

DAREBIN PLANNING SCHEME

AMENDMENT C153

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning, who is the planning authority for this amendment.

Land affected by the Amendment

The amendment applies to all land within Schedules 2, 3 and 5 of the Residential Growth Zone of the Darebin Planning Scheme.

What the amendment does

The amendment

- Amends Section 1.0 of Schedules 2, 3 and 5 of Clause 32.07 Residential Growth Zone to include 'Side and Rear Setbacks' and 'Boundary Wall' requirements consistent with *Residential Built Form Design Guidelines, 2014* reference document.
- Amends Section 4.0 of Schedules 2, 3 and 5 of Clause 32.07 Residential Growth Zone to correctly reference the *Residential Built Form Design Guidelines, 2014* reference document.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to ensure Schedules 2, 3, and 5 of the Residential Growth Zone Schedule facilitate housing development consistent with established local policy for housing and built form design.

Local policy seeks to deliver high quality design and amenity outcomes for higher density development in locations where substantial housing change is directed under the Darebin Strategic Housing Framework and *Darebin Housing Strategy 2013-2033*.

A variety of planning scheme provisions, including tailored Zone schedules, Design and Development Overlays and Local Policy are used to guide higher density residential development and ensure dwelling diversity, provide housing choices, and manage the impacts of population growth to meet the residential needs of Darebin to 2033.

Residential Growth Zone Schedules 2, 4 and 5 provide for variations to Clause 55 design performance standards to encourage a desired development format known as "Garden Apartments" (and a subset type called 'Urban Apartments') on suitable sites in identified growth areas. This typology achieves an equitable balance of higher density development which is respectful of the surrounding residential context and achieves good amenity outcomes for future residents.

The Schedules were originally introduced into the Darebin Planning Scheme on 15 January 2015 by Amendment C147 via Stage 2 of the Residential Zones Standing Advisory Committee.

Amendments to Table 1 of RGZ Schedules 2, 3 and 5 are required to include key requirements (as discretionary variations to Clause 55 standards) for 'Side and Rear

Setback' and 'Boundary Wall' as applicable to the rear parts of Garden or Urban Apartment suitable sites. The amendment will ensure requirements in the Schedules are consistent with those in the *Residential Built Form Design Guidelines, 2014* reference document as considered and supported by Stage 2 of the Residential Zones Standing Advisory Committee.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives in Section 4 of the *Planning and Environment Act 1987*. In particular, the draft Amendment supports the following objectives:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To balance the present and future interests of all Victorians.
- To facilitate development that achieves the above objectives.

How does the Amendment address any environmental, social and economic effects?

The amendment facilitates positive environmental, social and economic effects by:

- providing greater certainty for the community in the delivery of high quality, well designed medium and higher density residential development that meets current and future community needs; and
- promoting sustainable urban growth by directing medium and higher density residential development to preferred locations with good access to community infrastructure, services, employment and public transport.

Does the Amendment address relevant bushfire risk?

The amendment will have no impact on bushfire risk.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*.

The amendment is affected by *Ministerial Direction No. 9 - Metropolitan Planning Strategy*, which seeks to ensure that amendments have regard to the Metropolitan Planning Strategy.

The amendment is consistent with the Plan Melbourne's objectives to create liveable communities and 20 minute neighbourhoods. In particular, it is consistent with Directions 4.1, 4.2 and 4.8, which support directing residential growth to appropriate locations, the planning and management of residential development according to local needs, and initiatives which facilitate quality urban design and architecture which deliver economic, social and environmental benefit.

The amendment complies with *Ministerial Direction 11 Strategic Assessment of Amendments* under Section 12 of the *Planning and Environment Act 1987*.

The amendment complies with *Ministerial Direction 16 – Residential Zones* under Section 12 of the *Planning and Environment Act 1987*.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports and implements the State Planning Policy Framework (SPPF) in the following ways:

Clause 11 – Settlement: the amendment responds to the need to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, whilst ensuring that a sufficient supply of land is available for employment, recreation and open space, commercial and community facilities and infrastructure, as well as other community uses.

Clause 15 – Built Environment and Heritage: the amendment contributes to the facilitation of architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 16 – Housing: the amendment will contribute to the provision of a diverse housing stock, located strategically in locations that offer access to public transport and a wide range of services.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The provisions introduced by this amendment support the Local Planning Policy Framework and Municipal Strategic Statement of the Darebin Planning Scheme.

The amendment will ensure the delivery of high quality design and amenity outcomes for higher density development in locations where substantial housing change is directed under the Darebin Strategic Housing Framework and *Darebin Housing Strategy 2013-2033*.

Specifically, the amendment supports

- *Clause 21.02-2 – Urban Design Excellence* by implementing detailed design guidelines for areas where substantial housing and growth is encouraged;
- *Clause 21.03-2 – Housing Development* by promoting a high standard of housing design in identified housing growth locations which make efficient use of land, limit off-site amenity impacts and provide appropriate internal amenity for residents; and
- *Clause 21.03-3 Housing Diversity and Equity* – by encouraging a mix of housing typologies in appropriate locations that meet the needs of Darebin’s diverse and growing community.

The amendment also supports *Clause 22.06 – Multi Residential and Mixed Use Policy Development* which was introduced into the Darebin Planning Scheme via Amendment C147 as part of the package of RGZ Schedules and DDO controls to guide higher density development. The Policy encourages apartment developments that achieve a high standard of urban design, limit off-site amenity impacts, provide appropriate on-site amenity, demonstrate environmentally sustainable design principles and consider the development potential of adjoining sites. The amendment also supports the policy direction to encourage the consolidation of lots to facilitate better design and amenity outcomes in locations where substantial housing change is directed.

Does the Amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by applying controls consistent with the form and content of the VPPs to facilitate appropriate residential development.

How does the Amendment address the views of any relevant agency?

There are no relevant agencies affected by the amendment. The views of various agencies have been sought and addressed during the development of the *Darebin Housing Strategy 2013-2033* and more recently in the preparation, exhibition and approval of Amendment C147 which introduced the existing zone and overlay controls to the land in question.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment complies with the relevant requirements for the Transport Integration Act, specifically Part 2, Division 2, 11 – Integration of transport and land use. This amendment supports increased housing densities in areas which are well serviced by public transport.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have positive impacts on the resource and administration costs of Darebin City Council. The amendment will improve planning outcomes through clearer planning processes and guidance for decision makers, applicants and the broader community.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Darebin City Council Office, 274 Gower St, Preston between 8.30am-5.00pm Monday to Friday

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Planning and Environment Act 1987

DAREBIN PLANNING SCHEME

AMENDMENT C153

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Darebin Planning Scheme is amended as follows:

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In Zones – Clause 32.07, replace Schedule 2 with a new Schedule 2 in the form of the attached document.
2. In Zones – Clause 32.07, replace Schedule 3 with a new Schedule 3 in the form of the attached document.
3. In Zones – Clause 32.07, replace Schedule 5 with a new Schedule 5 in the form of the attached document.

End of document

15/01/2015
C147**SCHEDULE 2 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ2**.**GARDEN APARTMENT AREAS****1.0**15/01/2015
G447
Proposed
C153**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
Minimum street setback	A3	None specified
	B6	<p>Front street setback: In accordance with B6 or 5 metres, (whichever is the lesser) plus an additional 2 metres for heights above 2 storeys (6.9 metres and above).</p> <p>Side Street setback: None specified</p>
Site coverage	A5	None Specified
	B8	80 per cent
Permeability	A6	None specified
	B9	15 per cent
Landscaping	B13	<p>On sites with a frontage of less than 22 metres, a minimum of one semi-mature canopy tree within both the front and rear setbacks.</p> <p>On sites with a frontage greater than 22 metres, a minimum of two semi-mature canopy trees within both the front and rear setbacks.</p> <p>Where a 3 metre side setback is required this must include an area for deep root planting.</p> <p>A clear area of 4.5 metres x 4.5 metres is required to accommodate each semi-mature canopy tree. This may include land on an adjoining lot.</p>
Side and rear	A10	None Specified

Standard Requirement		
setbacks	B17	<p>Side Setbacks</p> <p>In accordance with B17 except for the first 25 metres of sites with a frontage wider than 22 metres (or 16 metres where rear or side vehicle access is possible), where the side setback is 0 metres, plus 3 metres for heights above 6.9 metres.</p> <p>In accordance with B17 except as follows for sites with a frontage greater than 22 metres (or 16 metres where rear or side vehicle access is possible):</p> <ul style="list-style-type: none"> ▪ Within the first 25 metres of the site as measured from the frontage, 0 metres for building heights up to 2 storeys (6.9 metres), and 3 metres for heights over 2 storeys (6.9 metres and above); and ▪ For the remaining length of the site, a minimum setback of 3 metres for building heights up to 2 storeys (6.9 metres) and a minimum setback of 6 metres for heights over 2 storeys (6.9 metres). <p>Rear Setbacks</p> <p>Minimum setback of 3 metres, plus an additional 2.5 metres for height between 3.6 metres and 8.5 metres, plus 1 metre for every 1 metre of height over 8.5 metres; and.</p> <p>For sites with rear lane access, the setback is as above, but is measured from the opposite boundary (i.e. the setback may include the width of the laneway).</p>
Standard Requirement		
Walls on	A11	None specified

Comment [GDV1]: Note : the side setback requirement for heights above 2 storeys in reference document is worded as “minimum of 3 metres from side wall of floor immediately below”. This is expressed in the schedule as a simple minimum 6 metre setback requirement.

Comment [GDV2]: Note: Minor word changes to ensure clarity. Other similar minor word changes also made under B18 provision.

	Standard	Requirement
boundaries	B18	<p>On sites with a frontage greater than 22 metres (or 16 metres where rear or side vehicle access is possible), either:</p> <ul style="list-style-type: none"> Within the front first 25 metres of the lotsite as measured from the frontage, 20 metres plus 25% of remaining length, or where there are existing or simultaneously constructed walls abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed wall that has been approved under these provisions; <p>whichever is greater.</p> <p>On sites with a frontage less than 22 metres (or 16 metres where rear or side vehicle access is possible), the above applies can apply for a maximum of one side only. The maximum length of wall on boundary on the opposing side boundary is as per Standard B18.</p> <p>Within the front 25 metres of the front boundary first 25 metres of the site as measured from the frontage, the height of a new wall constructed on or within 200 millimetres of a side or rear boundary should not exceed 6.9 metres.</p> <p>Unless a 3 metre side setback is required, the height of any boundary wall beyond 25 metres of the lot-site's frontage should accord with Standard B18.</p>
Private open space	A17	None specified
	B28	<p>An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room, or</p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</p> <p>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</p>
Front fence height	A20	None specified
	B32	A maximum of 1.5 metres with at least 25% visual transparency above 1.2 metres.

Comment [GDV3]: Changed wording to make it the same as per that in the B17 variation.

Comment [GDV4]: Changed wording to make it the same as per that in the B17 variation.

2.0

15/01/2015
C147

Maximum building height requirement for a dwelling or residential building

None specified.

3.0

15/01/2015
C147

Application requirements

An application to construct two or more dwellings on a lot must include the following information, as appropriate, to the satisfaction of the responsible authority:

- Landscape concept design.
- Urban design context report and design response.
- Sustainability assessment.

- Acoustic assessment for development sites that adjoin a Road Zone, Category 1 (RDZ1), land in Schedule 4 to the Public Use Zone (PUZ4) or land containing non-residential uses with the potential to cause amenity impacts as a result of noise.
- Waste management plan.

4.0

15/01/2015

C147

Proposed C153

Decision guidelines

The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- Whether the development seeks to achieve the development outcomes encouraged through the *Residential ~~Growth Zone~~ Built Form Design Guidelines, 2014*.
- Whether the development incorporates design measures to maximise rear setbacks from the secluded private open space of adjoining properties in the Neighbourhood and General Residential Zones.
- Whether the mass of the development is located towards the street frontage and provides an acceptable level of visual bulk towards the rear of the lot.
- Whether the building composition provides for a distinguishable base, middle and top and appropriate levels of design treatment to each element, while incorporating consolidated upper setbacks to avoid a tiered 'wedding' cake form.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The potential and ability to consolidate lots to create larger development sites.

Comment [GDV5]: Note: Reference document name incorrect.

15/10/2015
C147**SCHEDULE 3 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ3**.**GARDEN APARTMENT AREAS – 4 STOREY RESTRICTION****1.0**15/10/2015
~~C447~~
Proposed
C153**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
Minimum street setback	A3	None specified
	B6	<p>Front street setback: In accordance with B6 or 5 metres, (whichever is the lesser) plus an additional 2 metres for heights above 2 storeys (6.9 metres and above).</p> <p>Side Street setback: None specified</p>
Site coverage	A5	None Specified
	B8	80 per cent
Permeability	A6	None specified
	B9	15 per cent
Landscaping	B13	<p>On sites with a frontage of less than 22 metres, a minimum of 1 semi-mature canopy tree within both the front and rear setbacks.</p> <p>On sites with a frontage greater than 22 metres, a minimum of 2 semi-mature canopy trees within both the front and rear setbacks.</p> <p>Where a 3 metres side setback is required, this must include an area for deep root planting.</p> <p>A clear area of 4.5 metres x 4.5 metres is required to accommodate each semi-mature canopy tree. This may include land on an adjoining lot.</p>
Side and rear	A10	None Specified

setbacks

B17	<p>Side Setbacks</p> <p>In accordance with B17 except for the first 25 metres of sites with a frontage wider than 22 metres (or 16 metres where rear or side vehicle access is possible), where the side setback is 0 metres, plus 3 metres for heights above 6.9 metres.</p> <p><u>In accordance with B17 except as follows for sites with a frontage greater than 22 metres (or 16 metres where rear or side vehicle access is possible):</u></p> <ul style="list-style-type: none"> ▪ <u>Within the first 25 metres of the site as measured from the frontage, 0 metres for building heights up to 2 storeys (6.9 metres), and 3 metres for heights over 2 storeys (6.9 metres and above); and</u> ▪ <u>For the remaining length of the site, a minimum setback of 3 metres for building heights up to 2 storeys (6.9 metres) and a minimum setback of 6 metres for heights over 2 storeys (6.9 metres).</u> <p>Rear Setbacks</p> <ul style="list-style-type: none"> ▪ Minimum <u>setback of 3 metres, plus an additional 2.5 metres for height between 3.6 metres and 8.5 metres, plus 1 metre for every 1 metre of height over 8.5 metres; and,</u> ▪ For sites with rear lane access, the setback is as above, but is measured from the opposite boundary (i.e. the setback may include the width of the laneway).
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Comment [GDV1]: Note : the side setback requirement for heights above 2 storeys in reference document is worded as "minimum of 3 metres from side wall of floor immediately below". This is expressed in the schedule as a simple minimum 6 metre setback requirement.

Comment [GDV2]: Note: Minor word changes to ensure clarity. Other similar minor word changes also made under B18 provision.

Side Setbacks	Side Setbacks	Side Setbacks
Walls on	A11	None specified

Side Setbacks boundaries	Side Setbacks	Side Setbacks
	B18	<p>On sites with a frontage greater than 22 metres (or 16 metres where rear or side vehicle access is possible), either:</p> <ul style="list-style-type: none"> Within the front<u>first</u> 25 metres of the lot site as measured from the frontage, 20 metres plus 25% of remaining length, or where there are existing or simultaneously constructed walls abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed wall that has been approved under these provisions; <p>whichever is greater.</p> <p>On sites with a frontage less than 22 metres (or 16 metres where rear or side vehicle access is possible), the above applies <u>can apply</u> for a maximum of one side only. The maximum length of wall on boundary on the opposing side boundary is as per Standard B18.</p> <p>Within the front 25 metres of the front boundary, <u>first 25 metres of the site as measured from the frontage</u>, the height of a new wall constructed on or within 200 millimetres of a side or rear boundary should not exceed 6.9 metres.</p> <p><u>Unless a 3 metre side setback is required</u>, Tthe height of any boundary wall beyond 25 metres of the lot site's frontage should accord with Standard B18.</p>
Private open space	A17	None specified
	B28	<p>An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room, or</p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</p> <p>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</p>
Front fence height	A20	None specified
	B32	A maximum of 1.5 metres with at least 25% visual transparency above 1.2 metres.

Comment [GDV3]: Changed wording to make it the same as per that in the B17 variation.

Comment [GDV4]: Changed wording to make it the same as per that in the B17 variation.

2.0

15/10/2015
C147

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 4 storeys (13.5 metres).

This does not apply to:

- An extension of an existing building or the construction of a new building that exceeds the specified building height which does not exceed the height of immediately adjacent buildings facing the same street.
- The rebuilding of a lawful building or works which have been damaged or destroyed.

A lift overrun, plant and services that are appropriately screened and other building appurtenances may exceed the mandatory height requirements by no more than 1.2 metres.

In areas subject to the Special Building Overlay, the maximum building height may be exceeded by no more than the minimum additional building height required by the overlay provisions.

3.0

15/10/2015
C147

Application requirements

An application construct more than two dwellings on a lot must include the following information, as appropriate, to the satisfaction of the responsible authority:

- Landscape concept design.
- Urban design context report and design response.
- Sustainability assessment.
- Acoustic assessment for development sites that adjoin a Road Zone, Category 1 (RDZ1), land in Schedule 4 to the Public Use Zone (PUZ4) or land containing non-residential uses with the potential to cause amenity impacts as a result of noise
- Waste management plan.

4.0

15/10/2015
C147
Proposed
C153

Decision guidelines

The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- Whether the development seeks to achieve the development outcomes encouraged through the Residential ~~Growth Zone~~ Built Form Design Guidelines, 2014.
- Whether the development incorporates design measures to maximise rear setbacks from the secluded private open space of adjoining properties in the Neighbourhood and General Residential Zones.
- The potential and ability to consolidate lots to create larger development sites.

Comment [GDV5]: Note: Reference document name incorrect.

15/10/2015
C147**SCHEDULE 5 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**Shown on the planning scheme map as **RGZ5**.**URBAN APARTMENT AREAS****1.0**15/10/2015
C447
Proposed
C153**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
Minimum street setback	A3	None specified
	B6	<p>Front street setback: In accordance with B6 or 3 metres, (whichever is the lesser) plus an additional 2 metres for heights above 2 storeys (6.9 metres and above).</p> <p>Side Street setback: None specified</p>
Site coverage	A5	None Specified
	B8	80 per cent
Permeability	A6	None specified
	B9	10 per cent
Landscaping	B13	<p>Landscaping should allow for interaction between the public and private spaces.</p> <p>Where a 3 metre setback is required, this must include an area of for deep root planting for a medium sized tree.</p> <p>A clear area of 4.5 metre x 4.5 metre is required to accommodate a semi-mature canopy tree within side and rear boundary setbacks at a rate of 1 tree per ground level dwelling that adjoins the setback. This may include land on an adjoining lot.</p>
Side and rear	A10	None Specified

	Standard	Requirement
setbacks	B17	<p>Side Setbacks</p> <p>In accordance with B17 except for the first 25 metres of sites with a frontage wider than 22 metres (or 16 metres where rear or side vehicle access is possible), where the side setback is 0 metres, plus 3 metres for heights above 6.9 metres.</p> <p>In accordance with B17 except as follows for sites with a frontage greater than 22 metres (or 16 metres where rear or side vehicle access is possible):</p> <ul style="list-style-type: none"> ▪ Within the first 25 metres of the site as measured from the frontage, 0 metres for building heights up to 2 storeys (6.9 metres), and 3 metres for heights over 2 storeys (6.9 metres and above); and ▪ For the remaining length of the site, a minimum setback of 3 metres for building heights up to 2 storeys (6.9 metres) and a minimum setback of 6 metres for heights over 2 storeys (6.9 metres). <p>Rear Setbacks</p> <p>Minimum setback of 3 metres, plus an additional 2.5 metres for height between 3.6 metres and 8.5 metres, plus 1 metre for every 1 metre of height over 8.5 metres, ;-and</p> <p>For sites with rear lane access, the setback is as above, but is measured from the opposite boundary (i.e. the setback may include the width of the laneway).</p>

Comment [GDV1]: Note : the side setback requirement for heights above 2 storeys in reference document is worded as "minimum of 3 metres from side wall of floor immediately below". This is expressed in the schedule as a simple minimum 6 metre setback requirement.

Comment [GDV2]: Note: Minor word changes to ensure clarity. Other similar minor word changes also made under B18 provision.

	Standard	Requirement
Walls on	A11	None specified

	Standard	Requirement
boundaries	B18	<p>On sites with a frontage greater than 22 metres (or 16 metres where rear or side vehicle access is possible), either:</p> <ul style="list-style-type: none"> Within the front first 25 metres of the lot site as measured from the frontage, 20 metres plus 25% of remaining length, or Where there are existing or simultaneously constructed walls abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed wall that has been approved under these provisions; <p>whichever is greater.</p> <p>On sites with a frontage less than 22 metres (or 16 metres where rear or side vehicle access is possible), the above applies can apply for a maximum of one side only. The maximum length of wall on boundary on the opposing side boundary is as per Standard B18.</p> <p>Within the front 25 metres of the front boundary, first 25 metres of the site as measured from the frontage, the height of a new wall constructed on or within 200 millimetres of a side or rear boundary should not exceed 6.9 metres.</p> <p>Unless a 3 metre side setback is required, the height of any boundary wall beyond 25 metres of the lot site's frontage should accord with Standard B18.</p>
Private open space	A17	None specified
	B28	<p>An area of 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room, or</p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or</p> <p>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</p>
Front fence height	A20	None specified
	B32	A maximum of 1.2 metres.

Comment [GDV3]: Changed wording to make it the same as per that in the B17 variation.

Comment [GDV4]: Changed wording to make it the same as per that in the B17 variation.

2.0
15/10/2015
C147

Maximum building height requirement for a dwelling or residential building

None specified.

3.0
15/10/2015
C147

Application requirements

An application to construct two or more dwellings on a lot must include the following information, as appropriate, to the satisfaction of the responsible authority:

- Landscape concept design.
- Urban design context report and design response.
- Sustainability assessment.

- Acoustic assessment for development sites that adjoin a Road Zone, Category 1 (RDZ1), land in Schedule 4 to the Public Use Zone (PUZ4) or land containing non-residential uses with the potential to cause amenity impacts as a result of noise.
- Waste management plan.

4.0

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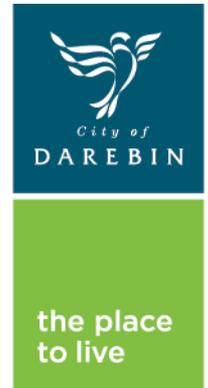
Decision guidelines

The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- Whether the development seeks to achieve the development outcomes encouraged through the *Residential ~~Growth Zone~~ Built Form Design Guidelines, 2014*.
- Whether the development incorporates design measures to maximise rear setbacks from the secluded private open space of adjoining properties in the Neighbourhood and General Residential Zones.
- Whether the mass of the development is located towards the street frontage and provides an acceptable level of visual bulk towards the rear of the lot.
- Whether the building composition provides for a distinguishable base, middle and top and appropriate levels of design treatment to each element, while incorporating consolidated upper setbacks to avoid a tiered 'wedding' cake form.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The potential and ability to consolidate lots to create larger development sites.
- Whether the proposed development achieves active frontage outcomes for non-residential uses at ground floor interfacing the street edge, and any necessary dispensation of the height requirements to accommodate the non-residential uses at ground floor.

Comment [GDV5]: Reference document name incorrect.

Reasons for Ministerial Intervention under Section 20(4) of the Planning and Environment Act 1987



Darebin Planning Scheme

Amendment C153

The *Planning and Environment Act 1987* (the Act), the *Heritage Act 1995* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

REQUEST FOR INTERVENTION

1. Darebin City Council has requested this intervention to facilitate amendments to Schedules 2, 3 and 5 of the Residential Growth Zone at Clause 32.07 of the Darebin Planning Scheme. This request will facilitate housing development consistent with established local policy for housing and built form design.

WHAT POWER OF INTERVENTION IS REQUESTED

2. Section 20(4) of the Act enables the Minister for Planning to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the regulations.
3. Section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.
4. Darebin City Council submits the request for intervention responds to the requirements of *Practice Note No 29 Ministerial Power of the Intervention in Planning and Heritage Matters* on the basis that compliance with requirements is not warranted in this circumstance.

BACKGROUND

5. Darebin City Council is committed to the implementation of the new residential zones across the municipality consistent with the direction of State Planning Policy and local policy directions of the *Darebin Housing Strategy 2013-2033* and Darebin Municipal Strategic Statement.
6. The implementation of the residential zones has received significant attention and priority at the State level, including the establishment of the Ministerial Residential Zones Standing Advisory Committee (RZSAC) to fast track Council proposals to apply the zones.
7. Amendment C147 to the Darebin Planning Scheme was referred to Stage 2 of the RZSAC in September 2014 and was approved by the Minister for Planning on 15 January 2015.
8. Amendment C147 implemented the Residential Growth Zone (RGZ) in four precinct in Darebin strategically identified for housing growth. Amendment C147

included associated Schedules and Overlays provide appropriate design guidance for development in the RGZ.

9. The public exhibition process (6 – 31 October 2014) for Amendment C147 included the following activities:

- Direct addressed letters to all owners and occupiers of properties proposed for rezoning as well as all adjoining properties. Information Sheets were also included with letters.
- Direct letters to known local Community Groups
- Public Notices in the Age, Herald Sun, Northcote Leader and Preston Leader newspapers
- Direct letters to Government Agencies and Service Authorities
- Notices in Darebin Council customer service centres and libraries
- An online engagement portal with a dedicated project information page providing ongoing project updates, amendment documentation for download, searchable maps, project FAQs and information on the RZSAC process.
- Drop-in information events specifically for local residents unable to visit council offices or use the internet.

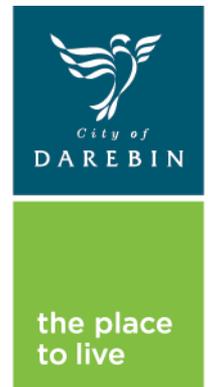
10. 41 submissions were received from a variety of affected parties, including Darebin community groups, from planning, development and housing industry professionals, and from individual affected property owners and occupiers.

11. The RZSAC considered detailed submissions from Council and submitters on key issues during its public hearing from 17 - 28 November 2014, in particular regarding:

- The merits of Council encouraging a particular building typology termed 'Garden Apartments' (and a subset type called 'Urban Apartments') on suitable sites in the RGZ, as documented and codified in design guidelines prepared by Council.
- The form of the amendment, which proposed an integrated combination of Zone Schedules, Design and Development Overlays, an Incorporated Document entitled *Higher Density Residential Building Typologies September 2014*, and a reference document entitled *Residential Built Form Guidelines 2014* (design guidelines).
- The likely effect of the proposed planning controls on development outcomes.

12. In its report to the Minister for Planning dated 9 January 2015 the RZSAC made the following key findings and recommendations:

- Support for the proposed Garden/Urban Apartment building typologies and associated design guidelines (*Residential Built Form Guidelines 2014*).
- Support for inclusion of discretionary ResCode variations in Schedules 2, 3 and 5 of the RGZ and the use of Design and Development Overlays to facilitate preferred development outcomes in precincts.
- Support for the *Residential Built Form Guidelines, 2014* as a reference document to the zone and overlay controls.



- Did not support the inclusion of the *Higher Density Residential Building Typologies September 2014* Incorporated Document in the suite of proposed controls on the basis that it was unnecessary (given the existence of zone and overlay controls and reference document).
13. Amendment C147 was subsequently approved with significant changes made to the documentation by the Department, including the deletion of the Incorporated Document, as per the recommendations of the RZSAC.
 14. Council was not given the opportunity to examine Amendment C147 prior to approval to assess the impact of the recommended changes, including the deletion of the Incorporated Document.
 15. The outcome as prepared by the Department has resulted in issues with RGZ Schedules 2, 3 and 5. These schedules currently omit discretionary ResCode variations for side setback and boundary walls that apply to the rear parts of Garden/Urban Apartment suitable sites. These technical requirements had existed only in the (deleted) Incorporated Document and were not translated into the schedules for approval by the Minister.
 16. RGZ Schedules 2, 3 and 5 are confusing and inconsistent with reference documentation. The lack of clear side setback and boundary wall provisions risks poorly designed, inappropriate development outcomes in the RGZ. This is contrary to the intentions of the Garden Apartment policy and the expectations of Council, community and RZSAC.
 17. Amendment C153 (the amendment) is required to:
 - Ensure RGZ Schedules 2, 3 and 5 include key discretionary design performance standards to facilitate housing development outcomes with established local policy for housing and built form design.
 - Provide greater certainty for the community in the delivery of higher density residential development in the City of Darebin.
 18. To the extent that this amendment amends content in RGZ Schedules 2, 3 and 5 which were introduced via Amendment C147, it is considered that the changes represent a correction on a technicality to discretionary provisions that remain consistent with the findings of the RZSAC and do not materially impact third parties. The changes will ensure the planning scheme is giving clear guidance to design outcomes sought in the RGZ.

COMPLIANCE WITH REQUIREMENTS NOT WARRANTED

19. The effect of the exemption is that third parties will not receive notice of the amendment and will not have the opportunity to make a submission or be heard by an independent panel in relation to the amendment.
20. Third parties who may be affected by the exemption were provided with the opportunity to make submissions on Amendment C147 to Stage 2 of the Residential Zones Standing Advisory Committee. The Committee considered all submissions and where appropriate addressed them in their recommendations.
21. A public exhibition process for the amendment is not likely to identify any new issues which were not already been identified and considered in detail by Council and the Residential Zones Standing Advisory Committee process for

Amendment C147. Both the design principles and detailed technical requirements for Garden Apartments are clearly established and issues and views of third parties are reasonably known.

22. The amendment will rectify the inadvertent, erroneous omission of discretionary technical requirements from zone schedules as a consequence of the approval process for Amendment C147. The changes will be inconsequential in view of the transparency of the Amendment C147 exhibition and process.
23. There are significant risks of poor development outcomes with unreasonable impacts on the amenity of current and future residents in affected precincts if the amendment is not progressed as a matter of urgency.

