



The Carlton Residents Association Inc

A0034345G ABN 87 716 923 898
PO Box 1140 Carlton Vic 3053
planningcra@gmail.com
www.carltonresidents.org.au
[CRA on Facebook](#)

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Ms Andrea Harwood
Senior Project Manager, Planning Panels Victoria,
PO Box 2392 Melbourne,
Victoria 3001

Dear Ms Harwood

Subject: Association Support for Submission from Mr Ewan Ogilvy

The Carlton Residents Association is aware of the submission made by one of its members, Mr Ewan Ogilvy, during the consultation stage for the Department of Environment, Land, Water & Planning's review on Managing Residential Development.

The Carlton Residents Association supports the submission, since it is very well acquainted with the planning zone ambiguities in the Carlton area. In its regular dialogue with the City of Melbourne on planning consultation matters and VCAT hearings, issues often revolve around balancing the extent of residential development growth with maintaining heritage and amenity for residents and businesses.

The benefits of removing ambiguity in the statement of building height preferences, having consistent application of controls for height, greater clarity on which planning tools are to be used to govern (eg. a Design Development Overlay versus a Residential Zone) and rationalising the number of policy prescriptions for planning in Carlton would greatly assist in streamlining discussion on planning applications and help to reduce the amount of costly discussion at VCAT tribunal hearings.

The Carlton Residents Association strongly supports the efforts of Department of Environment, Land, Water & Planning's Advisory Committee towards better outcomes in residential development for the Melbourne metropolitan area, and endorses Mr Ogilvy's submission in their consultation and public hearing process.

Yours sincerely,

Mr Warren Green
[Convenor of Planning Committee]

Managing Residential Development

The New Residential Zones and Associated Planning Tools

29 January 2016

In this submission, attention is directed to one major issue s.26(d) of the Terms of Reference: “Whether there are any further opportunities to improve the residential zones and/or associated planning tools.” More particularly, the content of this submission relates to the introduction of the New Zones to the Carlton area of the City of Melbourne.

Background

In developing the New Residential Zones, the City of Melbourne [CoM] could choose from three options which, among other things, provided for different levels of residential intensity ... from little to a lot ...

- Neighbourhood Residential Zone [NRZ]
- General Residential Zone [GRZ], and the
- Residential Growth Zone [RGZ]

At the Future Melbourne Committee Meeting on the 3 June 2014, the CoM agreed upon the following guideline: “NRZ has only been proposed to be applied to larger areas with streetscapes (street corner to street corner) comprising almost entirely (at least 80%) of lots with one or two dwellings of one or two storeys.” In the months following this decision, there was considerable debate in the community as to the relevance and applicability of this “80% threshold” to the inner areas of Melbourne. Since the inner city has many attached dwellings [terraces] on small allotments, whether these dwellings are on separate lots [or share a lot] becomes an unhelpful distinction. [See image below.] At dwelling densities of 100 dwellings per hectare, many of the Carlton precincts could not be categorised as low density areas. Densities between 150 and 500 dwellings per hectare have been referred to as ‘superdensity’ in London.



At the corner of Cardigan St and Palmerston Place, three dwellings share the one lot.
This fact should not be a determinant of the choice of a zoning option.

In the event, the Minister did not accept any NRZ zones for the Carlton area, but, did agree that those areas originally proposed for the NRZ option should have a mandatory height limit of 8 m ... imposed through a Schedule to the GRZ.

The Development Control Minefield

The Melbourne Planning Scheme includes at least three mechanisms to address the important height question

- The zone provisions sometimes establish default height “limits” [either mandatory or preferred]. These Zone Provisions only apply to dwellings and residential buildings. In addition, Zone Schedules can also establish different height limits [as is the case for the GRZ]
- Clauses 54 and 55 of the Scheme include recommended building heights
- Design and Development Overlays [DDO's] also include height provisions [either mandatory or preferred]; these heights are not restricted to residential uses.

For the new General Residential Zone,

- There is a discretionary “maximum” building height of 9 m [established through clauses 54 and 55] and different mandatory heights of 8, 9, 10 and 12 m established through the Schedules.
- For the Central Carlton North Area [around Lygon Street] DDO 48 includes a mandatory height of 10.5 m [about three storeys].
- To complicate matters further, the decision guidelines that apply to the GRZ Zone [32.08-10] include the following provision “For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004)” apply.

That is, for the GRZ zone, that applies to most of Carlton [North of Grattan Street], we have at one extreme a mandatory height limit of 8 m [about two storeys] and at the other extreme, discretionary heights of from 9 m to 17.5 m and higher [ie 2 to 5 storeys plus], unless the site falls within the Central Carlton North Area, where the 10.5 mandatory height limit applies.

But, the preferred maximum height for the Residential Growth Zone is 13.5 m [unless a different height is specified in a schedule to the zone]. In my view, this sends a very confused message to the development industry and other property stakeholders, when the GRZ may permit a greater scale of development than the preferred maximum height established for the Residential Growth Zone.

The other major difficulty concerns the applicability of the Residential Growth Zone for those areas of Carlton that have approved Development Plan Overlays. These Overlays include detailed building envelope plans to facilitate the Carlton Housing Precincts Redevelopment Project. As at September 2014, the approved building heights across the different precincts varied from 4 to 9 storeys. In my view, a zoning option other than the RGZ should have been chosen for the Carlton Redevelopment Project areas.



The Carlton Redevelopment Project at Canning Street. The application of the RGZ to sites that have Development Plan Overlays which facilitate much more intense developments is not helpful.

Other Observations

The expression of height preferences

The current Melbourne Planning Scheme makes reference to the preferred scale of development in different ways. Sometimes, the preferred benchmark is expressed in terms of the number of storeys; at other times the benchmark is expressed in terms of metres. A further complication arises where the preferred floor to floor heights are inconsistent. In many DDO's this preferred floor to floor height for residential uses is 3.5 m, but, in one recently approved DDO it is 3.2 m. In my view, these inconsistencies are quite unhelpful.

Inconsistent application of controls

It has already been noted that the different mechanisms used to control the height of buildings are inconsistently applied. The DDO height controls apply to ALL land uses; whereas the zone based height controls only apply to dwellings and residential buildings. Given that non-residential uses may be permitted in the residential zones, one must query why these uses should not be subject to the same height controls.

The choice of development control mechanism

More fundamentally, I submit that the Design and Development Overlay tool is a vastly superior instrument for controlling built form outcomes, including the important question of the scale of development. There is no logical reason why DDO's cannot be applied more extensively over areas zoned for residential use. If DDO's became the default mechanism for controlling built form outcomes in all zones, the Residential Zones could focus upon their original purpose, to provide guidance over questions of land use. It may also be possible to reduce the number of residential zones too; this would be a welcome outcome.

The need for policy rationalisation

There is also a need to rationalise the policy prescriptions that have "mushroomed" over the decades. For example:

- Do we really need Urban Design Guidance at the State, Municipal and Local levels?
- And again, with the Better Apartments initiative, it would be highly desirable to rationalise the Policy Guidance in relation to Multi-unit developments. Currently Cl 55 of the Planning Scheme provides the key policy guidance for developments below 5 storeys; whereas the Design Guidelines for Higher Density Residential Development [2004] apply to developments of 5 or more storeys.

In my view, many of the important policy positions should apply at all scales of development. For example, the application of universal design principles, the provision of adequate daylight and ventilation, and the adoption of environmentally sustainable design principles should be observed at all scales of development.

The need to review those planning matters the subject of permit triggers

There is also a need to review those planning matters the subject of permit triggers. Currently, it is possible to refuse planning permission because of an inadequate or oversupply of onsite car parking, yet a development that makes no [or minimal] contribution to renewable energy generation and/or water harvesting may be approved. In my view, this is a most undesirable situation.

Ewan Ogilvy
Carlton, Victoria