

**MAROONDAH PLANNING SCHEME
AMENDMENT C74**

PANEL REPORT

4 APRIL 2012

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A handwritten signature in cursive script, reading "Cathie McRobert". The signature is written in black ink on a white background.

Cathie McRobert, Chair

4 APRIL 2012

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Summary, Overall Conclusions and Consolidated Recommendations

This is the report of the Panel appointed under Section 153 of the *Planning and Environment Act 1987* to consider Amendment C74 to the Maroondah Planning Scheme.

<p>Purpose of Amendment C74</p>	<p>The Amendment relates to the land bounded by Ringwood Street, Mullum Mullum Creek, Bond Street and Eastlink (the Precinct). It proposes to change the Maroondah Planning Scheme in accordance with the recommendations of the <i>Ringwood Transit City North West Residential Precinct Plan Planisphere 2009</i> (the North-West Residential Precinct Plan) by:</p> <ul style="list-style-type: none"> ▪ Amending the Municipal Strategic Statement (MSS) to incorporate the aims of the North-West Residential Precinct Plan in the following Clauses: <ul style="list-style-type: none"> - Clause 21.03 Maroondah Vision – The Strategic Framework - Clause 21.07 – Image and Urban Design. ▪ Amending Clause 22.07 – Ringwood Activity Centre Policy. ▪ Including the North-West Residential Precinct Plan as a reference document in the Clauses specified above. ▪ Amending Schedule 3 to the Design and Development Overlay (DDO3) to apply to the North-West Residential Precinct and to specify height and set backs within sub-precincts.
<p>Planning Authority and Proponent</p>	<p>Maroondah City Council (the Council).</p>
<p>Exhibition</p>	<p>26 May to 27 June 2011. Owners and occupiers of all dwellings in the Precinct were notified of the Amendment.</p>
<p>Submissions</p>	<p>In response to exhibition eight written submissions were received. Whilst some submissions expressed overall support, all objected to aspects of the North West Residential Precinct Plan and the Amendment. Submissions were received from:</p> <ul style="list-style-type: none"> ▪ Richard Smoorenburg, Raan Pty Ltd ▪ Judith Odgers ▪ Mary Lloyd

	<ul style="list-style-type: none"> ▪ Debbie Hendy ▪ Connie Hughes ▪ Andrew Koutrouzas ▪ TDS Ventures ▪ David and Karen Chang.
The Panel	Cathie McRobert (Chair).
Panel Hearings	Directions Hearing: 2 February 2012 at Ringwood. Hearing: 6 March 2012 at Ringwood.
Appearances	<ul style="list-style-type: none"> ▪ Maroondah City Council represented by Chris Rankin of Plansphere consultants and Geoff Alexander, Strategic Planner Maroondah City Council. ▪ Richard Smoorenburg, Raan Pty Ltd. ▪ Debbie Hendy <p>At the Panel's request, Andrew Fuaux, Manager Statutory Planning at Maroondah City Council, attended part of the Hearing to provide advice on recent experience with development proposals in the Precinct.</p>
Inspections	An unaccompanied Panel inspection of the Precinct and environs was undertaken on 6 March 2012.

Overall Conclusions

The Panel is satisfied that the methodology adopted in preparation of the North-West Residential Precinct Plan was soundly based, addressed key issues and was informed by relevant State and local planning policy. Established planning policy to encourage medium and high density apartment style housing in the Precinct provides the foundation for Amendment C74 and the character of the area will change accordingly. The Panel does not revisit these policy settings.

The Panel considers that the planning framework proposed by Amendment C74 is appropriate to address the amenity issues raised by submitters. While the major redevelopment planned for the Ringwood Central Activities Area (CAA) and the Precinct will generate significant traffic, planning is cognisant of the need for road network improvements.

The Panel supports the intent of the post-exhibition change proposed by Council to relate the lot sizes for 3 storey development to a site area that aligns with the consolidation of two lots. This change strikes a reasonable balance between ensuring sites are of size that facilitates good quality apartment development while recognising the challenges presented by site consolidation. However, the Panel considers the lot size nominated for three storey development should be reviewed with a view to reducing the lot area to accommodate consolidation of lots of less than 700 m². The Panel suggests

that consideration be given to nominating both a lot area and a lot width in recognition of the design flexibility provided by wider lots. The planning framework for the Precinct should also address circumstances where individual lots are sandwiched between relatively recent developments and there is no realistic prospect of consolidation of lots. Rather than sterilising these sites from redevelopment, proposals should demonstrate that exemplary design responses achieve the planning objectives for the Precinct and the objectives for residential development set out in Clause 55.

The Panel considers that ResCode objectives provide a sound basis for side and rear boundary setbacks to protect residential amenity. However, the Panel does not support the proposed post-exhibition revisions which make side and rear setback requirements (Standard B17) mandatory because it does not allow responses to the circumstances of particular sites or areas. A clear example is the Precinct's interface with the Ringwood Street Business 2 Zone (B2Z), where alternative setback treatments may well produce better outcomes. Further, ResCode was not designed to deal with buildings of more than 3 storeys. The effect of applying Standard B17 to taller buildings is that large setbacks would be required from three boundaries without consideration of the site context, optimum outcomes for residents or the most effective utilisation of the site. For development of more than 3 storeys the provision of side and rear setbacks should focus on providing appropriate landscaping opportunities (including provision for canopy trees); providing outlook, daylight access and privacy for residents; and maintaining sunlight and daylight access to private open spaces.

Consolidated Recommendations

Based on the reasons set out in this Report, the Panel recommends that Amendment C74 to the Maroondah Planning Scheme should be adopted as exhibited, subject to the following recommended changes to the exhibited documents:

1. Make the following changes to Schedule 3 to the Design and Development Overlay - Design Controls - Ringwood Activity Centre:

▪ **Include under Buildings and works:**

An application for a building on a site within the North West Residential Precinct that is less than the minimum area for the proposed building height identified in Table 2 to this schedule must be accompanied by a report outlining why the land cannot be consolidated with adjoining land and how the development will achieve the objectives for development in the North West Residential Precinct of the Ringwood Activity Centre.

- In Table 2:
 - Specify a maximum building height of 5 storeys for sub-precinct H with a 3 metre front facade setback at the fifth storey level and update the relevant supporting documents accordingly, including the North-West Residential Precinct Plan reference document and the Design Guidelines.
 - Revise the minimum lot size for three storey development to nominate an area that relates to the consolidation of two lots and consider also specifying a minimum lot width.
 - Revise the side and rear setbacks for sub-precincts F, G, H, I and K to the following effect:
 - The Schedule to the Zone does not apply.*
 - Side and rear setbacks must satisfy the objectives of Clause 55.*
 - For development of less than four storeys side and rear setbacks should generally be in accordance with Clause 55 Standard B17.*
 - Include the following additional decision guidelines:
 - In the North-West Residential Precinct, whether the proposed side and rear setbacks enable appropriate levels of landscaping, privacy, outlook, access to daylight, and private open space access to sunlight.*
 - Where a development site within the North-West Residential Precinct is less than the minimum area for the proposed building height, whether:*
 - *there is any potential for consolidation with adjoining land;*
 - *the proposal represents an exemplary design response; and*
 - *the objectives for development in the North-West Residential Precinct are supported by the proposed development.*
 - Update the text in DDO3 to recognise that there are now two tables to the schedule.
2. Update in the Building Height Plan principles identified in the Clause 22.07 policy to recognise the introduction of DDO3.

1. Introduction

Amendment C74 proposes to give effect to the North-West Residential Precinct Plan to manage residential development in the north-west of the Ringwood CAA.

1.1 Amendment Details

Amendment C74 proposes the following changes to the Local Planning Policy Framework (LPPF):

- The North-West Residential Precinct Plan is identified as a policy document that contributes to the structure and content of the MSS (Clause 21.03-3) and as a reference document in Clauses 21.03, 21.07 and 22.07.
- The following statement is added in Clause 21.02 under Local policy and exercise of discretion:

Adopting the recommendations of the Ringwood Transit City Urban Design Masterplan 2004 and applying the policies and objectives of these documents.

- The Ringwood Activity Centre – Indicative Building Height Plan in Clause 22.07 is revised to cross reference the DDO3, rather than specifying specific building heights within the Precinct. This has the effect of potentially reducing heights in some locations (such as at the interface with the B2Z fronting Ringwood Street and on some corner sites) and increasing the height in some locations (such as where current policy indicates 2-3 storeys in sub-precincts G, H, I and J).

DDO3 is extended to include the Precinct. It applies the height and setback provisions in Table 1 below to the sub-precincts shown in Figure 1.



Figure 1 North-West Residential Precinct Sub-precincts (Extract from DDO3)

Precinct	Maximum Building Height	Upper Level Setback from Front Facade	Street Setback	Side and Rear Setbacks
DDO3 – F, G and K	Three storeys: lot size above 1500m ²	3rd storey: 3 metres	3 metres	ResCode
	Four storeys: lot size above 2500m ²	3rd storey: 3 metres 4th storey: 6 metres	3 metres 3 metres	ResCode ResCode
	Five storeys: lot size above 3000m ²	3rd storey: 3 metres 4th storey: 6 metres 5th storey: Discretionary	3 metres 3 metres 3 metres	ResCode ResCode ResCode
DDO3 - H	Four storeys	0 metres	3 metres	ResCode
DDO3 - I	Six storeys	5th storey: 3 metres 6th storey: 3 metres	3 metres	ResCode
DDO3 - J	Three storeys: lot size above 1500m ²	3rd storey: 3 metres	3 metres	3 metres
	Four storeys: lot size above 2500m ²	3rd storey: 3 metres 4th storey: 6 metres	3 metres	3 metres
	Five storeys: lot size above 3000m ²	3rd storey: 3 metres 4th storey: 6 metres 5th storey: Discretionary	3 metres	3 metres

Table 1 Exhibited DDO3 Height and Setback Provisions for the North-West Residential Precinct (Table 2 to DDO3)

(Note: DDO3 states that the heights have been calculated on the basis that the ground floor measure 4 metres from floor to ceiling and each floor following measures 3.5 metres).

1.2 Post Exhibition Changes Supported by Council

After considering submissions, Council resolved (12 December 2011) to adopt changes to Amendment C74 as detailed in Appendix 2 of the Director City Development's report to that meeting. Appendix 2 showed the following changes to the exhibited Amendment:

- In sub-precincts F, G, K and J the maximum building height was changed to *'Three storeys: lot size above 14500 m²'* (see discussion in Chapter 2.1); and
- In all sub-precincts except sub-precinct J, side and rear setbacks were specified as *'The Schedule to the Zone does not apply. Side and rear setbacks must be in accordance with ResCode State Standard B17'*. In sub-precinct J the prescribed side/rear setback would remain 3 metres (see discussion in Chapter 2.2).

The officer report to Council and Council's submission to the Panel also supported allowing up to 5 storeys at the western end of the north side of Bond Street in sub-precinct H (rather than the exhibited 4 storey height) on the basis that:

- Council now envisages a higher level of development in the light industry / service retail (currently zoned Business 3(B3Z)) land on the opposite side of Bond Street.
- In the adjacent residential areas DDO3 proposes to allow up to 5 storeys to the west and north (sub-precincts F, G and K) and up to 6 storeys to the east (sub-precinct I).

Discussion

None of the submissions objecting to aspects of Amendment C74 related to properties within or adjoining in sub-precinct H. At the Hearing Council advised that it did not consider the nature of the change proposed for sub-precinct H warrants further notice to nearby properties. The Panel notes that the adjoining properties may be developed to the revised height (5 storeys). The Panel considers this change can be contemplated without further exhibition.

On the basis of Council advice that that development of more than four storeys is now envisaged for the southern side of Bond Street (despite DDO3 provisions), the Panel agrees with the logic presented to increase the maximum building height for sub-precinct H to 5 storeys. As discussed at the Hearing, applying a 3 metre front facade setback at the fifth storey level to align with the form envisaged in Precinct I appears appropriate.

Recommendation

Specify a maximum building height of 5 storeys for sub-precinct H with a 3 metre front facade setback at the fifth storey level; and update the relevant supporting documents accordingly, including the North-West Residential Precinct Plan reference document and the Design Guidelines.

1.3 The Area

The Precinct is currently predominantly 1950s single dwellings on lots with an area of around 700 square metres (generally with frontage widths are around 15 metres and depths are around 45 metres). However, the following waves of development have occurred in the Precinct:

- 1960s-70s: single dwelling infill and villa unit subdivision particularly on the western side of New Street and in the eastern half of the Precinct;
- 1980s-90s: subdivision to the rear of original dwellings and some limited townhouse development throughout;
- 2000s: subdivision of standard lots for townhouse development and consolidation of lots for townhouse and multi-level apartment style buildings, generally in the southern parts of the Precinct east of New Street¹.

Inspections confirmed that significant recent infill development has occurred in the form of three storey apartments. It was also apparent that there has been little maintenance of some houses in the Precinct and this could be indicative of owners' expectations that the properties will be redeveloped.

The Precinct forms the north-western corner of the CAA. It has interfaces with:

- The western side of Ringwood Street is in the B2Z and comprises office buildings, as well as a major police station and café (with Eastland on the eastern side of that street).
- The former market site, some residential uses and service industrial land on the southern side of Bond Street (in the Business 1 Zone and B3Z).
- The Ringwood Bypass/EastLink (to the north and east). There are substantial barriers and significant screening at these major road interfaces, plus pedestrian linkages to the Mullum Mullum Creek corridor/northern Ringwood.

¹ Page 18 of the North-West Residential Precinct Plan.

Open space along the Mullum Mullum Creek corridor, including some land owned by VicRoads, provides the key open space within the Precinct and a vegetated backdrop along its northern boundary.

1.4 Established Planning Policy

Ringwood is one of six CAA's across metropolitan Melbourne. These centres are identified for major commercial and housing growth to move Melbourne from a single centre focus (the Central Business District). The Maroondah MSS identifies the Ringwood CAA as the primary mixed use hub in Melbourne's outer east.

Council's submission to the Panel set out the State and local planning policy² to concentrate major change, including locating a substantial proportion of new housing, in strategic redevelopment areas such as activity centres. It is planning policy to foster increased residential densities in the Ringwood CAA and to establish multi-level, multi occupancy apartment style buildings as the preferred form of residential development.

The preferred character for the Precinct is intended to change from the former low density single and two story housing to more intensive built form. The Ringwood CAA is specifically excluded from the Neighbourhood Character Policy that applies to most of the municipality's residential areas³. The Clause 22.07 policy states in relation to the residential development in the CAA:

The preferred neighbourhood character will provide for multi level, apartment style residential buildings that retain elements of the existing garden setting. Buildings will be larger apartment style, single buildings constructed on consolidated sites.

Established planning policy to encourage medium and high density housing in the Precinct provides the foundation for Amendment C74 and the Panel's evaluation does not revisit this policy. The North-West Residential Precinct Plan was prepared to strengthen the decision making framework for development in the North West Residential Precinct and to encourage innovative design responses within the establish planning policy context.

² For example, see Clauses 11.01, 11.02, 11.04, 16.01, 21.03 (including the Land Use Framework Plan), 21.07 21.08-3 (including the Land Use Framework Plan – Residential), 22.07

³ Clause 22.03 Maroondah Residential Neighbourhood Character Policy

1.5 Planning Scheme Zone and Overlay Provisions

The Residential 1 Zone (R1Z), which is the zone that applies to most residential areas in Victoria, applies to most of the Precinct. The R1Z aims to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, encourage respect for neighbourhood character and allow certain non-residential uses in appropriate locations. A permit is required to subdivide land and construct or extend a dwelling on a lot less than 300 square metres. Residential development must have regard to, where relevant, Clauses 54, 55 and 56 (referred to as ResCode). The schedule to the R1Z in the Maroondah planning scheme includes requirements for setbacks that state that:

- *side setbacks be 1.2m plus 0.3m for every metre of height over 3.6m up to 6.9m plus 1m for every metre of height over 6.9m.*
- *rear setbacks must be 5m plus 0.3m for every metre of height over 3.6m up to 6.9m plus 1m for every metre of height over 6.9m.*

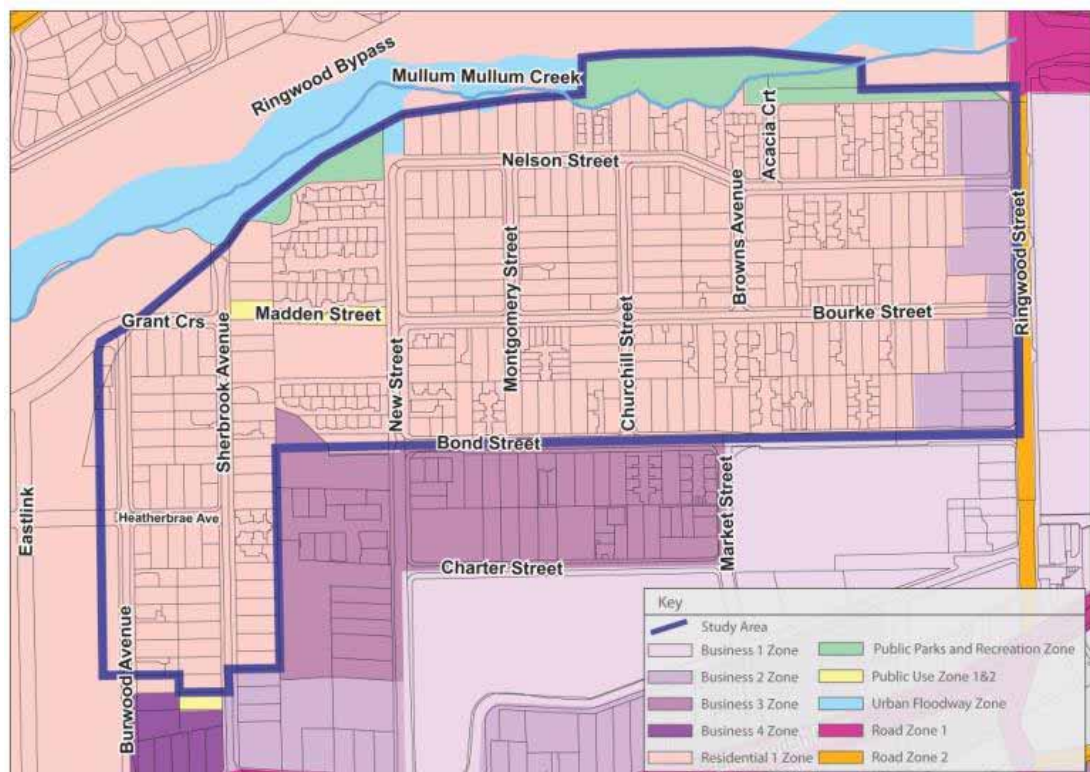


Figure 2 Existing Zoning

Schedule 4 to the Significant Landscape Overlay (Maroondah Canopy Tree Protection Area – Inside Urban Growth Boundary) (SLO4) applies to land in the Precinct that is not in a Business Zone. SLO4 seeks to conserve and enhance the leafy character associated with a dense vegetation canopy. The

overlay does not require a permit for buildings and works but does require a permit to remove trees of a height greater than 5 metres⁴.

1.6 The North-West Residential Precinct Plan

The Precinct is one of a number of precincts with the Ringwood CAA identified in the *Ringwood Transit City Urban Design Master Plan* August 2004 (the Master Plan). The Precinct comprises the residential land encompassed by Bond Street, New Street, Ringwood Street, the Ringwood Bypass and Eastlink, and the western side of Ringwood Street (north of Bond Street which is business zoned). The Master Plan establishes the basis on which the North-West Residential Precinct Plan was prepared and builds upon.

1.6.1 The Master Plan

In December 2007 Amendment C58 introduced changes to the LPPF to implement the Master Plan, which has a vision to:

'Establish Ringwood as the primary mixed use hub in Melbourne's outer east, boasting a vibrant and contemporary hilltop Town Centre with wholly integrated and sustainable retail, commercial, employment, leisure, civic and residential activities in a natural landscape setting connected through an advanced road and rail network'.

Amendment C58 also introduced DPO3 to manage development of land in the CAAs that is zoned for business purposes.

The Master Plan identifies the Precinct as a housing consolidation area, suitable for a mix of dwelling types and sizes.

1.6.2 Preparation of the North-West Residential Precinct Plan

In January 2008 the Council, in partnership with the Department of Planning and Community Development (DPCD), commissioned the preparation of a precinct plan for the Precinct, as anticipated by the Master Plan.

The formulation of the North-West Residential Precinct Plan adopted a systematic approach that drew on analysis of existing conditions, the policy context, key development urban design issues, and the outcome of consultation with relevant stakeholders (including residents). It was informed by advice on traffic issues and a number of supporting strategic planning documents, including: the Ringwood Town Centre Precinct Plans; Eastern Gateway Strategy; Ringwood Western Gateway Urban Design

⁴ With a single trunk circumference of 0.5 metre or more at a height of one metre above ground level. Specified exemptions from this permit requirement may apply.

Review; Maroondah Urban Design Framework; Public Domain and Landscape Guidelines; Lighting Strategy; Mobility and Way-finding Signage Strategy; Ringwood Traffic Study; DPCD's Safer by Design Guidelines; and the Ringwood Bicycle Plan.

The North-West Residential Precinct Plan comprises Volume 1 (Vision, Context and themes), Volume 2 (an Implementation Manual and Design Guidelines) plus Appendices (providing full analysis of the policy context, existing conditions, consultation outcomes and Traffic and transport advice).

The North-West Residential Precinct Plan challenged the Mater Plan designation of locations closest to the commercial areas for higher densities as analysis showed that the entire Precinct is within a convenient distance of shops, transport and services.

The North-West Residential Precinct Plan identifies the following themes and objectives:

- Development potential:
 - Enable increased housing density and building heights in locations with convenient access to public transport and commercial areas.
 - Create larger lot sizes through the consolidation of existing smaller lots.
 - Fulfil the development potential of larger sites within the Precinct while respecting the valued character of the Precinct.
- Built form:
 - Create a coherent and attractive built form across the Precinct.
 - Ensure buildings are well articulated and innovatively designed.
 - Provide certainty and clarity for developers and residents in terms of built form guidance and controls.
- Landscape and public realm:
 - Ensure the valued landscape character of the Precinct is maintained.
 - Create pleasant streetscapes with a high level of amenity.
 - Investigate the need for new open spaces and ways to enhance the existing open space associated with the Mullum Mullum Creek.
 - Enhance sense of place in the Precinct through public realm works.
- Access and parking:
 - Improve pedestrian, cyclist and vehicular access to and within the Precinct.
 - Ensure an appropriate amount of parking is provided on-site in new developments and improve access to on-street parking.

- Safety and amenity:
 - Create safe spaces, both in the public and private domain.
 - Retain and improve residential amenity in the Precinct.
- Ecologically sustainable development:
 - Encourage new development to adopt ecologically sustainable development (ESD) principles.
 - Redesign streetscapes to incorporate Water Sensitive Urban Design (WSUD) principles.

The informal exhibition of the Draft Precinct Plan from 15 June 2009 to 7 August 2009 did not result in any submissions.

The Panel is satisfied that the methodology adopted was soundly based, addressed key issues and was informed by relevant State and local planning policy.

2. The Issues

The exhibition of Amendment C74 generated only eight submissions, which raised issues relating to:

- Consolidation of lots;
- Built form and design;
- Amenity; and
- Access, traffic and parking.

The panel also identified some minor drafting issues.

2.1 Building Height and Consolidation of Lots

The submission from Richard Smoorenburg sought review of the minimum 1,500 m² lot size for 3 storey development (proposed in sub-precincts F, G, K and J). He submitted that most lots in the Precinct are around 700 m²; a requirement for consolidation of three blocks had not been foreshadowed in the past and a minimum of 1400m² (or less) for three storey development should be adopted.

Submissions on behalf of Andrew Koutrouzas, TDS Ventures and David and Karen Chang, which were all prepared by Glossop Town Planning, also objected to the requirements to consolidate lots. These submissions argued:

- The connection between lot size and height has not been properly established.
- In the absence of clear decision guidelines or objectives these provisions have and are likely to be applied by Council as if they are mandatory requirements.
- The difficulty of consolidating lots in the Precinct will deter or preclude investment, compromise the efficiency of the development process and artificially inflate the value of some properties; all to the detriment of the achievement of the planning objectives to achieve more intensive development in the CAA.
- Many lots cannot be consolidated given existing patterns of development.
- Successful apartment buildings can be developed on lots of 800 m².

Council has identified the consolidation of lots within the Precinct as a strategic intent for CAA's. It responded to submissions by resolving to change the table to DDO3 to relate the three storey building height to a lot size of 1400 m² rather than 1500 m².

Unfortunately the report to Council dealing with submissions did not provide justification for the exhibited provisions or the Council adoption of a reduced lot size for 3 storey development, while Council's written submission to the Panel did not address this issue at all.

However, during discussion at the Hearing Council emphasised that apartments add to the diversity of housing in the municipality compared to the alternative of townhouse or units which are provided elsewhere; and development on larger, consolidated lots enables better design outcomes with an associated increase in the intensity of development and dwelling yield.

Council officers acknowledged that, while the exhibited provisions would often require the consolidation of three lots for 3 storey development, there has been a Council expectation over a significant period of time that at least two lots should be consolidated. Mr Fuaux noted an example of a single lot sandwiched between recent developments in Bourke Street where two storey apartment development is likely to be acceptable or a modest third storey could be achieved by a skilled designer. He agreed that some guidelines to address 'residual' lots would be useful.

2.1.1 Discussion

The Panel agrees with the view expressed in the North-West Residential Precinct Plan and by Council that multi-level apartment style buildings require a larger amount of space to provide design flexibility and more efficient layouts, to provide amenity for future residents and to achieve yields necessary to support planning objectives and financial viability. There is also a sound basis to the concerns expressed in submissions relating to the difficulty, cost and delay associated with assembling multiple lots for development.

The North-West Residential Precinct Plan lot size-building height provisions were translated to the proposed DDO3 but the reasons for adopting the specific lot size thresholds were not presented. The analysis of lot size does not clearly indicate whether the intention was to require three lots to be consolidated where 3 storey development is proposed, although this could be inferred. The North-West Residential Precinct Plan noted *'Consultation with builders and developers has revealed the difficulty in achieving higher densities within the typical dimensions of lots between 700-750 square metres in size. In general, multi-level apartment style buildings require a larger amount of space.'* The map showing lot sizes in the Precinct adopts lot size categories of less

than 500 m², 500-1000 m² and 1000-4000 m², while the discussion indicates that lots in the 500-1000 m² category are generally 'around 700square metres⁵'.

The Panel considers that the intent of the post-exhibition change supported by Council to relate the lot sizes for 3 storey development to a site area that aligns with the consolidation of two lots strikes a reasonable balance between ensuring sites are of a size that facilitates good quality apartment development while recognising the challenges presented by site consolidation. However, the proposed revision to specify a 1400 m² minimum lot size for 3 storey development may not achieve this outcome where either one lot or both lots are less than 700 m². The Panel considers the lot size nominated for three storey development should be reviewed with a view to reducing the lot area to accommodate consolidation of lots of less than 700 m². Consideration could be given to nominating both a lot area (say 1000 m²) and a lot width in recognition of the design flexibility provided by wider lots.

The Panel also considers the planning framework for the Precinct should address circumstances where there is no realistic prospect of consolidation for redevelopment in the medium term because individual lots are sandwiched between relatively recent developments. Rather than sterilising these sites from redevelopment, proposals should demonstrate that exemplary design responses achieve the planning objectives for the Precinct and the objectives for residential development set out in Clause 55.

Recommendation

Revise the minimum lot size for three storey development to nominate an area that relates to the consolidation of two lots and consider also specifying a minimum lot width.

Include in DDO3 under sub-clause 2 Buildings and works:

An application for a building on a site within the North West Residential Precinct that is less than the minimum area for the proposed building height identified in the table 2 to this schedule must be accompanied by a report outlining why the land cannot be consolidated with adjoining land and how the development will achieve the objectives for development in the North West Residential Precinct of the Ringwood Activity Centre.

⁵ See pages 19-20 of the Precinct Plan.

Include a decision guideline in DDO3 to the following effect:

Where a development site within the North West Residential Precinct is less than the minimum area for the proposed building height, whether:

- *there is any potential for consolidation with adjoining land;*
- *the proposal represents an exemplary design response; and*
- *the objectives for development in the North West Residential Precinct are supported by the proposed development.*

2.2 Built Form, Design and Density

The Issues

Debbie Hendy welcomes Amendment C74 and hopes it will improve the quality and form of new residential development. Mary Lloyd expressed concern about the impact of higher density development on the character in Nelson Street while Connie Hughes considered five storey development is out of character in Bourke Street and three storeys is more appropriate. These residents' submissions highlighted impacts of over-development, including overshadowing, a sense of being hemmed in and poor amenity for the future residents of the intensive apartment developments.

Council responded that the North West Residential Precinct Plan Implementation Manual includes 'Design Guidelines' and 'Streetscape and Building Interface Typologies' that address issues of density, built form and streetscape for contextual typologies.

Post-exhibition changes to DDO3 supported by Council include specifying side and rear setbacks as follows in table 2 to the overlay:

*The Schedule to the Zone does not apply. Side and rear setbacks **must** be in accordance with ResCode State Standard B17 (Panel emphasis).*

2.2.1 Discussion

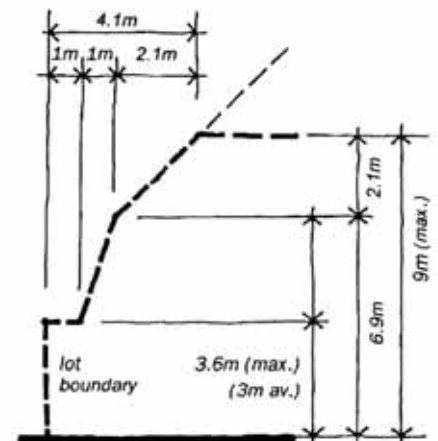
The North-West Residential Precinct Plan indicated that side and rear setback standards set out in ResCode should continue to apply as their purpose is to limit the impact on the amenity of existing dwellings. The Panel considers the treatment of Mullum Mullum Creek corridor as an exception in DDO3, with setbacks of 3 metres from side and rear boundaries in sub-precinct J, is appropriate given the intention to maintain the creek environs landscape character and avoid development overwhelming that character.

The Panel considers that ResCode objectives provide a sound basis for side and rear boundary setbacks to protect residential amenity. However, the Panel does not support the post-exhibition revision supported by Council because the use of 'must' in the overlay requirement makes the setbacks mandatory. This is contrary to the intent of the North-West Residential Precinct Plan which included the following qualification:

** It is recommended that ResCode standards be applied to side and rear setbacks, however reduced setbacks may be allowed provided all other requirements are met.*

The mandatory application of side and rear setback standards has the following basic flaws:

- It does not accommodate proposals that identify an alternative means of achieving the intended outcome. This is a fundamental principle underpinning ResCode and is particularly relevant in an 'a-typical' residential area such as the area affected by Amendment C74.
- It does not recognise specific circumstances of particular sites or areas. A clear example is the Precinct's interface with the Ringwood Street B2Z, where alternative setback treatments may well produce better outcomes.
- While ResCode objectives remain relevant, the associated standards were not formulated for medium rise development. The effect of applying Standard B17 to taller buildings is that large setbacks would be required from three boundaries. The setback formula of 1m additional setback for each additional metre of building height above 6.9metres (as illustrated in the figure to the right) results in extensive areas of the site being devoted to side and rear setbacks for development at greater height, without consideration of the site context, optimum outcomes for residents or the most effective utilisation of the site. The standard could have a function as a starting point for identifying whether an alternative design response achieves a better outcome.
- Mandatory provisions are normally only supported where it is demonstrated that the prescribed requirement is necessary in the vast majority of cases to achieve an acceptable outcome.



The Panel agrees with the officer view expressed in the 12 December 2011 report to Council that applying the ResCode standard would be too onerous for buildings of greater height. Further, as Mr Fuaux noted, opportunities for effective landscaping in both the public and private realms can be important to the design outcome. For development of more than 3 storeys

the provision of side and rear setbacks should focus on providing appropriate landscaping opportunities (including provision for canopy trees); providing outlook, daylight access and privacy; and maintaining sunlight and daylight access to private open spaces.

Recommendation

Revise the Table 2 to DDO3 Side and Rear Setbacks for sub-precincts F, G, H, I and K to the following effect:

The Schedule to the Zone does not apply.

Side and rear setbacks must satisfy the objectives of Clause 55.

For development of less than four storeys, side and rear setbacks should generally be in accordance with Clause 55 Standard B17.

Include an additional decision guideline in DDO3:

In the North-West Residential Precinct, whether the proposed side and rear setbacks enable appropriate levels of landscaping, privacy, outlook, access to daylight, and private open space access to sunlight.

2.3 Amenity

The Issues

Debbie Hendy, who owns a property in Acacia Court, and Connie Hughes from Bourke Street generally support Amendment C74. Ms Hendy endorses the requirement for upper level setbacks on buildings of three levels or more in particular.

Mary Lloyd, who lives in Nelson Street and has lived in the area since 1949, expressed concern about the transformation of the area to high density tenanted accommodation with potential for social isolation and blighting. Ms Lloyd and Ms Hendy are concerned that the development will become the slums of tomorrow, offering less light, privacy, safety, communal space, clean air, and views into spaces with canopy trees. Ms Lloyd queried what provision is being made for the elderly, children, disabled, pets in the multi-storey developments.

Council noted that the North-West Precinct Plan acknowledges that the traditional low-density, low scale dwellings set within gardens have afforded residents with a high level of amenity and higher density requires greater consideration of residential amenity. It was submitted by Council that these issues are addressed as follows:

By applying specific principles to the design of open spaces and new developments; Encouraging building designs that provide pleasant living

*spaces that have minimal impact on surrounding dwellings;
Encouraging builders and developers to take into account considerations related to visual privacy, solar access and acoustic amenity; Alleviating the existing rubbish collection issues in the Precinct through the preparation of a waste management plan*

2.3.1 Discussion

As outlined in Chapter 1, it is established planning policy to encourage higher density apartment forms of residential development in this Precinct and the Panel is not revisiting that issue. It is noted however, that there is extensive research highlighting the need for forms of housing other than detached housing and the benefits of locations close to activity centre services for higher density housing. Apartments suit the needs of many, particularly the increasing number of small households, and that choice should be accommodated. The Precinct is identified for substantial change and its character will continue to change as redevelopment occurs. People living in apartments do not seek the same housing features as those in detached houses and the amenity they enjoy will not replicate that of a house on a suburban lot.

The purposes of the proposed DDO3 relate directly to the amenity issues raised by submitters. In addition to the built form issues discussed above, the Panel considers the planning framework emphasis on landscaping in both the public and private realms will be important to the amenity achieved in the Precinct. The planning framework highlights the need for:

'High quality landscape settings are established that reflect topography and landscape themes and complement the existing environmental features such as the Mullum Mullum Creek and Ringwood Lake.

and

High quality public domain, landscape and environmental features be implemented into the Activity Centre to distinguish Ringwood from other activity centres across Metropolitan Melbourne complements the existing indigenous landscaping along the Mullum Mullum Creek'.

2.4 Access, Traffic and Parking

The Issues

Debbie Hendy, Judith Odgers, Mary Lloyd and Connie Hughes raised concerns about increased traffic, pedestrian safety and parking in the Precinct's narrow streets. Ms Hendy expressed doubts about the adequacy of the requirements for onsite parking. Ms Hughes suggested that street lighting should be reviewed as there are dark pockets in parts of the Precinct.

2.4.1 Discussion

The Panel was provided with traffic analysis undertaken by O'Brien Traffic in the preparation of the North-West Residential Precinct Plan.

Following the finalisation of the built form recommendations, the North-West Residential Precinct Plan consultant team prepared housing capacity estimates based on a 'maximum build-out scenario'. These estimates were used to identify any capacity constraints on the road network under such a scenario. The analysis found that no significant AM peak capacity problems are expected. However, the following capacity constraints in the PM peak may occur on access:

- to the CAA due to the absence of a direct right-turn from the south at the Maroondah Interchange for EastLink, the limited cross-section on the southern approach to Ringwood Bypass on Ringwood Street, capacity limits on the Maroondah Highway (opposite Ringwood Station); and
- between the NW Precinct and the major traffic routes. Some capacity improvement may be needed, particularly for right-turns out from the northern approach at New Street onto Maroondah Highway and from Bond Street at Ringwood Street.

The Panel notes that earlier studies of the CAA road network had identified the need for these improvements which are required largely due to commercial development in the CAA, rather than residential development in the NW Precinct.

The Panel is satisfied that, while traffic conditions in the Precinct will change, planning for major redevelopment of the Ringwood CAA is cognisant of the need for road network improvements. The planning scheme establishes rates of on-site parking provision and provides for consideration of matters that may justify reduced levels of provision for particular sites or localities. Justification for higher rates of car parking provision in the Precinct has not been established, particularly given the Precinct's access to public transport and other CAA services. Pedestrian movement and safety have been specifically addressed in the Master Plan and the North-West Residential Precinct Plan. These matters are also identified for consideration in the planning permit process. Street lighting is an important influence on safety (or perceived safety) and is highlighted for consideration by Council in planning works within the public realm.

2.5 Drafting

The Panel has identified the following Amendment C74 drafting issues:

- The following text in the Clause 22.07 policy should be updated to reflect the height and lot size provisions of DDO3:

'Building heights for residential development located within the area identified in the Ringwood Activity Centre – Indicative Building Height Plan relate to the following principles:

- 2 to 3 storey development on lots generally greater than 1500 m².
 - 3 to 4 storey development on lots generally greater than 2500 m².
 - 4 storeys and higher on lots generally greater than 3000 m²."
- DDO3 text should be updated to recognise that there are now two tables to the schedule.

Recommendations

Update in the Building Height Plan principles identified in the Clause 22.07 policy to recognise the introduction of DDO3.

Update the text in DDO3 to recognise that there are now two tables to the schedule.