

**Item 8.5****NEW PLANNING TOOLS FOR RESIDENTIAL AREAS  
AND ACTIVITY CENTRES****Enquiries: Sherry Hopkins  
Title: Strategic Planner****1. Proposal**

This report considers the State Government's recent proposal to introduce three new planning tools -

- the Residential 3 Zone,
- Interim Height Limits for Neighbourhood Centres
- Interim Structure Plans.

With the introduction of Melbourne 2030, there has been increasing pressure for larger scale developments in the established residential areas of Melbourne. Recent examples, including the approval by VCAT of a large multi storey residential tower in the Mitcham neighbourhood center, highlight the level of concern held by residents for the scale of future developments under Melbourne 2030.

In response to these issues the State Government has introduced these three new planning tools which provide Councils with the option of introducing height controls over residential areas and neighbourhood centres, and interim structure plans for activity centres, while final structure plans are being prepared.

**2. Community Plan**

- **ENHANCE OUR NATURAL AND BUILT ENVIRONMENT**
- **ENHANCE THE QUALITY OF LIFE IN GLEN EIRA**

**3. Recommendations**

- A) That Council notes the report.
- B) That Council notes that following the approval of former Amendment C25, it now has policy protection in the Glen Eira Planning Scheme for Minimal Change Areas (80% of the geographical area of the city) and Neighbourhood Centres.
- C) That Council continue to monitor the performance of its local policies particularly at VCAT. Should it become evident that Council policy is not offering adequate protection for our centres and established residential areas, then use of these tools could be considered.

**4. Discussion**

The State Government has introduced three new planning tools. In addition, the recently released Guidelines for Higher Density Residential Development provide guidance in the assessment of residential developments of 4 storeys and higher. (ResCode applies to residential development up to 3 storeys)

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The Department of Sustainability and Environment (DSE) has released advisory notes on each of the new tools which provide guidance on the application of the new controls and the process that needs to be followed to implement them. Copies of the advisory notes are included as Attachment 1. With each of the new tools, Council would need to be able to demonstrate that their introduction would be consistent with its own Local Planning Policy Framework and Melbourne 2030. Each of these tools is discussed separately below.

**4.1 Residential 3 Zone**

The Residential 3 Zone is the same as the Residential 1 Zone but also includes provisions that limit the building height of dwellings and residential buildings to a maximum of 9 metres (or 10 metres on a sloping site).

The Residential 3 Zone may be applied in established residential areas where it can be demonstrated that a building height limit is necessary to protect the neighbourhood's character and amenity. Under the current ResCode requirements, buildings in a Residential 1 Zone should not exceed 9 metres in height, however this can be exceeded under certain circumstances. **The new Residential 3 zone would totally prohibit building heights over 9 metres.**

The process to apply the new zone would require Council to demonstrate that –

- an area requires the height limit to be imposed
- appropriate public consultation has been undertaken.

The public would have to be given the opportunity to comment on the proposed change prior to applying for the introduction of the new zone. In effect this would be similar to the public exhibition stage of a planning scheme amendment, without the need for a panel hearing.

***Options / considerations -***

- There are no known areas under particular or immediate threat from buildings higher than 9 metres ( approx 3 storey)
- Local policy (Minimal Change Areas Policy) already gives protection in established areas with regard to building height and massing. (See Attachment 2)
- **At this stage there does not seem to be the need to embark upon what would be an extensive public consultation and amendment process when a level of protection through local planning policy already exists (introduced by Amendment C25).**

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This tool only applies to neighbourhood centres, not Major Activity Centres such as Bentleigh, Carnegie and Elsternwick. It would be introduced through a Design and Development Overlay (DDO) and would specify the maximum building height for each nominated centre and different heights could also be nominated for areas within each centre.

The DDO would only relate to the maximum height of the buildings and would not include any other additional permit requirements.

Council would be required to demonstrate that it is committed to reviewing the interim height limits within 3 years as the DDO will expire on 31 December 2007. This would be achieved through the preparation of structure plans for a centre.

***Options / considerations –***

- There do not appear to be any neighbourhood centres under particular or immediate threat from inappropriate development which would warrant immediate application of a maximum height control.
- Local Planning Policy introduced via Amendment C25 provides guidance to building heights in neighbourhood centres. However it does not provide absolute limits to building heights as this tool would if introduced.
- There is an expectation that Structure Plans should be completed by 2007 for any neighbourhood centre which has these interim height controls.
- Glen Huntly is the only neighbourhood centre proposed for Structure Planning and other issues to do with the designation of this centre are still to be resolved with DSE.
- Until such time as structure planning has commenced for Glen Eira's remaining neighbourhood centres, it is not considered appropriate to apply for interim controls.
- Interim height controls could however be a useful tool should this process commence.
- A certain amount of strategic work would be required to justify any proposed height limit in a neighbourhood centre, balancing the need to protect the amenity and character of a centre whilst not discouraging appropriately scaled development from occurring.

**4.3 Interim Structure Plans**

The third tool available for Councils is to introduce interim structure plans for activity centres. This has been introduced to allow Councils to introduce interim planning scheme controls to protect centres while structure planning is finalized and planning scheme amendments undertaken.

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The interim controls could take the form of a DDO or local policy statements. The Minister will agree to a Ministerial amendment if a formal request is received in writing. The request must be based on having made substantial progress towards a structure plan for the centre. The more progressed the structure planning process is, the greater the level of control capable of being introduced as part of the interim structure plan. The planning authority will have to demonstrate the strategic basis for the amendment.

***Options / considerations –***

- The structure planning process needs to have commenced for this tool to be considered.
- Interim Structure Plans could be a useful tool for the Bentleigh, Carnegie and Elsternwick Urban Villages. It is considered the optimum time to use this tool is once Council has adopted the Urban Design Frameworks and agreed to commence the amendment scheme process. In this way the adopted Structure Plan in the form of an amendment, would be given statutory teeth up until final approval by the Minister. (This is the same mechanism that is always used associated with heritage controls)
- It is anticipated that the Urban Design Frameworks will be reported to Council mid-year.

**5. Local Policy Protection**

Glen Eira is in the fortunate position of having local policies in place which limit development in our established or minimal change areas as well as guide development in our activity centres. With the approval of Amendment C25, a number of objectives and policy statements in our local policies now deal with the height of buildings. A table outlining these is included as Attachment 2.

In minimal change areas, the clear intent of Council's policies is to ensure that residential building heights are compatible with and respect the established neighbourhood character and scale. In most instances this would mean a maximum of 2 storeys. In housing diversity areas including our neighbourhood centres, the policies emphasise the need for new development to be appropriate to the scale of the centres and to achieve a graduated transition where changes in building height are proposed. We thus have protection in both our minimal change areas and neighbourhood centres through policy wording. At this stage this degree of protection is considered appropriate.

There is however, no absolute limit expressed numerically on building height through the application of current Council policies.

**Item 8.5 (cont'd)****6. Conclusion**

The additional tools introduced by the State Government are a welcome addition to the suite of tools available for Councils to use where appropriate to improve their planning schemes. At this stage, however, there is no need or urgency for Glen Eira to apply any of these options.

Our established residential areas have policy protection through former Amendment C25, and there does not seem to be any such areas under threat from buildings higher than 9 metres.

Similarly, in neighbourhood centres, building heights do not seem to be a major issue and Glen Eira's neighbourhood centres currently enjoy a level of protection introduced by Amendment C25 through the performance based requirements of Council's Housing Diversity Areas Policy.

The introduction of the interim controls requires the commitment to complete structure planning for the centre by December 2007. Interim height controls could be an option to use in the future once the structure planning project for the Glen Huntly Neighbourhood Centre has commenced.

With regard to Interim Structure Plans, this tool may be useful when the Urban Design Frameworks for Bentleigh, Carnegie and Elsternwick have been adopted by Council and a planning scheme amendment is commenced.

It is important however that Council continue to monitor the performance of its local policies particularly at VCAT. Should it become evident that Council policy is not offering adequate protection for our centres and established residential areas, then use of these tools could be considered.

**Crs Bury/Marwick:**

**That the recommendation in the report be adopted.**

**The MOTION was put and CARRIED unanimously.**