

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.3**

**Planning Scheme Amendment C374 - Correction of residential zone inconsistencies in the Melbourne Planning Scheme**

**17 March 2020**

**Presenter:** Kate Dundas, Acting Director City Strategy

**Purpose and background**

1. The purpose of this report is to recommend that the Future Melbourne Committee (FMC) request the Minister for Planning (the Minister) prepare and approve Amendment C374 (Attachment 3) pursuant to section 20(4) of the *Planning and Environment Act 1987* (the Act). The amendment is required to correct inconsistencies within the residential zones in the Melbourne Planning Scheme, created by a Ministerial Amendment VC110 (Reforms to the residential zones).
2. In March 2017, the Minister gazetted Amendment VC110 in the Melbourne Planning Scheme (MPS) in response to the Managing Residential Development Advisory Committee's report. The reforms included increasing the mandatory maximum building height in the Neighbourhood Residential Zone (NRZ) from eight metres to nine metres (two storeys) and deleting the two dwellings on a lot limit. In the General Residential Zone (GRZ), the maximum building height increased from a discretionary nine metres to a mandatory 11 metres (three storeys). A mandatory garden area requirement was also introduced for both zones.
3. The Department of Environment, Land, Water and Planning (DELWP) released Planning Practice Notes 90 (Planning for housing) and 91 (Using the residential zones) in December 2019 which provides guidance on how to apply the reformed residential zones.
4. The Ministerial Direction '*Form and Content of Planning Schemes*' states that a zone schedule must not specify a height lower than the zone itself.

**Key issues**

5. In some areas of the City of Melbourne, the Minister's gazettal of Amendment VC110 created inconsistencies between the zones and associated schedules in the NRZ and GRZ, in that the height in the schedules are lower than the height in the zone itself. The Minister wrote to Council in September 2019 advising that he intends to remove the heights in the schedules, if a planning scheme amendment to correct the inconsistencies created by VC110 is not received by March 2020. This would result in an increase of maximum height limits for affected land in the NRZ and GRZ. Management has prepared Amendment C374 to avoid any detrimental impact on neighbourhood character and amenity.
6. The principle used in preparing this amendment has been to ensure that the new provisions match the existing maximum building heights as closely as possible. The provisions in the planning scheme do not allow Council to match the heights exactly. The strategic justification is provided at Attachment 2 and key recommendations are summarised below:
  - 6.1. Carlton, East Melbourne and Jolimont, North and West Melbourne and Kensington: Rezone from GRZ2 (eight metres mandatory maximum height) to NRZ1 (nine metres mandatory maximum height and two storeys).
  - 6.2. South Yarra (NRZ1): Retain NRZ1 (nine metres mandatory maximum height and two storeys).
  - 6.3. South Yarra (NRZ2): Rezone from NRZ2 (eight metres mandatory maximum height) to NRZ1 (nine metres mandatory maximum height and two storeys).
  - 6.4. Parkville: Rezone from GRZ4 (nine metres height for areas within ten metres of Gatehouse Street and Royal Parade and ten metres height for the rest of the area (mandatory) to NRZ2 (ten metres mandatory maximum height and two storeys).
7. As the amendment is in response to a Ministerial initiative and seeks to maintain the existing heights as closely as possible, management recommends the amendment is prepared and approved by the Minister under section 20(4) of the Act. This approach is consistent with how the Minister introduced the reforms to the residential zones in the Melbourne Planning Scheme. Future strategic work around housing and settlement is likely to be undertaken as part of the Planning Policy Framework update.

**Recommendation from management**

8. That the Future Melbourne Committee:
  - 8.1. Requests the Minister for Planning to prepare and approve Amendment C374 under section 20(4) of the *Planning and Environment Act 1987* in accordance with Attachment 3 of the report from management.
  - 8.2. Authorises the Acting General Manager Strategy, Planning and Climate Change to make any further minor editorial changes to Amendment C374 prior to submitting to the Minister for Planning for approval.

**Attachments:**

1. Supporting Attachment (Page 3 of 34)
2. Strategic justification to correct the residential zone inconsistencies (Page 4 of 34)
3. Amendment documents (Page 19 of 34)

## Supporting Attachment

---

### Legal

1. Part 3 of the *Planning and Environment Act 1987* (the Act) sets out the procedure for a planning scheme amendment. Section 8(1) (b) of the Act provides that the Minister may prepare an amendment to any provision of a planning scheme. Under section 20(4), the Minister for Planning can exempt an amendment from any of the requirements of sections 17, 18 and 19 of the Act (i.e. no exhibition or Panel).

### Finance

2. A fee of approximately \$4,000 is required to submit the amendment which will be funded in the operating budget.

### Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Health and Safety

4. No Occupational Health and Safety issues or opportunities have been identified.

### Stakeholder consultation

5. The Managing Residential Development Advisory Committee Taskforce (MRDACT) prepared a series of *Residential Zones State of Play* reports for each of the Plan Melbourne metropolitan subregions. The reports were prepared by the MRDACT to assist stakeholders and ultimately the Advisory Committee to review the implementation of the residential zones. Stakeholders had an opportunity to make a submission to the Advisory Committee which closed on 15 March 2016. Public hearings were held over a total of 17 days between Monday 18 April and Thursday 19 May 2016 at Planning Panels Victoria. The Minister introduced the reforms to the residential zones in the Melbourne Planning Scheme on 27 March 2017 without consultation. No consultation is proposed for this amendment as stakeholders were provided an opportunity to make a submission to the Advisory Committee. Additionally, the recommendations of this report align as closely as possible with existing maximum building heights, so the outcomes in the neighbourhoods will have minimal change.
6. Officers have written to resident groups informing and explaining the proposed amendment. Additionally, Council officers met with officers at the DELWP to determine the preferred approach.

### Relation to Council policy

7. Goal 8 (A City Planning for Growth) - Melbourne's housing meets the diverse needs of its population and Melbourne respects and preserves its heritage of the Council Plan 2017-21 are relevant.
8. The amendment supports and implements the following clauses of the Melbourne Planning Scheme:
  - 8.1 Clause 21.04 -1 (Growth Area Framework), which includes objectives to direct growth to identified areas and to focus on promoting areas of growth and protecting areas of stability.
  - 8.2 Clause 21.07-1 (Residential Development), which includes objectives to provide for new housing while preserving the valued characteristics of the existing neighbourhood character and to support a range of housing tenures, types and options to meet the diverse of housing needs.

### Environmental sustainability

9. There are no environmental impacts likely to arise from this amendment.

## Attachment 2

### Amendment C374 - Strategic justification to correct the residential zone inconsistencies in the Melbourne Planning Scheme

Two inconsistencies have been identified which are explained below:

- Inconsistency 1 - Carlton, East Melbourne & Jolimont, North & West Melbourne, Kensington and South Yarra: The maximum height specified in the zone schedule is lower than the height in the head provision.
- Inconsistency 2 - Parkville: The maximum height specified in the zone schedule is lower than the head provision and the DDO height is lower than the height in the head provision.

#### Acronyms

CoM – City of Melbourne  
RZSAC – Residential Zones Standing Advisory Committee  
DDO – Design and Development Overlay  
NRZ – Neighbourhood Residential Zone  
GRZ – General Residential Zone  
VC110 – Ministerial Amendment (Reforms to the Residential Zones)

Inconsistency 1: The maximum height specified in the zone schedule is lower than the head provision

Correction 1: Carlton							
CoM preferred zone before the RZSAC	RZSAC supported zone	Minister's approval through Amendment C179	Current zone	Current zone schedule	Current zone head provision following Amendment VC110	Correction	Recommendation
NRZ1 (8 metres mandatory)	NRZ1 (8 metres mandatory)	GRZ2 (8 metres mandatory)	GRZ2	8 metres (mandatory)	11 metres (mandatory)	<p>The Ministerial Direction '<i>Form and Content of Planning Schemes</i>' states that the Schedule must not specify a height lower than the height specified in the zone head provision. The area therefore cannot be GRZ and cannot retain an 8 metre height limit.</p> <p>As Council originally proposed NRZ for this area and in order to maintain a similar height to what is currently permitted, it is recommended the GRZ2 is rezoned to NRZ1 where the default height is 9 metres.</p> <p>The GRZ2 then becomes redundant and should therefore be deleted.</p>	<p><b>Rezone to NRZ1 (9 metres mandatory and two storeys)</b></p> <p><b>Note:</b> There is no proposed variation to the height in the NRZ1 schedule; therefore the maximum building height requirement must state 'none specified'. This means the head provision height (9 metres and two storeys) applies.</p>
<p><b>Reasons why section 20(4) is appropriate</b></p> <ul style="list-style-type: none"> <li>The increased height in the NRZ is an additional one metre (8 to 9 metres) which is a result of Amendment VC110. It is no longer possible to specify a height of 8 metres in a residential zone.</li> <li>The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.</li> <li>The recommendation aligns as closely as possible with the existing height and complies with Planning Practice Notes 90 and 91.</li> </ul>							

Correction 1 - Carlton

**Issue:** The maximum height specified in the zone schedule is lower than the head provision

**Recommendation:** Rezone to NRZ1 (9 metres mandatory and two storeys)

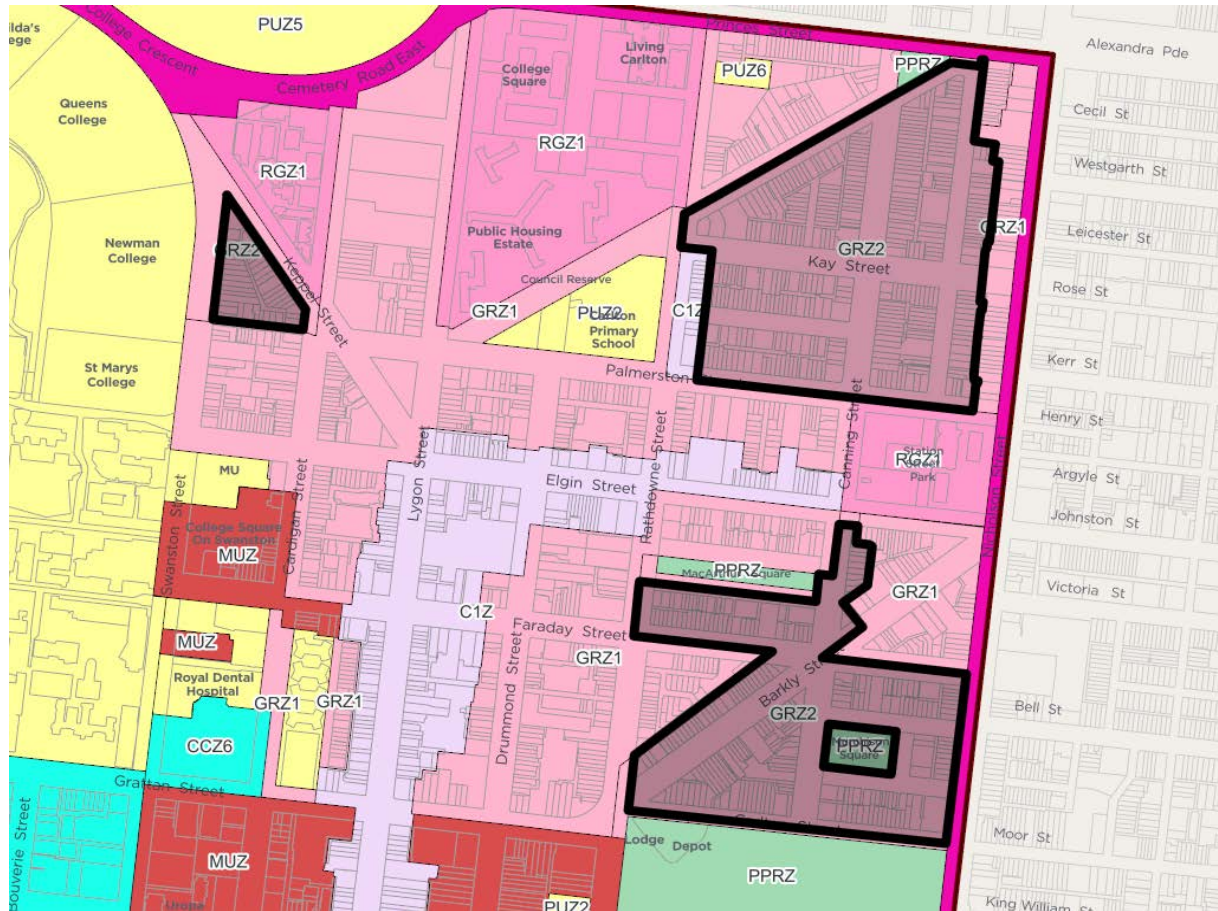


Figure 1: GRZ2 to be rezoned (black hatch)

Inconsistency 1: The maximum height specified in the zone schedule is lower than the head provision

Correction 2: East Melbourne and Jolimont							
CoM preferred zone before the RZSAC	RZSAC supported zone	Minister's approval through Amendment C179	Current zone	Current zone schedule	Current zone head provision following Amendment VC110	Correction	Recommendation
NRZ1 (8 metres mandatory)	NRZ1 (8 metres mandatory)	GRZ2 (8 metres mandatory)	GRZ2	8 metres (mandatory)	11 metres (mandatory)	<p>The Ministerial Direction 'Form and Content of Planning Schemes' states that the Schedule must not specify a height lower than the height specified in the zone head provision. The area therefore cannot be GRZ and cannot retain an 8 metre height limit.</p> <p>As Council originally proposed NRZ for this area and in order to maintain a similar height to what is currently permitted, it is recommended the GRZ2 is rezoned to NRZ1 where the default height is 9 metres.</p> <p>The GRZ2 then becomes redundant and should therefore be deleted.</p>	<p><b>Rezone to NRZ1 (9 metres mandatory and two storeys)</b></p> <p><b>Note:</b> There is no proposed variation to the height in the NRZ1 schedule; therefore the maximum building height requirement must state 'none specified'. This means the head provision height (9 metres and two storeys) applies.</p>
<b>Reasons why section 20(4) is appropriate</b>							
<ul style="list-style-type: none"> <li>The increased height in the NRZ is an additional one metre (8 to 9 metres) which is a result of Amendment VC110. It is no longer possible to specify a height of 8 metres in a residential zone.</li> <li>The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.</li> <li>The recommendation aligns as closely as possible with the existing height and complies with Planning Practice Notes 90 and 91.</li> </ul>							

Correction 2 – East Melbourne and Jolimont

**Issue:** The maximum height specified in the zone schedule is lower than the head provision

**Recommendation:** Rezone to NRZ1 (9 metres mandatory and two storeys)

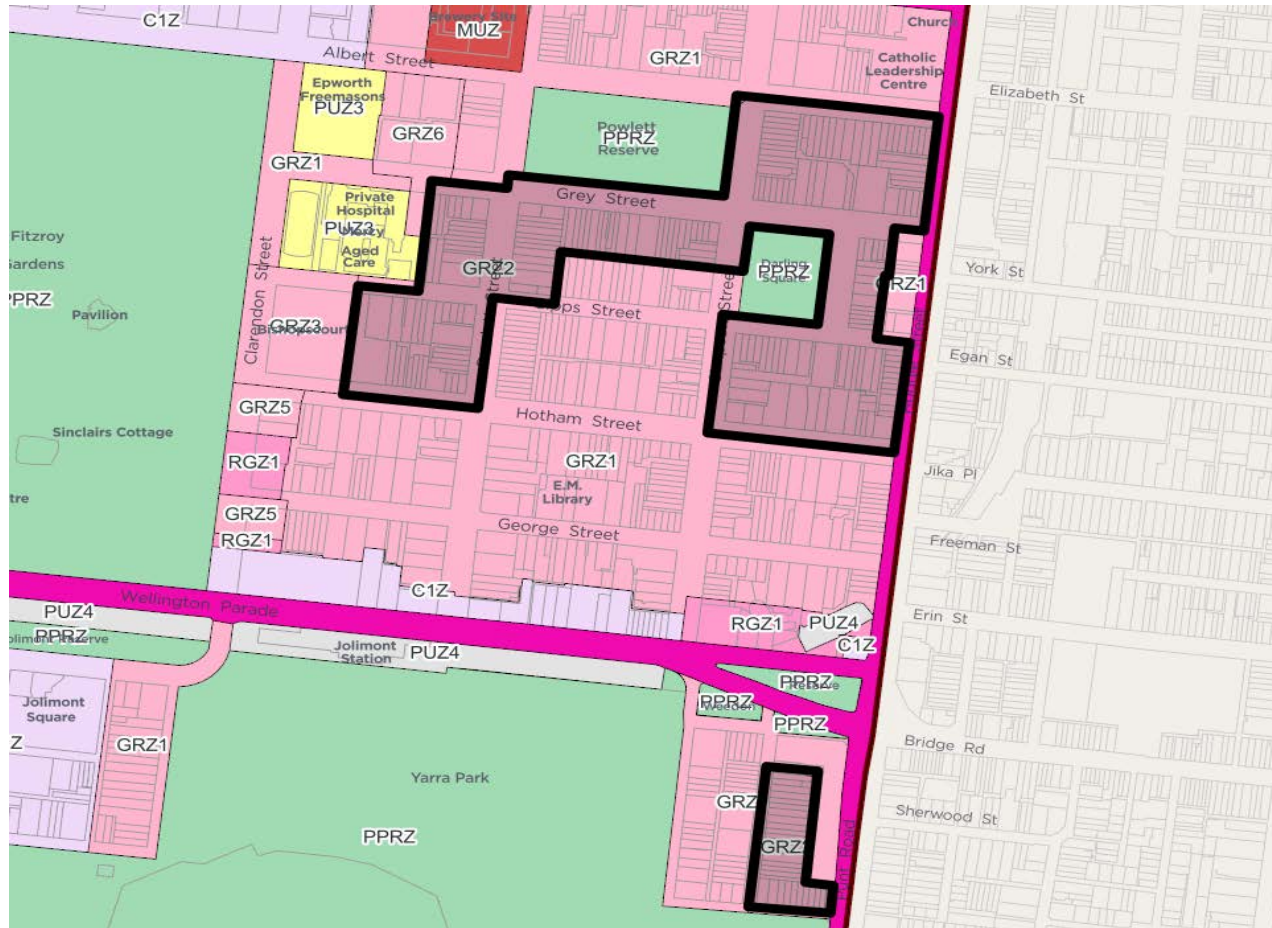


Figure 2: GRZ22 to be rezoned (black hatch)



Inconsistency 1: The maximum height specified in the zone schedule is lower than the head provision

Correction 3: North and West Melbourne							
CoM preferred zone before the RZSAC	RZSAC supported zone	Minister's approval through Amendment C179	Current zone	Current zone schedule	Current zone head provision following Amendment VC110	Correction	Recommendation
NRZ1 (8 metres mandatory)	NRZ1 (8 metres mandatory)	GRZ2 (8 metres mandatory)	GRZ2	8 metres (mandatory)	11 metres (mandatory)	<p>The Ministerial Direction 'Form and Content of Planning Schemes' states that the Schedule must not specify a height lower than the height specified in the zone head provision. The area therefore cannot be GRZ and cannot retain an 8 metre height limit.</p> <p>As Council originally proposed NRZ for this area and in order to maintain a similar height to what is currently permitted, it is recommended the GRZ2 is rezoned to NRZ1 where the default height is 9 metres.</p> <p>The GRZ2 then becomes redundant and should therefore be deleted.</p>	<p><b>Rezone to NRZ1 (9 metres mandatory and two storeys)</b></p> <p><b>Note:</b> There is no proposed variation to the height in the NRZ1 schedule; therefore the maximum building height requirement must state 'none specified'. This means the head provision height (9 metres and two storeys) applies.</p>
<b>Reasons why section 20(4) is appropriate</b>							
<ul style="list-style-type: none"> <li>The increased height in the NRZ is an additional one metre (8 to 9 metres) which is a result of Amendment VC110. It is no longer possible to specify a height of 8 metres in a residential zone.</li> <li>The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.</li> <li>The recommendation aligns as closely as possible with the existing height and complies with Planning Practice Notes 90 and 91.</li> </ul>							

Correction 3 – North and West Melbourne

**Issue:** The maximum height specified in the zone schedule is lower than the head provision

**Recommendation:** Rezone to NRZ1 (9 metres mandatory and two storeys)

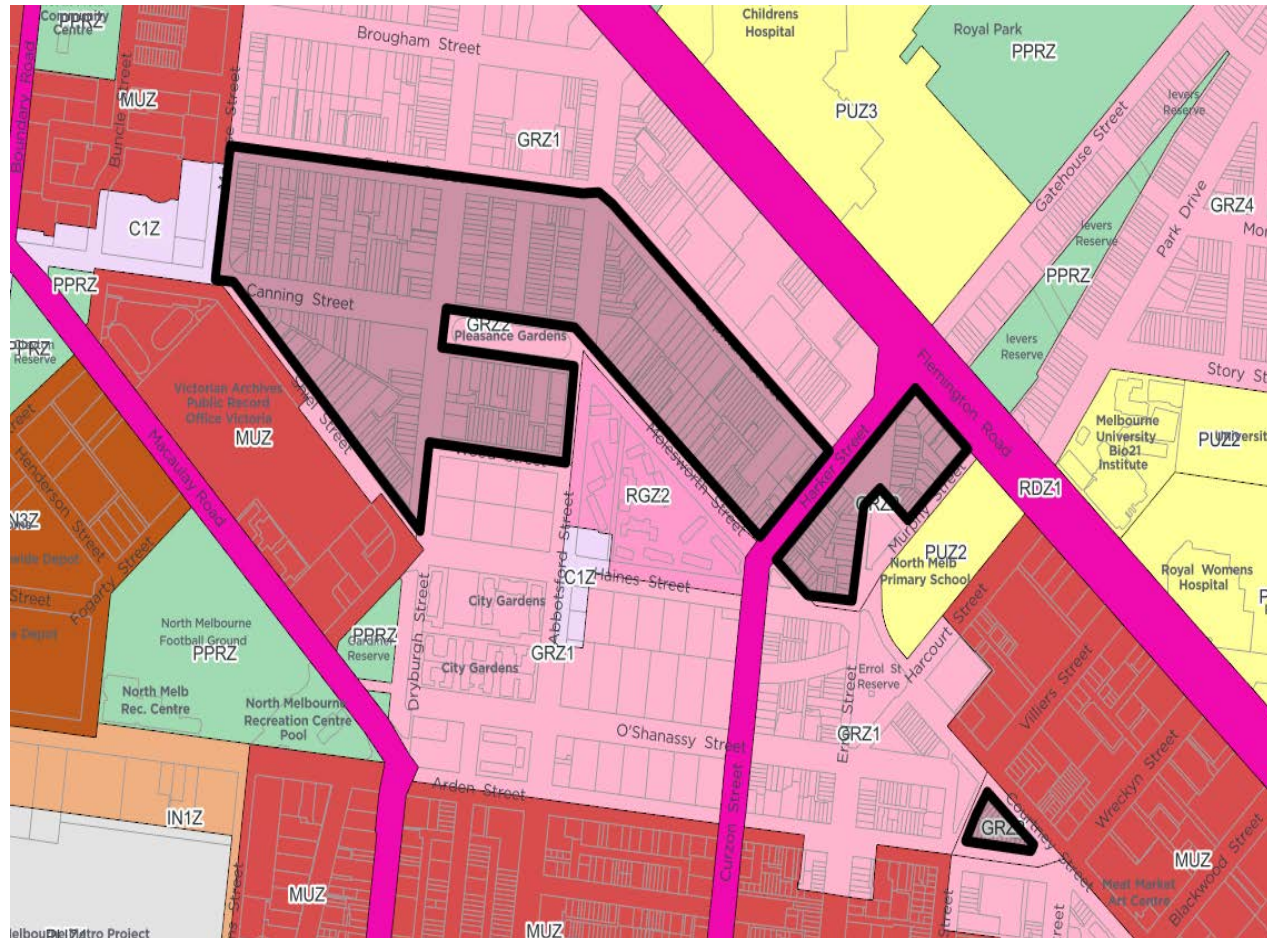


Figure 3: GRZ2 to be rezoned (black hatch)

Inconsistency 1: The maximum height specified in the zone schedule is lower than the head provision

Correction 4: Kensington							
CoM preferred zone before the RZSAC	RZSAC supported zone	Minister's approval through Amendment C179	Current zone	Current zone schedule	Current zone head provision following Amendment VC110	Correction	Recommendation
NRZ1 (8 metres mandatory)	NRZ1 (8 metres mandatory)	GRZ2 (8 metres mandatory)	GRZ2	8 metres (mandatory)	11 metres (mandatory)	<p>The Ministerial Direction '<i>Form and Content of Planning Schemes</i>' states that the Schedule must not specify a height lower than the height specified in the zone head provision. The area therefore cannot be GRZ and cannot retain an 8 metre height limit.</p> <p>As Council originally proposed NRZ for this area and in order to maintain a similar height to what is currently permitted, it is recommended the GRZ2 is rezoned to NRZ1 where the default height is 9 metres.</p> <p>The GRZ2 then becomes redundant and should therefore be deleted.</p>	<p><b>Rezone to NRZ1 (9 metres mandatory and two storeys)</b></p> <p><b>Note:</b> There is no proposed variation to the height in the NRZ1 schedule; therefore the maximum building height requirement must state 'none specified'. This means the head provision height (9 metres and two storeys) applies.</p>
<b>Reasons why section 20(4) is appropriate</b>							
<ul style="list-style-type: none"> <li>The increased height in the NRZ is an additional one metre (8 to 9 metres) which is a result of Amendment VC110. It is no longer possible to specify a height of 8 metres in a residential zone.</li> <li>The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.</li> <li>The recommendation aligns as closely as possible with the existing height and complies with Planning Practice Notes 90 and 91.</li> </ul>							

Correction 4 – Kensington

**Issue:** The maximum height specified in the zone schedule is lower than the head provision

**Recommendation:** Rezone to NRZ1 (9 metres mandatory and two storeys)

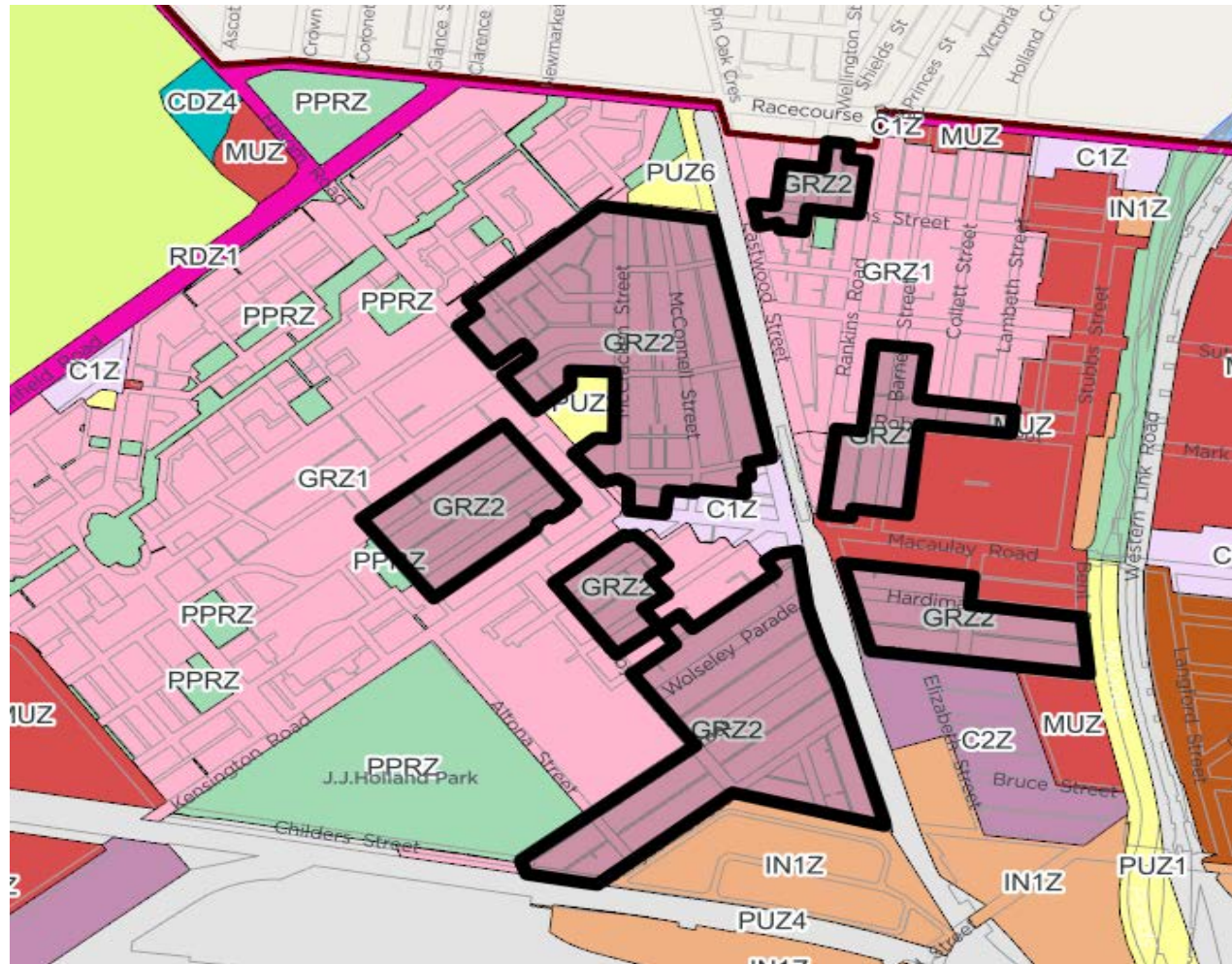


Figure 4: GRZ2 to be rezoned (black hatch)

**Inconsistency 1: The maximum height specified in the zone schedule is lower than the head provision**

<b>Correction 5: South Yarra (NRZ2)</b>							
<b>CoM preferred zone before the RZSAC</b>	<b>RZSAC supported zone</b>	<b>Minister's approval through Amendment C179</b>	<b>Current zone</b>	<b>Current zone schedule</b>	<b>Current zone head provision following Amendment VC110</b>	<b>Correction</b>	<b>Recommendation</b>
NRZ5 (9 metres mandatory)	NRZ5 (9 metres mandatory)	NRZ2 (8 metres mandatory)	NRZ2	8 metres (mandatory)	9 metres (mandatory)	<p>The Ministerial Direction '<i>Form and Content of Planning Schemes</i>' states that the schedule must not specify a height lower than the height specified in the zone head provision.</p> <p>As Council originally proposed NRZ (9 metres) for this area and the default height is 9 metres, it is recommended the NRZ2 is rezoned to NRZ1.</p>	<p><b>Rezone to NRZ1 (9 metres mandatory and two storeys)</b></p> <p><b>Note:</b> There is no variation to the height proposed in the NRZ1 schedule; therefore the maximum building height requirement must state 'none specified'. This means the head provision height (9 metres and two storeys) applies.</p>
<b>Reasons why section 20(4) is appropriate</b>							
<ul style="list-style-type: none"> <li>• The increased height in the NRZ is an additional one metre (8 to 9 metres) which is a result of Amendment VC110. It is no longer possible to specify a height of 8 metres in a residential zone.</li> <li>• The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.</li> <li>• The DDO9 has not been changed.</li> </ul>							

Correction 5 – South Yarra (NRZ2)

**Issue:** The maximum height specified in the zone schedule is lower than the head provision

**Recommendation:** Rezone to NRZ1 (9 metres mandatory and two storeys)

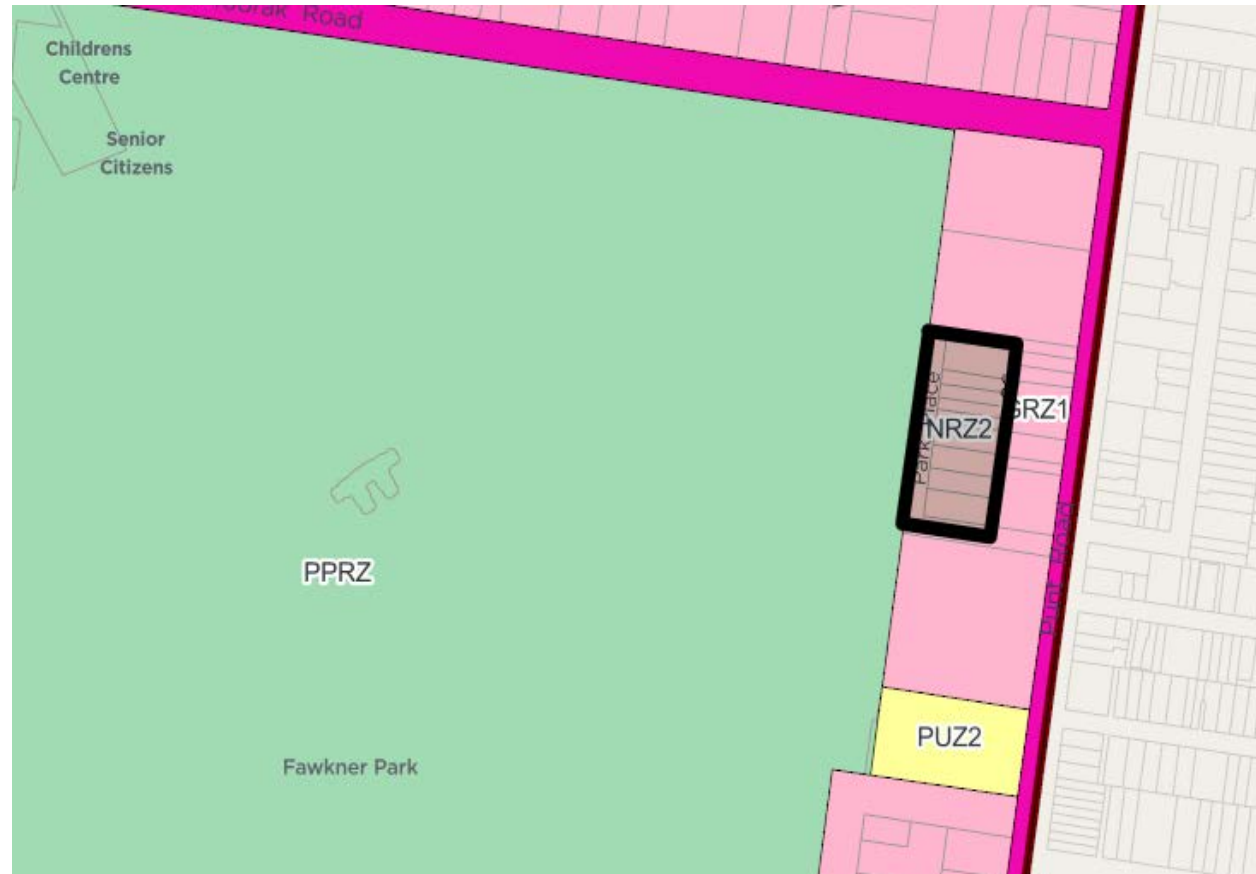


Figure 5: NRZ2 to be rezoned (black hatch)

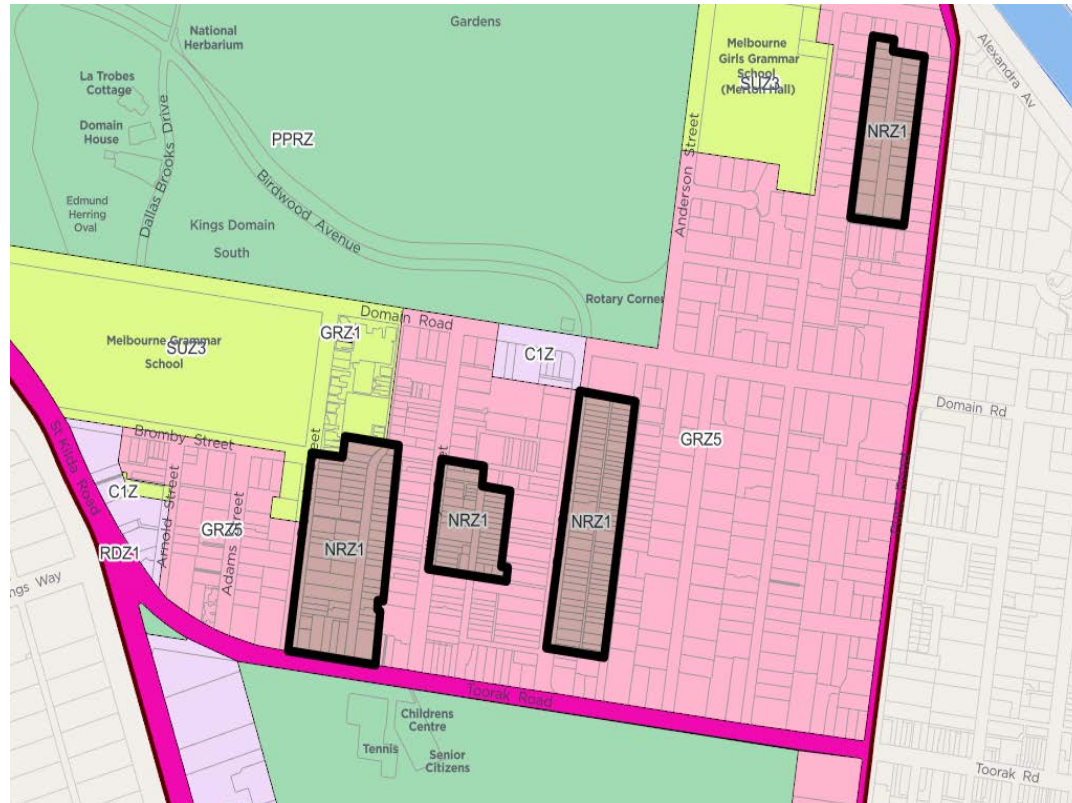
Inconsistency 1: The maximum height specified in the zone schedule is lower than the head provision

Correction 6: South Yarra (NRZ1)							
CoM preferred zone before the RZSAC	RZSAC supported zone	Minister's approval through Amendment C179	Current zone	Current zone schedule	Current zone head provision following Amendment VC110	Correction	Recommendation
NRZ4 (12 metres mandatory)	NRZ4 (12 metres mandatory)	NRZ1 (8 metres mandatory)	NRZ1	8 metres (mandatory)	9 metres (mandatory)	<p>The Ministerial Direction '<i>Form and Content of Planning Schemes</i>' states that the schedule must not specify a height lower than the height specified in the zone head provision. The area therefore cannot retain an 8 metre height limit.</p> <p>As Council originally proposed NRZ for this area and in order to maintain a similar height to what is currently permitted, it is recommended the NRZ is retained where the default height is 9 metres.</p>	<p><b>Retain NRZ1 (9 metres mandatory and two storeys)</b></p> <p><b>Note:</b> There is no variation to the height proposed in the NRZ1 schedule; therefore the maximum building height requirement must state 'none specified'. This means the head provision height (9 metres and two storeys) applies.</p>
<b>Reasons why section 20(4) is appropriate</b>							
<ul style="list-style-type: none"> <li>The increased height in the NRZ is an additional one metre (8 to 9 metres) which is a result of Amendment VC110. It is no longer possible to specify a height of 8 metres in a residential zone.</li> <li>The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.</li> <li>DDO15-A1 has not been changed.</li> </ul>							

**Correction 6: South Yarra (NRZ1)**

**Issue:** The maximum height specified in the zone schedule is lower than the head provision

**Recommendation:** Retain NRZ1 (9 metres mandatory and two storeys)



**Figure 7:** NRZ1 to be retained (black hatch)



**Inconsistency 2: The maximum height specified in in the zone schedule is lower than the head provision and the DDO height is lower than the height in the head provision**

### Correction 7: Parkville

CoM preferred zone before the RZSAC	RZSAC supported zone	Minister's approval through Amendment C179	Current zone	Current zone schedule	Current zone head provision following Amendment VC110	Current DDO	Correction	Recommendation
NRZ3 (9 metres for areas within 10 metres of Gatehouse Street and Royal Parade and 10 metres elsewhere mandatory)	There was no recommendation in the report.	GRZ4 (9 metres for areas within 10 metres of Gatehouse Street and Royal Parade and 10 metres elsewhere mandatory)	GRZ4	9 metres for areas within 10 metres of Gatehouse Street and Royal Parade and 10 metres for the rest of the area (mandatory)	11 metres (mandatory)	DDO35-A2 9 metres for areas within 10 metres of Gatehouse Street and Royal Parade and 10 metres for the rest of the area (discretionary)	<p>The Ministerial Direction '<i>Form and Content of Planning Schemes</i>' states that the Schedule must not specify a height lower than the height specified in the zone head provision. The area therefore cannot be GRZ and cannot retain a 9 and 10 metre height limit.</p> <p>As Council originally proposed NRZ for this area and in order to maintain a similar height to what is currently permitted, it is recommended the GRZ4 is rezoned to NRZ2</p> <p>The GRZ4 then becomes redundant and should therefore be deleted.</p>	<b>Rezoned to NRZ2 (10 metres mandatory and two storeys)</b>

#### Reasons why section 20(4) is appropriate

- The schedule to the zone can specify a height which is higher than the head provision.
- The increased height in the NRZ is an additional one metre (9 to 10 metres) which aligns with the DDO.
- The number of storeys must be specified as outlined in the Ministerial Direction Form and Content of Planning Schemes.
- The recommendation complies with Planning Practice Notes 90 and 91.

Correction 7 - Parkville

**Issue:** The maximum height specified in in the zone schedule is lower than the head provision

**Recommendation:** Rezone to NRZ2 (10 metres mandatory and two storeys).

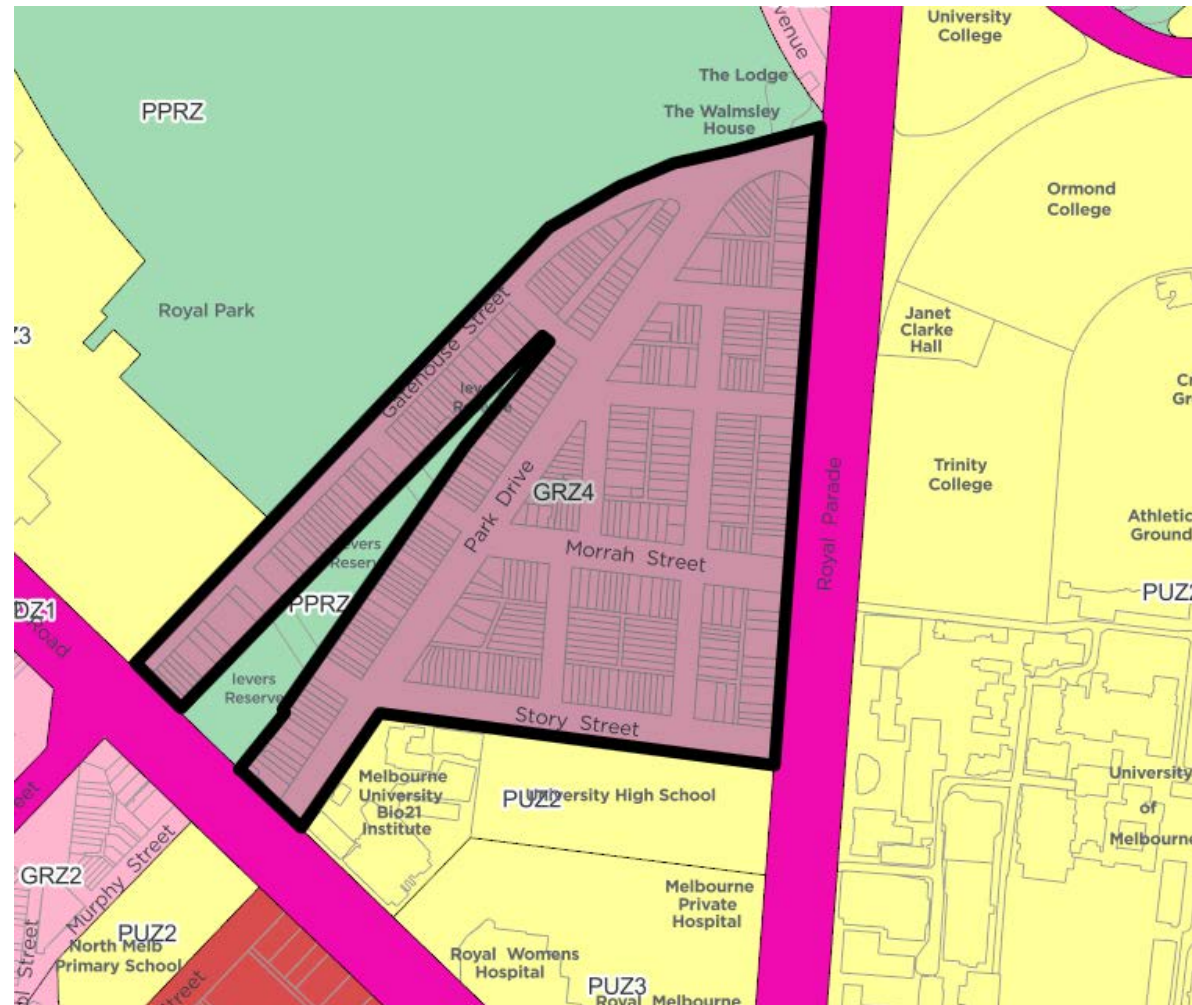


Figure 8: GRZ4 to be rezoned (black hatch)

**MELBOURNE PLANNING SCHEME****AMENDMENT C374melb****EXPLANATORY REPORT****Who is the planning authority?**

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

The amendment has been prepared in response to a request by the City of Melbourne.

**Land affected by the amendment**

The amendment applies to land in the General Residential Zone (Schedule 2, GRZ2) in Carlton, East Melbourne & Jolimont, North & West Melbourne and Kensington, General Residential Zone (Schedule 3, GRZ3) in East Melbourne, General Residential Zone (Schedule 4, GRZ4) in Parkville and Neighbourhood Residential Zone (Schedules 1 & 2, NRZ1 & NRZ2) in South Yarra. A mapping reference table is provided at Attachment 1 to this explanatory report.

**What the amendment does**

The amendment corrects the residential zone inconsistencies which were created as a result of the gazettal of Amendment VC110 (Reforms to the residential zones).

Specifically, the amendment:

- Rezones land from GRZ2 (8 metres mandatory) to NRZ1 (9 metres mandatory and two storeys).
- Deletes Schedule 2 to Clause 32.08 (General Residential Zone).
- Rezones land from NRZ2 (9 metres mandatory) to NRZ1 (9 metres mandatory and two storeys) and retains DDO9 (9 metres discretionary).
- Rezones land from GRZ4 (9 metres for areas within 10 metres of Gatehouse Street and Royal Parade and 10 metres elsewhere) to NRZ2 (10 metres mandatory and two storeys) and retains DDO35-A2 (9 metres for areas within 10 metres of Gatehouse Street and Royal Parade and 10 metres elsewhere discretionary).
- Deletes Schedule 4 to Clause 32.08 (General Residential Zone).
- Amends Schedule 3 to Clause 32.08 (General Residential Zone) to update the maximum building height requirement for a dwelling or residential building to remove the wording 'with the exception of architectural features and building services'.
- Amends Schedule 1 to Clause 32.09 (Neighbourhood Residential Zone) to update the maximum building height requirement for a dwelling or residential building to state 'none specified'.
- Amends Schedule 2 to Clause 32.09 (Neighbourhood Residential Zone) to introduce a maximum building requirement for a dwelling or residential building of 10 metres and two storeys.
- Amends Planning Scheme Maps No. 04ZN, 05ZN, 09ZN and 11ZN.

## Strategic assessment of the amendment

### Why is the amendment required?

The amendment is required to correct inconsistencies created from Amendment VC110 (Reforms to the residential zones) by rezoning land and amending or deleting the zone schedules to comply with the Ministerial Direction '*Form and Content of Planning Schemes*' and recently released Planning Practice Notes 90 (Planning for housing) and 91 (Using the residential zones). The amendment restores landowner development rights and provides certainty on preferred built form outcomes in established residential suburbs.

In March 2017, the Minister for Planning gazetted Amendment VC110 in the Melbourne Planning Scheme which reformed the residential zones in response to the Managing Residential Development Advisory Committee's report. The reforms included increasing the mandatory maximum building height in the Neighbourhood Residential Zone (NRZ) head provision from 8 metres to 9 metres (two storeys) and deleting the two dwellings on a lot requirement. In the General Residential Zone (GRZ), the maximum building height in the head provision increased from a discretionary 9 metres to a mandatory 11 metres (three storeys).

The Minister wrote to the Lord Mayor in September 2019 advising that he intends to remove varied heights in the zone schedules, if a planning scheme amendment to correct the inconsistencies is not received by March 2020. Generally, this would result in an increase of maximum height limits for land in the NRZ and GRZ. The Ministerial Direction '*Form and Content of Planning Schemes*' states that a zone schedule must not specify a height lower than the height specified in the zone head provision. The Minister for Planning corrected nine of the inconsistencies in September 2019 through Amendment C360. The remaining inconsistencies relate to the NRZ and GRZ zone schedules which require rectification. Two inconsistencies have been identified which are explained below:

- Inconsistency 1 - Carlton, East Melbourne & Jolimont, North & West Melbourne, Kensington and South Yarra: The maximum height specified in the zone schedule is lower than the height in the head provision.
- Inconsistency 2- Parkville: The maximum height specified in in the zone schedule is lower than the head provision and the DDO height is lower than the height in the head provision.

Additionally, the amendment is required to update the maximum building height requirement for a dwelling or residential building in the General Residential Zone (Schedule 3) to remove the wording 'with the exception of architectural features and building services'. This is consistent with the wording in the other schedule provisions.

### How does the amendment implement the objectives of planning in Victoria?

The amendment supports the implementation of the objectives of as outlined in section 4 of the Act.

In particular, the amendment responds to the following objectives:

- a) to provide for the fair, orderly, economic and sustainable use, and development of land;*
- c) secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and*
- g) to balance the present and future interests of all Victorians.*

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

The amendment will deliver environmental, social and economic benefits by supporting development which is consistent with local housing objectives. The amendment ensures that an adequate and diverse supply of well-located housing close to transport, employment and other essential services for a growing population and changing demographics is provided while respecting the valued attributes of existing urban areas. Furthermore, the amendment provides greater certainty and direction for future residential development.

**Does the amendment address relevant bushfire risk?**

The amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire.

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

The amendment complies with the requirements of:

- Ministerial Direction No 9 – Metropolitan Planning Strategy
- Ministerial Direction No 11 – Strategic Assessment of Amendments.
- Ministerial Direction on the Form and Content of Planning Schemes issued under section 7(5) of the Act.

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

The amendment is consistent with the objectives and strategies of the Planning Policy Framework (PPF) as follows:

Clause 11.02-1S (Supply of urban land) which includes objectives to ensure sufficient supply of land is available to meet housing demand by ensuring opportunities for the consolidation, redevelopment and intensification of existing urban areas can occur having regard to neighbourhood character and landscape considerations.

Clause 15.01-5S (Neighbourhood character) which includes an objective to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 16.01-1S (Integrated housing) which includes an objective to promote a housing market that meets community needs by increasing the supply of housing in existing urban areas.

Clause 16.01-3S (Housing diversity) which includes an objective to provide for a range of housing types to meet diverse needs by facilitating a mix of well-designed housing types that respect neighbourhood character.

The amendment supports the PPF by ensuring that there are sufficient opportunities to meet housing demand and enable suitable development outcomes across the municipality. The amendment will provide more certainty and consistency about housing growth and built form outcomes and seeks to ensure minimal change areas are maintained.

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

The amendment supports and implements the following clauses in the LPPF:

Clause 21.04 -1 (Growth Area Framework), which includes objectives to direct growth to identified areas and to focus on promoting areas of growth and protecting areas of stability.

Clause 21.07-1 (Residential Development), which includes objectives to provide for new housing while preserving the valued characteristics of the existing neighbourhood character and to support a range of housing tenures, types and options to meet the diverse of housing needs.

The amendment is consistent with these local policies by providing certainty and consistency about built form outcomes and seeks to ensure minimal change areas and their neighbourhood character are maintained, while allowing for a mix of housing types.

**Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by:

- Ensuring existing maximum building heights for dwellings and residential buildings for residential land can be achieved.
- Enhancing the operation of existing zone controls to ensure appropriate residential development outcomes consistent with relevant state planning policy can be achieved.

**How does the amendment address the views of any relevant agency?**

The views of relevant agencies have not been sought.

**Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have a significant impact on the transport system.

**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 administrative costs of the responsible authority. The amendment clarifies the applicable maximum building height for dwellings and residential buildings in the NRZ and GRZ where a discrepancy appears between the zone head provision and schedule, therefore providing greater certainty and operation of the planning scheme. This is likely to reduce planning permit appeals and therefore reduce administrative costs.

**Where you may inspect this amendment**

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

City of Melbourne  
Council House 2, Planning and Building Reception Counter  
Level 3, 240 Little Collins Street  
MELBOURNE VIC 3000

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

## Attachment 1 - Mapping reference table

Location	Area Affected	Mapping Reference
Carlton	<p>Land generally bounded by Swanston Street (west), Keppel Street (east) and Palmerston Place (south)</p> <p>Land generally bounded by Rathdowne Street (west), Neill Street (north west), Princes Street (north), Warrior Woman Lane and CL1098 (east)</p> <p>Land generally bounded by Faraday Street (south), CL1096 (west), Elgin Street (north) and Nicholson Street (east)</p>	0Z5N
East Melbourne & Jolimont	<p>Land generally bounded by Albert Street (north), Hoddle Street (east), Hotham Street (south) and Clarendon Street (west)</p> <p>Land generally bounded by Vale Street South (south), Berry Street (west), Webb Lane (north) and Punt Road (east)</p>	09ZN
East Melbourne	120 Clarendon Street, East Melbourne (Bishopscourt)	The update is to the GRZ3 schedule only and not proposed to be rezoned.
North & West Melbourne	Land generally bound by Erskine Street (north), Murphy Street (south east), Shiel Street (south west) and Melrose Street (west)	04ZN, 05ZN
Kensington	Land generally bounded by Racecourse Road (north), CL145, Haydon Lane and Bent Street (east), Childers Street (south)	04ZN
South Yarra	Land generally bounded by Park Place (north, west and south) and CL1496 (east)	11ZN
South Yarra	<p>Land along part of Airlie Street</p> <p>Land along part of Domain Street and Hope Street</p> <p>Land along part of Millswyn Street and Float Lane</p> <p>Land along part of Park Street and Leopold Street</p>	The update is to the NRZ1 schedule only and not proposed to be rezoned.
Parkville	Land generally bounded by Royal Park (north), Royal Parade (east), Story Street (south east), Flemington Road (south west), and Gatehouse Street (west)	04ZN

*Planning and Environment Act 1987*

**MELBOURNE PLANNING SCHEME**

**AMENDMENT C374melb**

**INSTRUCTION SHEET**

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

The Melbourne Planning Scheme is amended as follows:

**Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 4 attached map sheets.

**Zoning Maps**

1. Amend Planning Scheme Map Nos. 04ZN, 05ZN, 09ZN and 11ZN in the manner shown on the 4 attached maps marked "Melbourne Planning Scheme, Amendment C374melb".

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

2. In **Zones** – Clause 32.08 (General Residential Zone), replace Schedule 3 with a new Schedule 3 in the form of the attached document.
3. In **Zones** – Clause 32.09 (Neighbourhood Residential Zone), replace Schedule 1 and 2 with a new Schedule 1 and 2 in the form of the attached document.
4. In **Zones** – Clause 32.08 (General Residential Zone), delete Schedules 2 and 4.

End of document



27/11/2014 - / - / - -  
6479 Proposed C374 melb

## SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ1.

### ~~SOUTH YARRA, ROYAL BOTANIC GARDENS~~ NEIGHBOURHOOD RESIDENTIAL ZONE AREAS

#### 1.0

27/11/2014  
C179

#### Minimum subdivision area

None specified

#### 2.0

27/11/2014  
C179

#### Permit requirement for the construction or extension of one dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

#### 3.0

27/11/2014  
C179

#### Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

#### 4.0

27/11/2014  
C179

#### Number of dwellings on a lot

None specified

#### 5.0

27/11/2014 - / - / - -  
6479 Proposed C374 melb

#### Maximum building height requirement for a dwelling or residential building ~~(4)~~

~~A building used as a dwelling or a residential building must not exceed a height of 8 metres~~ None specified.

#### 6.0

27/11/2014  
C179

#### Application requirements

None specified

#### 7.0

27/11/2014  
C179

#### Decision guidelines

None specified

~~27/11/2014~~ / ~~---~~ / ~~---~~ / ~~---~~ / ~~---~~  
6479 Proposed C374 melb

## SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ2.

SOUTH ~~YARRA, FAWKNER PARK~~ PARKVILLE

### 1.0

27/11/2014  
C179

#### Minimum subdivision area

None specified

### 2.0

27/11/2014  
C179

#### Permit requirement for the construction or extension of one dwelling on a lot

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None specified
Permit requirement to construct or extend a front fence within 3 metres of a street on a lot	None specified

### 3.0

27/11/2014  
C179

#### Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

### 4.0

27/11/2014  
C179

#### Number of dwellings on a lot

None specified

### 5.0

~~27/11/2014~~ / ~~---~~ / ~~---~~ / ~~---~~ / ~~---~~  
6479 Proposed C374 melb

#### 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 810 metres.

### 6.0

27/11/2014  
C179

#### Application requirements

None specified

### 7.0

27/11/2014  
C179

#### Decision guidelines

None specified

29/04/2015  
G260

## **SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ2**.

### **GENERAL RESIDENTIAL AREAS – 8 METRE HEIGHT LIMIT**

#### **1.0**

27/11/2014  
G179

#### **Permit requirement for the construction or extension of one dwelling on a lot**

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

#### **2.0**

27/11/2014  
G179

#### **Requirements of Clause 54 and Clause 55**

	<b>Standard</b>	<b>Requirement</b>
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	None specified

#### **3.0**

27/11/2014  
G179

#### **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 8 metres, with the exception of architectural features and building services.

#### **4.0**

27/11/2014  
G179

#### **Application requirements**

None specified.

#### **5.0**

27/11/2014  
G179

#### **Decision guidelines**

None specified.

#### **6.0**

29/04/2015  
G260

#### **Transitional provisions**

Schedule 2 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

Despite the provisions to Schedule 2 to Clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.

29/01/2015  
C260

## SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ3**.

### BISHOPSCOURT, EAST MELBOURNE

#### 1.0

27/11/2014  
C179

#### Permit requirement for the construction or extension of one dwelling on a lot

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

#### 2.0

27/11/2014  
C179

#### Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

#### 3.0

#### Maximum building height requirement for a dwelling or residential building

~~27/11/2014~~ ~~Proposed C374~~ melb

A building used as a dwelling or a residential building must not exceed a height of 12 metres; ~~with the exception of architectural features and building services.~~

#### 4.0

27/11/2014  
C179

#### Application requirements

None specified.

#### 5.0

27/11/2014  
C179

#### Decision guidelines

None specified.

#### 6.0

29/01/2015  
C260

#### Transitional provisions

Schedule 3 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

Despite the provisions to Schedule 3 to Clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.

29/04/2015  
G260

## **SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ4**.

### **SOUTH PARKVILLE**

**1.0**

27/11/2014  
G179

### **Permit requirement for the construction or extension of one dwelling on a lot**

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

**2.0**

27/11/2014  
G179

### **Requirements of Clause 54 and Clause 55**

	<b>Standard</b>	<b>Requirement</b>
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	None specified

**3.0**

27/11/2014  
G179

### **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:

- 10 metres; or
- 9 metres, for areas within 10 metres of Gatehouse Street and Royal Parade with the exception of architectural features and building services:

**4.0**

27/11/2014  
G179

### **Application requirements**

None specified.

**5.0**

27/11/2014  
G179

### **Decision guidelines**

None specified.

**6.0**

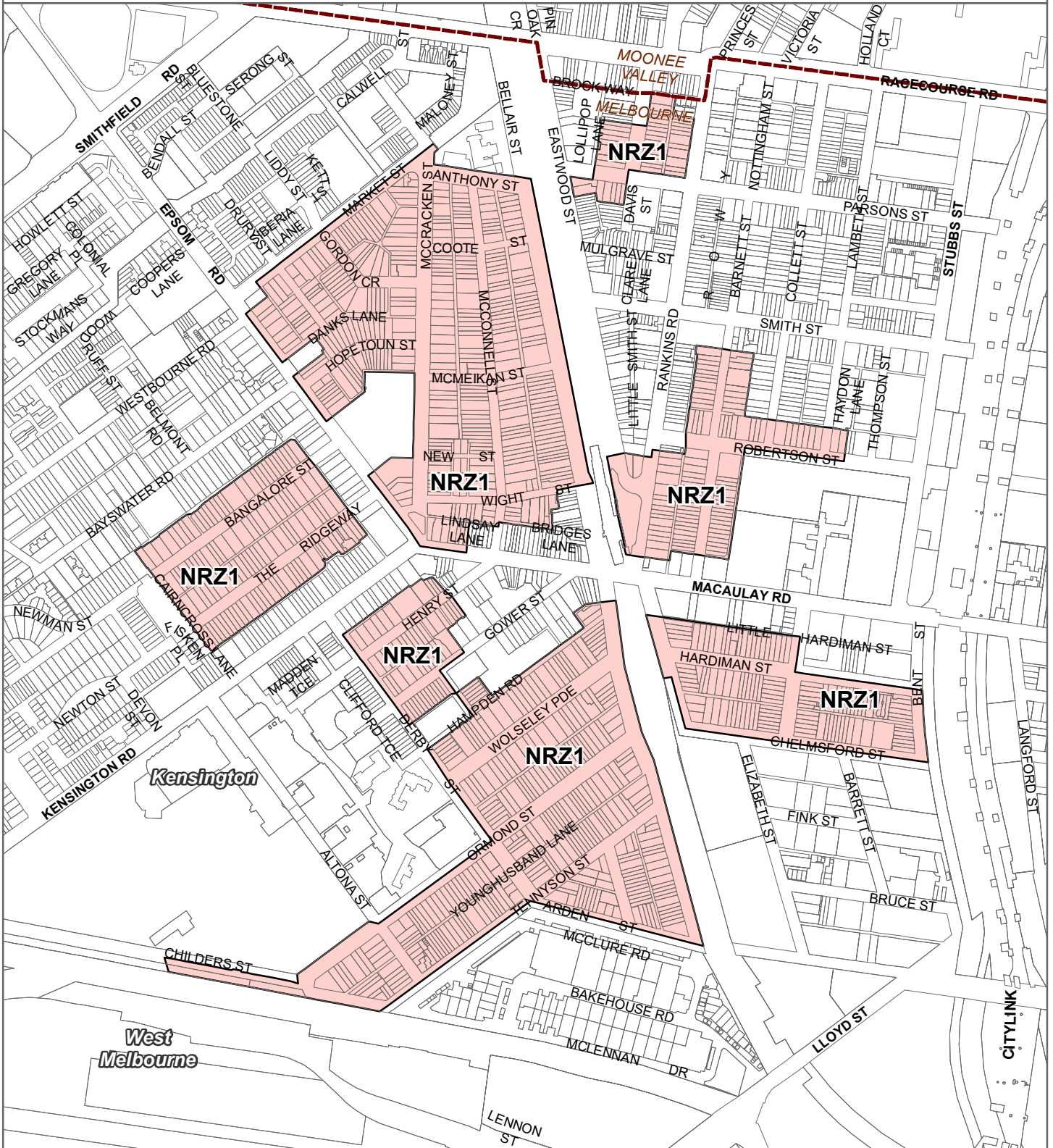
29/04/2015  
G260

### **Transitional provisions**

Schedule 4 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

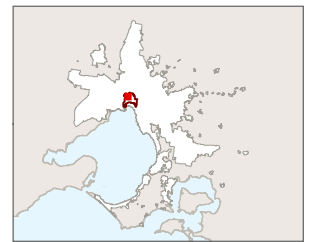
Despite the provisions to Schedule 4 to Clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.

Page 31 of 34  
**MELBOURNE PLANNING SCHEME - LOCAL PROVISION  
 AMENDMENT C374melb**



**LEGEND**

- NRZ - Neighbourhood Residential Zone
- Local Government Area

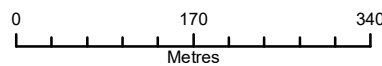


Part of Planning Scheme Map 4

**Disclaimer**

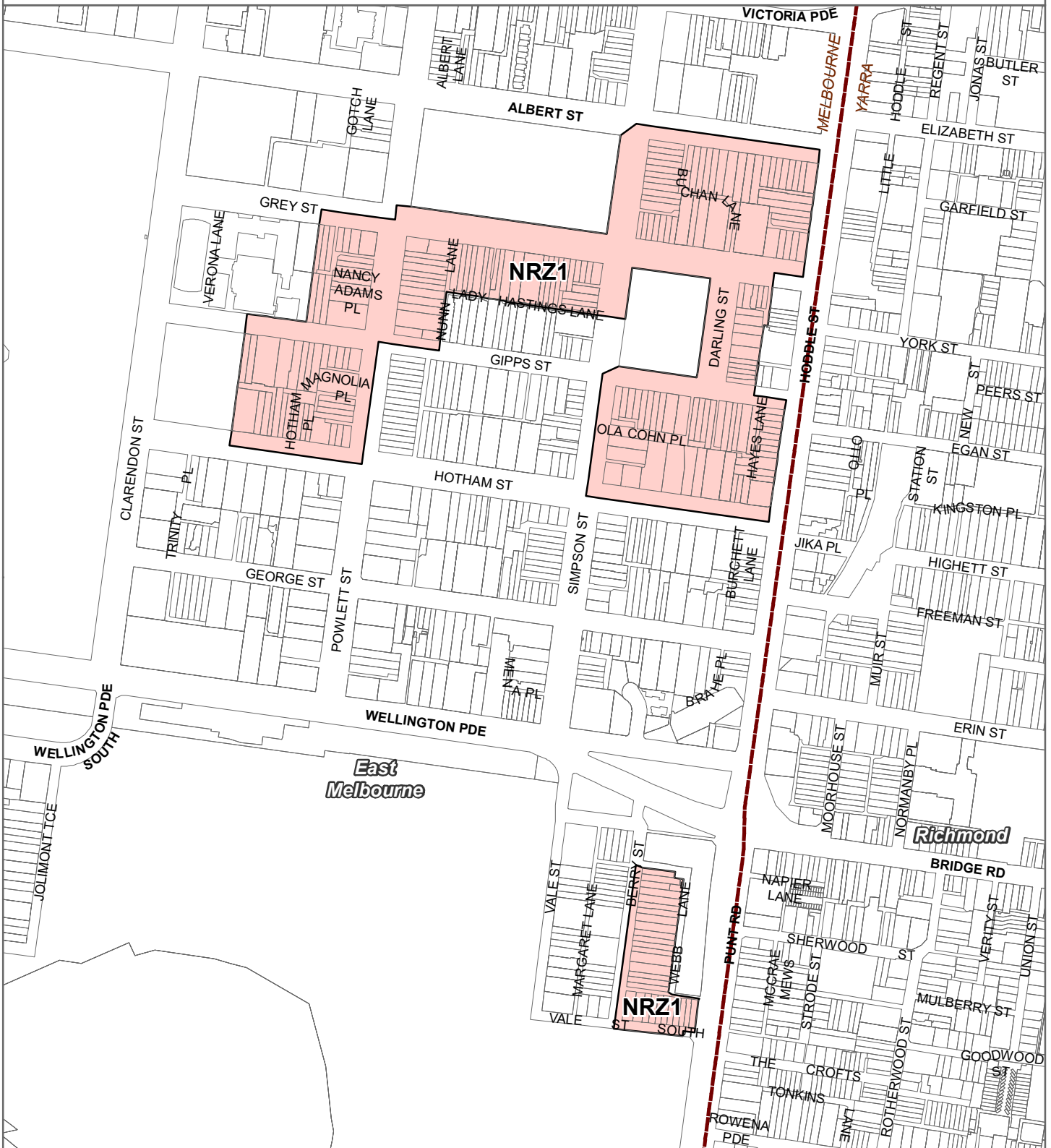
This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Planning Group  
 Print Date: 21/01/2020  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

Page 32 of 34  
**MELBOURNE PLANNING SCHEME - LOCAL PROVISION  
 AMENDMENT C374melb**



**LEGEND**

- NRZ - Neighbourhood Residential Zone
- Local Government Area

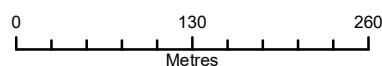


Part of Planning Scheme Map 9

**Disclaimer**

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Planning Group  
 Print Date: 21/01/2020  
 Amendment Version: 1





Environment,  
 Land, Water  
 and Planning



MELBOURNE PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C374melb**



**LEGEND**

-  NRZ - Neighbourhood Residential Zone
-  Local Government Area

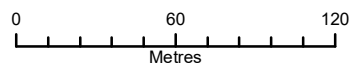


Part of Planning Scheme Map 11

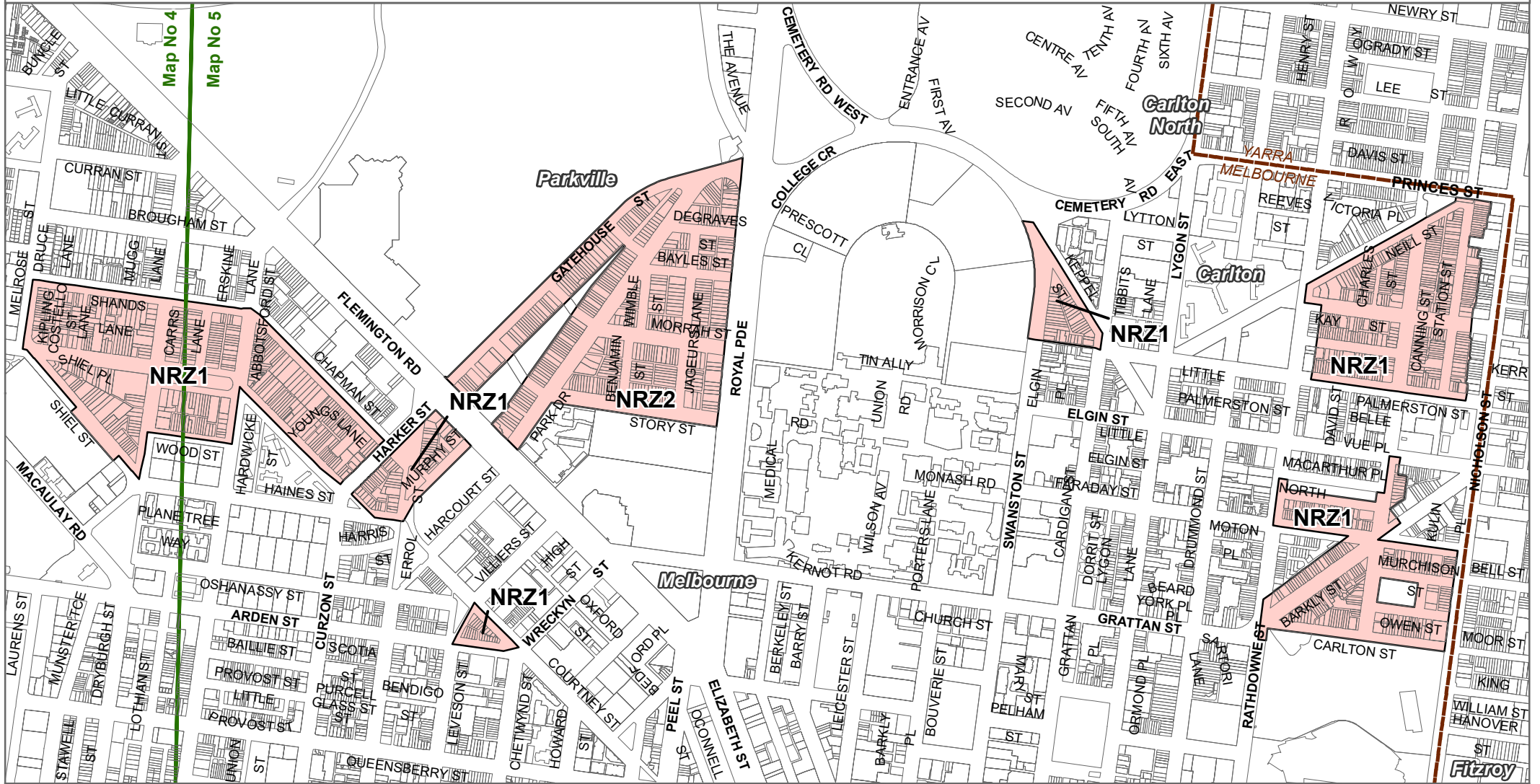
**Disclaimer**

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Planning Group  
 Print Date: 21/01/2020  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

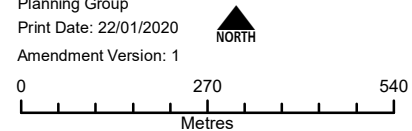


- LEGEND**
- NRZ - Neighbourhood Residential Zone
  - Local Government Area

**Disclaimer**  
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

© The State of Victoria Department of Environment, Land, Water and Planning 2020

Planning Group  
 Print Date: 22/01/2020  
 Amendment Version: 1



Part of Planning Scheme Maps 4 & 5

