

*Community Alliance Port Phillip and unChain Inc*

Mayor and Councillors  
Tracey Slatter, CEO  
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**Introduction**

On behalf of CAPP and unChain we ask that the elected Councillors request an independent expert report on how the new neighbourhood zones could be applied in Port Phillip.

There are two questions:

1. How should the three new residential zones best be applied in a 'policy neutral' translation of the existing COPP Housing policy?
2. What are the advantages and disadvantages of Option 2 and Option 3 presented by officers to Council?

**1. How can the three new residential zones best be applied in a 'policy neutral' translation of the existing COPP Housing policy?**

CAPP and unChain have previously made a submission on the new residential zoning proposed by the planners at the City of Port Phillip. It argued:

- The proposed extensive use of the Neighbourhood Residential Zone is in conflict with important aspects of the COPP Housing Policy.
- There is an adverse impact on housing affordability
- There is an adverse impact on housing choice
- There is an adverse impact on sustainability in locking away significant

portions of Port Phillip with good access to public transport and social infrastructure

- There is an adverse impact on best-practice future-oriented approaches to urban planning and design

There is an alternative model – that proposed by the planners at the City of Melbourne.

The planners at the City of Melbourne and the planners at the City of Port Phillip claim to be doing the same thing in translating the three new residential zones. Both say they are recommending a ‘policy neutral’ translation. But the recommendations are dramatically different. Why???

The question for our elected Councillors is which approach is better?

The report by the City of Port Phillip planners (22 April 2014) says that ‘*The following approach was supported: A ‘policy neutral’ translation of the residential zones to align with existing planning scheme (housing) policy and relevant approved scheme provisions*’. This report recommended extensive use of the restrictive Neighbourhood Residential Zone (NRZ). This is similar to the approach of Councils such as Glen Eira.

The report by Melbourne Council planners (11 March 2014) says the General Residential Zone (GRZ), along with existing heritage protections and policies, would sufficiently guard against inappropriate development. It recommended no use of the NRZ in their inner city suburbs, but Councillors decided to investigate applying the NRZ to stable heritage streetscapes. Should the COPP adopt a similar approach?

The Melbourne Council report said:

*The Report is proposing to adopt new zones that are very similar to the existing ... In summary the Report recommends that:*

*4.1. The Residential Growth Zone (RGZ) replace the Residential 2 Zone (R2Z)*

*4.2. The General Residential Zone (GRZ) replace Residential 1 Zone (R1Z), except in two anomalous locations ....*

*... None of the new residential zones are identical to the Residential 1 Zone. The purpose, land use permit triggers and other requirements within the General Residential Zone are however very similar to those of the Residential 1 Zone. Also, the discretionary maximum 9m building height included within the General Residential Zone is in line with current Clause 54 and 55 ResCode requirements referred to in the Residential 1 Zone.*

*The Neighbourhood Residential Zone, includes either a default 8 metre mandatory building height control and maximum number of two dwellings on a lot (or another mandatory building height control and maximum number of dwellings on a lot specified in a schedule to the zone), This formulaic approach is not suited in the inner city where dwelling typologies and built forms are varied.*

*For Residentially 1 Zoned land, it is considered that the General Residential Zone, the role of which is to respect and preserve urban character while enabling moderate housing growth and housing diversity in locations offering good access to services, best aligns with the existing character of residential development in the City and the policy position in the MSS.*

*Applying the General Residential Zone along with the existing Heritage Overlays, and accompanying local policy, will continue to ensure the most valued residential areas are enhanced and protected from inappropriate development.*

What is to be done? Which approach best represents a ‘policy neutral’ translation of the existing residential provisions – the extensive use of the NRZ as proposed by the planners at the City of Port Phillip or the extensive use of the GRZ as proposed by the planners at the City of Melbourne?

This is a fundamental policy question. It is submitted that the elected Councillors can best make a decision by requesting an immediate independent expert report on this question. This should include consultation with planners at the City of Melbourne and the Department of Transport Planning and Local Infrastructure.

## **2. What are the advantages and disadvantages of Option 2 and Option 3 presented by officers to Council?**

It is submitted that the elected Councillors request the independent expert advice to consider this question.

Option 1 is the ‘consultation proposal’ zoning prepared by the Council officers. Currently 64% of the residential land in Port Phillip is covered by heritage overlays. However the proposed NRZ covers over 80% of our residential land. CAPP and unChain have submitted that there is no policy justification for this restriction.

Option 2 involves implementation of the New Residential Zones through a two part process:

- Stage1– to make some changes (eg site specific changes) to the ‘consultation proposal’ and proceed to request a Ministerial amendment to implement the new residential zones before the 1 July deadline.
- Stage2 – to consider undertaking more substantive changes (including potential changes to zoning for specific precincts) following further investigation and consultation with affected property owners. This would be implemented through a separate process commencing in May through to July/August 2014.

We submit that this Option is not good planning policy. This option assumes that the correct way to translate the new zones in inner city suburbs is the extensive use of the restrictive Neighbourhood Residential Zone (NRZ). This is similar to the approach of Councils such as Glen Eira. It does not include the fundamental consideration of the City of Melbourne model. This model holds that the correct translation would use the General Residential Zones as the default zoning and use the NRZ in special circumstances to protect heritage and neighbourhood character. Furthermore it would create legitimate expectations that would be politically difficult for Council to change. Once an area is zoned NRZ it would be difficult to rezone it to GRZ.

Option 3 involves not translating the New Residential Zones at this point. Councils have until 30 June 2014 to introduce the new zones via a planning scheme amendment. If not, the Minister for Planning will apply the General Residential Zone until a local amendment is finalised. This means that the Council does have the opportunity to request its officers to prepare an alternative zoning proposal.

The officers say that Option 3 ‘could be appropriate if Council wishes to undertake a comprehensive review of its Housing Strategy’. This is misleading as it is also appropriate if the Council wants to investigate the application of the ‘Melbourne model’ to our municipality.

Option 3 does not involve an ‘open invitation’ to developers. The General Residential zone is similar to the existing Residential 1 zone. Existing controls such as heritage overlays would still apply. Furthermore the application of the GRZ would explicitly be on an interim basis. It would therefore would not create legitimate expectations that areas would not be re-zoned from GRZ to NRZ.

We believe that Council should adopt Option 3. However we realise that Councillors may want independent expert advice on whether there are any significant disadvantages in this approach.

## Conclusion

We therefore ask our elected Councillors to request an independent expert report on how the new neighbourhood zones could be applied in Port Phillip. There are two questions to be asked:

1. How should the three new residential zones best be applied in a 'policy neutral' translation of the existing COPP Housing policy?
2. What are the advantages and disadvantages of Option 2 and Option 3 presented by officers to Council?

Yours Sincerely

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