

# Latrobe City Council

## Submission to the Managing Residential Development Advisory Committee (MRDAC)



March 2016

## **Submission to the Managing Residential Development Advisory Committee (MRDAC) regarding the application of zones that provide for residential development**

### **Introduction**

Latrobe City is the principal service centre for Gippsland, and is recognised as one of Victoria's four major regional cities. Land use planning considerations within Latrobe City are often unique, due to the urban and industrialised nature of the City, situated within a rural setting.

On behalf of Latrobe City Council, we welcome the opportunity to make this submission to the Residential State of Play Reports and the Managing Residential Development Advisory Committee (MRDAC).

This submission is set out in the following five sections:

- Introduction
- Background
- General Discussion
- Key Issues Summary
- List of Suggested Improvements to the Residential Zones

Latrobe City respectfully requests that it be involved in any relevant ongoing discussions and requests a copy of the Advisory Committee report to the Minister for Planning when it becomes available.

It is noted that due to the tight timeframes in which submissions were required, this submission has been prepared by Council Officers and has not been formally endorsed by Council resolution.

Council may therefore require the opportunity to provide an addendum to this submission, following the Ordinary Council meeting to be held 21 March 2016.

Should the Committee have any questions regarding this submission, please contact myself Jason Pullman, Coordinator Strategic Planning via phone 5128 6151 or email [Jason.Pullman@latrobe.vic.gov.au](mailto:Jason.Pullman@latrobe.vic.gov.au). Alternatively, you may contact Gail Gatt, Manager Future Planning via phone 5128 5446 or email: [Gail.Gatt@latrobe.vic.gov.au](mailto:Gail.Gatt@latrobe.vic.gov.au).

## Background

The new residential zones were introduced into the Victorian Planning Provisions in July 2013 and came into effect in most municipalities in July 2014.

An independent review of the new residential zones by the State Government began in late 2015, where the Minister for Planning sought comments from council's on the new residential zones. The Minister was particularly interested in what elements of the zones were working well and what improvements could be made. A request from the State Government for council's views on the new residential zones was received 17 September 2015, Latrobe City responded to this request on the 4 November 2015 (see attachment 1).

The Minister for Planning then appointed the Advisory Committee, known as the Managing Residential Development Advisory Committee (MRDAC) on 29 November 2015.

It is the understanding of Latrobe City Council that the purpose of the MRDAC is to:

- Consider the process by which the new residential zones were implemented
- Review the current application of zones that allow for residential development in the context of managing Melbourne and Victoria's residential growth in a sustainable manner and improving housing affordability.
- Advise on the level of evidence and justification needed when preparing relevant planning scheme amendments.
- Recommend improvements to the residential zones.
- Provide councils, the community and the industry with an opportunity to be heard.

The MRDAC has prepared an Overarching Report, Residential Zones State of Play reports for each Plan Melbourne sub region and a combined report for the Regional Cities of Ballarat, Bendigo, Geelong and Latrobe, which are intended to assist the community, development industry to provide submissions.

Following the appointment of the MRDAC a further request from the State Government for council's views regarding the process and subsequent impacts of the application of the new residential zones was received on 17 February 2016, to which this submission responds to.

Council's submission responds in particular to the Overarching Report and the Regional Cities Report.

## General Discussion

- The definitions provided within the reports referring to density definitions are considered not applicable or responsive to regional community expectations (i.e. low density housing is described as providing a density of less than 25 dwellings per hectare). Latrobe City Council's low or standard density housing expectation is for 11 dwellings per hectare; whilst the State Planning Policy refers to 15 dwellings per hectare.
- Prior to and following the application of the new zones, Latrobe City Council has continued to have a number of planning determinations challenged and subsequently overturned by the Victorian Civil and Administrative Tribunal (VCAT), in particular where Council has determined to not provide planning approval for the intensification of residential development within established neighbourhoods.

The MRDAC identified that those councils which had an existing residential framework/housing strategy to denote the scale of residential change supported in different parts of their municipality were considered best placed to implement the new zones.

The preparation of the Latrobe City Council Housing Strategy and Urban Design Guidelines are expected to respond to this need and result in future revisions to the application of the new residential zones.

- Latrobe City welcomes the provision of additional guidelines regarding the policy support required to support the application of the new residential zones.
- There is a need to consider increased community services and public infrastructure which may be required where existing residential development patterns are intensified through infill or other redevelopment opportunities. This may result in additional investments being required by Council and or contributions being provided by developers toward community assets prior to approving permits for such intensification.
- Rural living choice has provided a valued layer of housing opportunity, consistently encouraged by government policy and increasingly sought after by new arrivals to Latrobe City. The embracing of a rural lifestyle has often meant a revitalisation for small rural towns, their schools, associated clubs, hotels and local agricultural retailers and service providers. This is evidenced in many of the small townships in Latrobe City, where after years of decline, these towns have been sustained by rural living opportunities and the employment opportunities within the main townships.

Council request that the MRDAC consider the above when proposing changes or developing and new policy to support the application of the Rural Living Zone (RLZ).

## Key Issues Summary

In response to the MRDAC reports, a summary of key issues raised by the Latrobe City Council draft submission is provided below:

### Residential Growth Zone (RGZ)

- Changes to Section 1 Uses (i.e. permit not required). Areas of concern include the ability of food and drink premises, places of worship, medical centres, shops and medical centres to be established in the absence of any planning permit or notice requirements. The potential negative impact of such uses within new or established residential neighbourhoods without proper planning consideration is not considered appropriate.
- The standard height provisions may limit the ability of Local Government to effectively manage the interface between locations with higher density development potential with adjoining NRZ land (i.e. scaling of development height, separation and scaling of development intensity). It is acknowledged that the utilisation of schedules to the zones may support this.

### General Residential Zone (GRZ)

- Changes to Section 1 Uses (i.e. permit not required) for medical centres and places of worship. This is not considered appropriate given the potential negative impacts to established residential areas of the municipality.

### Neighbourhood Residential Zone (NRZ)

- The further development of larger lots may be unduly restricted by mandatory development restrictions (i.e. construction of a second dwelling where all other requirements can be achieved, height controls unnecessarily impacting on roof heights).
- The expansion of protective controls in areas already subject to the NRZ may be beneficial, supporting Council's assessment and consideration of the need to retain existing development patterns and / or alternatively supporting opportunities for development where appropriate.
- The NRZ could allow for greater flexibility on where it can be applied. Where the preferred neighbourhood character is at a status quo density, the NRZ should be able to be applied on this basis as this is the preferred neighbourhood character. Additionally, where there is a preferred density in greenfield developments, the neighbourhood character should be able to be applied where an approved development plan showing the lot layout is supplied.

## List of Suggested Improvements

The MRDAC has prepared a List of Suggested Improvements to the Residential Zones (based on suggestions from a number of sources including Council, Industry Bodies and the submissions and the recommendations of the Residential Zones Standing Advisory Committee).

Council has responded briefly to each of the suggested changes (see attachment 2). Council was unable to respond in further detail to these suggested improvements for the following reasons:

- The committee states that it has not yet formed an opinion on the list of suggested improvements;
- Council officers found that many of the suggestions were underdeveloped, unclear and inconsistent;
- No explanatory notes were provided explaining the issue or their intended application.

Council requests that once the committee has completed its own recommendations, that Council be provided the opportunity to comment on these prior to being progressed to implementation.