

**Please note 2009 change of contact details*

Submission To The Department of Planning and Community Development
13 April, 2009

Consultation Draft, New State Residential Zones

PART 2 OF 2

(Please Note: Part 1 was submitted on 9 April, 2009)

1 Overview

Thank you for this opportunity to comment.

Overall, the Association sees the zones presented in the Consultation Draft as an improvement over the 'zone concepts' circulated for comment in 2008, and an improvement over existing Residential zones.

Key factors in this improvement are:

- The re-instatement of third party rights (other than for subdivision in the Substantial Change Zone – this is not supported, see comments at 7.12).
- The role of schedules is expanded. An ability to apply multiple schedules within a zone, and specify some local values, is certainly an improvement over current, rigid zone schedules, and will provide more flexibility, if Councils are given the freedom to use the schedules to identify different requirements within a zone.
- A new ability to specify height limits up and down in the ICZ and LCZ is a key step forward, particularly for rural areas.

However, page 3 of the Consultation Draft says the zones are a response to calls from Councils for "better tools to implement local policy". Our Association doesn't think the draft zones, taken together, are sufficiently mature to achieve that objective, or to ensure implementation of strategic objectives in what has long been touted as a strategically-driven planning system.

If providing tools that better and genuinely deliver local policy is the aim, these zones need to go further in allowing Councils to specify more standards, strategic outcomes and other requirements that are to be met by planning applications. This is especially vital in rural, coastal, bushfire-prone and environmentally sensitive areas.

2 An Opportunity For Positive Change

2.1 Problems With Planning In Victoria

In the Association's view, one reason why the State government - and developers - have alienated Councils and community is that for the past decade or more, "getting the development" (*any* development) has taken priority over getting 'good' planning outcomes - that is, strategic development that responds positively to significant attributes, local context and conditions, and community values.

These last are usually well defined in strategic work, but are almost impossible to deliver through the generic, development-biased VPP system. The end effect is that, in addition to bad planning outcomes, key stakeholders feel disempowered by and excluded from the planning system.

Conflicts often arise because applications for inappropriate development are able to be made through State generic zones, and the system doesn't allow sufficient weight to be given to local context and standards, for example, the view that State provisions are rules or law (black and white), whereas local provisions are just policy (grey), is prevalent. 'Local' is commonly over-ridden by generic (and often metropolitan) values. Then, once developers have "invested" in an inappropriate application, protecting and rewarding that investment seems to take precedence over good planning and natural justice. Poorly conceived if not damaging development, and community angst, usually prevails.

The chaotic and unpredictable nature of the Victorian planning system becomes more obvious if applied to other scenarios. For example, where would we be if road rules were merely guidelines that harboured an over-riding principle of 'might is right', and were able to be varied on a case by case basis? Where would we be if it was only *preferred* that seat belts be worn or vehicles travel on the left side of the road, if road rules were reduced to minimum, variable standards that *should* be met, if off-road deviations were acceptable in the interests of getting there *faster*? Would not chaos result? Then why aren't those same operating methods in planning seen as producing chaos, reducing standards, compromising safety, and creating an abundance of uncertainty (and "planning rage")?

2.2 A Way Forward: Seize The Day!

Our Association believes this review of the Residential zones provides an opportunity for the government to show real leadership in restoring "proper and orderly" principles to planning in Victoria, so arbitrarily taken away by the VPP planning system.

First steps towards this have been taken with these new zones by providing the opportunity for multiple schedules and more local content. We applaud this and urge the government to go further by providing the means for Councils to actively and directly implement policy and strategy through truly flexible schedules that deliver real strategic outcomes, and real certainty.

This could be achieved by providing for constraints, context and other key strategic issues to be included in the schedule, as well as character and design objectives, similar to statements of significance found in overlays. An example of where this would be useful would be, say, in flagging significant overland flow constraints where a flood study has not been undertaken and no overlays have been applied.

The cause of strategic planning could be further advanced by allowing Councils to tailor *uses* in schedules in line with strategic objectives for land within the schedule. For example, in rural areas an ability to apply for a service station on a major road within a Residential zone (and particularly the Limited Change zone) may be contrary to long-standing policy to not endorse commercial development along major rural roads but instead directing it to town centres. A precedent for allowing uses to be tailored in schedules already exists in Part B of the Urban Growth Zone.

Another element which would also enhance delivery of strategic planning would be to allow specifications in zone provisions to be varied. An example of this would be an ability to vary the size and height of outbuildings for which a permit is required, and to specify building materials and setbacks in areas of, say, landscape sensitivity.

The zones themselves (provisions and schedules), by their generic nature, provide little in the way of direction about 'on-the-ground' outcomes to be achieved. Such direction could be provided by increasing the ways in which local policy and standards can be expressed in the schedules.

We urge the government to take up this opportunity to step out of the shadow of the Kennett government's one size fits all planning philosophy. Expand the scope of these zones to provide Councils with the tools they need to put local policy on the ground, and in the process deliver more strategic outcomes and greater certainty, not just to community but also developers. With greater specification in schedules, everyone would know what to expect. Such a move would better ensure investment is not wasted on inappropriate and contentious applications, but is directed to areas where it is planned to happen.

3 Issues and Concerns With Process

3.1 Neighbourhood Character And Design Objectives (page 7 CD)

- *Basis For Producing Objectives*

What basis can Councils use to generate 'neighbourhood character and design objectives' for schedules? Will these be tied to having character studies done, or can they be generated by other means, such as relying on existing or other strategic work? Many Councils can't afford Neighbourhood Character Studies. The advantage of having a schedule which allows character to be defined is lost if studies which may never be done are the only trigger for being able to define character and design objectives.

- *Expand Description of Character*

"Character" should embrace more than just 'neighbourhood' character. This section of the schedule should also acknowledge rural values by encompassing an ability to describe rural and broader landscape character contexts.

3.2 Support And Resources To Be Provided For Councils (page 7 CD)

- Funding for assistance with Melbourne 2030 focussed on metropolitan areas, even though many rural areas within transport corridors are impacted by the policy. Rural areas may not have sophisticated planning schemes, or the expertise and funds to accommodate State level changes unassisted. Will this be another example of funding, support and resources solely for the metropolitan area?

3.3 "Local Housing Strategies Will Inform Where Substantial, Incremental And Limited Change Zones Apply" (page 7 CD)

- There must be more than housing strategies informing where these zones will apply. Application of the zones – and schedules – needs to respond to a range of strategic and policy issues, not just housing.

3.4 What Happens In Greenfield Areas? (page 8 CD)

- Reassurances that this is 'covered' aren't reassuring. It appears the only option for dealing with this issue in rural areas is on a piecemeal (site-by-site) basis. For example, some 'greenfield' sites in rural areas are either extremely large or there can be a lot of them. This is not a strategic response, and does not inspire confidence that strategic outcomes will flow from application of these zones.

4 Issues and Concerns With A Lack Of Rural Context

4.1 Rural Issues Still Not Recognized In *Statewide* Zones

The Association objects strongly to the lack of consideration given in the new zones and schedules to rural perspectives and issues. This omission simply continues a major deficiency that has existed since the introduction of new format planning schemes, where zones are produced primarily for metro areas, then spread across the State.

We say the time is right for rural areas to have equal consideration instead of having to 'make do' with zones that don't address or don't allow to be addressed issues that need to be dealt with in areas outside Melbourne. There is no 'best fit' in this situation.

An inability to overcome the unsympathetically metropolitan controls in the current Residential 1 zone, and the lack of a means to ensure rural issues, values and standards are considered, has had a detrimental impact on character, environment, landscapes, service and infrastructure delivery, and safety outside the metropolitan area.

Unless the ICZ can be made a more attractive option – for example, if it came with an expanded LCZ-style schedule – the Limited Change Zone will likely be the zone of choice in rural, coastal, bushfire-prone and environmentally sensitive areas, if Councils are allowed to apply it.

This is because, while it could do much more, the LCZ does at last introduce multiple schedules that allow diversity to be recognised, and some relevant issues and standards to be addressed within the zones (for example, restricting dwellings on a lot). These are features non-metro areas desperately need.

Nevertheless, the LCZ - and the Incremental Change Zone - still lack a genuine rural and bushfire context, even though they are intended for Statewide application. This remains a major concern (see also comments at 7.1).

The review of Residential zones must remedy this situation. There are opportunities for rural issues to be incorporated into the zones, and for rural issues to be addressed through schedule variations.

Alternatively, rural areas must be provided with their own version of both the zones, and schedules.

4.2 It's Time For A Rural ResCode

- Rural areas are still tied to ResCode, which imposes distinctly metropolitan standards, and minimum standards at that. Plans for 'rural' development are often direct lifts of metropolitan development, alien and damaging in a rural context. For example, we note that an ability to specify the extent of walls on boundaries is newly included in zone schedules. Our question is, should there be *any* walls on boundaries in rural areas, and especially where Residential zones abut Rural zones? Would "none" be accepted as a response in the schedule? Another example is minimal ResCode road widths, and tandem parking arrangements – are these really acceptable in terms of rural character and bushfire-prone areas?
- A Rural ResCode is well overdue, and its preparation and implementation should be a priority. Failing this, an ability to vary ResCode elements, (as was provided to rural Councils when VicCode was introduced), additional to those nominated in the schedules, is an imperative.

4.3 Lack of Strategic Work In Rural Areas

- Another issue in rural areas is that zones may have been in place for many years or land may have been in a reserved residential zone in an old scheme. These areas may not have been subject to further strategic assessment of their suitability for subdivision and development now. For example, Woodend has not had any strategic work done for 35 years. Development is now occurring in residential (and former reserved residential areas) that were introduced in 1978 and just rolled over into Residential 1 in 2000. Many issues that may influence suitability for Residential development today haven't been addressed, and are not able to

be flagged as issues under the current zone and schedule format. These new zones are an opportunity to provide scope for these issues to be addressed in the zones themselves.

4.4 Township Zones

- A general lack of awareness and attention to rural issues is evidenced by the Township zone being excluded from this review. The ability to apply multiple schedules, specify building heights, etc., is highly desirable but is not offered to the Township zone. We note that it appears applications can be made for development of more than 4 storeys in the Township zone.
- The Township zone provisions include issues that are relevant to rural areas, for example, standards to be met in unsewered areas. This is also relevant to the new zones. It should be noted that even if there is a sewerage system in a town, that does not guarantee all properties are or can be connected to it.
- The Township zone's 'mixed use' characteristics are a deterrent to applying it widely, leaving rural Councils with little option but to apply the Residential 1 zone on broader scales. The inadequacies of Residential 1 underscore the need for the Incremental and Limited Change Zones to focus on rural perspectives and issues.

5 Apply A Bushfire Context To *Statewide* Planning: How Will The New Zones Work In Rural, Regional and Bushfire Prone Areas?

With the recent devastating bushfires in Victoria, a serious rethink of where medium and higher density development occurs (or if it occurs at all) is needed, as highlighted by among other examples, bushfire very close to the city centre of Bendigo.

The fires raise questions about the wisdom of having zones where Councils have no option but to accept applications for medium density development in small towns. Medium density puts more people in harm's way. In this regard, the LCZ is better, the ICZ is not.

Another matter for consideration is Statewide Residential zones that don't assist good fire outcomes. For example, none of the new zones have a requirement for a static water supply for fire-fighting purposes, as does the Township zone.

The issue of underground bunkers must also be addressed. As yet there are no uniform standards for these, and the new zones make no specific reference to them. Will these be regarded as 'normal to a dwelling', not needing either use or buildings and works permits? Given their nature and purpose, some planning oversight is indicated.

Add to that, Section 1 Accommodation Uses, including Dependent Person Unit and Dwelling, that don't need use or buildings and works permits. This is of concern, particularly in high risk bushfire areas including townships, where Wildfire Management Overlays aren't always applied. Uses which provide for 'gatherings' of people, for example, including the location of childcare centres and residential aged care facilities, also warrant closer attention.

Many rural towns do not have Wildfire Management Overlays applied (Marysville is an example, as are most towns in Macedon Ranges). Not having WMOs in residential areas doesn't necessarily mean fire risk isn't high, it just doesn't meet the limited criteria used as the basis for applying the WMO (there is also a common perception that putting overlays over towns creates too many permit triggers). For example, this summer Woodend was threatened by a fire which burnt mainly in grass – no WMO – towards a township with no significant WMO, and the Daylesford fire dropped ash and embers on Gisborne – no WMO.

Better regulation of building materials through new building regulations and Bushfire Attack Level assessments will assist, but these are at *building* stage. Higher consideration of location, design, siting, landscaping and density – or whether development is feasible at all - is needed. This can't happen unless a permit is required, and zones, schedules and decision guidelines allow these issues to be addressed.

The Association makes comment on a number of rural and bushfire issues throughout the following comments, although examples given are not comprehensive.

6 Issues and Concerns With Zones

6.1 A Reserved Residential Zone Is Required

- Add a reserved residential zone to the VPPs, as per Part A of the Urban Growth Zone. Conversion of former reserved residential zones to new format Residential zones (where land wasn't backzoned) has seen *ad hoc* non-sequential development across large areas of what was reserved residential, in advance of planning, services and infrastructure. The result has been that if it's allowed in the zone, it's usually approved, even if it compromises future land use options.

6.2 Clarify the Bases For Applying The New Zones

The translation of the Incremental Change Zone to Residential 1 and 3 areas is, generally speaking, relatively unsurprising and straight-forward. However, much is at stake with regard to where the Substantial Change and Limited Change Zones will apply.

- *Substantial Change Zone*

The SCZ has a different emphasis to the Res2 Zone, to which it is matched (i.e. only *higher* density in SCZ, and Office is no longer a prohibited use). As the Res2 Zone has not been widely used across Victoria, mainly because it extinguishes third party rights, there would seem to be little point in introducing SCZ unless it is to be more widely applied. Therefore, it is not enough to simply say Res2 will be the basis for transition to SCZ.

Parameters for applying SCZ must be made completely clear. For example, what justifies its application; will it be applied in rural areas; how much public transport constitutes "good" services?

The Association presumes there would not be a role for SCZ in a rural Shires such as Macedon Ranges and has not focussed hard on it, although we do raise some issues about the zone in this submission.

- *Limited Change Zone*

Use of the LCZ, a new zone in concept and implementation and the best and most flexible of the lot, appears to be dependent upon overlays already existing. This will overlook values more commonly found in rural areas which may or may not yet have been recognised with overlays. Does this mean that this zone will not be allowed to be applied unless overlays exist? Can this zone be applied to areas covered by land management overlays, such as Erosion and Salinity Management Overlays? What happens in areas with overall sensitivity, such as Macedon Ranges?

This is a zone which has a rightful place in non-metro areas, where work may not yet have been done to justify overlay application, and where there is often an imperative to maintain rural character. There is also a marked resistance by Councils and the Department to broadly applying overlays over town areas 'because they trigger permit requirements'. There must be a better, more strategic basis available, additional to overlays, which can also justify application of this sorely-needed zone outside the metropolitan area.

7 Issues and Concerns With Zone Provisions

All three zones seem to assume all services are available, and don't address situations where they might not be. In itself, this is an unsatisfactory situation for residential development, but an even worse one where non-residential development – which isn't covered by ResCode – may be proposed.

As referenced above at 4.1, if rural issues are not or cannot be included in the new zones, separate zones and schedules for rural areas must be introduced.

7.1 Include Rural Issues, Standards And Objectives In Zone Provisions And Matters To Be Considered

For example, relevant issues that should be able to be considered include the following:

- Availability and provision of utility services
- Sequential development and provision of infrastructure and services
- Character of towns *and* surrounding areas
- Rural interface issues
- Non-sewered / serviced areas
- Standards of roads, as well as impacts of traffic
- All-weather access
- Floodprone areas
- Bushfire issues (including static water supply for fire-fighting purposes)
- Proximity to public land, particularly forested public land
- Location within proclaimed water catchments, impacts on drainage function, waterways and the quality and quantity of water for human consumption
- Significant townscapes / landscapes
- Vegetation (native and exotic vegetation (for example, street trees) may not have overlays within townships)
- Design and provision for solar and wind energy access
- Land capability (not just for effluent disposal)
- Requirements for undergrounding utility services from source to new development, not just on the site (for example, power poles – dusty power pole insulators have been fire starters this summer).
- Extent of earthworks without a permit – we require permits for earthworks in rural zones, but not in Residential zones?

7.2 Zone Purposes

- Expand zone purposes to acknowledge issues in and objectives for rural areas. For example, the emphasis is on neighbourhood character – add 'rural' character.

7.3 Application Requirements

- LCZ: This new provision is a positive, and should also be included in other zones, particularly ICZ. This could be expanded, and issues relevant to rural areas also included, for example, impacts on rural character /vegetation/other features and resources, and additional infrastructure and services triggered by the application. Include a reference here that development is to also respond to requirements in the zone schedule. Also add servicing requirements for dwellings and DPUs, as in Township zones.

7.4 Define “Works Normal To A Dwelling”

- What are “works normal to a dwelling”, and in particular, what does that mean in a rural context? A few years ago in Macedon Ranges Shire, an airfield was allowed without a permit because it was deemed ‘ancillary’ to a dwelling. Please, define the nature of “works normal to a dwelling”.

7.5 Expand Zone Decision Guidelines

- See comments at 7.1.

7.6 Reconsider Content Of Tables Of Uses, And Include An Ability To Vary Uses In Zone Schedules

- The Tables of Uses in all 3 zones are almost identical, even though these zones are put forward as having different objectives for Residential use and development. There doesn’t seem to have been a lot of thought put into what type of outcomes these uses, and the section they sit in, will produce, especially in rural areas.

For example, in the SCZ, why provide opportunities in Section 1 for apiculture? In higher density development, should keeping 2 animals be Section 1; should there be any opportunity to apply for a permit for 5 animals in, say, a high rise building? Is this compatible with the purposes of the zone?

- Zone provisions across all zones are likewise similar, raising the same questions as to what outcomes these zones are intended to produce.
- For true flexibility and to deliver strategic outcomes in response to local conditions, provide an ability, through schedules, to craft uses and provisions to fit the situation on the ground. This ability is already provided in Part B of the newly-introduced Urban Growth Zone. The UGZ allows a Council to fashion a Table of Uses that enables outcomes to respond to strategy. The precedent set by the UGZ should be incorporated into the new Residential zones.

7.7 Reconsider Inclusion and Definition Of Some Uses

- *Mining, mineral exploration, search for stone, etc*
These land uses are not compatible with environmentally sensitive areas or residential zones, particularly as Section 1 uses. Reconsider continued inclusion of these uses in all Residential zones.
- *Animal Keeping*
The definition of Animal Keeping should be expanded to include all animals, not a narrow range as now. People in Melbourne may not want pet pigs and pet snakes, but people in rural areas can and these animal types aren’t covered by the Animal Keeping definition, and instead fall under local laws. Because of the limited VPP definition of Animal Keeping, while planning applications for 5 animals may be refused, it is not unknown for local laws permits to then be issued for the keeping of more than 5 animals. This ‘grey area’ is undermining the planning scheme, and residential amenity.

7.8 Dwellings

- *ICZ, LCZ: Dependent Persons Unit.*
“Construct” suggests a permanent structure, yet no planning or buildings and works permits are required. Reconsider this in rural areas.
- *LCZ: Is DPU A Dwelling?*
Does a DPU constitute a second dwelling on a lot for the purposes of counting how many dwellings exist on a lot? Can land be subdivided counting a DPU as a separate existing dwelling?

- *LCZ: Mandatory Two Dwellings On A Lot*
The schedule requirement that not less than 2 dwellings be allowed on a lot fails to recognize that there may be strong reasons why only one dwelling is appropriate. Factors that may point to the desirability of one dwelling only include land capability, servicing and infrastructure provision, protection of drainage function, land near rural interfaces, bushfire risk, vegetation and sustainability. Councils should have an ability to specify one dwelling per lot in the schedule, where it can be strategically justified.
- *LCZ: Second Dwellings*
In the Limited Change zone, where third party rights are extinguished for subdivisions involving an existing dwelling, if a second dwelling is constructed on a lot, and the lot is subdivided with a house on each lot, under the zone provisions is a second dwelling then able to be constructed on each of the subdivided lots?
- *Building Heights For Extension Of Existing Dwellings*
Building heights – extensions of existing buildings must be no more than the existing height. This provision potentially allows one mistake to become two mistakes. For example a house that already stands out on the slopes of Mt. Gisborne becomes a bigger house that stands out. Extensions should be required to adhere to the height specified in the schedule.
- *SCZ: Single Dwelling Remains Section 1*
The retention of the ability to construct single dwellings without a use or buildings and works permit in the SCZ seems contrary to and likely to compromise the objectives of the zone to achieve higher density outcomes. We note that the SCZ in fact winds back permit requirements for single dwellings over existing zones because it does not provide Councils with an ability to trigger permits for dwellings on lots between 300 – 500 sq m.

7.9 Medium Density In Incremental Change Zone

- This zone will be the primary residential zone applied across the State. One of the main objectives of the zone is to accommodate medium density development. How appropriate is that density in rural, coastal, bushfire-prone and environmentally sensitive areas? Provide a means for rural Councils to specify density.

7.10 Residential Aged Care Facilities As A Section 1 Use

- What type of facility will be produced if no standards are to be met? Historically, many aged care facilities have been located on land with flooding issues. In rural areas, how are issues like drainage, infrastructure & services, aspect, bushfire, landscapes and residential amenity, etc. to be considered if this is a Section 1 use? Clause 16 provides a policy basis, but does not set development or locational standards or allow consideration of the appropriateness of the proposal where sewer or reticulated water may not be available. An ability to trigger a permit requirement in the zone schedules should be made available.

7.11 Lack Of Direction For High-Rise Development

- For zones where there is scope for high-rise development, there is a lack of specific consideration of and requirements for this type of development, and surprisingly so in the SCZ. Development over 3 storeys is high-rise, yet the table of uses identify only “dwelling” (for which a use permit is not required and conditions are not specified), while zone provisions are concerned with single dwellings and more than one dwelling on a lot. Where are the standards and requirements for high-rise development?
- The maximum building height of 4 storeys in the SCZ, which is only able to be scheduled higher, is out of step with the zone provisions, and there is an awkwardness with having a maximum default height that requires reference to two different standards: 3 storeys or less to ResCode, 4 storeys or more to Design Guidelines for Higher Density Residential Development. The zone provisions don’t address this ‘cross-over’. It would be clearer that different requirements apply if the maximum height was changed to 3 storeys, with an ability to increase height in the schedule, or provisions specific to this type of development were included in the zone rather than letting it masquerade as “more than two dwellings on a lot”.

- Decision Guidelines in the zones include a requirement for consideration of the Design Guidelines for Higher Density Residential Development for development of four or more storeys. Zones don't seem to refer to Clause 52.35 "Urban Context Report and Design Response For Residential Development of Four or More Storeys", which in any event sets parameters for applications, not decisions. From our research, the Guidelines aren't included in Incorporated Documents, nor are they included in the scheme, as is ResCode. As all zone schedules have scope for maximum heights to be scheduled that fall within the ambit of the Guidelines, incorporate them in the scheme to ensure they carry appropriate weight, and to head off the classic response of "they don't have to be implemented, after all, they are only *guidelines*".

7.12 Third Party Rights

- *SCZ Extinguishes Third Party Rights For Subdivision*
Full exemptions for subdivision have been removed from the ICZ and LCZ, and from development applications in the SCZ, but remain for subdivision in the SCZ. The rationale behind this is difficult to understand, and the Association does not support the retention of full exemptions for subdivision in the SCZ. People are entitled to comment on and if necessary object to proposals that may affect their interests. If the subdivision isn't right, there's a fair chance the development won't be. Third party rights on subdivision applications should re-instated in the SCZ.
- *Third Party Rights For Subdivision Of Existing Dwellings*
Zones other than SCZ have retained the partial exemptions on subdivision that are in the current Residential zones, which exclude third party rights on subdivision of existing houses and car parks. This should also be re-evaluated to ensure in particular that new medium density development proposals also meet subdivision requirements at the application stage rather than allowing development to be approved in the absence of such assessment, with a 'rubber stamp', unscrutinized subdivision to come later, when it is too late to address the merits of the subdivision proposal, or make changes.

8 Key Issues And Concerns With Zone Schedules

The schedules to the zones allow tailoring of some ResCode standards and the Limited Change Zone also allows the number of dwellings on a lot to be specified, albeit not less than two. The zone provisions and schedules remain somewhat simplistic and suburban in their focus. In rural areas, more issues may require attention but are not able to be specified 'up front' in the zones/zone schedules.

The schedules should be expanded in scope to allow issues relevant to rural areas to be included, or a schedule specific to rural and regional areas should be created (i.e., a metropolitan **and** a rural schedule) to accommodate relevant rural issues and/or zone provisions to be varied (see also comments at 7.1).

8.1 What will the bases be for applying schedules?

- Will Councils be allowed to have as many schedules as are needed, or will this be embargoed by the Department of Planning and Community Development?

8.2 Allow zone provisions to be modified in schedules, for example:

- Size of a lot for which a permit is required for a dwelling, for example lots less than 2000 sq m in bushfire-prone areas. Limiting this to lots of 500 sq m or less doesn't recognise rural values, where most lots are more than 500 sq m and towns can include substantial infill opportunities where the size of the lot is pre-determined. This is critical in bushfire, environmentally sensitive and high landscape quality areas.
- Vary the permit trigger for the size, building materials, location and setbacks of outbuildings.
- Vary minimum floor areas for retail premises, place of worship, etc.
- Revised Table of Uses which allows use to be scheduled out or conditions to be applied. For example, allow an ability to schedule out commercial uses that are inappropriate in areas where Road Zones can be major rural roads, and where historically, policy has been to discourage commercial uses in township gateways or township residential areas. See also comments at 7.6.
- Add permit triggers and conditions for some Section 1 uses, for example, of particular concern in a rural context is the fact that Dwelling, DPU and Residential Aged Care Facility do not require use or buildings and works permits, and other than DPU, there are no conditions to be met in Section 1.

8.3 SCZ Schedule Only Provides For Lesser Development Standards

- In the SCZ schedule, variation of ResCode standards can only go one way, that is, there is only an ability to 'wind back' minimum ResCode standards. This is not 'flexible' or necessarily strategic.

8.4 Introduction of Office As A Section 2 Use, Substantial Change Zone

- "Office" is a Section 2, Permit Required use in the SCZ. It is a prohibited land use in the other draft Residential and existing zones, including the SCZ's 'equivalent' Residential 2 zone. This is a small but significant shift for a Residential zone, and although a 100 sq m condition is placed on the use, there is nothing else in the zone or schedule that addresses it (not even the zone purposes). In its current form, this change is poorly thought through and not supported.

If "Office" is retained in Section 2, the SCZ schedule should allow Councils to schedule it out, vary floor area, or specify conditions.

8.5 Variation Of Setbacks

- The proposed schedules allow some variation of front setbacks, but an ability to vary ResCode side and rear boundaries is also needed.

8.6 Density And Lot Averaging

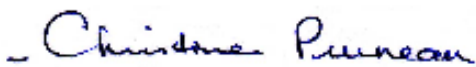
- Schedules as proposed do not provide for densities or lot size averaging to be specified, which can assist in delivering diversity and protecting other values.

8.7 Allow Relevant Local Policies And Strategies To Be Referenced In The Schedule

- Allow Councils to include references to local policies, strategies and studies, which are relevant to and give guidance about residential development outcomes, in the zone schedule. For example, a landscape study which sets out standards for building materials or landscaping themes, or a flood study which recognizes overland flow areas.

8.8 Allow Fencing Type To Be Scheduled

- The schedules should provide an ability to not only vary fencing height, but specify *fencing type* on all boundaries. This is especially important in rural areas, where paling or other solid fences instantly turn rural into suburban. The impact of solid fencing, as opposed to post and wire or rural fencing not only affects neighbourhood character, but also broad-scale rural landscape values, as well as being highly detrimental to natural drainage systems and wildlife movement.



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