

Reforms to the Residential Zones in Melbourne 2017.

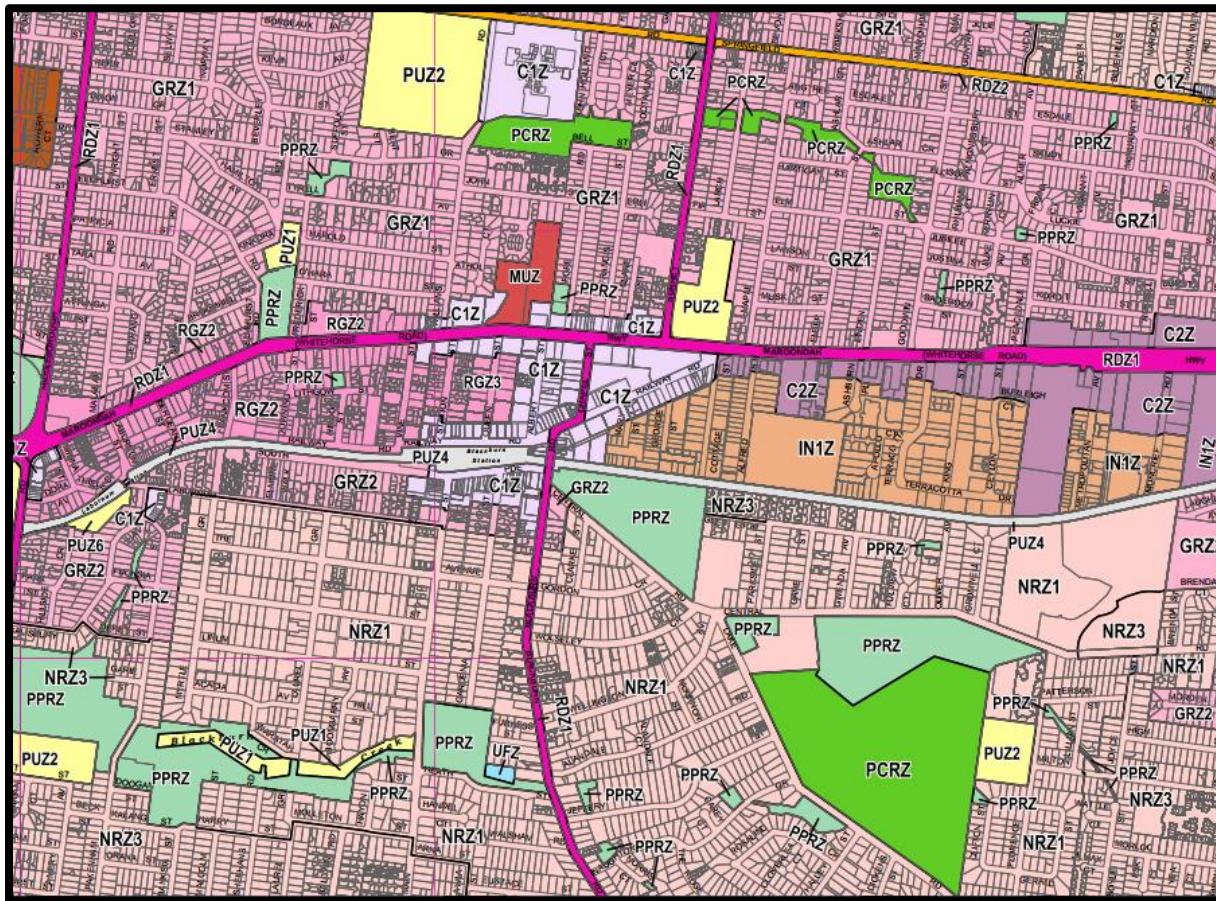
1. Summary of Reforms

In this document abbreviations will be used for residential zones. The map below shows zones for Blackburn.

Neighbourhood Residential Zone (**NRZ**) - least development impact

General Residential Zone (**GRZ**) – moderate development impact

Residential Growth Zone (**RGZ**) – High development impact



NRZ	GRZ	RGZ
Mandatory Height 9 m – 2 storeys	Mandatory Height 11 m – 3 storeys	Discretionary Height 13.5 m
Cap of 2 dwellings removed	No cap on no of dwellings	No cap on no of dwellings
Mandatory Minimum garden area	Mandatory Minimum garden area	No Mandatory Minimum garden area
Neighbourhood, heritage, environment or landscape character objectives must be specified in the schedule to the zone	Neighbourhood, heritage, environment or landscape character objectives can be specified in the schedule to the zone	Relevant design objectives must be specified in the schedule to the zone

Lot Size (NRZ and GRZ)	Minimum% of a lot size set as garden area
400-500m ²	25
501-650 m ²	30
>650m ²	35

2. New Mandatory Heights

The new mandatory heights involve an increase from 8 metres to 9 metres in the NRZ (previously 9 metres was permitted where the slope of the natural ground level at any cross section wider than 8 metres of the site of the building was 2.5 degrees or more) and from 9 metres to 11 metres in the GRZ. Buildings notwithstanding, cannot exceed 2 storeys in the NRZ and 3 storeys in the GRZ. It would seem likely that apartment buildings could not be constructed in a NRZ but could certainly be constructed in a GRZ subject to a 3 storey limitation.

The other important point to note is that councils are able to increase the mandatory heights above the 9 and 11 metre mandatory heights in the Neighbourhood Residential and General Residential zones and will be able to have their permanent inclusion approved.

3. Cap on Number of Dwellings

While there is no cap specified for the number of dwellings on a block in the NRZ other constraints such as site coverage and permeability will determine the number possible in each instance.

4. The Garden Area

This “reform” is incredibly imprecise in its wording with no attempt to define what actually constitutes a “garden area” apart from indicating that a tennis court, swimming pool or “entertainment area” will meet this requirement. There is no reference to trees, particularly canopy trees. Will shrubs and flowers suffice? Will the form of the “garden area” vary depending on the zoning and for all schedules within zones? Moreover what is required for an area to be considered as an “entertainment area”? However a driveway, areas set aside for car parking or any buildings or roofed areas will not be considering as meeting the “garden area” requirement.

How this new requirement will impact on the green character of our neighbourhoods is not clear but if large numbers of sites are subject to subdivisions involving multiple lot sizes less than 400m² then the impact could be very detrimental.

The stated intention of the state government in including a garden area is to “ensure that the green open character of Melbourne’s suburbs, towns and cities is protected by requiring a mandatory amount of garden area to be provided”. However the ability to satisfy this requirement via a tennis court (with an area of 195 m² for a singles court and 260m² for a doubles court), swimming pool or “entertainment area” does not guarantee protection of green open space.

The state government also advises that the inclusion of this mandatory minimum garden area in the GRZ is to “ensure that land in the GRZ receives the same level of protection as land in the NRZ”.

This however is not the case given the differing requirements for site coverage and permeability applying in these zones. Details are provided below:

NRZ1		
Site coverage:	Maximum:	40%
Permeability:	Minimum:	40%
GRZ1		
Site coverage:	Maximum:	50%
Permeability:	Minimum:	30%

Fortunately in the SLOs in Blackburn further protection is provided through the application of more stringent requirements for site coverage (< 25% of site area ground floor & < 15% at first floor level in SLO1) and building and hard surface area (< 42% of site in SLO1). In SLO1 tennis courts and swimming pools are included as part of the hard surfaced and impervious areas.

The state government has indicated that the minimum garden area was introduced to replace the number of dwellings on a lot; however its purpose is more to create open areas around buildings as a determinant of character and built form outcomes.

It should also be noted that the garden area requirement must be met in addition to the site coverage and permeability standards set out in each planning scheme. This situation involves overlapping terminology in the planning scheme as “Private Open Space”, Site Permeability and now “Garden Area” requirements have different definitions. In addition, the inclusion of the “garden area” requirement does not change the purposes of either the NRZ or GRZ; its ability to maintain sufficient permeability for canopy trees will however be tested over time and expert arborists will make a contribution to this discussion. Finally, what may be included in a “garden area” will be tested in VCAT hearings.

5. Purposes of Residential Zones

The purposes of the Residential zones are also to be amended. For example the current purpose in the NRZ which seeks to limit development will be deleted. The recently updated Whitehorse Planning Scheme has had “To limit opportunities for increased residential development” omitted from Clause 32.09 Purpose. This means that VCAT will no longer have to view many permit applications as involving an overdevelopment of a site in NRZs.

According to Ratio Consultants “The new NRZ purpose is likely to focus the restriction of the development of land in areas where there are identified sensitivities such as heritage, neighbourhood character or environmental constraints. This will likely mean that in suburban areas where there are no planning policies or overlays which identify development restrictions or limitations, the density will be predominantly assessed on the “Garden Area”, neighbourhood character and other traditional planning restrictions. This should mean that in areas of Blackburn covered by SLOs we should be protected to a greater extent from inappropriate developments although as we all know this has not been borne out in practice.

6. Neighbourhood, Heritage, Environment and Landscape Character Objectives

The mandatory inclusion of neighbourhood, heritage, environment or landscape character objectives in the NRZ and their optional inclusion in the GRZ are meant to strengthen the protection for neighbourhoods presumably because greater weight must be accorded to these objectives in decisions made by VCAT. It is anticipated that this will take the WCC approximately 12 months to implement and this will be tested by VCAT in the interim.

7. Associated Issues – Apartments

- Apartments less than 5 storeys in height need to comply with all of Clause 55 (including the new Clause 55.07) except for Cl 55.03-5, 55.03-6, 55.04-8, 55.05-1, 55.05-2 and 55.05-2. This is specified in the table on page 1 of Clause 55.
- Apartments of 5 or more storeys in the GRZ, RGZ, MUZ and TZ need to comply with new Clause 58 – Apartment Developments. Further, all apartments in the C1Z, SUZ, CDZ, CCZ, DZ, PDZ or ACZ need to comply with Clause 58. This is set out on page 1 of Clause 58.
- The Guidelines for Higher Density Residential Development have been replaced by the Better Apartment Design Standards implemented primarily through new Clause 58 and Clause 55.07, and consequential changes in Victorian planning schemes.