>433,907</td>
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<tr>
<td>Households</td>
<td>86,952</td>
<td>154,444</td>
<td>2.9%</td>
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</tbody>
</table>
### Frankston - average population density of 22 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>0</td>
<td>52,845</td>
<td>0</td>
<td>2,924</td>
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</tr>
<tr>
<td>Area (hectares)</td>
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<td>3,877</td>
<td>0</td>
<td>1,614</td>
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<tr>
<td>% of res. zoned land</td>
<td>0%</td>
<td>70.6%</td>
<td>0</td>
<td>29.4%</td>
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<tr>
<td>Est. resident popn</td>
<td>130,350</td>
<td>154,221</td>
<td>0.8%</td>
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<tr>
<td>Households</td>
<td>52,177</td>
<td>65,025</td>
<td>1.1%</td>
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</tbody>
</table>

### Glen Eira - average population density of 38 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>39,044</td>
<td>7,042</td>
<td>1,080</td>
<td>2,104</td>
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<tr>
<td>Area (hectares)</td>
<td>2,143</td>
<td>355</td>
<td>59</td>
<td>95</td>
<td></td>
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<tr>
<td>% of res. zoned land</td>
<td>80.8%</td>
<td>13.4%</td>
<td>2.2%</td>
<td>3.6%</td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td>137,152</td>
<td>163,951</td>
<td>0.9%</td>
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<tr>
<td>Households</td>
<td>55,454</td>
<td>67,295</td>
<td>1.0%</td>
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</tbody>
</table>

### Greater Dandenong - average population density of 33 people per hectare of residentially zoned land

<table>
<thead>
<tr>
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<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>13,502</td>
<td>29,577</td>
<td>6,395</td>
<td>2,061</td>
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<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>803</td>
<td>1,815</td>
<td>331</td>
<td>155</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>25.9%</td>
<td>58.5%</td>
<td>10.7%</td>
<td>5.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>142,167</td>
<td>190,640</td>
<td>1.5%</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>50,013</td>
<td>68,680</td>
<td>1.6%</td>
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</tbody>
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### Kingston - average population density of 29 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>0</td>
<td>57,568</td>
<td>4</td>
<td>2,133</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>0</td>
<td>3,180</td>
<td>9</td>
<td>143</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>0.0%</td>
<td>95.4%</td>
<td>0.3%</td>
<td>4.3%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>148,304</td>
<td>181,467</td>
<td>1.0%</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>58,941</td>
<td>75,368</td>
<td>1.2%</td>
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<td></td>
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</tbody>
</table>

### Mornington Peninsula - average population density of 12 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>LDRZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>82,424</td>
<td>3,288</td>
<td>1,836</td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>8,377</td>
<td>2,922</td>
<td>297</td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>72.2%</td>
<td>25.2%</td>
<td>2.5%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td>149,271</td>
<td>190,048</td>
<td>1.2%</td>
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</tr>
<tr>
<td>Households</td>
<td>61,449</td>
<td>81,451</td>
<td>1.4%</td>
<td></td>
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</tbody>
</table>
### Banyule - average population density of 25 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>14,961</td>
<td>32,942</td>
<td>134</td>
<td>1,740</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>1,158</td>
<td>2,033</td>
<td>13</td>
<td>263</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>33.4%</td>
<td>58.7%</td>
<td>0.4%</td>
<td>7.6%</td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td>122,983</td>
<td>142,764</td>
<td>0.7%</td>
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<tr>
<td>Households</td>
<td>47,745</td>
<td>57,664</td>
<td>0.9%</td>
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### Darebin - average population density of 34 people per hectare of residentially zoned land

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<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>6,235</td>
<td>47,240</td>
<td>1,040</td>
<td>2,557</td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>259</td>
<td>2,306</td>
<td>66</td>
<td>163</td>
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<td></td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>9.3%</td>
<td>82.6%</td>
<td>2.4%</td>
<td>5.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>142,942</td>
<td>189,127</td>
<td>1.4%</td>
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<td></td>
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<tr>
<td>Households</td>
<td>57,610</td>
<td>77,841</td>
<td>1.5%</td>
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### Mitchell - average population density of 7 people per hectare of residentially zoned land

<table>
<thead>
<tr>
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<th>GRZ</th>
<th>UGZ</th>
<th>CDZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>8,392</td>
<td>326</td>
<td>1,646</td>
<td>3,345</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>1,828</td>
<td>4,522</td>
<td>1,708</td>
<td>3,008</td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>16.5%</td>
<td>40.9%</td>
<td>15.4%</td>
<td>27.2%</td>
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<td></td>
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</tr>
<tr>
<td>Est. resident popn</td>
<td>24,227</td>
<td>75,109</td>
<td>5.8%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>8,571</td>
<td>26,334</td>
<td>5.8%</td>
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</tbody>
</table>

### Moreland - average population density of 37 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>36,996</td>
<td>17,480</td>
<td>1,577</td>
<td>3,349</td>
<td></td>
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<tr>
<td>Area (hectares)</td>
<td>1,784</td>
<td>856</td>
<td>77</td>
<td>172</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>61.7%</td>
<td>29.6%</td>
<td>2.7%</td>
<td>6.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>154,246</td>
<td>213,628</td>
<td>1.6%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>62,377</td>
<td>87,862</td>
<td>1.7%</td>
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</tbody>
</table>

### Nillumbik - average population density of 14 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>5,161</td>
<td>9,758</td>
<td>237</td>
<td>3,712</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>602</td>
<td>1,028</td>
<td>12</td>
<td>1,396</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>19.8%</td>
<td>33.8%</td>
<td>0.4%</td>
<td>45.9%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>62,716</td>
<td>68,679</td>
<td>0.5%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>20,968</td>
<td>26,096</td>
<td>1.1%</td>
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</tbody>
</table>
### Whittlesea - average population density of 25 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>UGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>915</td>
<td>60,026</td>
<td>1,066</td>
<td>106</td>
<td>4,307</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>57</td>
<td>5,195</td>
<td>63</td>
<td>2,397</td>
<td>2,397</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>0.6%</td>
<td>55.5%</td>
<td>0.7%</td>
<td>25.6%</td>
<td>17.6%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>160,800</td>
<td>316,919</td>
<td>3.5%</td>
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<tr>
<td>Households</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>54,337</td>
<td>108,199</td>
<td>3.5%</td>
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</tr>
</tbody>
</table>

### Brimbank - average population density of 29 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>38,357</td>
<td>27,767</td>
<td>2,238</td>
<td>1,510</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>2,420</td>
<td>1,842</td>
<td>124</td>
<td>267</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>52%</td>
<td>39.6%</td>
<td>2.7%</td>
<td>5.7%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>191,495</td>
<td>223,046</td>
<td>0.8%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Households</td>
<td></td>
<td>65,196</td>
<td>82,083</td>
<td>1.2%</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

### Hobsons Bay - average population density of 30 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>0</td>
<td>34,764</td>
<td>0</td>
<td>891</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>0</td>
<td>1,752</td>
<td>0</td>
<td>53</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>0</td>
<td>97%</td>
<td>0</td>
<td>2.9%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>87,396</td>
<td>107,674</td>
<td>1.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td></td>
<td>34,417</td>
<td>43,740</td>
<td>1.2%</td>
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</tr>
</tbody>
</table>

### Melton - average population density of 24 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>UGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>1,446</td>
<td>37,066</td>
<td>3,519</td>
<td>1,183</td>
<td>2,106</td>
<td></td>
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</tr>
<tr>
<td>Area (hectares)</td>
<td>420</td>
<td>3,095</td>
<td>189</td>
<td>10,549</td>
<td>1,128</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>2.7%</td>
<td>20%</td>
<td>1.2%</td>
<td>68.3%</td>
<td>7.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>112,643</td>
<td>258,903</td>
<td>4.2%</td>
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<tr>
<td>Households</td>
<td></td>
<td>37,810</td>
<td>88,266</td>
<td>4.3%</td>
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### Moonee Valley - average population density of 38 people per hectare of residentially zoned land

<table>
<thead>
<tr>
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<th>NRZ</th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>0</td>
<td>40,293</td>
<td>0</td>
<td>2,074</td>
<td></td>
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<tr>
<td>Area (hectares)</td>
<td>0</td>
<td>2,214</td>
<td>0</td>
<td>138</td>
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<td></td>
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<tr>
<td>% of res. zoned land</td>
<td>0</td>
<td>94.1%</td>
<td>0</td>
<td>5.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td></td>
<td>112,194</td>
<td>145,688</td>
<td>1.3%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td></td>
<td>45,001</td>
<td>59,540</td>
<td>1.4%</td>
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</tbody>
</table>
### Wyndham - average population density of 24 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>UGZ</th>
<th>PDZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>68,722</td>
<td>727</td>
<td>917</td>
<td>1,380</td>
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<tr>
<td>Area (hectares)</td>
<td>5,177</td>
<td>7,936</td>
<td>249</td>
<td>785</td>
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<tr>
<td>% of res. zoned land</td>
<td>36.6%</td>
<td>56.1%</td>
<td>1.8%</td>
<td>5.5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>166,698</td>
<td>359,542</td>
<td>3.9%</td>
<td>3.9%</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Households</td>
<td>57,655</td>
<td>124,440</td>
<td>3.9%</td>
<td>3.9%</td>
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</tbody>
</table>

### Ballarat - average population density of 15 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>2,119</td>
<td>43,040</td>
<td>372</td>
<td>6,573</td>
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<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>478</td>
<td>3,526</td>
<td>29</td>
<td>8,506</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>3.8%</td>
<td>28.1%</td>
<td>0.2%</td>
<td>67.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>95,192</td>
<td>139,650</td>
<td>1.9%</td>
<td>1.9%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>39,215</td>
<td>58,222</td>
<td>2%</td>
<td>2%</td>
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<td></td>
</tr>
</tbody>
</table>

### Greater Bendigo - average population density of 10 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>RLZ</th>
<th>LDRZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>46,130</td>
<td>4,222</td>
<td>2,740</td>
<td>4,075</td>
<td></td>
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<td></td>
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<tr>
<td>Area (hectares)</td>
<td>5,869</td>
<td>30,082</td>
<td>3,359</td>
<td>855</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>14.6%</td>
<td>74.9%</td>
<td>8.4%</td>
<td>2.1%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>102,009</td>
<td>144,751</td>
<td>1.8%</td>
<td>1.8%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>41,618</td>
<td>60,176</td>
<td>2%</td>
<td>2%</td>
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<td></td>
</tr>
</tbody>
</table>

### Greater Geelong - average population density of 19 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>RGZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>4,888</td>
<td>88,053</td>
<td>13,191</td>
<td>11,358</td>
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<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>245</td>
<td>7,644</td>
<td>855</td>
<td>10,152</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% of res. zoned land</td>
<td>1.3%</td>
<td>40.5%</td>
<td>4.5%</td>
<td>53.7%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>215,833</td>
<td>293,342</td>
<td>1.5%</td>
<td>1.5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>88,279</td>
<td>123,364</td>
<td>1.7%</td>
<td>1.7%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Latrobe - average population density of 13 people per hectare of residentially zoned land

<table>
<thead>
<tr>
<th></th>
<th>GRZ</th>
<th>RGZ</th>
<th>RLZ</th>
<th>Other</th>
<th>2011</th>
<th>2031</th>
<th>Av. Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of lots</td>
<td>336</td>
<td>30,407</td>
<td>1,203</td>
<td>2,709</td>
<td>2,172</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (hectares)</td>
<td>58</td>
<td>4,050</td>
<td>96</td>
<td>6,982</td>
<td>1,093</td>
<td></td>
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</tr>
<tr>
<td>% of res. zoned land</td>
<td>0.5%</td>
<td>33%</td>
<td>0.8%</td>
<td>56.9%</td>
<td>8.9%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Est. resident popn</td>
<td>73,788</td>
<td>82,455</td>
<td>0.6%</td>
<td>0.6%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households</td>
<td>30,892</td>
<td>36,267</td>
<td>0.8%</td>
<td>0.8%</td>
<td></td>
<td></td>
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Appendix G  Case studies

Glen Eira C110

Glen Eira was the first council to apply the new zones, which were applied prior to the appointment of the RZSAC. Amendment C110 to the Glen Eira Planning Scheme was approved by the Minister for Planning under section 20(4) and was considered a neutral translation of Council’s existing Housing and Residential Development Strategy, adopted by Council in 2002. The municipality has the highest proportion of NRZ in Victoria.

Background

Amendment C110 applied the zones based on Council’s Minimal Change Area and Housing Diversity Area Policies. Amendment C110 was approved by the Minister for Planning under section 20(4), without public consultation as it was considered that consultation had occurred as part of the process to implement the existing policies.

Council’s Minimal Change Area and Housing Diversity Area Policies were first introduced into the Glen Eira Planning Scheme in 2004 through Amendment C25. The Amendment was subject to a standard planning scheme amendment process, was exhibited between June and July 2002, received 189 submissions and was considered by an independent panel in October 2002.

Amendment C110 was gazetted some 11 years later, on 23 August 2013.

The Amendment adopted policies to differentiate the municipality into Housing Diversity and Minimal Change Areas, and to provide a hierarchy of higher residential densities around train stations and large shopping areas, with much of the municipality’s residential areas maintained as minimal change. Specifically, the Amendment applied NRZ to the Minimal Change Areas, RGZ to the Housing Diversity Areas (Elsternwick, Carnegie and Bentleigh) and GRZ to small areas around the periphery of the Housing Diversity areas and along transport routes.

According to Council (S274), Amendment C110 “resulted from a neutral conversion from its longstanding housing policies, developed from extensive community consultation”. Council noted in its submission that “the boundaries between intensities of development did not change”.

Discussion

The zones were implemented in Glen Eira without public consultation, and without an independent review process. The Reasons for Decision to Exercise Power of Intervention deemed that further consultation through the formal statutory process unnecessary, stating: “Consultation has been conducted during the development of the Housing and Residential Development Strategy and in relation to Amendment C25.”

The Committee notes the Council’s Housing and Residential Strategy was adopted in 2002, 11 years before the gazetral of Amendment C110. The Committee questions the currency of the policy itself as well as the currency of the community consultation in relation to this policy.
Section 12B(1)(a) of the Act requires councils to review its scheme every four years. Within this timeframe, various strategic policy changes have occurred, as well as revised population forecasts and significant population growth in the municipality.

The boundaries of the new zones and intended intensities of development as shown in the *Housing and Residential Strategy* were mostly consistent, however certain developments that would have been discretionary under the previous controls are now prohibited in the NRZ. In this regard, the Committee notes that the impact of Amendment C110 on property development rights was not subject to any prior informal consultation.

The translation of all residential land within the municipality from Amendment C25 to Amendment C110 does not appear to reflect current policy. Further, Amendment C110 does not appear to have been consistent with PPN78 and AN50, such as whether areas are affected by overlays.

**Melbourne C179**

Melbourne C179 is an example of unexplained changes being made to an amendment during the approval stage, despite the amendment having been supported through an independent review process (in this case, the RZSAC process).

**Background**

Draft Amendment C179 proposed the application of all three residential zones in the municipality, with mandatory height controls included in schedules to the NRZ. The RZSAC supported the spatial application of the zones as proposed by Council, and made recommendations regarding building heights.

Amendment C179 was subsequently approved under section 20(4) of the Act, but in a form that differed substantially from that considered by the RZSAC and adopted by Council. The key differences were:

- Parts of the municipality where the RZSAC and Council proposed the NRZ were instead zoned GRZ, with no mandatory density controls.
- Mandatory maximum building heights supported by the RZSAC (of 9 metres and 12 metres) were reduced to 8 metres, despite the RZSAC concluding that further analysis would be required to justify an 8 metre maximum height limit.

**Discussion**

Council expressed concern in its submission (S314) that the former Minister for Planning’s decision to vary the Council-preferred, and RZSAC-supported application of residential zones was made without any strategic justification.

It is not clear to this Committee why changes were made to Amendment C179 during the approval process. There is no explanation provided in the explanatory report for Amendment C179, or the Minister’s published Reasons for Intervention, as to why the amendment was approved in a different form to that recommended by the RZSAC and adopted by Council.

Consequently, the Committee accepts Council’s submission that it is not clear what, if any, strategic justification there is for those changes. The Committee notes Council’s submission
(S314) that in South Yarra, this has resulted in conflicts between the heights approved under the NRZ, and the heights approved in the DDO that applies to the area.

The Committee considers that, where changes were made that were inconsistent with the RZSAC recommendations, the application of the zones should be reviewed (particularly in South Yarra, where there is a conflict between the height limits that apply under the NRZ schedule, and the DDO).

**Whittlesea C181**

Amendment C181 to the Whittlesea Planning Scheme is another example of unexplained changes being made to an amendment during the approval stage, that were contrary to the recommendations made following an independent review.

**Background**

Draft Amendment C181 proposed applying all three residential zones to the established residential areas of the Whittlesea, based on Council’s *Housing Diversity Strategy*, adopted in December 2013. Amendment C181 was publically exhibited, and the Minister for Planning referred the amendment, along with submissions, to the RZSAC (Stage 2).

The RZSAC broadly supported Council’s *Housing Diversity Strategy*, but found that the proposed application of the NRZ to broad areas of the established part of the municipality had not been strategically justified.

A large number of the submissions considered by the RZSAC related to the appropriate zoning for the Peter Lalor Estate. Some called for the application of the NRZ, others for the RGZ. The RZSAC found that on balance, the entire precinct should be zoned GRZ.

According to Council’s submission (S329), the approved Amendment differed from the version recommended by the RZSAC, and from the version exhibited by Council. The NRZ was applied broadly within the Peter Lalor Estate, contrary to the RZSAC recommendations (which were for GRZ to be applied throughout), and the exhibited version of the amendment (which proposed limited application of the NRZ).

**Discussion**

The submissions to this Committee concerning the Peter Lalor Estate raised concerns about the changes that were made to Amendment C181 prior to its approval. Submissions noted that the changes were contrary to the RZSAC’s recommendations, and asserted that there was no consultation regarding those changes. They said there was a lack of transparency, and questioned the strategic justification for the changes. Council raised concerns about the fact that the RZSAC’s report was not made publically available, or available to Council, prior to the amendment being approved.

It is not clear to this Committee why changes were made to the amendment. As was the case for Amendment C179 to the Melbourne Planning Scheme discussed above, no explanation was provided in the amendment documentation as to why the changes were made.

The Committee queries whether the NRZ is the appropriate zone for the Peter Lalor Estate, and considers that this should be reviewed.
Greater Geelong C300

Submissions identified several ‘hot spots’ in Greater Geelong, raising questions about the process for Amendment C300, questions about whether the zones had been properly applied in some areas, and questions about the interaction between the zones and local policy and overlay controls.

Background

Greater Geelong City Council was one of only three councils who elected to seek to introduce the new zones by a planning scheme amendment that underwent the full public exhibition and panel process (the others being Frankston City Council and Knox City Council).

Council exhibited Amendment C300 in November 2013. Amendment C300 sought to implement all three of the residential zones in accordance with State and local policy, including Council’s Housing Diversity Strategy 2007, and Council’s Reformed Residential Zones Implementation Report, October 2013.

Amendment C300 designated Geelong West, Manifold Heights and Newtown as an Increased Housing Diversity Areas (IHDA). Belmont (and other areas) were already designated as IHDAs in the planning scheme. The amendment applied the RGZ as the default zone in the IHDAs.

Many of the 236 submissions in respect of Amendment C300 opposed the application of the RGZ in the IHDA areas in Geelong West, Manifold Heights and Newtown, and Belmont. They supported the NRZ as the ‘default’ zone in these areas, on the basis of neighbourhood character and heritage values.

After considering submissions, Council resolved to zone areas within the IHDA with neighbourhood character or heritage values GRZ, instead of RGZ. It presented this position to the Panel.

The Panel was generally supportive of Council’s proposed zoning within the IHDAs. It considered that the RGZ was the appropriate ‘default’ zone, but agreed that areas with identified neighbourhood character and heritage value be zoned GRZ. The Panel did not support submissions that called for the application of the NRZ in these areas.

Changes made to Amendment C300 during the adoption process

Council officers accepted all but one of the Panel’s recommendations. However, changes were made to Amendment C300 during the adoption process. Submitters said that they were not informed of the changes, and were not consulted in relation to the changes.

Changes were made to the zoning in and around Geelong West, Manifold Heights and Newtown (areas where the Panel recommended GRZ ended up being zoned NRZ). A new Schedule 3 to the NRZ was introduced, that had not been considered by the Panel, and applied to the heritage precincts in the Geelong West and Manifold Heights IHDA. Areas in the Belmont IHDA were zoned NRZ, whereas the Panel had recommended GRZ. Changes were also made to the zoning of the Geelong West Bowls Club site.

The Melbourne and Whittlesea case studies discussed above raise similar issues in relation to changes being made to the amendment. However in Geelong, the changes were made by
Council during the adoption process, whereas in the other two case studies, the changes were made by the Minister for Planning or DELWP during the approval process.

There is no discussion or explanation of the changes in the council minutes for the meeting at which Amendment C300 was adopted. As was the case for Melbourne and Whittlesea, it is not clear to this Committee why changes were made, or what (if any) strategic justification there was for the changes.

**Barwon Heads**

Amendment C300 applied the RGZ to areas in central Barwon Heads, which appears to represent a 400 metre walkable catchment from the Barwon Heads Activity Centre, consistent with the principles in PPN78. There is no discussion of the zoning for Barwon Heads in the C300 Panel report, as it appears that no submissions were made about this issue in relation to Amendment C300.

Submissions from the Barwon Heads Association Inc. (S273) presented a persuasive argument that the application of the RGZ to central areas in Barwon Heads was inappropriate, as it was:

- contrary to local policy (in particular the Barwon Heads Structure Plan)
- inappropriate given the physical and environmental constraints on development in Barwon Heads (including neighbourhood character)
- anomalous when compared to nearby Ocean Grove (Ocean Grove is zoned GRZ notwithstanding that it is designated as an IHDA area in local policy, whereas Barwon Heads is zoned RGZ notwithstanding that it is not in an IHDA).

Great Geelong’s written submission (S151) does not directly address the approach taken to zoning in Barwon Heads. In the absence of any other contrary information or submissions, the Committee accepts the submissions of the Barwon Heads Association. At face value, the application of the RGZ in central Barwon Heads appears to be contrary to the Barwon Heads Structure Plan and other local policies.

Unlike several metropolitan councils, Greater Geelong took the decision to routinely apply the RGZ around its activity centres and areas that are well served by transport and other services. The C300 Panel endorsed this approach, as does this Committee.

However, the Barwon Heads case demonstrates that applying the residential zones is not a ‘one size fits all’ exercise. Although the application of the RGZ within a 400 metre walkable catchment of the Barwon Heads Activity Centre is in many ways consistent with the principles in PPN78, there is an apparent disconnect between the local policy framework (particularly the Barwon Heads Structure Plan), and the application of the RGZ.

The Committee considers that the zoning and local policy for central Barwon Heads area should be brought into alignment in the next strategic review of the Greater Geelong Planning Scheme.

**The Geelong West Bowls Club site**

The former Geelong West Bowls Club site in Coquette Street is within the Geelong West, Manifold Heights and Newtown IHDA area. The C300 Panel made no specific
recommendations about the zoning of the Bowls Club site, recommending that it be zoned GRZ along with the surrounding land.

During the Amendment C300 adoption process, the zoning for the Bowls Club site was changed to RGZ. Residents in the Geelong West area were not informed of the change, or the reasons for the change. Nor is there any discussion of the issue in the Council minutes for the meeting at which Amendment C300 was adopted which explains the reasons for the change.

Submitters said that the site is unsuitable for higher density residential development, as it is in an area prone to flooding, with limited and ageing infrastructure. The site is within the Pineville precinct HO, and abuts West Park. Submitters say that higher density development on this site is out of character with the surrounding area, and would compromise the heritage values of the area.

Since Amendment C300 was approved, a permit application has been received for a 3 storey development comprising 64 apartments and townhouses. The Committee understands that following a mediation process, a permit will issue, although there remains a significant level of concern in the community about the development.

The Committee considers that this was an unfortunate outcome. A change from GRZ to RGZ has significant implications for the development potential of the land, and for the amenity impacts that this might have on surrounding land. The strategic justification for the change is not apparent. In the Committee’s view, this should not have occurred without the affected residents being given the opportunity to have a say about the proposed change.

Interaction between the zones, local policy and overlay controls

Submissions in relation to Amendment C300 argued that there is a disconnect between the policy objectives applying to IHDAs, and the purposes of the NRZ and the HO. Local policy encourages increased housing density in the IHDAs, whereas the NRZ and HO do not. They said that for this reason, areas zoned NRZ and/or affected by a HO should not be included in IHDAs.

The National Trust (Geelong and Region Branch) (S226), resident groups and several individuals in the Geelong area submitted that the only appropriate residential zone to apply in heritage areas was the NRZ, as the outcomes sought under the GRZ and particularly the RGZ were inconsistent with the outcomes sought under a HO.

The C300 Panel considered submissions that called for the NRZ to be applied in heritage precincts within IHDA areas in Belmont and Newtown. The Panel did not support an automatic application of the NRZ in these heritage areas, and found:

*Although the Panel accepts that there might be circumstances where the NRZ is appropriate within an IHDA, it believes that a detailed analysis of the redevelopment capacity of an area (particularly within a HO) would be required in order to identify such areas. In the absence of such an analysis, the Panel is satisfied that the GRZ is a suitable zone and that it provides a degree of flexibility without the development expectations associated with the RGZ.*

The Committee considers that the approach taken by the C300 Panel was reasonable.
A considerable amount of strategic work was undertaken to support the introduction of the IHDAs. The IHDAs identified in the Greater Geelong Planning Scheme were introduced through Amendment C129, which according to the Panel report for Amendment C300, was “based on comprehensive investigations and included lengthy Panel and approval processes”.

Many of the residential areas in Geelong – including those subject to a HO – were zoned Residential 1 prior to the introduction of the new zones. The GRZ is the most direct translation from the Residential 1 Zone, and the Committee considers that specific strategic justification should be required before the more restrictive NRZ is applied to heritage areas.

The Committee accepts that there may be potential disconnects between the GRZ and the HO, and between the policy objectives applying to IHDAs and the purposes of the NRZ or HO. However, the Committee considers that this can be dealt with as part of the normal permit application process.

**Consultation on Amendment C300**

Some submissions were critical of the consultation process undertaken by Council in relation to Amendment C300, saying that Council’s advertising and notice of the amendment did not adequately draw the community’s attention to the amendment, or its significance. They said many residents in Geelong West and Manifold Heights (where an IHDA was applied) only became aware of the amendment through word of mouth, and through the campaigning of the Geelong West Residents Action Group.

On the other hand, other submissions (including those from residents in the Newtown and Belmont areas) praised the Amendment C300 process, saying that the process was exhaustive and robust, and it would be unfair to review the outcomes so soon after implementation.

The C300 Panel found that the consultation process for Amendment C300 met statutory requirements, and was a genuine attempt to engage with the community in relation to the proposed changes.

However the Committee accepts that some residents felt that the notification and consultation for Amendment C300 was not sufficiently informative given the significance of the amendment. The Committee considers that where substantial changes were proposed (such as in Geelong West, around the Bowls Club site, and in central Barwon Heads), residents should have been directly notified.

**Greater Bendigo C205**

Amendment C205 to the Greater Bendigo Planning Scheme is an example of a section 20(4) amendment that involved a policy neutral translation of existing policies and controls, without much (if any) controversy.

**Background**

The new residential zones were applied in Greater Bendigo through Amendment C205. The amendment applied the GRZ to all residential land in the municipality. Council resolved to request a section 20(4) approval of the amendment while it progressed the development of its Residential Strategy.
Amendment C205 was followed up with a subsequent amendment, C215, which sought to implement the recommendations of the Greater Bendigo Residential Strategy 2014 by making changes to the LPPF as well as a number of zoning and overlay changes. After going through a full public exhibition and panel process, Amendment C215 was adopted by Council on 2 March 2016 and at the time of writing, is awaiting approval.

Submissions
In its submission, Greater Bendigo noted the application of the GRZ was undertaken as a direct translation from the Residential 1 Zone.

Council supported the operation of the GRZ, remarking that the GRZ is “not broken” and that it is “working well”. Council suggested that:

...[t]here are some minor alterations that could be made to the zone to improve its functionality.

Discussion
The Committee notes that Council decided to implement the GRZ as a first step to the implementation of the new zones while it revised the Residential Strategy. This approach was taken rather than waiting until 1 July 2014 for a compulsory conversion to GRZ. Council took this approach to avoid any confusion between the zone conversion after 1 July 2014 and its proposed amendment to implement its Residential Strategy.

Port Phillip
Port Phillip’s various endeavours to implement the full suite of residential zones based on an adopted housing policy provides a contrasting example in the implementation of the zones and the strategic justification required for approval.

Background
Council has attempted unsuccessfully a number of times to implement the full suite of residential zones. Port Phillip was one of the first councils to commence implementation of the new residential zones. In early 2014, the Council undertook extensive, non-statutory community consultation on its proposed policy translation to the new residential zones.

In order to implement its new zones prior to 1 July 2014, but allow time to appropriately respond to submissions, Port Phillip adopted a two stage process; Stage 1 – Amendment C113 and Stage 2 – Amendment C114.

In May 2014, Council requested Ministerial approval of Amendment C113 by a section 20(4) amendment. The amendment represented Council’s translation of its former residential zones, Residential 1 and 2, based on its adopted Port Phillip Housing Strategy 2007-2017 policy, which is also incorporated as local policy.

Council’s Housing Strategy was developed in response to Melbourne 2030 and the Inner Regional Housing Statement (2005). It was incorporated as local policy in the Port Phillip Planning Scheme through Amendment C62 in June 2011, following a review by an independent panel. The amendment was the first comprehensive review of Council’s planning scheme and received a total of 19 submissions.
The proposed Amendment C113 sought to apply all three residential zones, with multiple tailored Schedules, based on the five housing categories in the Housing Strategy. The Amendment involved extensive consultation with affected land owners and generated approximately 300 submissions.

Following this, Council prepared and sought approval of Amendment C114, also by section 20(4). C114 sought to apply the RGZ more extensively to provide greater housing opportunities in response to submissions received through its 2013 consultation. Council consulted on the C114 changes with the directly affected property owners.

No decision was made prior to 1 July 2014 and the GRZ was applied across Port Phillip through the ‘direct translation’ amendment of VC116, replacing the former Residential 1 and 2 zone.

In April 2015, in response to both approval requests, the Minister for Planning requested Council undertake further work in order to address four key matters:

- Combine amendments C113 and C114 into a single amendment
- Reduce the number of schedules to the zones
- Replace Council ‘sliding density scale’ (within the NRZ) to a single site density
- Consider some additional areas for application of the GRZ.

Council was also advised that upon submitting a revised amendment, that it would be referred to the RZSAC.

In November 2015, Council submitted two alternative proposals to implement the full suite of residential zones, Amendments C118 and C123, it which it requested by approved by section 20 (4).

Amendment C118 sought to combine Amendment C113 and C114 into a single amendment and replace the sliding density scale in the NRZ to either two or four dwellings on a lot.

Council’s alternative proposal, C123, addressed the fourth dot point above, and applied further GRZ to the municipality. Specifically, Council defined areas across St Kilda, St Kilda East, Ripponlea and Elwood (initially proposed as NRZ) where a further review of zoning could occur as part of an updated Housing Strategy. The GRZ is proposed in these areas, as a default position while further strategic work is undertaken. No decision has yet to be made on these amendments.

Submissions

Port Phillip provided the Committee a comprehensive written submission (S262), documenting the chronology of its experience to date in implementing the new residential zones. Fundamental to Port Phillip’s submission was the Council’s justification for its chosen pathway to apply the zones.

In line with the Advisory Note, Council resolved to request a section 20(4) Ministerial Amendment to introduce the zones into the Port Phillip Planning Scheme. This recognised that the zones were translated aligned with approved housing policy and that significant community consultation on the proposed translation of the zones was undertaken.
Council proceeded down this pathway early in the transition process in line with Advisory Note 50 that was released mid 2013. Council noted:

... halfway through the implementation period, the Residential Zones Standing Advisory Committee was established ... to provide an independent review of zone translations and submissions. Council did not take up the offer to be involved as it understood the Residential Zones Standing Advisory Committee process was directed at Council’s which did not have an adopted Housing Policy in place.

In its submission, Port Phillip highlight that significant consultation was undertaken in the two stages prior to council requesting the zones be introduced by 20(4) amendment. This included direct notification to all affected land owners, opportunities for submitters to present to Council before any Council resolution was made and Council itself making specific changes to the proposed translation to zones where this would address issues raised.

Port Phillip stressed the importance it placed on ensuring alignment of the zones with policy and community expectations and noted:

At each stage, Council has sought to ensure that its application of the new residential zones has been a transparent process and consistent with its adopted Housing Policy.

Port Phillip noted the significant resources required for it to meet timeframes that were set through the implementation of the new residential zones.

Discussion

Council has been working for three years to implement their zones. It is evident that Council has undertaken significant strategic work to inform its application of the residential zones.

Council followed the suggested approach outlined for Tier 1, Councils with existing housing policies in Advisory Note 50, by converting into the three residential zones and requesting a Ministerial Amendment. Council has also undertaken the further work requested of them.

This example highlights the inconsistency in the level of evidence or strategic justification that has been required to implement the suite of residential zones.

Diamond Creek and Yarrambat

Background

The Committee received multiple written submissions from and on behalf of owners of land located in Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat (Submissions 61, 277, 278, 296, 301, 308, 330, 339, 340 and 341), ‘the Diamond Creek and Yarrambat submitters’. In addition to their written submissions, the Diamond Creek and Yarrambat submitters presented at the Committee’s public hearings on multiple hearing days.

The issue raised is whether this land located Diamond Creek and Yarrambat should be zoned to an urban use zone.

The Diamond Creek and Yarrambat submitters have been attempting to rectify what they regard as an incorrect rezoning of their properties from rural to urban since the early 2000s. The land is located in the Rural Conservation Zone, Schedule 3, and included within the
Environmental Significance Overlay and the Bushfire Management Overlay. The land is located outside the UGB.

**Submissions**

Submission 278 implored the Committee to ‘correct’ the zoning of the subject properties to a residential zone. In noting that the Committee is unable to consider requests for rezoning, the submission sought the Committee to vary its Terms of Reference.

Submission 296 insisted that zoning mistakes were made through the approval of the new format planning scheme, and that the land was wrongfully omitted from UGB. The submission stated:

*p*These lands were incorrectly back-zoned to environmental-rural in year 2000 with the new format Nillumbik Planning Scheme.*

**Discussion**

The submitter’s request that land in Ironbark Road and Pioneer Road be rezoned for residential use is well beyond the scope of the Committee. The Committee is clear in its remit that it is unable to consider requests for the rezoning of specific sites. The Committee notes that the land was not affected by Council’s implementation of the new residential zones. The Committee did not seek a variation in its Terms of Reference in relation to this submission.

The Committee refers to the 1999 report of the *Nillumbik New Format Planning Scheme Panel and Advisory Committee*, appointed to consider the finalisation of the Nillumbik new format Planning Scheme. Similar submissions were made to the *Nillumbik New Format Planning Scheme Panel and Advisory Committee* seeking the land’s inclusion into the Low Density Residential Zone. That report identified that the existing planning controls at the time, ‘Landscape Interest A’, sought to protect the area’s environmental and landscape values.

The *Nillumbik New Format Planning Scheme Panel and Advisory Committee* did not support the proposed changes raised in the submissions. In considering the submission and assessment of the evidence, the *Nillumbik New Format Planning Scheme Panel and Advisory Committee* found that:

*p*The maintenance of the existing settlement pattern of a hard metropolitan edge and rural townships all separate by non-urban areas identified as critical to the ongoing sustainability of Nillumbik as a green wedge.*

The *Nillumbik New Format Planning Scheme Panel and Advisory Committee* further concluded that:

*p*A change to urban zoning would be contrary to maintaining the current boundary between urban and non-urban zoned land and ensuring that boundary provides a clear delineation between the urban and rural landscape.*

The Committee notes that the area has limited residential development potential given its location outside of the UGB and long existing non-urban zoning. The RZSAC Stage Two Nillumbik Draft Amendment C99 report notes Council’s position on the perceived issue, that
the land has continually and deliberately zoned for non-urban purposes, and that the current Rural Conservation zone is not an “error”.

Issues relating to the zoning of land on Ironbark Road, Diamond Creek and Pioneer Road, Yarrambat are not relevant to the Committee’s consideration.

The Committee agrees with the findings of the Nillumbik New Format Planning Scheme Panel and Advisory Committee and the RZSAC, and does not consider an error has occurred in relation to the current zoning. Further, the Committee is aware that the submitters have for many years presented at multiple Panels and Advisory Committees seeking rezoning of their land, and have consistently been advised that the land is not suitable for rezoning. It lies outside the UGB, and it has long been concluded by many independent reviews that the land is not appropriate to be included in any residential zones for the purposes of urban development.

**VCAT Cases**

As noted elsewhere throughout this report, one of the most vexed aspects to do with the new residential zones is the NRZ. The overwhelming majority of submissions were focused on this zone, with divergent views on whether the zone has been appropriately applied, and its benefits and disbenefits. The following case studies illustrate some of the many issues associated with the application and interpretation of the NRZ.

**Balancing the purposes of the NRZ with other policy objectives**

The purposes of the NRZ include limiting opportunities for increased residential development, and respecting existing neighbourhood character. Planning schemes contain many competing policy objectives, such as encouraging urban consolidation, and directing medium density housing to well-located sites along major transport corridors and close to activity centres. Decision-making in the NRZ needs to balance these competing objectives, and the following VCAT decisions demonstrate that outcomes can go both ways.

**Verbuk v Bayside City Council** [2014] VCAT 967 (Verbuk) involved an application to construct three dwellings (two double storey and one single storey), one behind the other down the length of an 815 square metre site. The site was zoned NRZ. Council refused the application.

The site was on the periphery of a ‘residential opportunity area’ designated in local policy. It was within 200 metres of the tram line along Hawthorn Road, and within walking distance of public open space. It was within a reasonable distance, but not particularly close, to an activity centre.

While acknowledging that the competing policy objectives must be balanced and weighed on a case by case basis, the Tribunal gave more weight to neighbourhood character, noting that the NRZ had “lifted the bar” in terms of the level of respect for neighbourhood character. The Tribunal stated (at paragraph 14):

> ... In some ways, the new zone is a ‘game changer’ to the way that applications like this are now considered. They shift the primary intent of the Bayside Planning Scheme as a whole away from an even balance between encouraging urban consolidation and respect for neighbourhood character, to
a more clear intent to restrict new residential development in favour of protecting the existing neighbourhood character. This significant change in focus is evident despite the fact that the local policies have not yet caught up with the change of zoning, and in some cases the Neighbourhood Residential Zone has been applied to locations also identified as residential opportunity areas.

The Tribunal observed that, even if a proposal respects neighbourhood character, it might not be approved if it would be contrary to the purposes of limiting new residential development. The Tribunal took the view that the purpose of limiting opportunities for new residential development is to be implemented by restricting new development on every site within the zone, rather than on a broader precinct basis.

In contrast, the Tribunal took a more flexible approach in Scarfe v Boroondara City Council [2014] VCAT 1520 (Scarfe).

Scarfe involved an application to construct a three storey building containing 22 dwellings on two adjoining sites with direct frontage onto Balwyn Rd. The land was zoned NRZ3, but the application was not prohibited because the transitional provisions applied. Council had determined to grant a permit.

Objectors appealed to VCAT, arguing that the proposed development was inconsistent with the purpose of limiting opportunities for new residential development in the NRZ.

The Tribunal found that although “neighbourhoods that have had the NRZ applied to them, are not intended to play a significant role in the achievement of urban consolidation objectives”, a permit should be granted in this case. The Tribunal emphasised the site’s location on a main road, its area, configuration and dimensions, and its proximity to public transport and nearby activity centres.

The Tribunal found that “In circumstances where discretion exists because of the inclusion of the transitional provisions in the zone, the site’s suitability for medium density development is a relevant consideration”. It found that the proposal was well designed, and concluded that on balance, the building was an acceptable built form response to the preferred character of the neighbourhood.

Red Star Beaumaris P/L v Bayside City Council [2015] VCAT 305 (Red Star Beaumaris) involved an application to subdivide land formerly owned by the Returned Services League in of Australia into 21 lots. The land was zoned NRZ, and was identified in local policy as being in a ‘minimal residential growth’ area. It was not identified in local policy as a strategic redevelopment site.

Council opposed the grant of a permit, arguing that the primary issue was whether the proposal meets the objectives of the NRZ. Council urged the Tribunal not to be swayed by suggestions that the site could accommodate more intensive development due to State policy promoting greater housing choice near activity centres or on strategic redevelopment sites.

The Tribunal determined that a permit should be granted, noting that the first purpose of the NRZ is to ensure development is consistent with both State and Local policy. The Tribunal stated (at paragraph 33):
In this location we find it inappropriate to assume that because the site is in a “minimal growth” area, we should give minimal weight to the sites proximity to a range of services that are focussed around the nearby activity centre. Whilst the site is located in a locally identified area of “minimal growth” this certainly does not mean no growth and this must be balanced against the capacity of the site to deliver other positive policy outcomes that seek to locate housing close to services such as the nearby shops, schools and preschool centre.

The Tribunal addressed the purpose of respecting neighbourhood character. It found that “in assessing character, we should not presume no change in character may be warranted.” The Tribunal accepted that subdividing the land for residential development would alter the neighbourhood character, but the design response of the proposed subdivision (including setback and landscaping proposals) was an appropriate response to the neighbourhood character.

**Broad application of the NRZ ‘displacing’ development pressure to other areas**

Several submissions raised concerns that the broad application of the NRZ in some areas will displace development pressure to other areas with less widespread application of the NRZ. An example of this issue playing out at a practical level arose in *LPD Property Pty Ltd v Yarra City Council (Final) [2015]* VCAT 1824 (LPD Property).

**LPD Property** involved a proposal to construct a 14 storey building containing residential development, shops and cafés in the Bridge Road Richmond Activity Centre. The site was in a Mixed Use Zone and part of the site was subject to a HO.

In approving the proposed development, the Tribunal stated at paragraph 13:

> Furthermore, in order to provide for the level of increased residential growth, needed due to the restrictive nature of the Neighbourhood Residential Zone that applies in much of the municipality, the subject site and other sites like it need to be generally developed to their maximum potential, always being balanced against the constraints of the particular site.

**Higher density residential development and equity between neighbouring sites**

‘Development equity’ can be a significant issue in precincts zoned for high density residential development. *52 Park Street Pty Ltd v Port Phillip City Council [2013]* VCAT 2199 (52 Park Street) is a stark example of the tensions that arise when existing developments borrow amenity from adjoining properties, and thereby unreasonably impact on future development rights on those adjoining sites.

**52 Park Street** involved a proposal to construct a 12 storey building with a restaurant on the ground floor and 26 apartments above. The site was zoned Mixed Use Zone. It was well located to services, facilities, and public transport, and therefore a location where State and local policy encouraged urban consolidation.

Council decided to grant a permit, and parties with an interest in the neighbouring land at 50 Park Street appealed that decision to VCAT. A permit had been issued in 2010 for 50 Park
Street, for a 16 storey building housing a convenience restaurant and 192 apartments. The building was at practical completion, awaiting the issue of a Certificate of Occupancy.

The Tribunal noted that State and local policy clearly supported intensive development on the subject site, as did the MUZ. It noted that denying a certain scale of development would arguably be counter to these outcomes sought by the scheme.

However, allowing the proposed development would have significant impacts on the amenity of the apartments in the neighbouring building. Those impacts would include a loss of outlook, loss of daylight and sunlight, a sense of visual bulk or enclosure from the proposed building, and potentially some privacy impacts.

Significantly, these potential impacts on the neighbouring apartments arose largely because the building at 50 Park Street had been poorly designed, with inadequate setbacks that would enable it to secure internal amenity within its own site borders.

The Tribunal noted that it is relatively common in locations identified for higher density housing for setbacks to be provided not entirely on the one site, but also on adjoining sites (providing an appropriate combined setback). However when development on one site relies too heavily on setbacks being provided by future developments on neighbouring sites, the development potential of the neighbouring site can be severely restricted, and in extreme cases (like this one), effectively sterilised.

The complexities of high density proposals

Another issue demonstrated by the 52 Park Street decision is the volume and complexity of technical evidence that is presented in cases involving high density development and issues of development equity. The Tribunal was presented with voluminous evidence regarding the amenity impacts on the neighbouring apartments in this case, particularly in relation to daylight issues. Despite this, the Tribunal found that it had “insufficient information to analyse whether the extent of loss of daylight is reasonable or not”.

Other notable cases involving development equity issues are Highbury Focus Pty Ltd v Melbourne City Council [2012] VCAT 841, Melbourne Domain Pty Ltd v Melbourne City Council [2013] VCAT 1832, and San Domenico v Stonnington City Council [2013] VCAT 1907.
Appendix H  Residential Growth Zone

32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as RGZ with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To allow for significant residential growth.

To provide housing at increased densities up to and including four storey buildings.

To encourage a diversity of housing types, particularly in locations offering good access to services and transport including activities areas.

To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted limited or moderate housing growth.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.07-1 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin, or have access to, a road in a Road Zone. The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone. The leasable floor area must not exceed 100 square metres</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant, Hotel and Tavern)</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
</tbody>
</table>
### Place of worship
The gross floor area of all buildings must not exceed 250 square metres.

### Use | Condition
---|---
**Railway**
**Residential aged care facility**
Shop (other than Adult sex bookshop and Bottle shop) | The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin, or have access to, a road in a Road Zone.
The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.
The leasable floor area must not exceed 100 square metres.

### Tramway
- Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01.

### Section 2 – Permit required
| Use | Condition |
---|---|
Accommodation (other than Dependent person’s unit, Dwelling and Residential aged care facility) |
Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry) |
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met | Must be no more than 5 animals.
Car park | Must be used in conjunction with another use in Section 1 or 2.
Car wash | The site must adjoin, or have access to, a road in a Road Zone.
Community market |
Convenience restaurant | The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop – if the Section 1 conditions to Shop are not met.
Hotel |
Leisure and recreation (other than Informal outdoor recreation and Motor racing track) |
Office (other than Medical centre) | The land must be located within 100 metres of a commercial zone.
The land must have the same street frontage as the land in the commercial zone.
The leasable floor area must not exceed 250 square metres.
Use | Condition
--- | ---
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship) | The site must either:
- Adjoin a commercial zone or industrial zone.
- Adjoin, or have access to, a road in a Road Zone.

The site must not exceed either:
- 3000 square metres.
- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

Plant Nursery

Service station | The site must either:
- Adjoin a commercial zone or industrial zone.
- Adjoin, or have access to, a road in a Road Zone.

The site must not exceed either:
- 3000 square metres.
- 3600 square metres if it adjoins on two boundaries a road in a Road Zone.

Shop (other than Adult sex bookshop, Bottle shop and Convenience shop) – if the Section 1 conditions are not met | The land must be located within 100 metres of a commercial zone or Mixed Use Zone.
The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.

Store | Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

Tavern

Utility installation (other than Minor utility installation and Telecommunications facility)

Any other use not in Section 1 or 3

Section 3 – Prohibited

Use

Adult sex bookshop
Amusement parlour
Animal boarding
Animal training
Bottle shop
Brothel
Cinema based entertainment facility
Horse stables
Industry (other than Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Retail premises (other than Community market, Food and drink premises, Plant nursery and Shop)
### 32.07-2 Subdivision

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

### 32.07-3 Construction and extension of one dwelling on a lot

**Permit requirement**

A permit is required to construct or extend one dwelling on a lot less than 300 square metres

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

### 32.07-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings
Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person’s unit on a lot.

Transitional provisions

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

32.07-5 Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.07-6 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-1.

32.07-7 Maximum building height requirement for a dwelling or residential building

The maximum height of a building used for the purpose of a dwelling or residential
building **must** not exceed the building height specified in a schedule to this zone.

If no building height is specified in a schedule to this zone, the maximum building height should not exceed 13.5 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building should not exceed 14.5 metres.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.
- A building used for the purpose of a Residential aged care facility.

This building height requirement replaces the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

### 32.07-8 Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

### 32.07-9 Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.
32.07-10 Exemption from notice and review

Subdivision

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.07-11 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone
- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
- For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
• The proposed landscaping.
• The provision of car and bicycle parking and associated accessways.
• Any proposed loading and refuse collection facilities.
• The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.07-12 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
Appendix I   General Residential Zone

32.08  GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To allow for moderate residential growth.

To encourage development that respects the neighbourhood character of the area.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To provide a diversity of housing types and moderate housing growth, particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.08-1 Table of uses

Section 1 - Permit not required

<table>
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<tr>
<th>Use</th>
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<tbody>
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<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 2 animals.</td>
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<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The gross floor area of all buildings must not exceed 250 square metres. Must not require a permit under clause 52.06-3. The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
</tbody>
</table>
### Residential aged care facility

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

### Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dependent person’s unit, Dwelling and Residential aged care facility)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Community market</td>
<td></td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop.</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
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</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
</tbody>
</table>
Use | Condition
--- | ---
Utility installation (other than Minor utility installation and Telecommunications facility) | Any other use not in Section 1 or 3

Section 3 – Prohibited

Use

- Amusement parlour
- Animal boarding
- Animal training
- Brothel
- Cinema based entertainment facility
- Horse stables
- Industry (other than Car wash)
- Intensive animal husbandry
- Motor racing track
- Nightclub
- Office (other than Medical centre)
- Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery)
- Saleyard
- Stone extraction
- Transport terminal
- Warehouse (other than Store)

32.08-2

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
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<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
</tbody>
</table>
32.08-3 Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

32.08-4 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.
A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person’s unit on a lot.

**Transitional provisions**

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and

- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

### 32.08-5 Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.

- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### 32.08-6 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

### 32.08-7 Maximum building height requirement for a dwelling or residential building

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height, provided that the extension does not exceed the existing building height.

- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.

  - **A building used for the purpose of a Residential aged care facility.**

If no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

### 32.08-8 Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description
and design response as required in Clause 54 and Clause 55.

- For residential development of five or more storeys, an urban context report and design response as required in Clause 52.35.

- For an application for subdivision, a site and context description and design response as required in Clause 56.

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.08-9

Exemption from notice and review

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

32.08-10

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- The purpose of this zone

- Any other decision guidelines specified in a schedule to this zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.

- For subdivision of land for residential development, the objectives and standards of Clause 56.
Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
- For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.08-11 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
Appendix J Neighbourhood Residential Zone

32.09 NEIGHBOURHOOD LIMITED GROWTH RESIDENTIAL ZONE

Shown on the planning scheme map as LGRZ with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To allow for limited residential growth.

To recognise areas of predominantly single and double storey residential development.

To limit opportunities for increased residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.09-1 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all building materials must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must be located in an existing building.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under clause 52.06-3.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under clause 52.06-3.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

### Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dependent person’s unit, Dwelling and Residential aged care facility)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Community market</td>
<td></td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The leasable floor area must not exceed 80 square metres.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor</td>
</tr>
</tbody>
</table>
vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

<table>
<thead>
<tr>
<th>Take away food premises</th>
<th>The site must adjoin, or have access to, a road in a Road Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 – Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal boarding</td>
</tr>
<tr>
<td>Animal training</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Horse stables</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than Community market, Convenience shop, Food and drink premises and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Stone extraction</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

**Subdivision**

<table>
<thead>
<tr>
<th>Permit requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A permit is required to subdivide land.</td>
</tr>
</tbody>
</table>

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.
<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.06-2.</td>
</tr>
</tbody>
</table>

32.09-3

**Number of dwellings on a lot**

The number of dwellings on a lot must not exceed the number specified in a schedule to this zone. If no number is specified, the number of dwellings on a lot must not exceed two.

*This does not apply to the construction of a new building that exceeds the specified number of dwellings, provided that the total number of dwellings on the lot does not exceed the number of dwellings on the lot at the date of gazettal of the amendment that applied the zone.*

*This does not apply to buildings that are subject to the Heritage Overlay and are being converted from a non-residential use to a residential use.*

**Note:** *Table two (Improvements that will form part of a VC Amendment) provided by the Managing Residential Development Taskforce included:*

*“Introduce the ability for flexible requirements to the maximum number of dwellings on a lot through a density scale.”*

**The Committee supports the inclusion of a suitable provision to achieve this.**

32.09-4

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of less than the lot size specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.
No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

### 32.09-5

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

A permit is not required to construct one dependent person’s unit on a lot.

**Transitional provisions**

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

### 32.09-6

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.
If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.09-7

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-1.

32.09-8

**Maximum building height requirement for a dwelling or residential building**

The maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height specified in a schedule to this zone. If no building height is specified, the height of a building must not exceed 89 metres (two storeys), unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 910 metres.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided that the extension does not exceed the existing building height.
- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.
- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of the immediately adjacent building where the site is on a corner.
- The rebuilding of a lawful building or works which have been damaged or destroyed.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.
- A building used for the purpose of a Residential aged care facility.

**On land subject to the Special Building Overlay or the Land Subject to Inundation Overlay the maximum building height may be exceeded by no more than the minimum additional building height required by the overlay provision.**

**Transitional provisions**

Clause 32.09-8 does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approval date continue to apply.

32.09-9

**Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses, including siting and dimensioned setbacks.
  - The building form and scale.
  - Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### 32.09-10 Exemption from notice and review

#### Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### 32.09-11 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone
- Any other decision guidelines specified in a schedule to this zone.

#### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

#### Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.
Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.09-12 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
Appendix K  Township Zone

32.05  TOWNSHIP ZONE

Shown on the planning scheme map as TZ with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for residential development and a range of commercial, industrial and other uses in small towns.

To encourage development that respects the neighbourhood character of the area.

To implement neighbourhood character policy and adopted neighbourhood character guidelines.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.05-1  Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot. Must meet the requirements of Clause 32.05-2.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>Must meet the requirements of Clause 32.05-2.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
## Section 2 – Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dependent person’s unit, Dwelling and Residential aged care facility)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal keeping, Apiculture and Intensive animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Animal boarding</td>
<td></td>
</tr>
<tr>
<td>Animal keeping (other than Animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Dependent person’s unit - if the Section 1 condition is not met</td>
<td>Must meet the requirements of Clause 32.05-2.</td>
</tr>
<tr>
<td>Industry (other than Transfer station and Refuse disposal)</td>
<td>Must not be a purpose listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Circus and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop)</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td>Must meet the threshold distance requirements in the Table to Clause 52.10.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

## Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Dwelling – if the Section 1 condition is not met</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Refuse disposal</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Stone extraction</td>
</tr>
</tbody>
</table>

### 32.05-2

**Use for a dwelling or a dependent person’s unit**

A lot may be used for a dwelling provided the following requirements are met:

- Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained...
within the lot in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- Each dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.
- Each dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

These requirements also apply to a dependent person’s unit.

32.05-3 Use for industry and warehouse

Amenity of the neighbourhood

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

32.05-4 Subdivision

Permit requirement

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 or more lots</td>
<td>Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- A land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- A plan which shows a building envelope and effluent disposal area for each lot.
Construction and extension of one dwelling on a lot

**Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot less than 300 square metres
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2. A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

A permit is not required to construct one dependent person’s unit on a lot.
Transitional provisions

Despite the amendments made to Clause 55 by Amendment VC100, Clause 55 does not apply to:

- an application to construct or extend a development of four or more storeys made before the approval date of the planning scheme amendment that introduces those amendments into the planning scheme; and
- an application under section 69 of the Act to extend a permit to construct or extend a development of four or more storeys granted on or before the approval date of Amendment VC100.

32.05-7 Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.05-8 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-1.

32.05-9 Maximum building height requirement for a dwelling or residential building

The maximum height of a building used for the purposes of a dwelling or residential building must not exceed the building height specified in a schedule to this zone.

This does not apply to:

- An extension of an existing building that exceeds the specified building height provided the extension does not exceed the existing building height.
- A building which exceeds the specified building height for which a valid building permit was in effect prior to the introduction of this provision.
- A building used for the purpose of a Residential aged care facility.

If no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

32.05-10 Application requirements

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
• Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

• Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.

• How land not required for immediate use is to be maintained.

• The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and despatch of materials and goods).

• Any other application requirements specified in a schedule to this zone.

### Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- Any other decision guidelines specified in a schedule to this zone.

#### Use for industry and warehouse

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use
- The interim use of those parts of the land not required for the proposed use.
- Any other decision guidelines specified in a schedule to this zone.

**Subdivision**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.
- Any other decision guidelines specified in a schedule to this zone.

**Construction and extension of one dwelling on a lot**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives, standards and decision guidelines of Clause 54.
- Any other decision guidelines specified in a schedule to this zone.

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives, standards and decision guidelines of Clause 55.
- Any other decision guidelines specified in a schedule to this zone.

**32.07-12 Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

**Notes:**

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
Appendix L  Commercial 1 Zone

34.01  COMMERCIAL 1 ZONE

Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z.

Purpose
To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Operation
A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:

- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises)

34.01-1  Table of uses

<table>
<thead>
<tr>
<th>Section 1 - Permit not required</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td>Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker’s house).</td>
</tr>
<tr>
<td>Child care centre</td>
<td>Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker’s house).</td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Shop)</td>
<td></td>
</tr>
</tbody>
</table>
Shop (other than Adult sex bookshop)  | The leasable floor area for all shops must not exceed any amount specified in the schedule to this zone.

**Use**  | **Condition**
--- | ---
Tramway  | Any use listed in Clause 62.01  | Must meet the requirements of Clause 62.01.

### Section 2 – Permit required

<table>
<thead>
<tr>
<th><strong>Use</strong></th>
<th><strong>Condition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
</tbody>
</table>

Agriculture (other than Apiculture and Intensive animal husbandry)  | Industry  Must not be a purpose listed in the table to Clause 52.10. |

**Dwelling (other than Bed and breakfast)**  | **Must meet the requirements of Clause 34.01.** |

Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track) |

Place of assembly (other than Carnival, Cinema, Circus, Exhibition centre and Place of worship) |

Utility installation (other than Minor utility installation and Telecommunications facility) |

**Warehouse**  | Must not be a purpose listed in the table to Clause 52.10. |

Any other use not in Section 1 or 3 |

### Section 3 – Prohibited

<table>
<thead>
<tr>
<th><strong>Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
</tbody>
</table>
34.01-2 Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

34.01-3 Subdivision

A permit is required to subdivide land.

34.01-4 Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

34.01-5 Neighbourhood and site description and design response

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Satisfactory neighbourhood and site description before notice and decision

The responsible authority must inform the applicant in writing:

- Before notice of an application is given, or
- If notice of an application is not required to be given, before deciding the application,
that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory or does not meet the requirements of Clause 54.01 or 55.01 and is not satisfactory.

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

### 34.01-6 Application requirements

#### Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

#### Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
Proposed landscape areas.
All external storage and waste treatment areas.
Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

34.01-7
Exemption from notice and review

An application to subdivide land or construct a building or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

34.01-8
Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.

Use
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

Subdivision
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.
Appendix M  Revised Ministerial Direction No. 16

Planning and Environment Act 1987  
Section 7(5)

DIRECTION NO. 16

RESIDENTIAL ZONES

Purpose

1. The purpose of this Direction is to direct planning authorities about the application and review of applying the Residential Growth Zone, General Residential Zone and Neighbourhood Limited Growth Residential Zone through a planning scheme amendment.

Application

2. This Direction applies to planning authorities in metropolitan Melbourne as defined in this Direction.
3. For the purposes of this Direction, metropolitan Melbourne is defined as the area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.
4. The Minister may grant an exemption from the need to comply with one or more of the requirements of this Direction in relation to a particular amendment. An exemption may be granted subject to conditions.

Definition

45. For the purposes of this Direction, the three residential zones mean the Residential Growth Zone, General Residential Zone and Neighbourhood Limited Growth Residential Zone.

Application of the residential zones

6. A planning authority must apply the residential zones in either the following two ways:
   a) by applying the General Residential Zone to all residential land in a municipality (other than land zoned Mixed Use, Township or Low Density Residential), or
   b) by applying the three residential zones.

57. A planning authority must use a housing strategy to inform the balanced application of the three residential zones as detailed above in point 6 b).
8. Where a planning scheme does not include the three residential zones, a planning authority must act without delay to introduce them into a planning scheme.
9. At least 50 percent of metropolitan Melbourne’s residential zoned land (other than land zoned Mixed Use, Township or Low Density Residential) must comprise of the Neighbourhood Residential Zone.
Monitoring of the residential zones

610 A planning authority must evaluate and monitor the implications of the application of any of the three residential zones and evaluate their performance within two-four years of their gazettal into a planning scheme. Planning authorities must specifically assess the effect of the residential zone(s) on housing supply, housing affordability and diversity, prices, infill development site land prices and the availability of land for infill development but are not limited to those matters.

MATTHEW GUY MLC
Minister for Planning Date:

4 June 2014

<table>
<thead>
<tr>
<th>Commencement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originally Gazetted</td>
</tr>
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</table>