

## **MELBOURNE SOUTH YARRA RESIDENTS GROUP INC.**

### **Submission on Residential State of Play**

#### **Introduction**

The Melbourne South Yarra Residents Group (MSYRG), and South Yarra residents continue to be very supportive of the Residential Zoning Legislation introduced by the previous government. In particular, the introduction of the Neighbourhood Residential Zone (**NRZ**) that now provides dependable protection not previously available to areas of South Yarra. The NRZ protection is afforded by the mandatory height limit and limit of two dwellings per lot.

The residential zoning legislation was poorly implemented by the City of Melbourne whose strategic planning officers showed inappropriately subdued interest in taking advantage of the protections being offered for the heritage areas of South Yarra. Residents of South Yarra would be distressed and angry if these hard fought, sensible protections were removed.

#### **Available Housing**

All of the evidence makes it plain that the City of Melbourne has already and will continue to be a major provider of residential accommodation in this part of Melbourne. There is no suggestion that it, including South Yarra, should be doing more than that being done at this time to increase residential density in heritage areas.

The main task for the City of Melbourne is to protect its diminishing heritage diversity and character and manage future development in a more effective way in order to preserve its reputation as a liveable city.

#### **Residential Zoning**

There is no doubt that the zoning laws introduced by the previous government and in particular the introduction of the NRZ has, even at this early stage, had an important beneficial impact - particularly as a consequence of the mandatory height limits. Benefits include the following:

1. Simplification of the handling of planning applications;
2. Reduction in the level of dispute and therefore cost and time wasted, and
3. Provided heritage areas, in particular, a clear basis for preventing inappropriate development.

However, there are shortcomings in this legislation and enclosed is a copy of our submission to Planning Minister Wynne MP on 2 July last year in which some of the shortcomings were identified, namely.

- (a) “Failing to provide the means to protect historic precincts and sub-precincts, e.g. both sides of the streets that need to be protected and viewed in their entirety in order to identify their heritage importance and character.
- (b) While recognizing the importance of mandatory height limits it only regulates residential building and **not** non-residential building. To be effective it must regulate **all** building.
- (c) Preserving building heights in some General Residential Zone (**GRZ**) areas and elsewhere as “preferred” just creates uncertainty and argument. Instead there should be mandatory or recommended heights to be exceeded only under clearly defined conditions and with a cap.
- (d) Failing altogether to include Mixed Use Zones (such as large parts of North and West Melbourne, Carlton and Jolimont) in the new regulatory regime creates numerous difficulties.
- (e) Failing to require Statements of Significance to be prepared for all precincts and sub-precincts (an invaluable heritage tool) and requiring them to be included in the Planning Scheme.
- (f) Not restricting multi-storey apartment towers to designated growth areas and not removing or limiting the ministerial “calling in” or other powers to change that.”

However, we would now add to those the following.

- (g) The criteria enabling the application of NRZ, and in particular the 80% rule, is too prescriptive and that should not be so if the intention of preserving neighbourhood character and heritage is to be achieved.

When determining which streets should be classified NRZ the City of Melbourne strategic planners applied the criteria narrowly (and incorrectly) and failed to recognize the importance of protecting heritage streets and precincts rather than only one side of a street or a group of buildings.

In response to complaints by residents that Council planners had not correctly applied the NRZ criteria the Residential Zones Standing Advisory Committee on page 34 of its report of 17 October 2014 made the following statements.

“The Committee also concluded that Council should undertake a future review of the application of the NRZ, particularly to identify situations where a marginal variation in the 80% criterion might result in more practical and consistent boundary outcomes.

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- Although Pasley Street does not satisfy the 80% criterion, the similarities it shares with Park Place (which does satisfy the criterion) might be a basis for reviewing whether Pasley Street is suitable for the NRZ
  - Leopold Street and Mason Street may not be appropriate streets to adopt as boundaries between the NRZ and the GRZ given the narrowness of these streets and the similarities in the development typology on both sides of these streets. This might be the basis the reviewing the NRZ in this area.
  - Despite Millswyn Street, Domain Street and Park Street being wider streets than Leopold Street and Mason Street, the similar typology on both sides of thee streets might be a basis for further application of the NRZ, even if the 80% criteria is not satisfied.”
- (h) As the purpose of the legislation is to protect neighbourhoods the NRZ should be applied to both sides of a street with similar characteristics and not one side as Council did with Leopold Street.
- (i) While it is difficult to resist multi-level developments on major roads with public transport care must be taken to protect adjoining or nearby properties zoned NRZ and GRZ.

### **Height Limits**

An essential element in the preservation of heritage and neighbourhood characteristics is the sensitive management of the height of the built form. The most appropriate way to achieve that is to require any new building (whether alteration or an entirely new building) to be:

**of a height and scale that is compatible with adjoining buildings and the neighbourhood.**

We make the following statements about this issue.

- (a) Enclosed is a copy of our written submission to the Residential Zones Standing Advisory Committee dated 29 August 2014. In that letter we identify what are unmistakably the most importance heritage streets in South Yarra.

- (b) In all of those streets the predominant building height is no more than two stories and the door-to-door survey we conducted of the residents in those streets revealed that the overwhelming majority wanted the eight metre (two storey) mandatory height limit to apply to their streets and not the twelve metre (three storey) proposed by Council.

This mandatory height limit was generally opposed by Council, which is consistent with its lack of support of heritage areas in South Yarra. However the Planning Minister of the time agreed that the 8 metre limit was appropriate for most of these streets. The MSYRG wishes to retain the existing eight metre mandatory height limits where they have been applied by the recent NRZ zoning.

- (c) The exceptions to the eight metre limit of architectural features and service equipment are reasonable and we think the same would apply to a pitched roof so long as the scale of the proposed building was compatible with the neighborhood.

### **Protecting the Heritage and Character of Melbourne**

The new planning laws and in particular the mandatory height limits play a critical part in protecting our remaining heritage areas. The heritage policies of the City of Melbourne are and have been for many years deficient with disastrous consequences and it is hoped that the review of these policies currently underway will change that.

Enclosed is a copy of our recent submission to the City of Melbourne about that review which illustrates the issues that require attention.

However, the Victorian Government plays an important part in protecting our heritage and character and the residential zoning laws, and in particular the NRZ, play an integral and important role.

### **Conclusion**

South Yarra is one of the few remaining suburbs where the heritage of Melbourne, its diversity and character remains. The task now, in our view, is to preserve those characteristics in a world where multi-story apartment buildings are steadily taking over.

The residential zoning legislation is the critical tool in providing that protection (with assistance from the Heritage Poll Policy currently under review in Melbourne) and in particular the fundamental benefits of the new planning laws (mandatory height limits and two dwellings per lot) must not be lost or diminished.

Melbourne South Yarra Residents Group Inc  
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