

[REDACTED]

NEW RESIDENTIAL ZONES REVIEW – A DISCUSSION PAPER

In general, Council is supportive of the direction to the changes proposed by the new residential zones and the work undertaken by the Department of Planning and Community Development. The broad principles of the changes are supported, particularly as it has the potential to reduce the complexity of controls. Since the introduction of the Victorian Planning Provisions, the increasing complexity of overlays has been a significant issue for Council and the Community. The new residential zones represent a one-off opportunity to reduce complexity and to provide for effective implementation of local policy.

Council, in its submission, has identified a number of issues that should be further considered. The key issues that need to be addressed include:

1. SHOULD HAVE THE ABILITY TO MODIFY TOWNSHIP ZONE SCHEDULES IN THE SAME MANNER.

The [REDACTED] currently only has 2 settlements that utilise the Residential 1 Zone (R1Z), [REDACTED] and [REDACTED]. The remaining small townships and settlements throughout the Shire utilise the Township Zone (TZ) and the flexibility of providing schedules to the zone is advocated strongly by Council. Thus, whereas the new residential zones would provide capacity for positive change, their capacity is limited somewhat within a rural shire that also employs the TZ as a pseudo residential zone for townships; and this where the greatest potential for simplification of controls within the Shire exists.

The limited change zone could be considered for these towns but would need to be drafted in such a way that gives maximum flexibility to allow control over those features important to coastal township character. Particularly so issues such as building design, materials and colours, fencing types, vegetation removal, site coverage and setback can be effectively addressed.

Please also note that the following comments have been made in regards to not only the R1Z, but also the TZ and Low Density Residential Zone (LDRZ), in anticipation of similar revisions to these 'other' residential zonings.

2. NEED ABILITY TO ASK FOR PERMIT FOR ALL BUILDINGS AND WORKS.

It is acknowledged that the new zones have the potential to reduce the complexity of controls and in doing so, the same levels of controls that can be found in identified overlays (ie DDO, NCO, SLO) should be transferrable to the new zone schedules.

In particular, within sensitive coastal areas in the Shire the zone schedules must have the ability for Council to require a permit for all buildings and works. To demonstrate the complexity of planning provisions in some of these townships, notwithstanding the zone provisions there are a total of 5 additional overlays (DDO, NCO, WMO, SLO and EMO). These areas are not proposed to grow beyond their current boundaries as there are environmental and strategic constraints and Council requests due consideration be given that the ability to require a permit for all buildings and works be provided for in the Limited Change Zone.

3. ZONE CHANGES SHOULD BE IMPLEMENTED BY MINISTERIAL AMENDMENT WITH CONSIDERABLE INPUT BY COUNCIL INTO SCHEDULES.

Once the form and content of the new residential zones has been finalised, Council submits that implementation should be undertaken via a Ministerial amendment under Section 20(4) of the *Planning and Environment Act 1987*. It would be of essential benefit that Council has input into the drafting of the schedules during this process, in order to ensure appropriate consideration of local planning issues.

In addition to this point, the discussion paper has not clearly outlined whether Council would be required to undertake further strategic work in association with implementing the new zones or how any such work is to be resourced. Having recently adopted Structure Plans for [REDACTED] and [REDACTED] in 2007 (the only settlements in the Shire with residential zones), Council is of the view that any implementation of the new zones in the identified settlements would rely on the strategic framework currently in the scheme.

4. FAST TRACKING OF DEVELOPMENT APPLICATIONS NEEDS TO BE FURTHER EXPLAINED – WHAT DOES IT MEAN?

The discussion is unclear as to what "fast tracking" would entail and Council would like further commentary and guidance when the proposed final form of the zones are released for comment.

5. SUPPORT CONCEPT THAT NO PUBLIC NOTICE REQUIRED FOR APPLICATIONS WHICH MEET SPECIFIC CRITERIA.

In principle this is supported by Council across all three zones, however greater detail is required as to the criteria to be applied to exempt notice and whether Council would have the flexibility to amend the criteria.

6. HEIGHT LIMIT TOO HIGH FOR THE SUBSTANTIAL CHANGE ZONE.

The prescribed height limit of not less than 12 m is too high for non-metropolitan areas and is not something that Council would consider implementing in its current form as it would prove to allow change in contradiction with strategic objectives. Change is relative; what is substantial change in [REDACTED] could conceivably be incremental or limited change in an inner city Melbourne area. On this point, Council would like to submit that there should be flexibility to set the height limits for the zones to ensure it is appropriate to tailor to each broad area and its housing objective. The [REDACTED] Structure Plan has advocated a housing diversity strategy for the township, with identified precincts providing for a graduation of development density from the town centre, and greater flexibility within the zone schedules would obviate the need for overlays to prescribe height limits.

7. SCHEDULES SHOULD BE FLEXIBLE ENOUGH TO ENABLE COUNCIL TO USE THE ZONES IN PREFERENCE TO NEIGHBOURHOOD CHARACTER OVERLAY (NCO), DESIGN & DEVELOPMENT OVERLAY (DDO) & SIGNIFICANT LANDSCAPE OVERLAY (SLO).

As mentioned previously, the new residential zones and their capacity to provide for multiple schedules, has the potential to reduce the complexity of controls. Particularly where the NCO, DDO & SLO provisions are used to prescribe site coverage, setbacks,

building materials and landscape protection, it would be of benefit if overlays could be rationalised into the schedule of the zones, with appropriate statements of purpose to ensure that the intent of the provisions is not lost. The Department has appropriately recognised that previous efforts of providing tools to this end have not been effective.

8. HOW DOES PROPOSED ZONING RELATE TO HERITAGE AREAS?

It would be of assistance in the finalisation of the zones if guidance was provided regarding the interaction between the new zones and the Heritage Overlay. Whilst it is evident that a Limited Change Zone with a Heritage Overlay has a complimentary relationship, the circumstances where a Substantial Change Zone would be used in conjunction with a Heritage Overlay are not so clear. Does the Department envisage a Limited Change Zone or Incremental Change Zone as the most appropriate zone control in heritage areas? Council would like to seek comment and guidance on this issue as it will be a matter for concern at the implementation stage.