

Officer Response to RAIDID suggested changes to DDO8 and Clause 21.05 (May 2012)

Clause 21.05

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
21.05-1 Overview	1	The suggested change seeks to introduce a mandatory requirement to the MSS. The role of the MSS is to provide policy direction as distinct from including statutory controls. The MSS provides the basis for the statutory controls in the Manningham Planning Scheme. The suggested wording has in part been included in the DDO8 provisions that have been submitted for Authorisation.	No – in MSS Yes – in DDO8
21.05-1 Housing	2 and 3	<p>In this sub-clause, the MSS contains broad statements about managing change and at a macro level it provides clear direction about the areas where Council will and won't encourage change.</p> <p>The suggested wording focuses more at providing specific direction for the consideration of developments at a more micro level. The intent of the suggested wording suggests that each development will be '<i>considered</i>' on its merits in determining its appropriateness.</p> <p>In this instance, replacing the word '<i>encouraged</i>' with '<i>considered</i>' will lead to more ambiguity rather than having a clear direction about the broad areas where Council will and won't encourage change.</p>	No
21.05-1 Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads	4	The proposed changes to the MSS as part of AM C96 are limited to only those elements applying to areas affected by DDO8. This section of the MSS refers to ' <i>Precinct 1 Areas removed from Activity Centres and Main Roads</i> ' which relates to areas affected by Residential 3 Zone (R3Z) and is therefore outside the scope of the amendment.	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
21.05-1 Precinct 2 – Residential Areas Surrounding Activity Centres and along Main Roads	5	The proposed wording change is not supported, as this section reinforces the MSS vision statement referred to in the response to 2 and 3 above.	No
	6	The word ' <i>must</i> ' is not language generally supported for use within the MSS, which only provides policy direction.	No
	7, 8, 9, 10 and 11	As a principle, the MSS provides policy direction and identifies where development is encouraged or discouraged. The word ' <i>considered</i> ' does not provide sufficient guidance for regulators, decision makers or the community. The suggested wording change from ' <i>can still</i> ' to ' <i>may</i> ' is not considered to make a difference in the planning outcome. The word ' <i>must</i> ' is not language generally supported for use within the MSS, which only provides policy direction.	No
	12	The suggested wording is supported for inclusion.	Yes
21.05-1 Precinct 2 - Residential areas with Predominant Landscape Features'	13	The changes to the MSS as part of AM C96 are limited to those elements applying to areas affected by DDO8. Precinct 3 applies to ' <i>Residential areas with Predominant Landscape Features</i> ' not affected by DDO8 and is therefore outside the scope of the amendment.	No
21.05-1	14	The changes to the MSS as part of AM C96 are limited to those elements	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
Precinct 4–Post 1975 residential areas		applying to areas affected by DDO8. Precinct 4 applies to ‘ <i>Post 1975 residential areas</i> ’ not affected by DDO8 and is therefore outside the scope of the amendment.	
	15	<p>The inclusion of the suggested list of definitions to follow the section on ‘<i>Precinct 4 - Post 1975 residential areas</i>’ is not supported on the basis that definitions are already contained within the Manningham Planning Scheme, as prepared by the State Government.</p> <p>When assessing a planning permit application, Council is required to use the definitions contained in the Manningham Planning Scheme.</p> <p>Furthermore, Recommendation E (1C) (27 March 2012 Council Report) commits to including definitions in the <i>Manningham Residential Strategy (2012)</i> to explain the different dwelling types and other planning definitions to give greater clarity to outcomes being sought.</p>	No – in MSS Yes – in <i>Manningham Residential Strategy (2012)</i>
21.05-1 Economic Development Issues	16	<p>The changes to the MSS are limited to those elements applying to areas affected by DDO8. Economic development issues extend to broader than just the DDO8 areas and is therefore outside the scope of the amendment.</p> <p>However, it should be noted that the statutory controls are drafted so that most use/development requirements are discretionary, meaning that they need to be considered by a Responsible Authority, unless a particular use/development is identified as ‘prohibited’. Words such as ‘<i>excluded</i>’, are not suitable for use anywhere in a planning scheme.</p>	No
21.05-2 Housing	17	<p>The concern regarding the inclusion of the proposed dot point but more importantly the statistics, is that data can become outdated and any change to the MSS or any other planning control needs to undertaken via a formal planning scheme amendment.</p> <p>Furthermore, these particular statistics, amongst other key statistics</p>	No

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		already appear in the <i>Manningham Residential Strategy (2012)</i> which is listed as a reference document in the Manningham Planning Scheme.	
	18	There are no key strategic development sites identified within the DDO8 boundary. It is considered that on this basis there is no need to tighten this objective, as it is beyond the scope of AM C96.	No
	19	The suggested word change from ' <i>encourage</i> ' to ' <i>ensure</i> ' is not supported for inclusion as it would need the introduction of an Ecologically Sustainable Development (ESD) Policy to provide the basis for this requirement.	No
21.05-2 Housing Strategies	20	The suggested wording is supported for inclusion.	Yes
	21	DPCD strongly discourages the use of lengthy descriptions or repetition of information. Furthermore, the proposed requirements are generally more suitably placed in the statutory provisions i.e DDO8	No
	22	The suggested wording has been incorporated in part by replacing ' <i>Encourage and guide</i> ' with ' <i>ensure</i> ' to further reinforce Council's vision for where high density will be supported. The suggested wording ' <i>occurs only on the prescribed</i> ' activity centres cannot be incorporated on the basis that the DDO8 applies only to residential zoned land ' <i>surrounding</i> ' activity centres, rather than ' <i>within</i> ' the activity centres.	Yes - in part No – in part
	23	The suggested wording ' <i>Approve only those</i> ' is not considered to be appropriate use of language for use within the MSS.	No
	24	The suggested wording change from ' <i>encourage</i> ' to ' <i>support</i> ' is not considered to make a difference in the planning outcome.	No
21.05-2 Housing Policy and	25	The suggested wording is supported for inclusion.	Yes

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
exercise of discretion			
	26	The suggested wording is supported for inclusion.	Yes
	27	The suggested wording is supported for inclusion.	Yes
	28	The suggested wording is supported for inclusion.	Yes
21.05-2 Other actions	29	The suggested wording is not supported for inclusion on the basis that this action relates to identifying 'new' or 'additional' areas for residential development. AM C96 is not proposing to extend the boundary of DDO8 and it is therefore outside the scope of the amendment.	No
21.05-3 Subdivision	30	The suggested wording is supported for inclusion.	Yes
	31	The intent of this particular strategy would change with the suggested wording which replaces ' <i>Encourage subdivision layouts that consider neighbouring uses and developments</i> ' with ' <i>Ensure subdivisions layouts adequately provide for neighbouring uses and developments</i> '. It is unclear what the subdivision layouts ' <i>should be providing for?</i> ' The suggested wording is not supported for inclusion.	No
	32	The suggested wording is supported for inclusion.	Yes
	33	The intent is that each relevant section of the MSS is considered as part of the decision making process for any application and it is therefore considered unnecessary to repeat information contained in another sub-clause.	No
	34	The suggested wording is supported for inclusion.	Yes
	35	The suggested wording is supported for inclusion.	Yes

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
	36	The changes to the MSS are limited to those elements applying to areas affected by DDO8. <i>Clause 22.11 Battle Axe Blocks Policy</i> applies to areas broader than just DDO8 and is therefore outside the scope of the amendment.	No
	37	The changes to the MSS are limited to those elements applying to areas affected by DDO8. This particular statement relates to ' <i>Clause 22.14 Environmental and landscape significance protection in identified wildfire areas policy</i> ' not affected by DDO8 and is therefore outside the scope of the amendment.	No
21.05-3 Further strategic work	38	Whilst the suggested wording is supported for inclusion, it is important to note that this action is listed under 'Further strategic work' and it is not intended that the local policy will be prepared as part of AM C96.	Yes
21.05-4 Built form and neighbourhood character	39	The suggested wording is supported for inclusion.	Yes
	40 and 41	The suggested two dot points for inclusion have not been drafted as objectives nor are they requirements that can be incorporated into the MSS. Importantly, the DDO8 control needs to be drafted so that the objectives can be determined as part of the decision making process.	No
21.05-4 Strategies	42	The word ' <i>must</i> ' is not language generally supported for use within the MSS, which only provides policy direction.	No
	43	The suggested wording is supported for inclusion.	Yes
	44	The suggested change seeks to introduce a specific requirement into the MSS which is a discretionary control. The MSS only makes reference to objectives and strategies rather than identifying specific requirements.	No
21.05-4 Further strategic	45	The suggested wording is not supported for inclusion. It is outside the scope of AM C96 to be preparing a local planning policy to guide or direct	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
work		the future use and development of identified gateway sites.	
	46	The inclusion of the requirement for a select panel of residents is not supported. There are already statutory processes in place for consulting with adjoining property owners/occupiers, referral authorities and the broader community, as part of the planning permit application process.	No
21.05-5 Environmental and landscape issues Objectives and Strategies	47, 48 and 49	The changes to the MSS as part of AM C96 are limited to only those elements applying to areas affected by DDO8. This section of the MSS refers to areas with environmental and landscape significance, which are not affected by DDO8 and is therefore outside the scope of the amendment.	No
21.05-6 Economic Development issues	50, 51 and 52	The changes to the MSS are limited to those elements applying to areas affected by DDO8. Economic development issues extend broader than just DDO8 and is therefore outside the scope of the amendment.	No

Schedule 8 to the Design and Development Overlay – Residential Areas Surrounding Activity Centres and Along Main Roads (DDO8)

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
1.0 Design Objectives	1	The suggested wording is not supported for inclusion on the basis that it forms part of ' <i>objectives</i> ' where Council is seeking to encourage contemporary development. The word ' <i>ensure</i> ' is associated with specific controls to achieve a particular objective/outcome.	No
	2	<p>The suggested wording in this dot point in part has been supported for inclusion, with replacement of the '<i>encourage</i>' with '<i>ensure</i>'.</p> <p>The suggestion to exclude three storey apartment style developments from all cul-de-sacs and minor streets is not supported on the basis that they should not be excluded from the control without undertaking a detailed structure plan of specific areas.</p> <p>Not all courts and side streets are the same, and it is unlikely that DPCD would support this change to the controls without strategic justification to warrant any change.</p>	<p>Yes – in part</p> <p>No – in part</p>
	3	The suggested wording is supported for inclusion.	Yes
	4	The suggested wording is supported for inclusion.	Yes
	5	The suggested wording is not supported on the basis that the land within DDO8 is identified for substantial change (within the context of the sub-precincts) and therefore requiring new development to reflect the existing character would be inappropriate.	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
	6	The suggested wording is not supported on the basis that avoiding a continuous building line when viewed from the street cannot be avoided entirely, in every instance.	No
	7	The suggested wording is not supported on the basis that it will repeat the guidance provided for this objective as contained within the 'Form' section: <i>'Be designed to minimize overlooking and avoid the excessive application of screen devices.'</i> Furthermore, the Manningham Planning Scheme already requires development to comply with Res Code overlooking standards.	No
	8	The suggested wording is supported for inclusion.	Yes
	9	The suggested wording is not supported for inclusion on the basis that this is not an objective, but rather an application requirement.	No
Building Heights and setbacks Table 1 to Schedule 8	10	The deletion of the requirement relating to building height on a slope is not supported on the basis that this would be inconsistent with requirements within ResCode. It is important to also note that this same requirement is also included in Residential 3 Zone (most protective urban zone).	No
	11	The inclusion of this suggested wording is not supported on the basis that it is very similar to wording contained in Clause 21.05 of the MSS and DPCD strongly discourage repetition. The MSS and the relevant planning provisions each perform specific functions and each must be considered	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
		as part of the assessment of any application.	
	12	The suggested wording is not supported on the basis that the height and minimum lot size requirements within the Main Road sub-precincts are not mandatory requirements but are discretionary. It is anticipated that the highest density development will be occurring within this Main Road sub-precinct.	No
	13 and 14	<p>Refer to the response to Issue 10.</p> <p>The deletion of the requirement relating to building height on a slope is not supported on the basis that this would be inconsistent with the requirements of ResCode.</p> <p>It is important to also note that this same requirement is also included in Residential 3 Zone (most protective urban zone).</p>	No
	15	The inclusion of this suggested wording is not supported on the basis that it is very similar to wording contained in Clause 21.05 of the MSS and DPCD strongly discourage repetition. The MSS and the relevant planning provisions each perform specific functions and each must be considered as part of the assessment of any application.	No
	16	The suggested wording is not supported for inclusion. It is considered that the existing wording provides more clarity for the permit requirement to be achieved.	No
	17	The suggested wording is not supported on the basis that the appearance of visual bulk and continuous sheer wall presentation cannot be avoided	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
		entirely, in every instance.	
	18	The suggested wording is not supported for inclusion as it will be an unrealistic and overly onerous requirement to achieve.	No
	19	The suggested wording is not supported on the basis that it would unreasonable to require that the views of basement projections be entirely eliminated, in every instance.	No
	20	The suggested wording is not supported on the basis that overlooking cannot be entirely eliminated, in every instance.	No
	21	The suggested wording is supported for inclusion.	Yes
	22	The permit requirements listed in the section under 'Form' are performance based and are not mandatory requirements.	No
Car parking and Access	23	The suggested wording is not supported on the basis that there may be instances where 2 crossovers may be a more appropriate outcome.	No
	24	The suggested wording is supported for inclusion.	Yes
	25 and 26	As the notes from Council officer's states, these particular dot points have been reworded and moved under the 'Form' section. It is therefore difficult to incorporate the suggested wording.	No
	27	The suggested wording is not supported on the basis that it repeats requirements within ResCode. DPCD strongly discourages repetition.	No

Relevant Clause/ Sub-Clause	Proposed change by RAIDID	Council officer comment	Support for change (Yes/No)
	28	The inclusion of the suggested wording cannot be supported on the basis that the permit requirements listed in the section under 'Car parking and Access' are performance based rather than being mandatory requirements.	No
Landscaping	29 and 30	<p>The suggested wording is not considered necessary for inclusion. The assessment of landscape plans would always consider context and space for plant choice as well as appropriate access for maintenance. This assessment also takes into consideration the context of the adjoining property(s).</p> <p>Council has prepared 'Landscape Plan Guidelines' to provide clear guidance to property owners and applicants on what needs to be included in a landscape plan, as required by a condition of a planning permit.</p> <p>Overhanging branches onto an adjoining property is a civil matter and is beyond the realms of town planning.</p>	No
	31	The inclusion of the suggested wording cannot be supported on the basis that the permit requirements listed in the section under 'Landscaping' are performance based rather than mandatory requirements.	No
Fencing	32	The inclusion of the suggested wording cannot be supported on the basis that the permit requirements listed in the section under 'Fencing' are performance based rather than mandatory requirements.	No