



Planning and Environment Act 1987

Residential Zones (Stage Two) Standing Advisory Committee Report

Bayside Draft Amendment C125

27 November 2014



Planning and Environment Act 1987

Advisory Committee Report pursuant to Section 151 of the Act

Residential Zones Standing Advisory Committee Report (Stage Two)

Bayside Draft Amendment C125



Peter McEwan, Chair



Chris Harty, Member

Contents

	Page
Executive summary.....	i
Amendment summary	v
1 Introduction.....	1
1.1 Purpose of the Amendment.....	1
1.2 Background to the proposal.....	1
1.3 Procedural matter	3
1.4 Stage One Overarching Issues Report.....	3
1.5 Issues dealt with in this report	3
2 Strategic Planning Context.....	5
2.1 Planning policy framework.....	5
2.2 Relevant strategies and plans	9
2.3 Relevant planning scheme amendments.....	9
2.4 Plan Melbourne	10
2.5 The Department of Transport, Planning and Local Infrastructure Housing and Population Report, October 2014	10
2.6 Strategic Assessment.....	11
2.7 Form of the Amendment.....	11
3 Are Residential Growth Zone areas strategically justified?.....	12
3.1 The Issue.....	12
3.2 Council's position	12
3.3 Council's approach	13
3.4 Evidence and Submissions.....	15
3.5 Discussion	16
3.6 Conclusion and Recommendations	19
3.7 Recommendation	20
4 The form of the draft Amendment.....	21
4.1 The Issue.....	21
4.2 Evidence and Submissions.....	21
4.3 Discussion	22
4.4 Conclusions.....	24
5 Hampton East (Moorabbin) Precinct Issues.....	26
5.1 The Issue.....	26
5.2 Evidence and Submissions.....	26
5.3 Discussion	27
5.4 Conclusions.....	27
6 Hightett Precinct Issues	28
6.1 The Issue.....	28
6.2 Submissions	28

6.3	Discussion	31
6.4	Conclusions.....	32
7	Southland and Cheltenham Precinct Issues	33
7.1	The Issue	33
7.2	Evidence and Submissions.....	33
7.3	Discussion	34
7.4	Conclusions.....	35
8	Other Issues.....	36
8.1	Neighbourhood character	36
8.2	Traffic and congestion	36
8.3	Parking concerns	37
8.4	Water and sewerage	37
8.5	Specific amenity concerns	38
8.6	Conclusions.....	38

Appendix A List of Submitters

Appendix B Parties to the Hearing

Appendix C List of Documents

List of Figures

		Page
Figure 1	Areas around Hampton East (Moorabbin), Highett, Southland and Cheltenham proposed to be rezoned to RGZ are shown in orange..	2
Figure 2	Bayside Residential Strategic Framework Plan.	6

List of Abbreviations

BHS	Bayside Housing Strategy
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
the Committee	The Residential Zones Standing Advisory Committee
Council	Bayside City Council
DDO	Design and Development Overlay
the draft Amendment	Bayside Draft Amendment C125
DTPLI	Department of Transport, Planning and Local Infrastructure
DTPLI report	DTPLI, Housing and Population Report, October 2014
HO	Heritage Overlay
GRZ	General Residential Zone
HSP 2004	Hightett Structure Plan, 2004
LPPF	Local Planning Policy Framework
MAC	Major Activity Centre
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NAC	Neighbourhood Activity Centre
NRZ	Neighbourhood Residential Zone
<i>Plan Melbourne</i>	Plan Melbourne, Metropolitan Planning Strategy 2014
PN78	Practice Note 78: Applying the residential zones 2013
PTV	Public Transport Victoria
RGZ	Residential Growth Zone
RGZ2	Residential Growth Zone Schedule 2
RGZ3	Residential Growth Zone Schedule 3
SPPF	State Planning Policy Framework
Stage One Overarching Report	Residential Zones Standing Advisory Committee Stage One Overarching Issues Report
VCAT	Victorian Civil and Administrative Tribunal

Executive summary

Draft Amendment C125 to the Bayside Planning Scheme proposes 3 percent of all Bayside's residential zoned land be zoned to Residential Growth Zone. When combined with Amendment C106, a total 3.02 percent of all residential land would be located in the Residential Growth Zone.

The City of Bayside advised that the Minister for Planning requested that it identify 3 to 5 percent of Residential Growth Zone land in addition to the approximately 3 hectares already approved as part of Amendment C106. The primary purpose of the Residential Zones Standing Advisory Committee is whether these additional areas are suitable to apply the Residential Growth Zone in the manner proposed by Council.

All submissions were considered when preparing this report. This report includes:

- **Conclusions:** The Committee's response to an issue that does not recommend changing draft Amendment C125.
- **Recommendations:** The Committee's response to an issue that recommends changes to the draft Amendment C125.

Draft Amendment C125 was prepared on the basis of Council's *Bayside Housing Strategy*, September 2012. The *Bayside Housing Strategy* is a reference document in the Bayside Planning Scheme (introduced through Amendment C134 on 7 August 2014).

It identifies and directs future residential growth into four precincts:

- Key Focus Residential Growth Areas
- Moderate Residential Growth Areas
- Strategic Redevelopment Sites
- Minimal Residential Growth

Given this strategic framework for planning to accommodate high and medium density residential growth, the Committee finds that the intent of the draft Amendment to apply the Residential Growth Zone has broad strategic policy support. However, the implementation of where and how the zone is applied lacks detailed local level strategic direction. Notably from the absence of structure plans for the Bayside portion of the Hampton East (Moorabbin)¹, Southland and Cheltenham Activity Centres and the age (at 10 years and pre-dating *Plan Melbourne*) of the existing *Hightett Structure Plan*, 2004.

Applying the Residential Growth Zone to existing residential areas around activity centres at Hampton East (Moorabbin), Hightett, Southland and Cheltenham is considered sensible and is supported by state and local planning policy and the strategic directions of *Plan Melbourne*. However, the detail of where the zone is to be applied based on a 400/800/1200 metres walking distance circumference around train stations at Moorabbin, Hightett, Southland (proposed) and Cheltenham is unsupported by detailed strategic rationale.

¹ The Committee was informed by Council that the Hampton East (Moorabbin) Structure Plan is currently underway and is expected to be completed in mid-2015.

No engineering analysis of street capacity and traffic management has been undertaken to support whether or not many areas should be included within the Residential Growth Zone. No comprehensive built form analysis has been undertaken which would inform the selection of height controls across various residential areas proposed for rezoning to Residential Growth Zone. Such analysis would best be included as part of more detailed structure planning work.

Although the use of the Residential Growth Zone has broad strategic policy support, the justification for the more detailed provisions of the schedules and overlay controls is inadequate.

The extent of Residential Growth Zone proposed is sufficient to accommodate the demand for housing growth. The submission from the Department of Transport, Planning and Local Infrastructure confirms the Committee's view which was supported by the housing capacity analysis provided by Council through its housing growth modelling. However, the Committee believes there are other areas that may also be appropriate for application of the zone. The application of the Residential Growth Zone should be based on a thorough analysis of potential areas to accommodate growth rather than using a percentage figure as a starting point.

State policy calls for housing diversity and affordability and applying the Residential Growth Zone to other activity centres within Bayside would create such opportunities in areas other than those proposed by draft Amendment C125.

The use of the Residential Growth Zone as a transitional zone between high density residential development within the commercially zoned areas of the activity centres supports its purpose *"to encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth"*.

Concerns were expressed by submitters about impacts of residential development up to and beyond four storeys on neighbourhood character. However, the proposed Residential Growth Zone schedules place emphasis on three storey development which is respectful of the existing neighbourhood character, given the single and two storey character of the areas affected by draft Amendment C125. This view is reinforced under the Residential Growth Zone, clause 32.07-4 which requires that, unless the schedule states otherwise (which in this case, it does not), a development involving two or more dwellings on a lot must meet the requirements of clause 55². This means that clause 55.02-1 relating to neighbourhood character must be satisfied. Accordingly, the inclusion of Schedule 2 to the Residential Growth Zone with a mandatory building height limit of 11 metres purports to support this aim.

For Highett, the situation is different, with the proposal to apply the Residential Growth Zone 3 and the retention of the existing Design and Development Overlay 5. This is because the composition of the Residential Growth Zone 3 is guided by the *Highett Structure Plan*, 2004.

² This is despite the fact that neighbourhood character is not referenced in the purposes of the RGZ, unlike the GRZ and NRZ.

The Committee notes the comment from the Department of Transport, Planning and Local Infrastructure that the suite of residential zones should “*hit different notes for housing density*”. The inclusion of an 11 metre height control under the Residential Growth Zone 2 as a mandatory provision precludes the ability of this zone to fully achieve its purpose. There is confusion over built form outcomes between the composition of controls under the Residential Growth Zone 2 and what Council has applied in residential areas surrounding other activity centres along the Sandringham rail corridor, i.e. General Residential Zone 2, which also has an 11 metre height control.

The proposed Residential Growth Zone schedules would benefit from structure planning which focuses analysis on what limits, if any, should be placed on built form outcomes and what areas really should be rezoned to Residential Growth Zone with a less fettered approach and what areas should be retained under the General Residential Zone.

The above considerations are not necessarily critical to the Committee’s findings because the overall need is for structure planning to be completed for Hampton East (Moorabbin), Southland and Cheltenham Activity Centres with the *Hightett Structure Plan 2004* updated prior to applying the Residential Growth Zone to these areas. These actions are all foreshadowed in the Bayside Housing Strategy.

The consistent theme of Council’s submissions was that there was not sufficient time to undertake the necessary strategic work including car parking studies and structure planning to inform the implementation of the Residential Growth Zone in these three precincts.

The Committee considers that applying the Residential Growth Zone now and following up with detailed adjustments arising from future structure planning would not be orderly planning and would appear to be putting the ‘cart before the horse’. In any event, the Committee is of the view that detailed structure planning may produce different options for application of the Residential Growth Zone (with and without the proposed Schedules 2 and 3) to more appropriately accommodate higher density residential development across the areas affected by draft Amendment C125.

Accordingly, the Committee concludes that the draft Amendment should not proceed at this time. The Committee considers that there is merit in applying the Residential Growth Zone in these locations; however, detailed local level structure planning needs to be undertaken to better inform and direct how and where the Residential Growth Zone should be applied.

Having determined that draft amendment C125 should not proceed in its current form, the Committee does not address in detail matters raised in submissions. The Committee has responded to issues to help guide any future amendment that proposes to introduce the Residential Growth Zone into the Bayside Planning Scheme.

The Committee acknowledges the high level of concern held by the community and the range of issues made in submissions and expressed at the hearing in response to draft Amendment C125. It considers this widespread concern to be understandable given the ‘blunt’ approach used by Council in selecting the built form controls in draft Amendment C125.

The Committee concludes that, notwithstanding the extent of opposition to draft Amendment C125, there are areas around the activity centres on both the Frankston and

Sandringham railway lines that could be identified as Residential Growth Zone in response to the request by the Minister. The Committee believes that a rigorous strategic approach based on structure planning, including the use of building envelopes, would provide greater certainty for residents and developers alike.

The Committee notes Council's concluding comment that it had been "*a reluctant participant in this (C125) process but as the Committee has already heard, the process has been a little unusual*". The Committee understands Council's position.

Summary of Recommendations

Based on the reasons set out in this Report, the Residential Zones Standing Advisory Committee recommends that:

- 1. Draft Amendment C125 to the Bayside Planning Scheme not be prepared, adopted and approved pursuant to section 2(4) of the Planning and Environment Act 1987, at this time.**

Based on the reasons set out in this Report, the Residential Zones Standing Advisory Committee concludes that:

- 1. Council should prepare structure plans for Hampton East (Moorabbin), Cheltenham and Southland activity centres, in conjunction with the City of Kingston, to identify a robust basis on which to apply the Residential Growth Zone.**
- 2. Council should review the Highett Structure Plan (2004), in conjunction with the City of Kingston, to identify a robust basis on which to apply the Residential Growth Zone.**

Amendment summary

The draft Amendment	Bayside Draft Amendment C125
The Subject Land	<p>The draft amendment applies to the following precincts (candidate locations):</p> <p>Precinct 1 Hampton East (Moorabbin) Precinct</p> <p>Precinct 2 Highett Neighbourhood Precinct</p> <p>Precinct 3 Southland and Cheltenham Precinct</p>
Proposal	<p>Apply the Residential Growth Zone with Schedule 2 to Precincts 1, and 3.</p> <p>Apply the Residential Growth Zone with Schedule 3 to Precinct 2.</p> <p>Delete Design and Development Overlay Schedule 2 from identified land and replace it with Design and Development Overlay Schedule 6.</p>
Notice	Draft Amendment C125 was publicly exhibited from 8 September to 3 October 2014.
Submissions	449 submissions were received A list of submitters is provided in Appendix A.
Hearing	Sandringham Football Club on 21, 22, 23, 27 and 28 October 2014.
Parties to the Hearing	A list of Parties to the Hearing is provided in Appendix B.
Appointment	The Residential Zones Standing Advisory Committee was appointed on 28 January 2014.
Members	Peter McEwan, Chair Chris Harty, Member
Area inspections	All precincts were inspected on Monday 20 October 2014
Date of this Report	27 November 2014

1 Introduction

1.1 Purpose of the Amendment

Bayside Draft Amendment C125 (the draft Amendment) proposes to rezone three precincts along the Frankston railway line, from the General Residential Zone (GRZ) to the Residential Growth Zone (RGZ). Figure 1 shows the areas proposed to be rezoned to RGZ in the context of the Bayside municipality.

Precinct 1: Hampton East (Moorabbin) Activity Centre and Precinct 3: Southland and Cheltenham Activity Centres are to be rezoned to RGZ Schedule 2 (RGZ2). Design and Development Overlay Schedule 2 (DDO2) would be deleted and replaced by Design and Development Overlay Schedule 6 (DDO6).

Precinct 2: Highett Neighbourhood Activity Centre (NAC) is to be rezoned to RGZ Schedule 3 (RGZ3).

1.2 Background to the proposal

The Explanatory Report states:

The Minister for Planning has directed Council to identify additional land for inclusion in the Residential Growth Zone in response to Council's request to approve the introduction of the new residential zones within the City of Bayside on 17 December 2013 (Amendment C106) and in response to the directions of Plan Melbourne.

Council detailed that this request indicated that an additional 3 to 5 percent of land should be allocated for the RGZ within the City of Bayside.

Numerous submitters referred to public comments by the Mayor as to particular locations on the Frankston railway line that were also directed. The Committee is unable to make comments about this matter. Committee has relied on the information submitted by Council.

On 25 March 2014, the Ordinary Meeting of Council resolved to make public the Council resolution to Housing Strategy Amendments Update Report which was dealt with as a confidential item at the 26 November 2013 meeting.

Council endorsed the inclusion of areas in Hampton East (Moorabbin), Highett, Southland and Cheltenham Activity Centres to be considered suitable for the Residential Growth Zone (RGZ) and the development of schedule(s) for these areas to seek a maximum residential building height of 11 metres (with the exception of Highett Activity Centre), the deletion of the existing DDO2 and the application of DDO6 (*Building Height Control for Discretionary Uses Located within the Future Moderate Residential Growth Areas of the Hampton East (Moorabbin), Southland and Cheltenham Activity Centres*) to these areas.

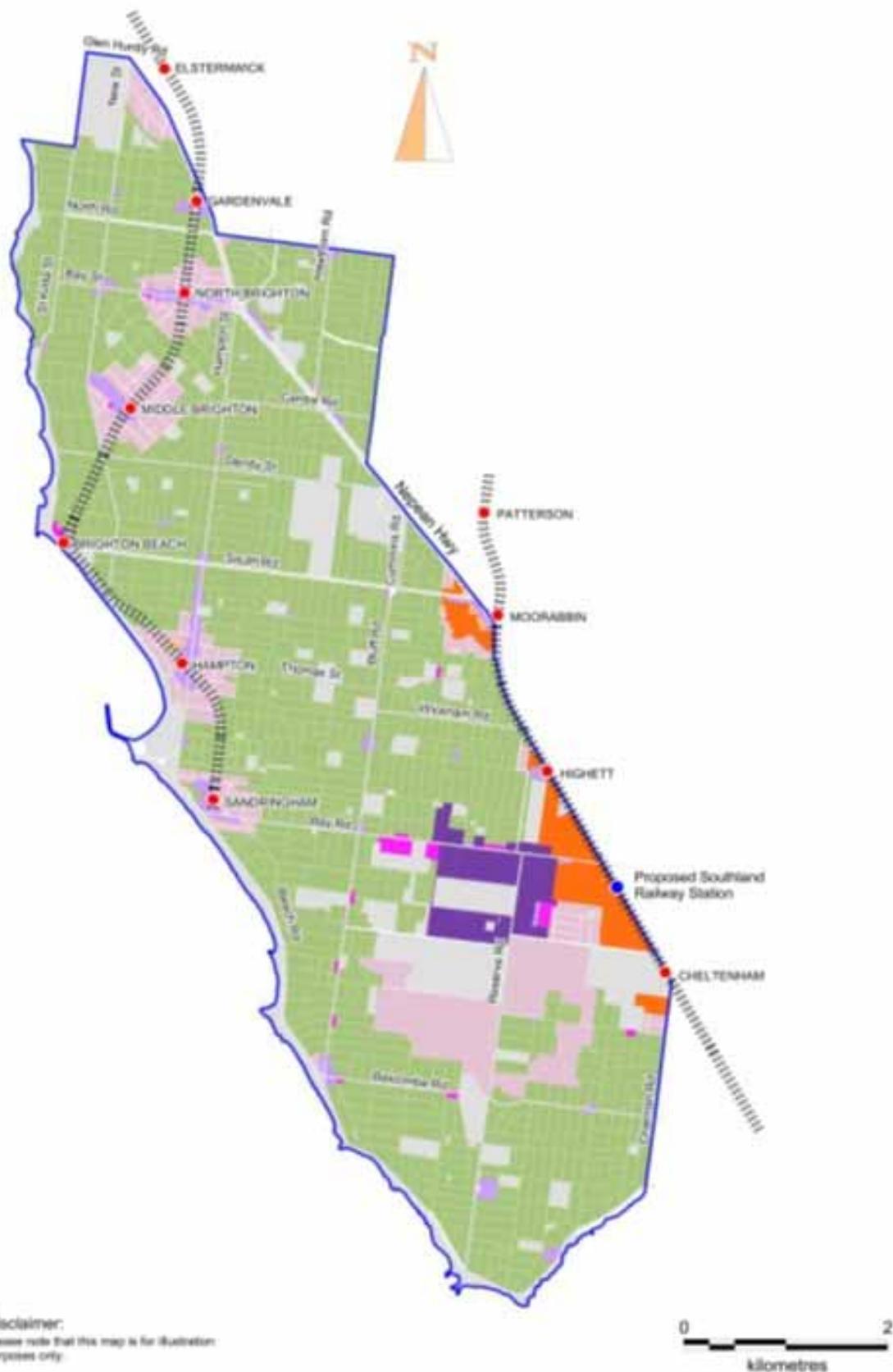


Figure 1 Areas around Hampton East (Moorabbin), Hightett, Southland and Cheltenham proposed to be rezoned to RGZ are shown in orange.

Source: Bayside City Council.

1.3 Procedural matter

Council expressed concern in relation to the evidence of Mr Twite of SJB Planning. Council submitted that by being a submitter, he had expressed a partisan view on the process. Council submitted that Mr Twite's report "*should be given no weight whatsoever* and that "*the Committee should refuse to hear the presentation of the report*".

At Council's request the Committee made a preliminary ruling that it did not accept that it should refuse to hear the presentation of Mr Twite's report as expert evidence. However, the Committee ruled that the weight given by the Committee to the report would be commensurate with the fact that Mr Twite was a signatory to a group submission of 35 professionals in relation to implementation of the new residential zones on 11 April 2014 and to Direction 1, which states that cross examination of witnesses will not be permitted.

The Committee further ruled that questions of clarification could be pursued by other parties through the Chair.

The matter was again raised prior to Mr Twite's evidence for a group of 35 professionals (BAY263). The Committee confirmed its preliminary ruling at that time.

1.4 Stage One Overarching Issues Report

The *Stage One Overarching Issues Report* (Overarching Report) outlines the background to the Committee and explains the process that it followed. The Overarching Report discusses the 'overarching' issues that were raised in submissions, together with matters that were common to many of the draft amendments in Stage One.

The Overarching Report includes a set of 31 principles that the Committee developed during the process. These 31 principles do not automatically apply to draft Amendment C125. The Committee refers back to conclusions and principles in the overarching report where conclusions in this report align with them. The report was released by the Minister for Planning on 17 September 2014, along with advice that the State Government agreed to all six recommendations.

1.5 Issues dealt with in this report

The Committee has considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Committee has been assisted by the information provided to it as well as its inspections of specific sites and surrounds.

This report deals with the issues under the following headings:

- Strategic Planning Context
- Are Residential Growth Zone areas strategically justified?
- The form of the draft Amendment
- Hampton East (Moorabbin) Precinct Issues
- Hightett Precinct Issues
- Southland and Cheltenham Precinct Issues
- Other issues

As only part of the municipality and only one of the zones (RGZ) was referred to the Committee for consideration, there was no specific response to submissions which proposed additional or alternative areas beyond the scope of the draft Amendment.

2 Strategic Planning Context

In addition to the strategic policy context contained in the Committee's Overarching Report, the following local planning context applies to the draft Amendment.

2.1 Planning policy framework

Clause 21.03 (Settlement and Housing) seeks to accommodate population increases and respond to changing demographic profiles.

Key strategies include:

- ensuring there is a diversity of housing to meet the needs of the community over time
- directing new medium density housing to Major Activity Centres (MACs), residential opportunity areas, particularly those with good access to public transport, as identified in the *Residential Strategic Framework Plan* (refer to Figure 2).

Clause 21.03-1 (Activity Centres) seeks to direct new medium density housing to MACs, Large NACs and residential opportunity areas, particularly those with good access to public transport routes as identified in the *Residential Strategic Framework Plan*.

Clause 21.06 (Built Environment and Heritage) identifies Bayside as being defined by the character of its residential areas and renowned for its 'village' environment with distinct community precincts along the foreshore and based on local shopping centres.

Strategies to achieve this include:

Ensure that new medium density housing is designed to be site responsive and respectful of its surroundings.

Clause 21.11 (Local Areas) focuses on the local area implementation of the objectives and strategies set out earlier in the Scheme.

Clause 21.11-6 relates to the Highett Neighbourhood Activity Centre.

To establish a built form that respects the existing one and two storey character of the Highett Shopping Centre, while providing some limited opportunity for a higher built form to increase the intensity of activity in the centre and to facilitate residential uses in upper levels of buildings and the rear of shops.

Objectives include:

To recognise the character of Highett's established residential areas and to manage change in those areas in a way that responds to their character qualities and to their proximity to public transport and Activity Centres.

Strategies to achieve residential development include:

Encourage well designed medium density apartment style developments on consolidated lots in preferred residential development areas. Preference is for multi-level developments that include basement or in-building car parking

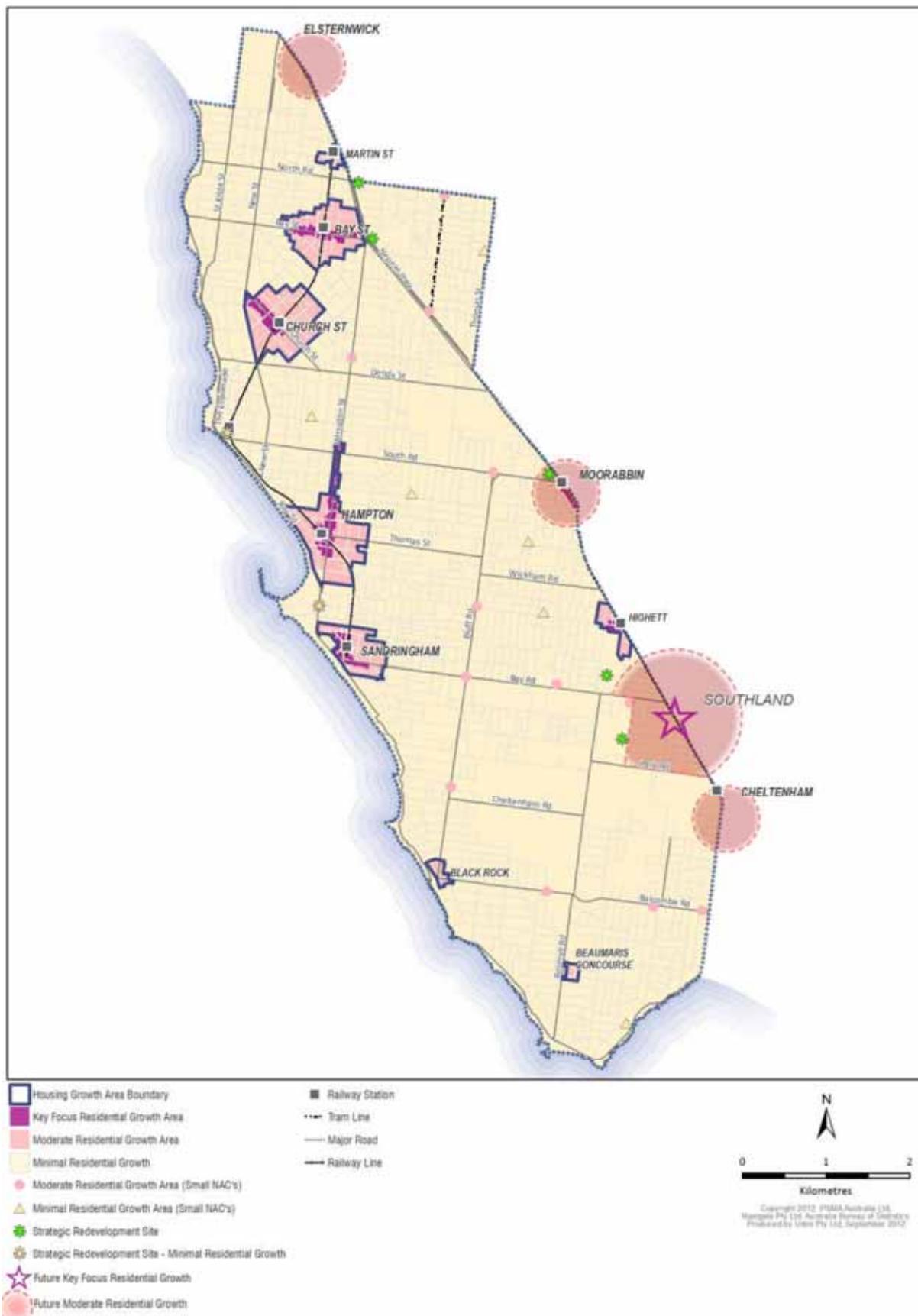


Figure 2 Bayside Residential Strategic Framework Plan.

(i) Zones and overlays

The draft Amendment proposes to:

- rezone land in the Hampton East (Moorabbin), Southland and Cheltenham Activity Centres from GRZ1 to the RGZ2
- rezone land in the Highett Activity Centre from GRZ1 to the RGZ2
- delete DDO2 from identified land; and
- apply DDO6 to identified land.

Residential Growth Zone Schedule 2

The RGZ2 area relates to the '*Future Moderate Residential Growth Area in the Hampton East (Moorabbin), Southland and Cheltenham Activity Centres*'.

The RGZ2:

- retains the usual requirements of clause 54 and 55 (i.e. does not introduce any variations); and
- specifies a maximum building height for dwellings and residential buildings of 11 metres (unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the buildings is 2.5 degrees or more, in which case it is 12 metres).

All areas which are proposed for RGZ2 are currently subject to DDO2 (*Building Height Controls – Inland Areas*). The draft Amendment proposes to delete DDO2 and replace it with DDO6.

A comparison of the existing and proposed control highlights the following changes:

- Design objectives – while the first and third dot points remain the same as currently drafted, the second and fourth objectives have been modified.
- Buildings and works – DDO6 now states a permit is not required to construct a building or to construct or carry out works for a residential building or dwelling. Consistent with the existing DDO2, it also provides that no permit is required to construct a building or to construct or carry out works for any other use where the proposed building height is not more than two storeys and not more than nine metres or 10 metres on a sloping site. Essentially, DDO6 is confined to non-residential development. Conversely, the RGZ schedule does not apply to non-residential development.
- Decision guidelines – includes references to the 'preferred future residential character' of the area (cf. the 'character' of the area).
- Reference documents – now includes the Bayside Housing Strategy (BHS).

Residential Growth Zone Schedule 3

The RGZ3 area relates to the '*Future Moderate Residential Growth Area in the Highett Neighbourhood Activity Centre*'.

The RGZ3:

- modifies the side and rear setbacks contained within clause 54.04-1 (Side and rear setbacks objective, Standard A10) to provide that a new building not on or within 200mm of a boundary should be setback 2 metres from the side boundary and 3 metres from the rear boundary, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres;
- modifies the front fence requirements within clause 54.06-2 and clause 55.06-2 (Front fence objective, Standards A20 and B32) to provide that:
- a front fence within 3 metres of a street should not exceed 1.2 metres in 'other streets'; and
- front fence height in streets in a Road Zone, Category 1 as specified in the Tables to Standards A20 and B32 still apply.

The RGZ3 area is currently subject to the DDO5 (*Preferred Medium Density Residential Areas (Highett)*) which will remain in place.

Notably, DDO5 seeks to:

- encourage apartment style residential redevelopment of up to three storeys in height on consolidated lots in residential areas close to the Highett shopping centre and Southland.
- retain front, side and rear setbacks to provide space to enable landscaping sufficient to provide a garden setting for apartment complexes.
- retain the amenity of existing low density residential development by ensuring that adequate side and rear setbacks are provided to taller buildings to allow screen planting and a landscape setting and to prevent unreasonable overlooking, overshadowing and visual bulk.

Insofar as the permit requirements are concerned, clause 2.0 of DDO5 provides:

- On sites of 1,000 square metres or less and with a frontage of 20 metres or less – buildings and works should not exceed a maximum height of 7.5 metres (comprising 2 storeys). The preference is stated to be for villa unit or townhouse style developments on such lots.
- On sites (comprising one or more lots) of greater than 1,000 square metres and with a frontage of greater than 20 metres – buildings and works should not exceed a maximum height of 9 metres or 10 metres on a sloping site. The preference is stated to be for residential apartment style developments on larger consolidated lots, rather than villa units or townhouses.
- Buildings should be set back a minimum 6 metres from the front property boundary.
- Buildings should be set back from side and rear boundaries in accordance with Standard B17 of clause 55, except that the lower levels of the building should be setback a distance which is the same as the setback required by clause 55 for the highest point of any wall above that lower level.
- High walls should be landscaped by utilising the increased setback at ground level along a significant proportion of the length of any high walls.
- Car parking spaces should be provided primarily within buildings.

2.2 Relevant strategies and plans

The Bayside Housing Strategy, September 2012 (BHS), underpins the draft Amendment.

The BHS considers the location and type of residential development required in order to meet the changing needs of the Bayside community, while also seeking to ensure that development is consistent with and enhances Bayside's valued urban character, manages any associated environmental risks and is appropriately serviced.

The BHS notes that:

In articulating the vision, strategic framework and growth area designations, the Housing Strategy employs the terms 'High', 'Medium' and 'Low' density development.

Whilst these are common planning terms, there is no clear definition in either the Victorian Planning Provisions or the Planning and Environment Act 1987, what each of these terms mean and how they are applied. Therefore to avoid confusion, the definition of these terms for the purposes of this Strategy is:

High Density – relates to residential developments with three or more dwellings which are four storeys and above. Proposals are assessed against the 'Guidelines for Higher Density Residential Development'.

Medium Density – relates to residential developments with three or more dwellings which are up to three storeys. Proposals are assessed against the ResCode provisions contained within Clauses 54 and 55 of the Bayside Planning Scheme.

Low Density – relates to residential developments in residential zones of up to two dwellings no more than two storeys and which presents a single dwelling appearance to the streetscape. In other zones, residential development is to be no more than two storeys.

More detailed direction in relation to appropriate building heights and built form is to be defined through the Structure Plan process or through the preparation for Design Frameworks for each 'Housing Growth Area'.³

2.3 Relevant planning scheme amendments

The following planning scheme amendments are relevant:

- Amendment C106 implemented the reformed residential zones
- Amendment C134 implemented the Housing Strategy as a Reference Document into the Scheme
- Amendment C136 implemented the correct Residential Strategic Framework Plan into the Scheme

³ page 72

2.4 Plan Melbourne

Plan Melbourne, Metropolitan Planning Strategy 2014 (Plan Melbourne) emphasises that the implementation of the new residential zones should be underpinned by a robust rationale. An assessment of *Plan Melbourne* is provided in the Committee's Overarching Report.

2.5 Department of Transport, Planning and Local Infrastructure Housing and Population Report, October 2014

The Department of Transport, Planning and Local Infrastructure (DTPLI) provided a Housing and Population Report (DTPLI report) containing contextual information and an evidence base analysis of population and housing change. The Committee has found these reports extremely informative and helpful.

The DTPLI report provided a summary of the potential land on which future housing development can be accommodated:

- 81% of land (2,342 hectares) permits a maximum of two dwellings per lot at a maximum height of 8 metres. This is land within the Neighbourhood Residential Zone (NRZ).
- 6% of land (173 hectares) is within private golf courses (Royal Melbourne and Victoria Golf Club) and has been zoned GRZ.
- 13% of land (383 hectares) will generally enable medium density development (that is up to three storey development that is not subject to maximum dwelling yields or design conditions beyond ResCode). This is based on the assumption that the GRZ, RGZ, Commercial 1 Zone (C1Z) and Mixed Use Zone (MUZ) generally enable medium density development.
- 6% of residential land (approximately 170 hectares) will generally enable higher density housing development. This is based on the assumption that the RGZ, C1Z and MUZ are likely to allow higher density development of three or more storeys. This land is the same land for which medium density development is also possible. Most of these locations are near train stations and / or within or around activity and neighbourhood centres.

The DTPLI report notes that the *Victoria In Future 2014* population and housing figures project Bayside's rate of population growth to be 0.9 percent per annum for the period 2011 to 2031, while Greater Melbourne is projected to continue at 1.8 percent per annum. By 2031, Bayside's population is expected to grow to 112,453 persons, from 96,119 persons in 2011. The number of households (i.e. dwellings required) is expected to grow to 43,803 in 2031 from 37,305 in 2011. An additional 6,500 dwellings are projected to be needed in the municipality from 2011 to 2031.

The report notes that this difference in growth rates is primarily a result of minimal green and brownfield development locations in the municipality, an ageing population that will have lower proportions of children, and the expectation that high numbers of first home buyers and young families are unlikely to secure housing in the municipality given its relatively high housing costs.

DTPLI notes that in many respects, the draft Amendment enacts the change anticipated by the BHS.

2.6 Strategic Assessment

The Committee raises some issues regarding the basis of the draft Amendment as being derived from the BHS. These issues then lead to concerns about the application of the RGZ through the draft Amendment. These issues and concerns are discussed in the following chapters.

2.7 Form of the Amendment

The appropriateness of the suite of zones, schedules and overlays which comprise the draft Amendment provisions is considered in Chapter 4.

3 Are Residential Growth Zone areas strategically justified?

3.1 The Issue

The issue is whether applying the RGZ to the three precincts in the draft Amendment is strategically justified.

The focus of the draft Amendment is solely on the application of the RGZ to residential areas within Bayside that are within walking distance of activity centres and train stations on the Frankston railway line corridor.

3.2 Council's position

Council submitted that the draft Amendment was an outcome of discussions with the Minister for Planning's office concerning the proposed application of the new residential zones under Amendment C106.

To accommodate population projections of *Plan Melbourne*, each sub-regional sector will need to provide between 10 and 20% of residential land within the RGZ. This equates to 3 to 5% application of the RGZ per Council including Bayside⁴. The discussions identified the Frankston rail corridor as a key public transport asset and corridor for Melbourne that can support population growth.

The outcome of the above was Council's focus on identifying appropriate areas along the Frankston rail corridor where the RGZ could be applied.

Council submitted that the new areas of RGZ would be those areas closest to the retail / central core of the relevant activity centres. A portion of GRZ would be retained around these areas to provide a transitional buffer to the existing NRZ. The transitional buffer will ensure that the residential amenity and character of Bayside's established residential areas are protected.

Council noted that the Committee has prepared the Overarching Report which included a recommendation to review the height provisions set out in the RGZ. Council added that the Minister has indicated through a press announcement that the RGZ will be amended by removing the reference to the height limit in the purposes of the zone.

Consequently, the RGZ which will apply is likely to be a very different control in its effect or potential effect to the RGZ which has so far been applied by all municipalities. While the extent of the difference between the original and the amended RGZ is yet to be tested, undoubtedly, with the 'up to four storey' height references removed, and absent neighbourhood character provisions in the zone, the RGZ, will be a very potent zone urging the provision of higher density development.

The limits and drafting of the other two zones will clearly call for inferences to be drawn in relation to the intent for the type of development within the RGZ. It is

⁴ Report to Council dated 25 March 2014, page 161.

unclear whether the general community are aware of the importance and significance of the changes announced by the Minister. Council's sense is that the potential impact of the changes and the likely extent of change that may derive from applications under the zone in its likely amended form are not readily understood by the community in general.

The Committee understands that Council's position has informed the application of the RGZ in the three precincts.

3.3 Council's approach

Council relied upon its BHS to support the identification of areas for applying the RGZ.

The BHS emerged from community consultations in 2011 on how Bayside should manage change. A revised draft housing strategy was put out for further consultation in May to June 2012 and five submissions were received in response.

The final BHS was adopted by Council on 11 September 2012 and incorporated into the Scheme as a reference document on 7 August 2014 under Amendment C134. Amendment C134 (and a correction Amendment C136) also introduced a map showing the spatial directions for the Housing Strategy - *Residential Strategic Framework Plan* (see Figure 2) at clause 21.02-5).

Council submitted that the BHS directs future medium and high density development to nominated housing growth areas. Council made the following points:

- *The Housing Strategy was the primary informing document and strategic basis of Amendment C106 which was approved by the Minister.*
- *Furthermore, it has largely been implemented and is now largely settled.*
- *The Housing Strategy identifies a clear hierarchy of preferred locations for medium and high density residential development and areas where residential growth will be limited. The overall policy intent and direction is to locate residential growth around existing activity centres and some other defined areas which are strategic redevelopment sites/areas.*
- *The community-identified preferred option was to focus housing growth within Principal, Major, Large and to a lesser extent, Small Neighbourhood Activity Centres and key strategic developments sites.*

Council noted that according to the BHS:

- *the main focus for future medium and high density residential development will be the Southland Principal Activity Centre and the Moorabbin Major Activity Centre, which provide the greatest access to shops, public transport and other services with minimal constraints;*
- *the Church Street, Bay Street, Hampton Street, Sandringham Village, Elsternwick and Cheltenham Major Activity Centres will play a secondary role in accommodating future medium and high density development, ensuring the 'village' feel of each centre is maintained and enhanced; and*
- *large Neighbourhood Activity Centres such as Highett and Black Rock will also assist in accommodating medium density development.*

The Housing Strategy proposed to retain the existing zones and overlays that apply to these centres and also identified that additional strategic work is required to identify the preferred height limits for centres that currently do not have urban design guidance or structure plans in place.

Having regard to their position and role in the hierarchy, Council considers that the inclusion of additional areas around the Southland, Moorabbin, Cheltenham and Highett Activity Centres reasonably reflects the intent of the Housing Strategy. The Frankston railway line was identified as a key public transport asset and corridor for Melbourne that can support population growth. The activity centres are designated in the Housing Strategy as suitable for accommodating growth, and as places that provide good access to services, facilities and public transport.

In respect of Highett, it is noted that the Housing Strategy identifies this centre as a Large Neighbourhood Activity Centre which will assist in accommodating medium density development.

In this case, there is an existing structure plan adopted by Council and implemented into the Scheme for Highett. The Highett Structure Plan was developed in 2004 and presents a description of the preferred future pattern of development in the Highett area.

Council considers that the combined application of the proposed zone and schedule (RGZ3) and continuation of the existing overlay (DDO5) will ensure that development within the centre aligns with the Highett Structure Plan.

Council noted that the Committee indicated in one of its stated principles of the Overarching Report⁵ that it considers that municipal housing capacity analysis and targets for applying particular zones should not be the sole driver in implementing the new residential zones.

Council detailed its Housing Growth Model which was developed to test various growth models in Bayside and to ensure sufficient residential capacity to accommodate anticipated growth. The model identifies the potential of change of each parcel of land within the municipality based on explicit assumptions.

Council's response to housing capacity was aimed at demonstrating that, although the draft Amendment is focussed on applying the RGZ to residential areas around the four activity centres along the Frankston rail corridor, the extent of that application of the zone would be enough to cater for future growth for the municipality to 2031.

Council submitted that the updated model illustrated that under current policy settings, the capacity of housing in Bayside to 2030 would yield 48,242 dwellings. This exceeds the VIF2014 dwelling projections for Bayside by 4,439 dwellings.

⁵ p6: Municipal housing capacity analysis and targets for applying particular zones should not be the sole driver in implementing the new residential zones. However, capacity analysis should be undertaken to confirm that the strategy is workable and will meet projected housing requirements.

Council took the view that it would not be appropriate to provide additional residential capacity due to the number of significant challenges that need to be addressed by Council in the coming years.

Council concluded that the BHS has provided a sound strategic basis for the application of the RGZ through the draft Amendment.

3.4 Evidence and Submissions

Mr Finlayson (BAY390) submitted that the BHS does not provide any justification as to why the RGZ should be applied only to activity centres along the Frankston railway line corridor, rather than the activity centres focussed on the Sandringham railway line corridor. He submitted that the application of the RGZ should be based on a thorough analysis of potential areas to accommodate growth rather than using a percentage as a starting point. In this he was referring to Council's submission that the Minister for Planning directed Council that at least 3 percent of all residential land must be designated for the RGZ to allow higher density living. Mr Finlayson stated the following with regards to Council's reliance on the BHS:

- *The strategy seems to focus almost solely on achieving the minimum growth to meet project housing figures based on a capacity analysis.*
- *The Stage 1 overarching issues report makes it clear at principle 6 that municipal housing capacity analysis and targets should not be the sole driver in implementing the new residential zones.*
- *The Strategy attempts to justify the very limited extent of proposed growth areas and the extensive use of the minimal residential growth areas on the basis of community concern about character. However the strategy undertakes no detailed assessment of 'character' to justify the very extensive minimal growth areas and the limited growth areas illustrated on the framework plan*
- *The strategy acknowledges the need to provide a greater diversity of housing (see page 85) but there is no evidence or discussion within the strategy as to how this can be achieved on the basis of implementing the residential strategic framework plan which has formed the basis of the zone allocations. The strategy does not analyse whether the proposed housing growth areas will provide or result in an appropriate supply of different housing stock or affordable housing stock for the community (underlining is Mr Finlayson's).*

Mr Tweedie, on behalf of a group of 35 professionals (BAY263), submitted that the BHS predates and accordingly makes no reference to it:

Nor has the council done any work of substance to review its strategy or approach since Plan Melbourne was finally adopted.

There is no planning policy (either state or local) that suggests that the provision of housing for the community is to be determined by a 'capacity analysis', and that once the target is reached, that new housing, or creating opportunities for more diverse housing types, is not longer necessary.

Mr Tweedie submitted that restricting locations for application of the RGZ to the activity centres on the Frankston rail line corridor was “*unduly restrictive*”. He argued that there is strong basis in local policy (clause 21.03-1 - Activity Centres) to direct medium density housing to all MACs, particularly those with good access to public transport. Mr Tweedie went on to urge the Committee to give weight to policies in the Bayside Planning Scheme in preference to “*mere reference documents such as the Bayside Housing Strategy 2012*”. In particular he submitted that areas in the Elsternwick MAC should be considered for RGZ.

Mr Tweedie led expert evidence from Mr Twite of SJB Planning. Mr Twite submitted that there is a clear direction within *Plan Melbourne*, the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in relation to the accommodation of housing growth and diversity within well located areas.

Mr Twite also submitted that the BHS had been “*reverse engineered, in which the target is the focus rather than identifying and realising all opportunities to accommodate future growth*”. He noted that the Elsternwick MAC, Martin Street NAC and two NACs along Hawthorn Road also feature transport and facility attributes, yet have not been included within the draft Amendment.

Mr Bennett (BAY444) considered the preparation of the draft Amendment as a result of the discussions with the Minister for Planning was “*ad-hoc because carefully carried out Council studies were ignored and none were initiated to determine suitable locations, if any, for the proposed rezonings to RGZ2*”.

A key issue raised in many submissions was the need to wait until the future of the CSIRO site in Highett had become more certain given the size of land involved and the extent of influence the release of this land may have on the extent of RGZ required to satisfy the policy requirements for accommodating housing growth.

From individual submitters, there were concerns about the focus of the extent of the RGZ being ad-hoc, too excessive or too limited.

3.5 Discussion

Council acknowledged that the BHS is based not on opportunities for growth, diversity and affordability but on achieving its housing forecast requirements for the next twenty years.⁶

The BHS identifies and directs future residential growth into four categories:

- **Key Focus Residential Growth Areas** (which include the commercial areas of the Bayside MACs), which are areas where the majority of medium and higher density residential development will be located including four storeys and above. These areas have a high level of access to public transport and existing commercial and community services and should provide a diverse range of housing types.
- **Moderate Residential Growth Areas** (which include the surrounding residential component of the Bayside MACs), which are areas that can provide additional opportunities for in-fill medium density residential development comprising three or more dwellings which are up to three storeys enabling people to live near the centres

⁶ BHS page 81

and provide an appropriate transition between the '*Key Focus Residential Growth Areas*' and the '*Minimal Residential Growth Areas*'.⁷

- **Strategic Redevelopment Sites** (which include large area sites such as the CSIRO land and Jack Road site) which are areas that are able to provide ten or more dwelling units, close to activity centres and well served by public transport.
- **Minimal Residential Growth** which are areas where the low density residential scale is to be maintained. This will predominantly be in the form of single dwellings or up to two new dwellings no more than two storeys in height.

The BHS is clear that the form of development envisaged by the RGZ is to be restricted to *Key Focus Residential Growth Areas*.⁸

At both Hampton East (Moorabbin) Activity Centre and at Highett NAC, the areas shown as *Key Focus Residential Growth Areas* are existing C1Z land. They do not form part of the draft Amendment. All land in the draft Amendment is shown as *Moderate Residential Growth* (development up to three storeys).

At Hampton East (Moorabbin) the area identified for future growth as shown on the *Residential Strategic Framework Plan* is noted as indicative only and will be developed further through the preparation of a structure plan.⁹

At Highett the BHS notes the review of the Highett Structure Plan (HSP 2004) for further strategic work.¹⁰

At Southland Activity Centre, there is an annotation indicating it as *Future Key Focus Residential Growth*. The area is not defined. The broad surrounding areas are shown as *Moderate Residential Growth*. The BHS lists a structure plan for the Southland Activity Centre in conjunction with Kingston City Council for further strategic work.¹¹

At Cheltenham Activity Centre, all land is shown as *Moderate Residential Growth*. The BHS lists a structure plan for the Bayside part of the Cheltenham MAC in consultation with Kingston City Council for further strategic work.¹²

The draft Amendment responds to *Plan Melbourne* directions in a variety of ways:

- It will help create a spectrum of low change (NRZ), moderate change (GRZ) and high change (RGZ, C1Z, MUZ) areas as envisaged by *Plan Melbourne* and Ministerial Direction 16.
- It will help facilitate household growth in close proximity to public transport services, specifically stations along the Frankston railway line and connecting bus routes.

⁷ Minimal Residential Growth Areas are the 81% (2,342 ha) of Bayside's residential areas now covered by the NRZ.

⁸ These areas are shown on the Residential Strategic Framework Plan at Clause 21.02 of the planning scheme (see Figure 2).

⁹ BHS page 93.

¹⁰ BHS page 108.

¹¹ BHS page 92.

¹² BHS page 105.

- It will also help facilitate a 20 minute neighbourhood by promoting growth in close proximity to the Moorabbin, Highett and Cheltenham Activity Centres and near Southland.

However, the BHS and particularly, the *Residential Strategic Framework Plan*, on which the draft Amendment is based, does not provide a picture of how other important SPPF housing considerations such as diversity and affordability will be achieved.

Extent of RGZ

The extent of application of the RGZ has elements that relate to where and how much of it is applied. Applying the RGZ to areas within walking distance surrounding railway stations at Moorabbin, Highett, Southland (proposed) and Cheltenham and associated activity centres is logical and makes sense when considering the desirability of facilitating sustainable development, reducing the need for motor vehicle transport and providing accessibility to commercial and community services to higher levels of population.

Having regard to these concepts, the extent of application of the RGZ proposed in the draft Amendment, in a locational sense, is sensible.

Regarding the extent of the RGZ as proposed to accommodate housing growth, the Committee considers the extent of RGZ proposed is sufficient to accommodate the demand for housing growth. The submission from DTPLI (BAY434) and its conclusion confirms the Committee's view:

The RGZ is proposed for land around the Hampton East (Moorabbin), Cheltenham and Highett Activity Centres and around the future Southland Station. The application of the RGZ to these areas helps support the delivery of state and local housing objectives.

This was also supported by the housing capacity analysis provided by Council through its housing growth modelling.

However, the Committee believes that merely rezoning enough land to accommodate projected housing growth demand is not good planning. This is particularly heightened when the areas proposed for rezoning are concentrated in one small corridor at the eastern extremity of the municipality as they are in the draft Amendment. There are other areas that may also be appropriate for application of the RGZ. State policy calls for housing diversity and affordability. Applying the RGZ to other activity centres within Bayside would create other alternative opportunities for such housing diversity and growth in areas other than those proposed under the draft Amendment.

The Committee considers that although Council's housing capacity analysis identifies that what is proposed under draft the Amendment would satisfy housing growth to 2031; other locations could also be considered for applying the RGZ. The Committee does not nominate these other locations despite suggestions from submitters and recognises that other activity centres do have structure plans in place with planning controls composed to implement these strategic plans. But for those activity centres that do not have structure plans in place or have plans that are now becoming dated, the opportunity to consider the use of the RGZ should be considered by Council.

(i) Committee's assessment against Practice Note 78

PN78 (Practice Note 78: Applying the residential zones, 2013) and *Plan Melbourne* make it clear that the capacity to direct residential change to specific areas and constrain change in other areas to protect neighbourhood character must be underpinned by a robust rationale.

The Committee's reading of PN78 indicates that first and foremost changes in zoning intent should be based on clear strategic policy justification in including a housing policy that directs where housing growth is expected, where incremental change is expected and where identified neighbourhood character warrants specific protection or management of hazards justify use of the NRZ.

As outlined in the Committee's Overarching Report, the fourteen criteria detailed in PN78 are to be considered as a package, with no particular weighting given to one element over another.

Council did not demonstrate that the selection of the proposed RGZ areas had been informed by the principles and criteria of PN78. Such a process would suggest the consideration of other potential options for the RGZ.

While proximity to an activity centre is an important criterion for applying the RGZ, it is not the only criterion, and should not be applied irrespective of other factors.

The application of the RGZ should be based on a thorough analysis of potential areas to accommodate growth rather than using a percentage figure as a starting point.

3.6 Conclusions and Recommendations

In a general sense, the strategic directions of state and local planning policy supporting an increased diversity of residential development near activity centres and close to public transport support the proposed location of the RGZ at Hampton East (Moorabbin), Highett, Southland and Cheltenham.

The application of the RGZ to these areas helps support the delivery of state and local housing objectives by:

- facilitating housing near public transport services and local services which is an objective of both *Plan Melbourne* and Bayside's *Residential Strategic Framework Plan* (clause 21.02)
- creating a spectrum of high, medium and lower scale change areas as directed by *Plan Melbourne* and Ministerial Direction No 16
- creating opportunity to accommodate subregional housing requirements in the context of substantial expected demand for smaller dwellings.

Although there is general policy support for the draft Amendment the Committee notes that submitters presented a number of other additional opportunities within the municipality which were not considered in the Amendment.

The detail of applying the zone lacks strategic rationale regarding finer planning nuances and with regards to the local content in the RGZ2 schedule, particularly with regards to setting an 11 metre mandatory height control (The issue of the form of controls in the draft Amendment are considered in greater detail in Chapter 4).

One of the purposes of the RGZ is to encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth. In closing Council did note that the core areas of activity centres generally provide for development of up to four storeys in areas zoned C1Z or MUZ. In this local context there is some rationale for such a relationship with the mandatory heights provided in RGZ2. However, the purpose of the RGZ is to enable residential development beyond that which is envisaged by the GRZ (three storeys).

Preferred heights would far better be derived from a built form analysis as part of a more comprehensive structure planning process for each of the precincts.

Most of the land nominated for the RGZ in the draft Amendment is within '*moderate growth areas*' in the BHS. The BHS acknowledges that moderate growth areas may potentially be designated as areas for higher density residential development depending on future strategic work.

The BHS states:¹³

Prepare and review all Structure Plans for all Housing Growth Areas. This review should consider whether the 'Key Focus Residential Growth Areas' should be extended to include developments adjacent to this area and located within the Moderate Growth Areas.

The Committee considers a more sophisticated layering of the RGZ would improve the implementation of Council's BHS and which would be better served by following the outcomes of a structure planning process for each activity centre, including updating the HSP 2004.

The Committee concludes that the draft Amendment is premature and is not sufficiently justified by the BHS.

The Committee concludes:

1. **Council should prepare structure plans for Hampton East (Moorabbin), Cheltenham and Southland activity centres, in conjunction with the City of Kingston, to identify a robust basis on which to apply the Residential Growth Zone.**
2. **Council should review the Highett Structure Plan (2004), in conjunction with the City of Kingston, to identify a robust basis on which to apply the Residential Growth Zone.**

Reasons for including the City of Kingston's participation is discussed in Chapter 5 of this report.

3.7 Recommendation

The Committee recommends:

1. **Draft Amendment C125 to the Bayside Planning Scheme not be prepared, adopted and approved pursuant to section 2(4) of the Planning and Environment Act 1987 at this time.**

¹³ BHS, Action 35, page 120

4 The form of the draft Amendment

4.1 The Issue

The form or drafting of the local content of the RGZ schedules strongly influences whether the intended purpose of the zone and its application will be achieved.

Council acknowledged in its submission whether the proposed application of the RGZ would provide the capacity to accommodate future growth. Closely linked to this, is the form and interplay with other controls such as the proposed DDO6 and the retention of the DDO5 in the case of Highett.

The issues regarding the form of the draft Amendment relate to questions about the appropriate capacity of the rezoning to RGZ to achieve the strategic intent of state and local policy, *Plan Melbourne* and the BHS.

The specific questions considered in this chapter include:

- The form of the zone i.e. RGZ2, RGZ3, DDO6, existing DDO5.
- Is the mandatory maximum building height in the RGZ2 appropriate?
- Is the proposed application of the DDO6 to RGZ2 land areas appropriate?
- Are the RGZ3 modifications to side and rear setbacks and front fence requirements appropriate?
- Is the interplay between the proposed RGZ3 and the existing DDO5 sensible and appropriate?

4.2 Evidence and Submissions

Council drafted the form of the local content in the RGZ2 on the basis that the introduction of the zone and its accompanying schedule into the Victoria Planning Provisions permits the use of mandatory provisions relating to building heights. PN78 recognises that it is possible to introduce into the schedule to the RGZ mandatory height limits that can be higher or lower than the 13.5 metre discretionary default height limit under clause 32.07-7 of the zone. In this case, Council has applied an 11 metre height limit in the schedule to reflect the preference in the BHS for three storey development in residential areas surrounding the Hampton East (Moorabbin), Highett, Southland and Cheltenham activity centres.

Submitters such as the group represented by Mr Tweedie (BAY263), Mr Finlayson (BAY390) and the evidence of Mr Twite presented concerns over the form of the draft Amendment, in particular:

- The imposition in the RGZ2 of an 11 metre mandatory height limit for residential development which was considered to constrain the ability of the land affected to achieve the objectives of the RGZ.
- The introduction of DDO6 which introduces a permit trigger of 9 metres for non-residential development with a reference to a preferred building height of two storeys in the decision guidelines and the uncertainty as to why such a control is being proposed.

- The retention of the DDO5 in Highett, where it is proposed to apply the RGZ3, which refers to a preferred height of 9 metres for large consolidated sites (above 1,000 square metres) and the confusion this creates with the RGZ3 which retains the discretionary 13.5 metre residential development height provision.

Generally, there was concern over apparent fettering of the RGZ by the proposed zone schedules and the introduction of the DDO6 and retention of the DDO5.

Regarding the scale of development potential, Mr Micmacher representing DTPLI (BAY434) noted that much of the area subject to the RGZ2 and GRZ2 in other activity centres such as Sandringham impose an 11 metre height limit, so to some extent, the difference between the built form and development yields supported by the RGZ2 and GRZ2 in Bayside is difficult to distinguish.

Mr Micmacher noted that in many respects, the Amendment enacts the change anticipated by the Housing Strategy:

However, the Advisory Committee might consider whether an 11 metre mandatory height limit may impede the ability of this land to fulfil its local and regional role a high capacity housing area, particularly whether the height limit might constrain development yields and site responses.

Mr Micmacher went on to query whether the 11 mandatory height limit is consistent with the purpose of the RGZ, particularly on larger lots. He noted that 11 metre development is enabled in the GRZ in areas surrounding Bay Street, Church Street, Hampton Street and Sandringham MACs and in the Black Rock Neighbourhood activity centre:

Zones are meant to hit different notes in relation to housing opportunity. The RGZ should hit a higher note. Ministerial Direction No 16 and Plan Melbourne call for a spectrum of change.

From individual submitters, there were concerns that the zone changes would allow too dense a form of development or too limited a form of development.

Council stated in its closing submission that it is adamant that broad scale development in the RGZ areas, taller than three storeys as a general proposition is not acceptable and, based on DTPLI's own analysis, it is totally unnecessary.

4.3 Discussion

Council has drafted the RGZ schedules and DDO6 to provide for '*moderate housing growth*' around activity centres. The RGZ is proposed to be used as part of a zoning transition from '*key focus residential growth areas*' i.e. areas within activity centres zoned C1Z or MUZ to areas zoned NRZ, with support from the retention of some areas of GRZ1 located between the proposed RGZ and existing NRZ areas. This is intended to protect the highly valued character of residential areas now under the NRZ. Regarding RGZ schedule 2 and the 11 metre mandatory building height, Council submitted that it is ample to provide for three storey development:

It will result in a very significant contribution of these areas towards the achievement of diversity, affordability and choice. This area is not the core of an

activity centre. It is a residential area that is around an activity centre which has been identified for change. Council's activity centres (i.e. the core areas) are generally up to 4 storeys. It does not make urban design sense and neither is it consistent with the urban design vision for Bayside as a low scale municipality as set out in the MSS to have areas such as this developed higher than 3 storeys as a general proposition. Clearly some development higher than 11 metres would not be unacceptable but the schedule does not permit a discretionary approach to height.

For the Southland Activity Centre, the BHS indicates¹⁴ the extent of the activity centre is 800 metres from the core of the centre which is defined by the future railway station and extends to Jack Road and Park Road. The Strategy states that, the area within 400 metres of the future railway station will likely be a future 'Key Focus Residential Growth Area', subject to the preparation of a structure plan, whilst the remaining area would be a 'Moderate Growth Area'. It appears to the Committee, that Council is sending mixed messages.

The BHS recognises the value in some higher density form of residential development closer to the proposed Southland train station and that it may not be unacceptable for some development to exceed the proposed mandatory 11 metre height limit. However, the draft Amendment proposes a blanket approach of applying the 11 metre mandatory height limit rather than allowing the 13.5 metre discretionary height to apply to certain areas with policy support to guide the exercise of that discretion. This approach highlights the need for structure planning to determine where the RGZ could be applied without being fettered by mandatory height limits.

To allow consideration of the effects of the proposed RGZ2 height limit, the Committee offered Council the opportunity to demonstrate the different built form and development yields supported by the RGZ and GRZ in Bayside through diagrams on lots between 500 and 700 square metres and on lots of over 1,000 square metres. Council chose not to take this opportunity, but referred the Committee to Bayside Growth Housing Model.

The Committee examined the Bayside Growth Housing Model for this purpose. The typologies for three storey development in activity centres differ only between those locations with either 50 percent or 75 percent and 60 percent or 40 percent site coverage.

This was of little value to the Committee because it focussed more on development yields rather than built form.

The inclusion of an 11 metre height control under the RGZ2 as a mandatory provision precludes the ability of this zone to fully utilise what it is meant to do. There is confusion over built form outcomes between the composition of controls under the RGZ2 and what Council has applied in residential areas surrounding other activity centres along the Sandringham rail corridor, i.e. GRZ2, which also has an 11 metre height control.

The Committee agrees with Mr Tweedie (for the group of professionals – Doc 8) that the imposition of mandatory height controls, whether by zone or otherwise, requires clear and unambiguous justification. The Committee considers that detailed built form analysis prepared as part of a structure planning process could well provide the justification for

¹⁴ Page 92 of the BHS.

mandatory height controls and avoids an arbitrary and blunt approach to applying height controls.

DDO6

The draft Amendment proposes the RGZ2 with the DDO6 and deletes the existing DDO2 for Hampton East (Moorabbin), Southland and Cheltenham. The replacement of DDO2 with DDO6 is considered by Council to be a policy neutral translation of the existing control. DDO2 has a permit trigger for any development (both residential and non-residential) over 9 metres in height, while DDO6 is intended to retain this type of permit trigger, but only for non-residential development. Opponents of DDO6 argue this change has no strategic support. In terms of residential development, DDO6 has no bearing on future development outcomes. It effectively maintains an existing permit trigger albeit for non-residential development. The Committee is not concerned about this and considers proposals for non-residential development above 9 metres in height will be subject to permit considerations, which for these locations west of the Frankston rail line are not unreasonable.

The Committee does consider that the title of the schedule warrants amendment as does the reference to preferred building heights in the decision guidelines, given the DDO does not address land uses and that the schedule introduces a permit trigger and not a policy for preferred building heights.

DDO5

For Highett, the situation is different with the proposal to apply the RGZ3 and the retention of the existing DDO5. This is because the composition of the RGZ3 is guided by the HSP 2004. Unlike the RGZ2, the RGZ schedule 3 does not specify a building height control; hence the discretionary default provision of 13.5 metres under the RGZ applies. The relationship with the existing DDO5 which specifies a preferred building height as a permit trigger creates a tension that will most likely result in disputes before Victorian Civil and Administrative Tribunal (VCAT). The Committee acknowledges this composition of controls is a reflection of the existing HSP 2004, but considers it a poor outcome when the potential for dispute over interpretation of controls may potentially occur.

The Committee considers that the composition of the RGZ3 and DDO5 and where it is proposed under the draft Amendment would benefit from an updated review of the HSP 2004 which focuses analysis on what limits, if any, should be placed on built form outcomes and what areas really should be rezoned to RGZ and with what version of the DDO, if any should be applied.

4.4 Conclusions

The Committee draws the following conclusions:

- Structure planning is required to determine where the RGZ can be applied without an 11 metre mandatory height limit so that it can fully function to provide housing diversity and affordability and where other areas affected by the draft Amendment can either be rezoned to the proposed RGZ2 or remain under the GRZ.

- Strategic justification of a mandatory provision in a schedule to the RGZ requires a greater rationale or rigour than reliance on a housing strategy that does not foresee the density of residential development envisaged by the RGZ. For areas where an increase in diversity and choice is to be directed, particularly locations around activity centres, any mandatory height provisions need to be directed by a specific urban design outcome that is properly strategically justified.
- The deletion of DDO2 and its replacement with the DDO6 is appropriate.
- The interplay between the RGZ3 and existing DDO5 results in confusion and uncertainty, which needs to be removed. This should be re-evaluated as part of a review and update of the HSP 2004.

5 Hampton East (Moorabbin) Precinct Issues

5.1 The Issue

The area proposed to be rezoned to RGZ2 is located at the western end of the Moorabbin Activity Centre, which extends across either side of Nepean Highway and is partly located in the municipalities of Bayside, Kingston and Glen Eira.

The precinct is characterised by narrow residential streets and a well-established residential neighbourhood. There has been an evident amount of small-scale renewal and redevelopment with two or three dwellings being developed on single blocks, usually in a two storey form.

5.2 Evidence and Submissions

Council provided the following by way of background:

The Housing Strategy identifies Moorabbin as a main focus area for future medium and high density development.

At the time of the Housing Strategy it was envisaged that development will not be greater than 3 storeys in height within residential areas, although the Strategy notes this may change depending on the outcomes of any future structure plan.

Moorabbin (referred to by Council as Hampton East (Moorabbin)) does not have a completed structure plan, however, there is a structure plan in the early stages of development for the area, expected to be completed in the first half of 2015.

Mr Khorasanizadeh (BAY112) raised the issue of the zone boundaries and their lack of relationship to actual distance to the Moorabbin railway station. He questioned the logic of narrow streets rather than arterial roads as zone boundaries, rather than the rear of allotments as zone boundaries. He presented a thoughtful and helpful presentation exploring the pros and cons of different locations for zone boundaries, including the use of boundaries at the rear of allotments rather than the street frontage. Mr Gale (BAY329) raised similar concerns about different sides of the same street being in different zones resulting in a “fracturing” of neighbourhood character.

Expert evidence by Mr Kelderman of Contour Consultants for Aitkin Partners (BAY005), expressed the opinion that RGZ2 is and mandatory heights are not appropriate for a parcel of land in South Road. The land forms part of a larger site of 2,800 square metres that is also partly within a CZ1. Mr Kelderman considered that the subject land is a ‘strategic redevelopment site’ under clause 16.01-3 of the SPPF. As part of the current structure planning process for the Hampton East (Moorabbin) Activity Centre, MGS Architects submitted a built form analysis that suggests that the eastern part of the site has the potential for development up to five storeys.

Council's response was that this is a site specific issue and therefore not consistent with Principle 24 of the Stage One Overarching Report¹⁵.

If the centre (sic) is really part of the commercial strip, then it should be rezoned to a commercial zone.

The reality is that until a structure plan for the area is undertaken and the site is rezoned to a commercial zone, the land needs to remain in the RGZ with Schedule 2.

5.3 Discussion

No mention was made of the relationship with the recently completed City of Kingston Structure plan for its portion of the Moorabbin Activity Centre. An excerpt of the Moorabbin Activity Centre Structure Plan prepared by Kingston City Council was provided in Mr Kelderman's expert evidence. It provides for maximum building heights of up to seven storeys. It appears to the Committee that there is a disconnect in the consideration of the Bayside portion of the Moorabbin Activity Centre without any reference to development activity and preferred built form in an adjacent part of the same activity centre.

Mr Khorasanizadeh (BAY112) illustrated the impacts of the RGZ2 side setback provisions on the ability to develop the typical allotment in this precinct with a 15.24 metre frontage. He demonstrated that it was generally difficult to achieve a three storey building form on these allotments. Despite being invited to provide similar diagrams to inform the Committee, Council chose to refer the Committee to its Housing Growth Model, which assumes three storey development is possible.

The Committee has not been in a position to determine the potential for three storey development to be achieved on standard allotments in this precinct without first consolidating lots.

5.4 Conclusions

The issues raised by submitters relating to the Hampton East (Moorabbin) Activity Centre are noted by the Committee. They reinforce the Committee's view that draft Amendment is premature and that application of the RGZ in potentially various forms needs to be better informed by localised strategic planning that is better integrated with Kingston City Council.

In this regard, the Committee considers structure planning would be the most appropriate means to facilitate implementing the RGZ in the Hampton East (Moorabbin) Activity Centre.

¹⁵ Page 24. 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.

6 Hightett Precinct Issues

6.1 The Issue

The Hightett Neighbourhood Activity Centre is considered separately from the other centres on the basis it has an existing structure plan and is proposed to be rezoned to RGZ3 with the existing DDO5 retained.

Apart from the issues raised in all precincts and considered in Chapter 8, a number of issues specific to this precinct are:

- the Commonwealth-owned CSIRO site
- lack of open space
- localised traffic and congestion
- Major Street/ Train Street sub-precinct.

6.2 Submissions

Consistent with the other precincts, Council used the BHS as the basis of the draft Amendment:

Medium density development in Hightett is supported in the Housing Strategy.

Council developed a structure plan for the area in 2004 with Kingston City Council (the Hightett Structure Plan), which was then implemented into the Scheme in 2007 through Amendment C46. Since that time, planning controls have been in place that encourage unit, townhouse and apartment development in the area. The DDO5 also outlines preferred design requirements for medium density development. It specifies a preferred building height of 3 storeys contingent on land size and sight-lines of a proposed development.

Council submitted that the BHS states that the area will be a major focus for future medium and high density residential development within Bayside providing diverse housing types and sizes.

At the time of the Housing Strategy, it was envisaged that development will not be greater than 3 storeys in height within residential areas, however, the strategy recognises this may change depending on the outcomes of a future structure plan.

A built form is sought that respects the existing one and two storey character of the Hightett Shopping Centre, while providing some limited opportunity for a higher built form to increase the intensity of activity in the centre and to facilitate residential uses in upper levels of buildings and the rear of shops.

The area proposed for RGZ in Hightett will provide an appropriate transition between the commercial centre on Hightett Rd to the surrounding residential areas.

CSIRO site

This 9.3 hectare site was referred to by many submitters in both the Highett and Southland precincts as being a major redevelopment site that could accommodate significant higher density development and offset the need to rezone areas of Highett, Cheltenham and Hampton East to RGZ.

Council submitted:

The Highett site is recognised in the Scheme as a significant development opportunity. Clause 21.11-06 includes an objective to redevelop the CSIRO site for medium density residential use, with the opportunity for compatible education campus related uses, in a way that responds to the existing character of the residential area in which it is located, existing vegetation on the site and which integrates with the surrounding street and open space networks.

Council does not consider it feasible or reasonable to defer draft Amendment C125 in anticipation of development on a single site, particularly where the scale and timing of that development is unknown and plans are in a preparatory stage.

Lack of open space

Submitters raised concerns that there are a lack of parks and open space (particularly in Highett), making the area unsuitable for more development. A number of submitters claimed that local parks and recreation facilities were already overcrowded.

Ms I Liubinas (BAY033) and Ms Robinson (BAY 042; Document 18) highlighted the relative lack of open space in Highett, with 1.05 hectare per 1000 people in 2011 compared with the Bayside average of 3.15 hectare. Similar views were expressed in many other submissions.

Council acknowledged that some areas of Highett have lower amounts of public open space per capita than the municipal average and poor accessibility to useable public open space.

Traffic and congestion

Most submitters raised the issue of traffic and congestion, particularly in relation to the railway crossing on Highett Road.

Council informed the committee that no Bayside crossings are included in the current list of planned level crossing removals:

Council acknowledges submitters' concerns of high levels of localised traffic congestion impacts particularly on Park Road (Highett) arising from nearby rail level crossings. This is a common problem across Melbourne and is acknowledged in Plan Melbourne.

Some submissions also raised concern about the difficulties turning onto roads without a signalised intersection and the congestion this creates. Bay Road and Park Road were frequently identified in submissions.

Council responded:

Council also notes the submission from PTV which encourages consideration of the interaction between vehicular traffic generated from proposed developments and the road network, particularly during the planning stage. This includes careful design of parking and right turn access to minimise the impact on road capacity and the operation of on-road public transport, this is particularly important along high quality bus corridors in Bayside such as Charman, Bay, Highett and South Roads. Council will seek to address these concerns in future structure planning work.

Other submitters, such as Mr Pile (BAY049) highlighted the lack of on-street available to residents, something that would be exacerbated with the proposed Southland station, which is not intended to have commuter parking.

Major Street / Train Street sub-precinct

Mss A and I Liubinas (BAY033, BAY136, and BAY381) considered the inclusion of Major Street in the RGZ as “*adhoc*” and “*disregards years of strategic planning by the Bayside Council*”. They presented a petition with individual comments from 486 people seeking postponement of the RGZ until the CSIRO site can be acquired as an offset.

The lack of collaboration with the City of Kingston was a particular concern, shared by Mr Marshall (BAY363) and Ms Robinson (BAY 042; Document 18).

Mr Tschech of Hansen (BAY406) spoke on behalf of a group of residents in the Major Street area of the HSP 2004 area. He submitted that the HSP 2004 is not supportive of any high density residential development within the Highett Activity Centre.

He referred to the structure plan:

A building height of up to 3 storeys will be supported in preferred medium density residential areas, especially where a consolidation of lots occurs.¹⁶

He argues that this is consistent with the current GRZ for the sub-precinct, which should remain. He also noted that both Major and Train Streets are congested and due to their narrow width, there is limited opportunity for vehicles to pass each other.

Mr Tscheck raised the issue of a potential conflict between the 13.5 metre height in the RGZ3 as against the discretionary heights set out in the DDO5 which vary depending on whether the site is more or less than 1,000 square metres in area.

Council responded that the juxtapositioning of a zone and an overlay was not unusual.

A DDO put in place to implement a structure plan is a very specific provision and the usual principle applied in law is that the more specific control prevails over the more general control. This is not new in any way.

Council continued:

¹⁶ Highett Structure Plan 2004 page 37

The submission highlights some perceived problems with the RGZ noting that in Council's opening submission, Council identified it as a potentially very powerful zone particularly with the removal of the 'up to four storeys' provision from the purposes to the zone.

Residents of other parts of Highett, such as Thistle Grove and areas closer to the proposed Southland railway station reiterated the concerns of the Major Street submitters.

In contrast to most submitters Mr Radisich (BAY007), sought the removal of the DDO5 in the areas to which the RGZ3 is to apply. He argued that the intent of introducing the RGZ to achieve *Plan Melbourne* objectives of development up to four storeys "will be thwarted by DDO5".

Council opposed this and submitted:

Otherwise, this would result in a very significant change to the direction of development in terms of urban form and would effectively 'undo' an important component of the Highett Structure Plan.

Apart from the fact that the submission is contrary to many submissions from residents that the Committee has heard from there is nothing proposed to replace it.

6.3 Discussion

There has been a significant amount of continuing higher density residential development located across the Frankston railway line in the City of Kingston. On the Bayside area of the railway line there has been one significant mixed use development completed in 2013 on C1Z land with over 100 one and two bedroom apartments above retail uses. There is also another adjacent smaller multi-storey residential development recently completed.

The HSP 2004 was prepared for the Bayside and Kingston City Council. It is expressed in clause 21.11 of the Bayside Planning Scheme and is a reference document in the planning scheme.¹⁷ The Committee found it a useful document and noted that it formed the basis for Council's application of the RGZ3 in the draft Amendment. However, the structure plan did precede *Plan Melbourne* and is now ten years old.

The area proposed for the RGZ in Highett is close to the CSIRO site earmarked for urban renewal and redevelopment. This site was not included in the RGZ as it is Commonwealth land and beyond Council's jurisdiction.

Although the exact timeframe for sale of this site has yet to be confirmed, the Commonwealth Government recently committed to preserve 4 hectares of the overall 9.3 hectare site for public open space, conservation of regionally significant flora and fauna and recreation purposes, with the remaining land area to be sold for residential development.

¹⁷ Clause 21.11: Local Area Implementation states:

Ensure that proposed uses and developments within the Highett Neighbourhood Activity Centre are consistent with the Highett Strategic Framework Plan contained in Map 2 to this Clause.

This map no longer appears in the planning scheme.

6.4 Conclusions

The current structure plan does not respond to the directions of *Plan Melbourne*. The preferred medium density residential areas support a height of up to three storeys. Council in its response to this precinct indicated that the BHS recognises that this current position could change depending on the outcomes of a future structure plan.

With the increased clarity about the future of the CSIRO site, the Committee concludes that it would be appropriate to include planning for potential development scenarios on this site as part of a review of the HSP 2004.

Such a review would also enable the traffic and parking issues in and around the Highett centre to be considered in the context of the potential for higher density development.

7 Southland and Cheltenham Precinct Issues

7.1 The Issue

The Southland and Cheltenham precincts has been dealt with together in this chapter on the basis that they are both close to each other and both affected by the RGZ2 proposed in the draft Amendment, with similar issues.

Like the other precincts involved in the draft Amendment, residential areas around these activity centres and the proposed Southland railway station and existing Cheltenham railway station are proposed to be rezoned to RGZ2. The issues are similar and include loss of amenity mainly associated with the loss of neighbourhood character, inadequate street capacity to accommodate additional traffic movements and car parking and boundary interface issue between RGZ areas and GRZ/NRZ areas.

7.2 Evidence and Submissions

Neighbourhood character and what it means to local residents was aptly summarised in the submission from Ms Collingwood (BAY402) who described the neighbourhood character of the area of Highett near Southland bounded by Jackson Road, Princess Avenue and Royalty Avenue, with Graham Road bounding it to the west and Bay Road bounding it to the south:

The blocks of land are uniform in size and, bar a few odd-shaped bigger corner blocks, are 586 square metres. The area has a neat and clean appearance as residents, by and large, take pride in their properties, maintain their homes and keep nature strips trimmed. There is a lovely leafy outlook due to the variety of plants in gardens and the many established trees in yards and on nature strips that attract a variety of bird life.

Most of the houses in this pocket are owner-occupied and many owners have renovated, extended and landscaped their properties, and some have built new houses. Dwellings are a mix of older weatherboard or brick houses, as well as recent modern builds that sit well within the streetscape....The regular shaped blocks contain single dwellings consisting of 1 storey and a few 2 storey houses....the area has a feel of space and quietness because houses are set back from the streets and from each other....The overall streetscape has rhythm and scale.

Many submitters expressed concern that new development facilitated by the RGZ2 would result in the loss of this valued neighbourhood character and their amenity.

Council acknowledged in its submission that designating an area for growth will result in some degree of change. But through imposing an 11 metre (three storey) height limit under the RGZ2, the degree of change would be reasonable and consistent with orderly planning of the area.

As part of the rezoning, a pocket of existing residential land located south of Cheltenham Park in Glebe Avenue and Coape Street is included. Five individual properties in the area are

affected by the Heritage Overlay. The logic of proposing to rezone this area in Cheltenham was questioned by Mr Bennett (BAY444) who stated:

The Bayside Neighbourhood Residential Zones are protected by the Heritage listed Railway Station, Cheltenham Park and the Heritage listed Cemetery and School. Introducing an RGZ2 zone brings a potential area for more intensive development even closer. The logic is stupefying and Orwellian, it would have been better to acknowledge all the heritage buildings that occur between Glebe Avenue and Weatherall Road and make that whole area into a Heritage Precinct.

Council's response was:

....the fact that there are individually listed heritage sites on Glebe Avenue does not preclude the application of the RGZ. The heritage values of these dwellings will continue to be dealt with under the Heritage Overlay controls. If the larger area was recognised as a heritage precinct, the NRZ would have been more appropriate according to the principles in applying the residential zones (see Practice Note 78).

Comment was made about specific sites including the CSIRO site and the Laminex site. Mr Perry (BAY354) argued the whole of the Laminex site land at the 332-336 Bay Road, Cheltenham should be included in the rezoning to RGZ. Under the draft Amendment, it is proposed to rezone only the east portion of the site that fronts Jack Road. Mr Perry considers the western portion of the site, currently zoned Commercial 2 Zone (C2Z) should be included and would offer the attributes of a 'strategic development site' for medium density residential development.

Council was reluctant to accept this submission and considered it premature to include the whole of the land under the RGZ prior to undertaking a more holistic strategic assessment of the role of the land as part of the Bayside Business Employment Area further to the west.

7.3 Discussion

Residential areas around activity centres are candidates for change. *Planning Melbourne* now envisages accommodating population growth around activity centres and train stations. Providing for more intensive and higher density development in these areas than currently exists is supported by planning policy. Preservation of existing character is not a key consideration.

Even areas that are affected by the Heritage Overlay, either as individual sites, or in a precinct may still be suitable for higher density residential development. This was recognised in the Overarching Report¹⁸:

Where there are other policy imperatives, such as proximity to an Activity Centre, that support residential growth, there may be scope to apply the RGZ or the GRZ to these types of sites. In these situations, the HO would continue to apply.

Glebe Avenue is an example of a small residential area where some properties are affected by the Heritage Overlay and which, although, is within close proximity to the Cheltenham

¹⁸ Page 40.

railway station, is relatively disconnected from other residential areas that are proposed to be zoned RGZ by the Cheltenham Primary School, Cheltenham Pioneer Cemetery and Cheltenham Park. This area contains a dead end street which makes highlights to the Committee, the need to take greater care in fine-tuning the application of any rezoning.

The Committee considers the implementation proposed under the draft Amendment is arbitrary and would significantly benefit from a more detailed strategic assessment of where the RGZ and what local content any schedule should have to facilitate the aim of enabling new housing growth and diversity.

The premature nature of the proposed rezoning is somewhat highlighted by the Council's concerns over the inclusion of the whole of the Laminex site under RGZ and the need to first consider its role as part of the Bayside Business Employment Area.

The commercial centre at Southland is fundamentally a freestanding shopping centre with little integration of commercial and mixed use activity into surrounding areas. Any future intensification of residential development needs to be considered in conjunction with Kingston City Council. This would enable consideration of structure planning undertaken by that Council and how new housing growth and diversity could be facilitated within Bayside Cheltenham and Highett/Southland areas.

7.4 Conclusions

The issues raised by submitters relating to Southland and Cheltenham Activity Centres are noted by the Committee. They reinforce the Committee's view that the draft Amendment is premature and that application of the RGZ in potentially various forms needs to be better informed by localised strategic planning that is better integrated with Kingston City Council.

The Committee considers structure planning would be the most appropriate means to facilitate implementing the RGZ in the Southland and Cheltenham precincts.

8 Other Issues

As Council stated in its opening submission:

Clearly evident throughout the submissions is the high level of pride in the area. Many people wrote emotively regarding the character of their neighbourhood, the friendliness of residents, the tree-lined streets and the high quality of living provided to families. Some were long-term residents who have seen many changes to the area over time. Others are newer to the area but plan to stay for the long term.

While a diversity of views were presented, overwhelmingly opposing the RGZ2, principal concerns raised most frequently in the submissions across all three precincts related to:

- neighbourhood character
- impacts on traffic and parking and questions regarding the suitability of the street network to accommodate growth
- infrastructure capacity, such as water and sewerage
- amenity impacts on adjacent properties.

These common issues are dealt with here.

8.1 Neighbourhood character

The majority of submissions raised the issue of neighbourhood character. The submissions argued that new residential development constructed under the RGZ provisions would be out of keeping (particularly in respect of building height) with the existing low-scaled 'green and leafy' family-friendly character of the areas.

Council agreed that the development would result in some degree of change, but that change will be moderated by the schedules to the RGZ:

The RGZ2 and RGZ3 areas are residential areas included within activity centres and close to current or future train stations. State Planning Policy directs that these types of areas accommodate intensive housing growth. The expectations of submitters that residential areas in activity centres and in close proximity to train stations remain unchanged and limited to very low scale development is not reasonable within this policy context.

8.2 Traffic and congestion

The majority of submitters were also concerned that an increase in development will worsen existing traffic and congestion issues. Concern was expressed that the draft Amendment lacks a traffic analysis study in its preparation.

Council responded:

Council's practice is to undertake studies into traffic management and parking as part of a detailed structure planning process for these areas in the future. This has not yet been undertaken for the majority of the areas covered by Amendment C125 to date. Future structure planning for these areas would, however, consider

the traffic implications arising from development across the broader road network with attention devoted to all transport modes.

The capacity of the street network to accommodate growth was also questioned in the submissions.

Again, Council responded in the context of future structure planning:

As acknowledged earlier, Council has not undertaken studies into integrated traffic management which would include implications for the local street networks, but is committed to undertaking more structure planning for the area.

8.3 Parking concerns

Many submitters asserted that an increase in development and population density will exacerbate existing lack of parking availability. Submitters noted that they have difficulty locating parking spaces at certain times.

Mr McCulloch (BAY194) was heavily critical of Council for what he described as failing to undertake detailed examination of infrastructure requirements, including parking surveys and traffic capacity.

Council response:

Council's usual practice is to undertake studies into traffic management and parking as part of a detailed structure planning process.

In developing draft Amendment C125 no comprehensive parking surveys or forecasts of changes to parking demand were undertaken. This was not possible in the time frame available to prepare the Amendment. Council acknowledges there is potential for follow up work in this regard. Such work includes:

- *progressing and finalising initial parking-related work in Hampton East which is underway as part of the structure planning process;*
- *commencing the review of the Highett Structure Plan and simultaneously undertaking work for Cheltenham in the 2015/16 financial year;*
- *commencing the Southland Structure Planning Process that is expected to be undertaken in partnership with Kingston City Council. This work is scheduled to commence within the next 2 years, depending on the receipt of funding from the State Government; and*
- *developing a parking strategy for the municipality (Action 3.5 of the Integrated Transport Strategy 2013).*

8.4 Water and sewerage

A small number of submitters were concerned that the local drainage network would not cope with additional development.

Council responded:

As the water supply and sewerage authority, South East Water had no objection to the Amendment. It noted, however, that some upgrades to the sewerage system may be required subject to the extent of the development. This will be

reviewed when more detail is available regarding the extent of future development and its specific location.

8.5 Specific amenity concerns

A large group of submitters in each of the precincts were concerned about the potential amenity impacts of medium density residential development. The specific concerns related to visual bulk, overshadowing and overlooking / loss of privacy.

Submissions like those from Mr McCulloch (BAY194), Mr Scott (BAY197) and Mr Sims (BAY236) typified many of the general submissions from residents who were concerned about the extent of change that would transpire under the RGZ2.

Council responded:

As noted earlier, in applying the RGZ, Council sought to:

- *reduce interface issues by generally applying the boundary of the RGZ along streets rather than along property boundaries;*
- *include a buffer of GRZ around the RGZ to provide an appropriate transition between the RGZ and the NRZ; and*
- *cluster the RGZ area rather than dispersing it in order to minimise amenity impacts on adjoining areas.*

Residential amenity concerns will be regulated under current controls, i.e. clause 55 of the Scheme (ResCode) and will remain so following the changes proposed by Amendment C125. The ResCode standards will continue to apply in the RGZ and provide adequate protection to address the concerns of these submitters.

In relation to community concerns from submitters about impacts on neighbourhood character, particularly given the provisions in the zone for residential development up to and beyond four storeys. The Committee notes the proposed composition of the RGZ and schedules under the draft Amendment places emphasis on three storey development as the intended built form. The Committee believes this level of development is sufficiently respectful of the existing neighbourhood character, given the single and two storey character of the areas affected by the draft Amendment. This view is reinforced under the RGZ, clause 32.07-4 which requires that unless the schedule states otherwise (which in this case, it does not), a development involving two or more dwellings on a lot must meet the requirements of clause 55¹⁹. This means that clause 55.02-1 relating to Neighbourhood Character must be satisfied. Accordingly, the inclusion of Schedule 2 to the RGZ with a mandatory building height limit of 11 metres purports to support this aim.

8.6 Conclusions

Council's consistent response to issues raised by submitters in relation to traffic and congestion and parking was the lack of strategic work so far undertaken and the need for further strategic work and structure planning in each of the three precincts.

¹⁹ This is despite the fact that neighbourhood character is not referenced in the purposes of the RGZ, unlike the GRZ and NRZ.

This reinforced the need to resolve legitimate concerns about both the limited opportunity for development of four or more storeys and about the management of amenity impacts of such built form.

It is true that Council has responded to specific amenity concerns particularly through the retention of ResCode standards in the Schedules to the RGZ. However, the Committee is of the view that a much more responsive approach would result from detailed built form analysis and possibly, building envelopes, as part of a comprehensive structure planning process for each of the precincts. Such structure planning is already well underway in the Hampton East precinct and is proposed to commence in 2015 in both the Cheltenham and Southland precincts.

The Committee concludes that most of the issues raised by submitters in all three precincts could be more appropriately considered in a more orderly way through structure planning processes proposed in the BHS.

Appendix A List of Submitters

Submitter No.	Name	Organisation
BAY001	Catherine Beaumont	
BAY002	Paul Crompton	
BAY003	Mairin Donovan-Smith and Wade Smith	
BAY004	Mrs Valerie Higgins	
BAY005	Aitken Partners Pty Ltd	Lismark Nominees Pty Ltd
BAY006	Peter Michael Higgins	
BAY007	Tim Radisich	Associated Town Planning Consultants
BAY008	Jennifer Louise Tagell	
BAY009	Vicki Mason	
BAY010	Peter Blazek	
BAY011	Helen Yandell	
BAY012	Julian Desmond Tagell	
BAY013	Margaret Parsonson	
BAY014	Natalie Stephens	
BAY015	Angela Pitson	
BAY016	Peter Sandor	
BAY017	Suzi Appel	
BAY018	Antony Barry Swain	
BAY019	Patricia Larkins	
BAY020	Shaun Jones	
BAY021	Malcolm Clarke	
BAY022	Timothy James Jones	
BAY023	Glenn Bramich	
BAY024	Elizabeth Mallett	
BAY025	Liam Christopher Fraser	
BAY026	Anne-Marie Quarrell	
BAY027	Brendan J Russell	
BAY028	Paul Beeston	
BAY029	Timothy Wilmot	
BAY030	David Brewster	
BAY031	Dean and Kay Carter	

Submitter No.	Name	Organisation
BAY032	Christine Minter	
BAY033	Audra Liubinas	
BAY034	Toni Sparkes	
BAY035	David Powell	
BAY036	Sharon Lesley Wright	
BAY037	Samantha Robinson	
BAY038	Annie Thomas	
BAY039	Jennifer McIver	
BAY040	Wendy Janet Dunn	
BAY041	Brad Stafford	
BAY042	Carolyn Robinson	
BAY043	Susan Marjorie Ware	
BAY044	Gillian Gilbert	
BAY045	Patricia Tonta	
BAY046	Tracie Leannae Kruse	
BAY047	Anthony Stephens	
BAY048	Caroline Dekker	
BAY049	Geoffrey Pile	
BAY050	Kellie Shanley	
BAY051	Garrett C Hall	
BAY052	Sean Edel	
BAY053	Lachlan Robert Gray	
BAY054	Jenny Zeinstra	
BAY055	Steve Smith	
BAY056	Christopher Bowring	
BAY057	Adam Kraska	
BAY058	Jessica Joan Gray	
BAY059	Janeece & John Heweston	
BAY060	Michael Walton	
BAY061	Cathy Spyker	
BAY062	Rodney John Wheeler	
BAY063	Christine Anne Day	
BAY064	Melanie Faye White	
BAY065	Rodger Smith	

Submitter No.	Name	Organisation
BAY066	Penny Smith	
BAY067	Sue Smith	
BAY068	Christopher G. Lee	
BAY069	Daniel Smith	
BAY070	Stephen Richie	
BAY071	Rhonda Millevoy	
BAY072	Roselea Franklin	
BAY073	Andrew Rumbelow	
BAY074	Shirani Marks	
BAY075	Con Bakas	
BAY076	Peter Robert Day	
BAY077	Krystyna Sarna	
BAY078	Sean O'Sullivan	
BAY079	Samantha Louise Sims	
BAY080	Jennifer Lillian Voss	
BAY081	Paul Foxworthy	
BAY082	Paula Louise Vendy	
BAY083	Debra Jean Feben	
BAY084	Myles O'Sullivan	
BAY085	Lisa O'Sullivan	
BAY086	James Stevens	
BAY087	Jan Watson	
BAY088	Jenny Wilsmore	
BAY089	Cain Schmidt	
BAY090	Carolyn Dennis	
BAY091	Margaret I Hosking	
BAY092	John Russell Waugh	
BAY093	Carol Lee	
BAY094	Shane A Radcliffe	
BAY095	Alison and Ewald Cilliers	
BAY096	Christine Vickers-Willis	
BAY097	Graham Leslie Voss	
BAY098	Claire Sell	
BAY099	Margaret Chicoine	

Submitter No.	Name	Organisation
BAY100	Suzanne McCarthy	
BAY101	Jeremy Hewett	
BAY102	Brian Geoffrey Heweston	
BAY103	Kerry Smith	
BAY104	Richard Zallmann	
BAY105	Scott Hall	
BAY106	Ryan Darby Tagell	
BAY107	Sandi Morgan	
BAY108	John Mason	
BAY109	Laura Champness	
BAY110	Graham Wells	
BAY111	Nick Giannacos	
BAY112	Mehdi Khorasanizadeh	
BAY113	Jun Yang Huang	
BAY114	Lowri Sian Burman and David Hamilton	
BAY115	Janet and Chris O'Haire	
BAY116	Leonard Dickman	
BAY117	Caroline May St John	
BAY118	Cameron Frazer	
BAY119	Geoffrey Vivian Francis	Owners Corporation Santa Margherita
BAY120	Janette Bergman	
BAY121	John Mahoney	
BAY122	Bruce Lees	
BAY123	Ailsa McVean	
BAY124	Nicholas Cross	
BAY125	Anthony Boerkamp	
BAY126	Barry Gilbert	
BAY127	Helen Klimpel	
BAY128	Rita Schier	
BAY129	Jonathan Wood	
BAY130	Markus and Kay Brotz	
BAY131	Elena Black	
BAY132	Mark Maier	

Submitter No.	Name	Organisation
BAY133	Kane Muir	
BAY134	Marie Kourouis	
BAY135	Janet Liddell	
BAY136	Inga Liubinas	
BAY137	Billy Prosser	
BAY138	Rhys Prosser	
BAY139	Kathryn Bodi	
BAY140	Peter Walters	
BAY141	Errol Stubblety	
BAY142	Jon Doherty	
BAY143	Courtney Ann Thompson	
BAY144	Jeanette Elizabeth Hardy	
BAY145	Martin Mc Donnell	
BAY146	Claire Mitchell	
BAY147	Sue Annette Agnoletto	
BAY148	Giler Doruk	
BAY149	Tracy Anne Rasmussen	
BAY150	Tess Elizabeth Dunn	
BAY151	Yajun Lin	
BAY152	Thelma Riley	
BAY153	Qingmai Wang	
BAY154	Karen Louise Dunn	
BAY155	George Jones	
BAY156	Anne Jones	
BAY157	Neil Liddell	
BAY158	Graeme Wallace	
BAY159	Ben Jones	
BAY160	Heather Bransgrove	
BAY161	Helen Blamire Sharpe	
BAY162	Ismaelita Rovira	
BAY163	Andrew John Hodgson	
BAY164	Carolyn Stubblety	
BAY165	Bruno De Michelis	
BAY166	Tina Corsello-Frenkel	

Submitter No.	Name	Organisation
BAY167	Lorraine Lamb	
BAY168	John Patrick Favier	
BAY169	Melissa Gaggiano	
BAY170	Barbara Petrie	
BAY171	Mavis Alayne Fisher	
BAY172	Robert Jennings	
BAY173	Catherine Wood	
BAY174	Annette Anderson	
BAY175	J Stamp	
BAY176	Diana Stokes	
BAY177	Lothar Schmidt	
BAY178	Leo Patrick Ryan & Johanna Helen Ryan	
BAY179	Mary S Clarke	
BAY180	Wendell James Rovira	
BAY181	Bruce Crawford	
BAY182	Anne Cochrane	
BAY183	Rebecca Rumbelow	
BAY184	Marlene Frances Laycock	
BAY185	Kathleen A Wilmot	
BAY186	Rachel Lui	
BAY187	Stephanie Clark	
BAY188	Motoko Iida	
BAY189	Daniela Bucheler-Scott	
BAY190	Lewis D'ambra	
BAY191	Donna Favier	
BAY192	Graeme Reuben Glover Crossley and Lynette Joan Crossley	
BAY193	Marcus Hinzack	Westfield
BAY194	Gary William McCulloch	
BAY195	Gloria Jankowski	
BAY196	Geraldine McConaghy	
BAY197	Greg Scott	
BAY198	Kia Giles	
BAY199	Sam Robinson	

Submitter No.	Name	Organisation
BAY200	Denise Nicholls	
BAY201	Lynn & Philip Horsburgh & Barbara Davis	
BAY202	Howard Nicholls	
BAY203	V Dimitrakopoulos	
BAY204	Gunther Woehl & J Vossen	
BAY205	Kylie Philippe	
BAY206	Lorna Charters	
BAY207	Fotis Kourlas	
BAY208	John McKay	
BAY209	Rebecca Taylor	
BAY210	Robert Bird	
BAY211	Brett Taylor	
BAY212	Lesley McCubbin	
BAY213	Mark James Prosser	
BAY214	Georgie Rhind	
BAY215	Michael Bedlow	
BAY216	Athanasiou Apostolou	
BAY217	Russell Bramich	
BAY218	Alain Blanc	
BAY219	Dr Malcolm McKay	
BAY220	Philippa Godinho	
BAY221	William Jelleff	
BAY222	Robert Edward Saunders	
BAY223	Julie McConachy	
BAY224	H Roger	
BAY225	David F R Bedford	
BAY226	Kirstie Bedford	
BAY227	Ian Bliss	
BAY228	Peter Stewart	
BAY229	Brian Trenfield	
BAY230	Hampton East resident	
BAY231	Diana Watts	
BAY232	Annie Crane	
BAY233	Annie Crane	Residents of Gilford Grove

Submitter No.	Name	Organisation
BAY234	Laminex Group	
BAY235	Steven Gregory Davies	
BAY236	Neil Sims	
BAY237	Sureyya Alsin	
BAY238	Joan Beveridge	
BAY239	Kenneth Laycock	
BAY240	Vickie Laird	
BAY241	Kathlyn Julieta Nyitray	
BAY242	David White	
BAY243	Jennifer Carol Marr	
BAY244	Brett Voss	
BAY245	Roger Winders	
BAY246	Linda Irene Stirling	
BAY247	Paul Riddex	
BAY248	Liam Joseph Kett	
BAY249	Lisa Gilchrist	
BAY250	Rowan Simpson	
BAY251	Alan Hocking	
BAY252	Janice Georgiou	
BAY253	John Wilson Parkinson	
BAY254	Samantha Young	
BAY255	Chris Derham	
BAY256	Sandra Warnecke	
BAY257	Vince Attree	
BAY258	Natasha Williams	
BAY259	Jennifer Derham	
BAY260	Robyn Downie	
BAY261	Daniel Czech	
BAY262	Dinesh Bishop	
BAY263	Colleen Peterson	Group of 35 professionals
BAY264	Brett Dennis	
BAY265	Louise Field	
BAY266	Sandra Warnecke	
BAY267	Daniel Czech	

Submitter No.	Name	Organisation
BAY268	John Saunders	
BAY269	Keith Charles Dryburgh	
BAY270	Glenys Paolo	
BAY271	Christina Klopfer	
BAY272	James O'Reilly	
BAY273	Andrew King	
BAY274	Pamela Shanley	
BAY275	Bruce Anderson	
BAY276	Margaret Robertson Lippold	
BAY277	Brian David Hardy	
BAY278	Mary Saunders	
BAY279	Martin Klopfer	
BAY280	Zandra Hill	
BAY281	Eva Sandor	
BAY282	Tiziana Reinhardt	
BAY283	Jennifer Thornton	
BAY284	Susan Ferrier	
BAY285	Carmel Frances McGoldrick	
BAY286	Katrina, Peter and Lachlan, Leason	
BAY287	Scott Forrest	
BAY288	Peter Connell	
BAY289	Dianne Weeden	
BAY290	Anne Rosemary Connell	
BAY291	Sophie Laforest	
BAY292	Nicolas John Hodgman	
BAY293	Maree Prosser	
BAY294	South East Water	
BAY295	Warren & Helen McGeoch	
BAY296	Donna Jansz	
BAY297	Margaret Aileen Goodwin	
BAY298	Diane Alexander	
BAY299	Tracey Bramich	
BAY300	Frances Orlando	
BAY301	John Robertson	

Submitter No.	Name	Organisation
BAY302	Christian Anderson	
BAY303	Camille Giles	
BAY304	Robert Frederic Walliser	
BAY305	Rosemary Cerdor	
BAY306	Jacquie Bliss	
BAY307	Colin Hill	
BAY308	Thomas Bubics	
BAY309	Allen Weeden	
BAY310	Glenn Giles	
BAY311	Samantha Davies	
BAY312	Angela Louise Hodgman	
BAY313	Muhammad Umar	
BAY314	Rodney Strange	
BAY315	Caitlin Saunders	
BAY316	David John Sell	
BAY317	Elizabeth Smith	
BAY318	Marian Artso	
BAY319	Jerry Mulcahy	
BAY320	Michelle Forrest	
BAY321	George Montgomery	
BAY322	Ian Walter Norman	
BAY323	Geoff Wood	My First Property
BAY324	Anna O'Reilly	
BAY325	Linda Osborne	
BAY326	Meabh Cullinane and Tim Ammundsen	
BAY327	Nathan Warnecke	
BAY328	Olivia Crawford	
BAY329	Brian Gale	
BAY330	Sandra Warnecke	
BAY331	Luke Warnecke	
BAY332	Trevor Wilson	
BAY333	Michael Black	
BAY334	James Parsons	Public Transport Victoria
BAY335	Derek Screen	

Submitter No.	Name	Organisation
BAY336	Edward Muir	
BAY337	Simon Freer	
BAY338	Natalie Wilson	
BAY339	Tony Vickers-Willis	
BAY340	Toby Robison	
BAY341	William Russell Riseley	
BAY342	Lucie Dawson	
BAY343	Alex Grigorijevic	
BAY344	Elizabeth Freer	
BAY345	Irene Bernadette Johnson	
BAY346	Sophie Whitla	
BAY347	Rodney John Wheeler	
BAY348	Jim Konidaris	
BAY349	Jeffrey Ian Millar	
BAY350	Simone Boileau	
BAY351	Jeff Robinson	
BAY352	Simona Maffini	
BAY353	Gabrielle Cranny	
BAY354	Fletcher Building Limited	
BAY355	John de la Lande	
BAY356	Joseph Michael Fittipaldi	
BAY357	Stephen Davies	
BAY358	Dominic D'Abate	
BAY359	Ross Couper-Johnston	
BAY360	Maree Anne Oliver	
BAY361	Ronald Thomson	
BAY362	Kerry Gilbert	
BAY363	Tim Marshall	
BAY364	Gillian Corp	
BAY365	Catherine O'Brien	
BAY366	Tom Warnecke	
BAY367	Jill Reed	
BAY368	Mrs Toni Harris	
BAY369	Jack Wright-Smith	

Submitter No.	Name	Organisation
BAY370	Maria Catalano	
BAY371	Hans Clarke	
BAY372	Joanne Howe	
BAY373	Sharon Lee Groves	
BAY374	Donna Walker	
BAY375	Matthew Farrelly	
BAY376	Ingrid Pinkerton	
BAY377	Louise Neale	
BAY378	Sharon Lee Tapner	
BAY379	Simon O'Farrell	
BAY380	Heather Mackay	
BAY381	Inga Liubinas	Residents Against Rezoning
BAY382	Raynor Peirce	
BAY383	Mary Bray	
BAY384	Wendy & Graham Nicol	
BAY385	Adrian Nunes	
BAY386	Kelly Cross	
BAY387	Judy Porritt	
BAY388	Joan Belcher-McMahon	
BAY389	Glen Davidson	
BAY390	Travis Finlayson	
BAY391	Dr Deborah Merryn Hann	
BAY392	Alison Powell	
BAY393	Michael Norris	Friends of the Hightett Grassy Woodland
BAY394	Frank de la Rambelya	
BAY395	Beth Dawson	
BAY396	Alastair Dykes	
BAY397	Steven Holliongsworth	
BAY398	Melanie Woolhouse	
BAY399	John Wright-Smith	
BAY400	Jane Mawdesley	
BAY401	Rebecca Hewson	
BAY402	Teri Collingwood	
BAY403	Beverley Easton	

Submitter No.	Name	Organisation
BAY404	Elizabeth Robinson	
BAY405	Nina Attree	
BAY406	Local residents	
BAY407	Kenneth Norman Tonkin	
BAY408	Stephanie Wood	
BAY409	Neville and Heather Moore	
BAY410	Nicholas Bodi	
BAY411	Beverly Jane Fry	
BAY412	Elizabeth Kilburn Crawford	
BAY413	Benjamin Woolhouse	
BAY414	Murray Anderson	
BAY415	Alan Gray	
BAY416	Savvas Alexiadis	
BAY417	Jennifer Farrelly	
BAY418	Peter Morgan	
BAY419	Melanie Clarke	
BAY420	Lyndsay O'Neill	
BAY421	John and Lorraine Burns	
BAY422	Malcolm Howe	
BAY423	Paris Hargreaves	
BAY424	Bayside City Council	
BAY425	Anne Jessel	
BAY426	Madeleine Wright-Smith	
BAY427	Kody Fashik	
BAY428	Caren Walliser	
BAY429	Eleanor Philpotts	
BAY430	Land owner	
BAY431	Jenine Klarenaar	
BAY432	Paul William Housden	
BAY433	Kerry Wood	
BAY434	Department of Transport, Planning and Local Infrastructure	
BAY435	Ian Edward and Patricia Anne Worrall	
BAY436	Mary Lucy Newton	

Submitter No.	Name	Organisation
BAY437	Lloyd Hartley Waite	
BAY438	Jocelyn May Dickson	
BAY439	Ian Rose	
BAY440	Keith William and Robyn Patricia Stevenson	
BAY441	Frank and Colleen Lister	
BAY442	Evelyn Romain Donhorst Ohlmu	
BAY443	Alfred and Debra Frommer	
BAY444	George Bennett	
BAY445	Daniel Kane	
BAY446	Keith Nance	
BAY447	Victoria Blackie	
BAY448	Alan and Margaret Salter	
BAY449	Joan Anderson	

Appendix B Parties to the Hearing

Submitter	Represented by
City of Bayside	Mr Terry Montebello and Ms Briana Eastaugh of Maddocks Kylie Birch (Council) Matt Kelleher (Council)
Residents Against Rezoning	Inga Liubinas Audra Liubinas
Department of Transport, Planning and Local Infrastructure	Christine Kilmartin and Simon Micmacher
Travis Finlayson	
Group of 35 professionals	Nicholas Tweedie SC calling expert evidence from Kel Twite of SJB Planning
Mary Bray	
Mehdi Khorasanizadeh	
Rachel Lui	
Aitken Partners Pty Ltd	Robert Bradley calling expert evidence from Robert Kellerman of Contour, Town Planners
Brian Gale	
Julian Desmond Tagell	
Cameron Frazer	
Maree Anne Oliver	
A number of properties at Major Street and Train Street Hightett	Markus Tschech of Hansen Partnership
Geoffrey Pile	
Kody Fashik	
Joan Belcher-McMahon	
Dr Deborah Hann	
Tim Marshall	
Carolyn Robinson	
Rodger Smith	
Glen Davidson	
Friends of the Hightett Grassy Woodland represented by	Michael Norris
Jon Doherty	
3-5 Thistle Grove	Tim Radisich of Associated Town Planning Consultants
Antony Swain	

Submitter	Represented by
Teri Collingwood	
Rosemary Cerdor	
Gary McCulloch	
Kenneth Laycock	
Caroline Dekker	
Jerry Mulcahy	
Ian and Jacqui Bliss	
Claire Sell	David Sell
Irene Johnson	
Ronald Thomson	
Derek Screen	
Nicholas Cross	
Fletcher Building Limited	Frank Perry of Perry Town Planning
George Bennett	
Greg Scott	
Neil Sims	
Caren Walliser	
Steve Davies	
Robert Saunders	
Karen Dunn	
Murray Anderson	
Leo and Johanna Ryan	
Bruce Anderson	
Paris Hargreaves	
Paul Beeston	
Sandra Warnecke	
Andrew Rumbelow	
John Waugh	
Michael Bedlow	
John Wright-Smith and Simone Boileau	
Ms Pennington	

Appendix C List of Documents

No.	Date	Description	Presented by
1	21/10/14	Council submission	Council (Terry Montebello)
2	"	Bayside Housing Growth Model	"
3	"	Petition	Inga Liubinas
4	"	Highett Structure Plan, 2004	Council (Kylie Birch)
5	"	A3 Residential Strategic Framework Plan	"
6	22/10/14	DTPLI Presentation notes	Simon Micmacher
7	"	Presentation	Travis Finlayson
8	"	Submission	Nick Tweedie
9	"	VCAT decision - Whitefeather	"
10	"	Melbourne City Council Urban Design Study	Council (Terry Montebello)
11	"	Melway extract	Rachel Lui
12	"	Heming Street Photos	"
13	"	Gale USB photos	Brian Gale
14	"	Gale Map	"
15	"	Gale submission	"
16	23/10/14	Hansen Partnership Submission overheads	Markus Tschech
17	"	Belcher-McMahon Submission	Joan Belcher-McMahon
18	"	Robinson presentation	Carolyn Robinson
19	"	Friends of Highett Grassy Woodland map & table	Michael Norris
20	"	Planning Application documents	Kody Fashik
21	"	DD05	Tim Radisich
22	"	Letter from Bayside CC dated 4/9/14	"
23	"	VCAT decision Brian Eric Anders	"
24	27/10/14	DD05 & Zoning Map	Council (Kylie Birch)
25	"	Presentation	Robert Saunders
26	"	Presentation	Frank Perry
27	"	Jack Road Development Plan extract	"
28	"	Extract of DTPLI submission	"
29	"	Submission	George Bennett
30	28/10/14	Updated submission	Leo & Johanna Ryan
31	"	Additional notes	Andrew Rumbelow

No.	Date	Description	Presented by
32	"	Presentation and submission addendum	Sandra Warnecke
33	"	Presentation	John Waugh
34	"	Presentation notes	John Wright-Smith & Simone Boileau
35	"	Submission	Marie Kourouis
36	"	Council closing submission (Right of Reply)	Council (Briana Eastaugh)