

Planning and Environment Act 1987

Residential Zones (Stage One) Standing Advisory Committee Report

Ararat Draft Amendment C33

This report must be read with Stage One Overarching Issues Report

20 June 2014



Planning and Environment Act 1987

Advisory Committee Report pursuant to Section 151 of the Act

Residential Zones Standing Advisory Committee Report (Stage One)

Ararat Draft Amendment C33

A handwritten signature in blue ink that reads "Rodger Eade". The signature is written in a cursive style with a clear, legible font.

Rodger Eade, Chair

A handwritten signature in blue ink that reads "Lucinda Peterson". The signature is written in a cursive style with a clear, legible font.

Lucinda Peterson, Member

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Appendix A List of Submitters

List of Abbreviations

BMO	Bushfire Management Overlay
the Committee	The Residential Zones Standing Advisory Committee
DTPLI	Department of Transport, Planning and Local Infrastructure
Draft Amendment	Draft Amendment C33 to the Ararat Planning Scheme
GRZ	General Residential Zone
MSS	Municipal Strategic Statement
NRZ	Neighbourhood Residential Zone
PN78	Practice Note 78, <i>Applying the Residential Zones</i> , December 2013
R1Z	Residential 1 Zone
RGZ	Residential Growth Zone
VIF	Victoria In Future, 2012
VPO	Vegetation Protection Overlay

Amendment summary

The draft Amendment	Draft Amendment C33 to the Ararat Planning Scheme
Planning Authority	Minister for Planning
The Subject Land	All land currently zoned Residential 1 within the Rural City of Ararat. This applies to Ararat township only as residential land in other townships is zoned other than Residential 1.
Purpose	<p>The purpose of the draft Amendment is to rezone all land currently zoned Residential 1 to Neighbourhood Residential Zone 1 and 2 or General Residential Zone 1. Specifically the draft Amendment proposes to:</p> <ul style="list-style-type: none"> - Amend Planning Scheme Map Nos. 5, 6, 7, 8, 9, 10 and 11. - Delete Clause 32.01 R1Z and the Schedule. - Insert new Clause 32.08 GRZ. - Insert a new Schedule 1 to Clause 32.08 GRZ. - Insert a new Clause 32.09 NRZ. - Insert a new Schedule 1 to Clause 32.09 NRZ. - Insert a new Schedule 2 to Clause 32.09 NRZ. - Amend Clause 21.03 (Settlement and Housing) to include appropriate strategic directions to reflect the introduction of the new residential zones.
Request	At its meeting of 18 March 2014, Council resolved to request the Residential Zones Standing Advisory Committee to review the proposed draft Amendment.
Notice	<p>The Notice Period was between 28 March 2014 and 17 April 2014. Notices appeared in:</p> <ul style="list-style-type: none"> - Herald Sun, on 20 March 2014. - The Age, on 20 March 2014. - Ararat Advertiser on 21 and 28 March and 4 April 2014.
Submissions	Refer to Appendix A.
Appointment	The Residential Zones Standing Advisory Committee was appointed by the Minister for Planning on 5 February 2014.
Members	<p>Rodger Eade, Chair</p> <p>Lucinda Peterson, Member</p>
Area inspections	No formal hearing was held as no submitters requested to be heard. A telephone conference was held with Mr Joel Hastings - Manager, Planning and Development from the Rural City of Ararat on Friday 2 May 2014.
Date of this Report	20 June 2014

1 Introduction

1.1 The proposal

Draft Amendment C33 to the Ararat Planning Scheme (the draft Amendment) proposes to:

- Amend Planning Scheme Map Nos. 5, 6, 7, 8, 9, 10 and 11.
- Delete Clause 32.01 Residential 1 Zone (R1Z) and the Schedule.
- Insert new Clause 32.08 General Residential Zone (GRZ).
- Insert a new Schedule 1 to Clause 32.08 GRZ.
- Insert a new Clause 32.09 Neighbourhood Residential Zone (NRZ).
- Insert a new Schedule 1 to Clause 32.09 NRZ.
- Insert a new Schedule 2 to Clause 32.09 NRZ.
- Amend Clause 21.03 (Settlement and Housing) to include appropriate strategic directions to reflect the introduction of the new residential zone.

The Ararat township is the only part of the Municipality in the R1Z. The draft Amendment therefore only applied to this area.

1.2 Issues dealt with in this report

This report deals with the issues under the following headings:

- Strategic Planning Context.
- Strategic justification.
- Application of the new residential zones.
- The residential neighbourhoods along Ararat's main thoroughfares.
- The lower slopes of the Ararat Hills on the periphery of Ararat.
- The remaining residential areas of Ararat.
- Other matters.

The Residential Zones Standing Advisory Committee (the Committee) has prepared this report 'on the papers'. The Committee has identified the following specific issues which it addresses in this report:

- The application of the new zones to areas where Heritage Overlays apply, and consistency of what is proposed as set out in the *Stage One Overarching Issues Report*.
- The strategic justification for including the residential properties on the main thoroughfares into Ararat in the NRZ.
- The strategic justification for including the residential properties in the Ararat Hills area to the west of the Ararat township in the NRZ.
- Areas for higher residential density.
- The role the *Ararat Sustainable Growth Future* document has played in the strategic underpinning of the draft Amendment.
- The appropriateness of the mandatory eight metre height limit in the NRZ.

In reaching its conclusions and recommendations, the Committee has read and considered the submissions and a range of other material referred to it. This includes all written submissions. The following chapters of this report discuss the issues raised in submission

relating to the draft Amendment in further detail, with the Committee's conclusion and recommendation provided in Chapter 6.

2 Strategic Planning Context

In addition to the strategic policy context contained in the Committee's *Stage One Overarching Issues Report*, the following local planning context applies to the draft Amendment.

2.1 Central Highlands Regional Growth Plan

The Minister for Planning launched the *Central Highlands Regional Growth Plan* on 30 April 2014, after the draft Amendment was placed on Notice. Ararat is recognised as regional centre in that plan and provides the following future directions:

- *Support Ararat as the regional centre for the western part of the Central Highlands.*
- *Develop the cohesive relationship between Ararat and Stawell in the provision of services, housing and employment.*
- *Encourage the provision of a wide range of health, education, retail, municipal and emergency services, including some higher order services and facilities.*
- *Plan for the expansion of the urban area to accommodate future residential and employment growth.¹*

With respect to future growth in Ararat the Plan states:

- *Consistent annual rate of development of planned housing areas in cities, centres and towns and some new areas of subdivision to supply moderate local or external demand.*
- *Existing infrastructure can generally be augmented to meet demand without constraining land supply. More major works may be needed for some new areas.*
- *Has a typical annual population growth rate of between 100 and 400 people².*

On 30 May 2104 and subsequent to all hearings conducted by the Committee, Amendment VC106 amended the State Planning Policy Framework to recognise the approved regional growth plans and *Plan Melbourne, Metropolitan Planning Strategy 2013*. The Committee is of the view the Central Highlands Regional Growth Plan that the proposed application of the new residential zones is consistent with and implements the regional growth plan. The Committee notes that with respect to Ararat, the plan is generally 'broad brush'.

2.2 Local Planning Policy Framework

The draft Amendment is supported by the following clauses in the Local Planning Policy Framework.

The Municipal Strategic Statement (MSS) at Clause 21 recognises the estimated population of Ararat as 7,500 and modest growth which is forecast for the next 20 years. The new zones will accommodate that growth and the forecast changing population structure.

¹ Central Highlands Regional Growth Plan, p52.

² Op. cit. p46.

The draft Amendment is consistent with Clause 21.03 *Settlement and Housing* and in particular:

Objective 1 – Townships (General)

To retain and promote the individual character and role of each of the towns in the municipality.

and the following strategies:

Encourage greater diversity in the range of housing opportunities provided, including additional small lot and multi-unit housing.

Ensure that new residential and rural residential development areas have convenient and safe connections to the commercial and community facilities in town centres.

Control development in townships having regard to the environmental and physical sensitivities.

The application of the new zones also supports and implements Clause 21.04 Environment, in particular:

Objective 1 Biodiversity

To protect and enhance the biodiversity assets of the municipality.

The west of the township forms part of the Ararat Hills which provides an environmental and landscape setting for this residential and rural residential precinct. Vegetation Protection Overlay 16 (Ararat Hills) applies to parts of this precinct and seeks to:

Objective 4 Wildfire

To ensure housing and other forms of development are sited, designed and maintained to minimise risk from fire.

The draft Amendment recognises the bushfire risk to the Ararat township.

Council is currently undertaking a strategic planning project, Defendable Space for Towns, Settlements and Population Clusters. The use of the NRZ in the Ararat Hills is intended to be consistent with that strategy. The following clause is relevant to the unique characteristics of the Ararat Hills:

Objective 4 – Water Management

To protect and enhance the quality of both ground and surface waters throughout the municipality.

2.3 Planning scheme provisions

(i) Zones and Overlays

Only the R1Z currently applies in the Ararat Planning Scheme. There is one schedule which does not require a permit to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres. The schedule specifies no changes to Clause 54 and 55 standards.

The following overlays apply in the Ararat Planning Scheme:

Design and Development Overlay/ Development Plan Overlay

This applies to a significant greenfield development site in the eastern part of the Ararat township. This will accommodate residential development associated with the prison development. It is intended to provide for standard and low density residential development. That Design and Development Overlay has no provisions which conflict with the GRZ or the proposed schedule.

Heritage Overlay

Council undertook the *Ararat Heritage Study* in 1994 which led to the identification of number individual significant buildings which were subsequently placed under a Heritage Overlay.

The main thoroughfares proposed by Council to be translated to the NRZ are considered to have a consistent urban character and whilst some individual properties are covered by the Heritage Overlay it does not apply to the extent of the areas proposed for the NRZ.

Bushfire Management Overlay

West of the Ararat township are the Ararat Hills, an area recognised as being subject to bushfire risk and a Bushfire Management Overlay applies. This was applied in 2010 at the recommendation of the Bushfires Royal Commission. Council has indicated that the coverage of the area is uncertain and includes a number of errors including covering the major town reservoir. This Overlay seeks to limit development in this area and hence is consistent with the proposal to apply the NRZ.

2.4 Relevant strategies and plans

(i) Ararat Sustainable Growth Future

The City has no housing strategy, but Council recently adopted the *Ararat Sustainable Growth Future* prepared by Planisphere. This strategy focuses on ensuring that there is an adequate supply of suitable zoned land to meet future projected moderate growth. Whilst the strategy is recent and makes reference to the new residential zones implemented in 2013, it undertakes no assessment of the applicability of particular zones to areas within the township. The strategy is not currently referenced in the Ararat Planning Scheme.

(ii) Ararat Heritage Study 1994

Council completed the *Ararat Heritage Study* in 1994 which identified many significant individual buildings and some small precincts within the township. These have been incorporated into the Planning Scheme under the Heritage Overlay. The heritage study did not extend to the residential properties along Ararat's main thoroughfares, which are proposed to be included in the NRZ.

(iii) Planning Practice Note 78

Practice Note 78, *Applying the Residential Zones, December 2013* (PN78) has informed the application of the new zones. The Council has provided no details of how PN78 was used in the proposed translation process, nor any detail of assessment undertaken by them using the principles and criteria enunciated in PN78.

2.5 Strategic Assessment

The Committee's conclusions on the strategic assessment it has undertaken are set out in Chapter 6.

3 Council's approach to applying the zones

3.1 Council's broad approach

Council indicated that the zones which it has proposed be applied in different parts of Ararat have been *"selected to reflect the principles as set out in the practice note"*. This includes facilitating moderate growth in the housing stock and the protection of areas of particular neighbourhood character, or environmental or landscape significance.

Council quotes the following principles, in particular, which have guided its application of the zones:

General Residential Zone

Areas with a diversity of housing stock, diversity of lot sizes and more varied neighbourhood character.

Areas where moderate housing growth and diversity is encouraged.

Council propose to apply the GRZ to 85 percent of the area currently in the R1Z.

Neighbourhood Residential Zone

Areas with a neighbourhood character which is sought to be retained.

Areas where more than 80% of lots currently accommodate detached dwellings.

Areas with Neighbourhood Character Overlays.

Residential areas with Heritage Overlays (such as larger heritage precincts, rather than individually recognised heritage sites).

Areas of identified environmental or landscape significance.

Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term.

Council has not indicated how the principles and criteria in PN78 have been systematically applied.

Council has proposed that all areas currently zoned R1Z in Ararat, other than those proposed for the NRZ1 and NRZ2 (15 percent), be placed in the GRZ1 (85 percent). The Committee concludes that this is appropriate based on its assessment as outlined below.

3.2 Residential Zones in areas under a Heritage Overlay

Heritage Overlays apply to a number of individual properties and a few small precincts in Ararat. Where these are residential dwellings they are proposed to be translated to either the GRZ1 or the NRZ1.

The NRZ1 is proposed not specifically because of the heritage characteristics of the dwelling, but because they are in one of the main thoroughfares which are considered by Council to define the character of Ararat. This issue is raised as different municipalities have taken

different approaches to addressing heritage issues in the translation to the new residential zones.

The Committee believes that the application of the GRZ1 as proposed by Council is appropriate, but as indicated in Chapter 4, not the NRZ1 at this stage.

3.3 Areas of higher residential density

Ararat Sustainable Growth Future strategy identifies areas near the commercial core of Ararat as suitable for higher residential densities. The Committee was informed by Council that these are areas mainly in the Mixed Use and Commercial zones, and as such are not affected by the draft Amendment.

In addition, the Council has identified the former Aradale Mental Hospital, east of the town centre as an area of possible higher density. This is proposed to be included in the GRZ.

No part of Ararat is proposed to be in the Residential Growth Zone (RGZ). The Committee notes that the notion of higher residential densities has a different context in a town such as Ararat than in Melbourne. The Committee is of the view that the application of the proposed GRZ together with the existing Commercial 1 Zone and Mixed Use Zone is appropriate to facilitate the increased residential density both desirable for and likely to be experienced in Ararat.

3.4 Future housing supply

As indicated in Chapter 2.3(ii), Council's *Ararat Sustainable Growth Future* strategy examined the adequacy of zoned land in Ararat to accommodate likely future population growth. They report that Ararat Rural City is projected in the Victoria in Future (VIF) forecasts, 2012, to grow to 13,925 residents over the 18 years to 2032 with the population ageing over that time period. This is at odds with the latest VIF 2014 forecasts which forecast Ararat's population in 2031 to be 12,600. According to the strategy, the municipality currently has around 3,592.7 hectares zoned for residential purposes, with 568 hectares currently zoned R1Z in the Ararat township. Based on the VIF forecasts, Ararat currently has in excess of 25 years of supply for conventional residential development.

The Department of Transport, Planning and Local Infrastructure (DTPLI) *Housing and Population Report*, prepared for the draft Amendment shows adequate zoned land to accommodate future population growth.³

Based on this data the Committee concludes that the Council proposal to translate 85 percent of the existing R1Z land to the GRZ with the remaining 15 percent to the NRZ is *consistent with providing an adequate supply of suitably zoned residential land in Ararat township*.

In its future growth recommendations the Strategy recommends that Council:

*Seek to diversify the range of housing choices available in Ararat through the provision of medium density and affordable housing opportunities.*⁴

³ DTPLI, Ararat Rural City, Housing and Population Report, p 9.

⁴ Ararat Sustainable Growth Future p 53.

Council also proposes to amend Objective 2 of Clause 21.03 of the MSS to add the following strategy:

- *Encourage appropriate medium density development in close proximity to Ararat's town centre.*

The Committee is of the view that in the rural city context of Ararat, the application of the GRZ is consistent with a wish to encourage medium density development. Further the Committee accepts the proposed amendment to Objective 2 of Clause 21.03.

3.5 Conclusion

The Committee concludes:

- The properties exhibited in Maps 6,7,8,9,10 and 11 in draft Amendment C33 to the Ararat Planning Scheme as being in the General Residential Zone Schedule 1 are appropriate to be translated to that zone.

4 Main thoroughfares into central Ararat

4.1 The Issue

The Committee has identified the following issues which it addresses in this Chapter:

- Whether there is appropriate strategic justification for the application of the NRZ as proposed.
- Whether the mandatory height limit of eight metres is appropriate for the major housing type in this precinct, many of which have high pitched roofs.

4.2 Evidence and submissions

Council has proposed a number of lineal residential areas located mostly on each side of the following main thoroughfares into Ararat be translated to the NRZ1, these include:

- Western Highway both east and west of the central commercial area
- Banfield Street
- Barkly St West (Ararat Pomonal Road)
- Vincent Street (Port Fairy Road)
- Pyrenees Highway

Council submitted:

These streetscapes have a consistent urban character of residential dwellings of pre and post era architectural styles which define the township of Ararat. The use of the Neighbourhood Residential Zone will allow for the control of multi-unit developments and building works which threaten this character.

The application requirements in Schedule 1 to the NRZ includes the following:

- *Neighbourhood Character Assessment which details the existing built form, streetscape character, heritage and landscape values of the site.*

Apart from a small number of individual buildings, the Committee was informed that the 1994 Heritage Study did not specifically identify these precincts as having heritage values.

The Ararat Sustainable Growth Future strategy recommends:

Investigate the application of the Neighbourhood Residential Zone to areas with strong neighbourhood character values that are not within the Heritage Overlay.

Mr Danny Sacco of DSP Architects submitted that the eight metre mandatory height limit in the NRZ is not appropriate because it does not allow for appropriate roof forms in the second storey of some dwellings or extensions to those dwellings.

4.3 Discussion

The Committee understands the wish of Council to protect those areas and streetscapes which it believes in part identify the character of the town. This is reinforced by the recommendation for further investigation in the *Ararat Sustainable Growth Future* strategy. However it is not clear to the Committee on what basis the decision has been made to include the particular properties proposed by Council within the NRZ. No strategic

justification identifying the properties proposed as having a particular neighbourhood character worthy of retention has been provided, nor does there appear to have been any systematic assessment to underpin the proposal. The Committee also notes that under clause 21.04-10 of the Ararat Planning Scheme, a review of the Ararat Heritage Study is proposed as further strategic work to be undertaken. This may be the appropriate context to undertake such an assessment of the character of the areas proposed to be included in the NRZ1. The Committee has sympathy with the intent expressed by Council but cannot support the proposed translation to the NRZ1 in its current form.

The issue of the mandatory height limit for the NRZ is dealt with in the Committee's *Stage One Overarching Issues Report*. There was no specific submission on this from Council and no proposal to vary the height limit through the schedule and the Committee concludes that the proposed height limit is appropriate in Ararat.

4.4 Conclusions

The Committee draws the following conclusion:

- That Council should undertake a strategic assessment of the areas which it proposes to include in the NRZ1 and on this basis proceed to a separate Amendment at an appropriate time. In the meantime the Committee concludes that the areas proposed for the NRZ1 should be included in the GRZ1.

4.5 Recommendation

The Committee recommends that:

- 1. Translate properties proposed for Schedule 1 to the Neighbourhood Residential Zone, as set out in Planning Scheme Maps 7, 8, 9, 10 and 11, to Schedule 1 to the General Residential Zone.**

5 Ararat Hills

5.1 The Issue

The issue identified by the Committee in the Ararat Hills area is whether the NRZ2 is the appropriate zone.

5.2 Evidence and submissions

Council has submitted:

Ararat is uniquely located on the undulating lower slopes of the Ararat Hills which provides a significant landscape and environmental setting for the town ship and has been developed with a semi-rural suburban character including larger lot sizes and retention of trees and natural topography.

The application requirements in Schedule 2 to the NRZ includes the following:

- *Environmental Site Analysis which clearly identifies topography, drainage lines, waterways, bushfire hazard and vegetation.*
- *Neighbourhood Character Assessment which details the existing built form, streetscape character, heritage and landscape values of the site.*

As with the areas proposed for the NRZ1, no specific strategic assessment has been provided that underpins the particular area proposed for the NRZ2. The Vegetation Protection Overlay 16 (VPO16) and the Bushfire Management Overlay (BMO) apply in part to the areas proposed to be included in the NRZ2.

Objective 4 –Wildfire in the MSS is:

To ensure new land use and development does not increase the level of fire risk and includes fire protection measures". Amongst its strategies is to "Ensure housing and other forms of development are sited, designed and maintained to minimise risks from fire.

The *Ararat Sustainable Growth Future* strategy, states as one of its recommendations:

Investigate the application of the Neighbourhood Residential Zone to areas with environmental significance, particularly to the west of Ararat.

5.3 Discussion

Whilst there has been no specific strategic justification provided to the Committee to underpin the delineation of the areas proposed to be included in the NRZ2, the Committee accepts the existing VPO and BMO in the area do define the environmental characteristics of the area, and in particular, the need to ensure development is sensitive to the need to minimise bushfire risk. The Committee is of the view that applying the NRZ2 to this area will appropriately limit that amount of development that can occur and as such is consistent with the intent of existing overlays.

The Committee also observes that the majority of the area proposed by Council to be included in the NRZ2 is in fact larger lots, although some more traditional urban sized lots east of Brewster Street and north of the Ararat Pomonal Road are proposed to be included.

The logic of the boundary between the NRZ2 and the GRZ1 in that area is not entirely clear to the Committee. The Committee is prepared to accept the boundary between the NRZ and GRZ as proposed by Council and does not see that further strategic work is going to generate a boundary between the two zones that is very different to that proposed. The Committee notes that the *Ararat Sustainable Growth Future* strategy recommends investigation of the application of the NRZ in this area, but to the Committee's knowledge such an investigation has not occurred. Whilst it could be argued that the GRZ be applied while the recommended investigation occurs, on balance the Committee accepts that the proposed NRZ2 is consistent with existing overlays and concludes that the application of the NRZ2 is acceptable.

As the Committee has recommended that the exhibited Schedule 1 to the NRZ not be adopted at this stage it, is appropriate to relabel the exhibited Schedule 2 as Schedule 1 and make appropriate mapping changes.

5.4 Conclusions

The Committee draws the following conclusion:

- On balance the Committee accepts that because of the application of both a VPO and BMO over at least parts of this area, that the application of NRZ2 to the Ararat Hills as proposed by Council is appropriate.

5.5 Recommendation

The Committee recommends that:

- 2. Relabel Schedule 2 to the Neighbourhood Residential Zone to Schedule 1, and make corresponding mapping changes.**

6 Conclusions and Recommendations

6.1 Conclusions

The Residential Zones Standing Advisory Committee draws the following conclusions:

- The draft Amendment is in part supported by, and implements, the relevant sections of the State and Local Planning Policy Framework. That part which the Committee does not believe is strategically supported in the proposal to apply the Neighbourhood Residential Zone to the thoroughfares into central Ararat.
- The properties exhibited in Maps 6, 7, 8, 9, 10 and 11 in draft Amendment C33 to the Ararat Planning Scheme as being in the General Residential Zone Schedule 1 are appropriate to be translated to that zone.
- That Council should undertake a strategic assessment of the areas which it proposes to include in the Neighbourhood Residential Zone Schedule 1 and on this basis proceed to a separate Amendment at an appropriate time. In the meantime the Committee concludes that the areas proposed for the Neighbourhood Residential Zone Schedule 1 should be included in the General Residential Zone Schedule 1.
- On balance the Committee accepts that because of the application of both a Vegetation Protection Overlay and Bushfire Management Overlay over at least parts of this area, that the application of Neighbourhood Residential Zone Schedule 2 to the Ararat Hills as proposed by Council is appropriate.

6.2 Recommendations

Based on the reasons set out in this Report, the Residential Zones Standing Advisory Committee recommends:

Draft Amendment C33 to the Ararat Planning Scheme be prepared, adopted and approved pursuant to section 20(4) of the *Planning and Environment Act, 1987*, subject to the following:

- 1. Translate properties proposed for Schedule 1 to the Neighbourhood Residential Zone, as set out in Planning Scheme Maps 7, 8, 9, 10 and 11, to Schedule 1 to the General Residential Zone.**
- 2. Relabel Schedule 2 to the Neighbourhood Residential Zone to Schedule 1, and make corresponding mapping changes.**

Appendix A List of Submitters

Submitter	Organisation	Attended the Hearings – Represented by
Colleen Peterson	On behalf of a group of planning and associated professionals	
Joel Hastings	Rural City of Ararat	Consulted by telephone
Simon Michmacher	DTPLI	
Michael Boatman	Country Fire Authority	
Dean Sacco	DSP Architects	
James Parsons	Public Transport Victoria	
Jean Nankin	Housing Choices Australia	