

**Submission  
Exhibited State Planning Zone Reforms**

28 September, 2012

**PART 2 OF 2**

*Part 1 of the Association's submission was submitted on 21 September,  
notifying that Part 2 would be a late submission, as allowed by the Minister for Planning.  
The closing date for submissions has since been extended to 28 September, 2012.*

## 1. Introduction

Macedon Ranges Residents' Association Inc is a not-for-profit, non-party political, voluntary community group. We appreciate this opportunity to comment.

The Association has undertaken extensive research to inform its response to the exhibited zones. This included preparing tables for all Clause 75 nested uses for each suite of zones, including changed conditions, to allow the scope of changes to be identified. Tables were also prepared comparing existing and proposed zone provisions. This revealed inconsistencies, particularly in new zones.

In this submission, the Association provides an Overview of Issues and Concerns (Section 2), and Requested Changes at Section 3. Additional comments are then provided for Residential (Section 4), Commercial (Section 5), Industrial (Section 6) and Rural (Section 7) zones.

## 2. Overview of Issues and Concerns

### 2.1. Inadequate Information, Consultation And Review,

#### 2.1.1. Insufficient Specific Information About Changes

Identifying and understanding changes has been time-consuming. More specific information, clearly identifying the true extent and impacts of changes, would have assisted assessment of changes against the current situation. For example, amended zones identified changes but new zones didn't, and deletion of several zone schedules doesn't appear to be identified at all.

#### 2.1.2. Insufficient Time To Analyse Changes

Changes are extensive and very complex, with far-reaching effects which require time to identify and analyse. Arguably, changes to each suite of zones warranted a discrete exhibition period. The Association submits that the two month exhibition period was not sufficient time to allow the comprehensive analysis these changes demand. The general public has struggled to understand what these complex changes mean, which has effectively excluded many people from being able to make meaningful comment. *An exclusive instead of inclusive process.*

**2.1.3. Comprehensive Use Changes Are Presented Without Prior Review And Consultation**

While prior review and public consultation occurred for Residential zones (allowing new zones to be anticipated), this did not occur for new commercial zones and changes in industrial and rural zones. These dramatic changes are instead produced as a ready-to-go Statewide amendment, with the amendment’s exhibition providing the only opportunity for public and professional comment before implementation.

**2.2. Changes To Residential Zones**

The Association supports:

- Introduction of multiple schedules for residential zones
- Zone schedules allowing local content to be included
- The Neighbourhood Residential Zone and particularly its expanded schedule allowing more local context
- Introduction of height restrictions

There are however inconsistencies and anomalies within the residential zone suite where improvements can be made (for example, the new residential zone schedule is not provided for the Low Density Residential Zone). These are addressed in detail at 4 Residential Zones – Detailed Comments.

***Use changes in residential zones are NOT supported.***

**2.3. Use Changes, All Zones**

*Note: For new zones, the existing Residential 1 zone was compared with the new GRZ and NRZ zones, and existing Residential 2 with RGZ. For commercial zones, existing Business 1 was compared with Commercial 1, and existing Business 3 and 4 were compared with the new Commercial 2 zone.*

These sweeping use changes are not supported in any zones.

In the Association’s view, they are extremely poorly thought through, and produce unacceptable, unexpected and at times nonsensical outcomes. There is a clear pattern to these arbitrary changes (i.e. more Section 1 uses, permits stripped of conditions, deletion of prohibitions) that doesn’t relate to zone purposes or the principles of strategic and orderly planning.

**2.3.1. No Strategic Basis For Changes**

Use changes appear *ad hoc* and driven by political or ideological thinking. They are not *planning*. There is nothing strategic about making all zones similarly ‘mixed use’ (as if rezoning is not an option). This ‘everything, everywhere’ approach is introduced ‘in bulk’, disastrously placing incompatible uses together (often without a permit), blurring distinctions between zones, and overturning basic planning principles.

**2.3.2. A Leap of Faith**

It seems a leap of faith is expected of the Victorian community. We are told not to worry about prohibited uses being made permit required uses: *our councils will do the right thing*. There needs to be a reality check here.

- The Association and many others in the State reject the notion that all councils (and VCAT) can be totally relied on to do absolutely the right thing all of the time. They don’t do it now.
- Removing prohibitions sends a message that the use is considered appropriate in that zone (creating pressure for and giving tacit support to approval).
- The changes undermine existing strategic work and will necessitate extensive strategic review by councils across the State, which won’t happen overnight. In the meantime, there is nothing to prevent inappropriate use and development, triggered by changes, occurring.

### 2.3.3. Section 1 Uses Produce Less Not More Certainty, Remove Rights

The multitude of proposed Section 1 uses substantially reduces certainty, accountability and the ability to achieve planned outcomes.

- Section 1 (as-of-right) eliminates use permits. It also eliminates buildings and works permits in residential and rural zones, as buildings and works permits are tied to *Section 2* uses in these zones. This means there are no permit requirements for incompatible uses.
- In addition, without an application process:
  - Third party rights are extinguished,
  - Use and development are not measured against zone requirements
  - Councils and residents alike have no say in or control over what, where and how.

### 2.3.4. Changes Apply Statewide, Compromise Existing Strategic Planning

Imposing blanket changes across the State fails to recognize different conditions and needs. We all know one size does not fit all, and changes to residential zone schedules go some way towards recognising this. Yet, at the same time, identical use changes are being applied to all land in Victoria, regardless of local conditions and the strategic objectives trying to be achieved with existing zones.

### 2.3.5. Mixed Uses Are Incompatible Uses

The scale of mixed uses, and their almost off-hand introduction, is breathtaking - a mess no-one will like. They invade residential and commercial zones, with the RAZ and MUZ proposed to be a jumble of mixed use. Successful 'mixed use' requires very careful consideration and management. These changes instead arbitrarily lump incompatible uses together with no sign of management (let alone careful management) in mind, particularly when so many of these incompatible uses are Section 1 and can happen without any restriction. This is unacceptable in planning and social terms.

## 2.4. Residential Zones: Use Changes Undermine Improvements

Improvements flowing from new residential zone schedules are undermined by use changes in residential zones. Existing prohibitions and restrictions on retail, shop, office and religious uses are deleted, especially in the RGZ, GRZ and MUZ zones. Although long recognized as damaging to residential use and amenity, these incompatible use types are made Section 1 (as-of-right), with no third party rights, no standards to be met, no control over operations or impacts on residential use. Land use and neighbourhood conflicts are inevitable.

Lack of natural justice, and the potential to create a 100 metre no-man's-land where people don't want to live and business doesn't thrive, are obvious.

## 2.5. Commercial and Industrial Zones: Changes Harm Business

Business and industrial land is a valuable asset. It needs to be protected from unrelated use and development displacing business and industrial activity.

- The current five business zones recognise and safeguard the interests of different business activities by placing like with like, minimising land use conflicts and competing demands for land. Squeezing these five zones into the two new commercial zones on offer lumps these discrete activities – and additional non-business use – together. Nothing has priority, and all Victoria gains is yet two more mixed use zones.
- The existing Business 1 zone's purpose of 'intense development for retailing' is replaced in C1 with 'mixed use and high density residential', and much of that mixed use is Section 1. Non-retailing will replace retailing, active frontages will be lost, and existing retailing businesses will be disadvantaged when the 'new boys' move in without a permit.
- It also appears that schedules associated with existing Business zones – which allow local floor areas to be specified - have been deleted for C1 and C2. Without specified floor areas, potential exists for single enterprises to hog available land = loss of diversity.

## 2.6. Devastating Impacts in Rural Areas and Rural Zones

### 2.6.1. Metro Focus Doesn't Recognize Impacts in Rural and Regional Areas

Many proposed changes have a distinctly metropolitan feel, and impacts in rural contexts have not received adequate consideration. For example,

- Most Township Zones are *unsewered*. Requiring a permit for a single dwelling only on lots less than 200 sqm is nonsensical.
- Allowing non-residential uses in residential zones as-of-right within 100 metres of commercial and mixed use zones may create a new 'mixed use' area two or three times bigger than the zone itself.
- B & B: goes from 6 to 10 people, Section 1 – *could require effluent system upgrade in unsewered areas, fire management plans*.
- "On-site" effluent disposal – TZ, LDRZ and rural zones all occur within open drinking water catchments. Deletion of prohibitions/conditions limiting large scale accommodation and restaurant use will have far-reaching impacts.
- Random and increased accommodation, subdivision and industry = more people and enterprises in remote locations, increased fire risk, increased contamination.

Impacts are magnified in small towns, and changes devalue business and residential integrity.

- Small rural towns and economies can rely heavily upon their High Street retail sector. Allowing non-retail to invade this often limited space lessens the attraction to shop locally, and visit, and provides another reason for commuters to shop elsewhere.
- Non-retailing use in commercial zones, and commercial uses in residential zones, may compromise the viability of High Street businesses. It will definitely compromise policies for retaining compact towns, and protecting town gateways and approaches.
- People 'move to the country' because:
  - They love the 'village' atmosphere presented by a defined town centre.
  - They love the purity and peace of residential areas that aren't compromised by non-residential use.
  - They believe their kids are safer.

Allowing non-residential use to invade residential areas in rural towns, without rights and controls = loss of commercial definition, significant loss of residential amenity, and increased "stranger danger".

### 2.6.2. Urban, Non-Rural And Mixed Uses In Rural Zones

Use changes in rural zones are catastrophically non-strategic, and undermine the integrity and purposes of rural areas and zones.

- Use changes see Victoria with **three** industrial/commercial 'mixed use' rural zones: Farming, Rural Activity, and Green Wedge.
  - The Rural Activity Zone, already alarmingly mixed use, gets even worse. In broad terms, only 6 uses remain prohibited<sup>1</sup>. RAZ has the distinction of being the only rural zone where dry cleaning agencies and laundromats can occur. It truly is the zone you have when you don't have a zone - *why bother applying a zone at all?*
  - The Farming Zone is industrialized and becomes the *de facto* RAZ.
  - The Green Wedge Zone is stripped of Green Wedge principles and becomes the *de facto* FZ.
- Arbitrary removal of the prohibited innominate default in the Farming and Rural Conservation Zones is not only ill-conceived but very poorly implemented with numerous 'surprise' results (for example, RCZ becomes the only rural zone where *no conditions* attach to a Freeway Service Centre).
- Changes not only illogically allow *urban* and *industrial* uses but allow them in the middle of nowhere, unserved and without conditions, potentially undermining both farming operations and rural residential amenity alike.

<sup>1</sup> Child Care Centre, Industry, Office, Transport Terminal, Brothel, Cinema based entertainment facility.

- Changes will produce damaging outcomes and endless land use conflicts: dispersed enterprises, resorts next to piggeries, *ad hoc* infrastructure and service extension, increased traffic and wear on rural roads, and increased contamination and fire risk.

### 2.6.3. Use Changes Leave Victoria Without A Genuine Conservation Zone

There is no zone left that recognizes and protects drinking water quality and environmental values.

- Changes to the Green Wedge, Green Wedge A and particularly the Rural Conservation Zone are appalling. These zones are applied to the most sensitive and constrained areas in the State, for example open water catchments, steep land and forested areas, and where landscape and conservation values, and fire risk, are high. All are to be compromised by stroke-of-the-pen changes that have no relationship with sensitivity, on-ground conditions or strategic objectives. Conservation is sacrificed for profit.
- Changes will have profound effects on the State level environmental, conservation and landscape values of Macedon Ranges (and other significant areas with high sensitivity). In Macedon Ranges, for example, we have both Rural Conservation Zone, AND Farming Zone, applied upstream of drinking water reservoirs and across open water catchments.

## 2.7. Use and Provision Changes

The Association's research shows changes are poorly thought through and lack a strategic basis. Clear patterns to changes confirm no strategic basis.

- **Block Changes:** 'blocks' of uses are automatically changed in most zones, regardless of incompatibility:
  - *accommodation, offices, medical centre, schools, places of worship, retail premises/food and drink, shops, stores.*
- **Bulk Changes:** Remove prohibitions, conditions and permit requirements from blocks of uses. Patterns are:
  - Rural zones: *Prohibited → Permit (no conditions). Current conditions also deleted.*
  - Residential zones: *Prohibited and Permit/condition → Section 1/condition; Permit → Section 1.*
  - Commercial 1: *Permit → to Section 1.*
  - Commercial 2: *Prohibited → Permit.*
- **Extreme Change:**
  - *Prohibited → Section 1:*  
**C1** – School; **C2** – Shop; **RGZ, GRZ** – Office, Shop; **MUZ** - Office
  - *Prohibited → Permit (no conditions):*  
**FZ, RAZ, RCZ** – Accommodation;  
**FZ** – School, Industry, Pleasure Boat Facility, Transport Terminal. Warehouse;  
**RCZ** – School, Animal Boarding, Leisure and Recreation;  
**GWZ GWAZ** – Place of Assembly, School, Medical Centre.
  - *Permit (conditions) → Permit (no conditions):*  
**FZ** – Place of Assembly; **RAZ, RCZ** – Restaurant; **GWZ, GWAZ** – Accommodation, Restaurant.
  - *Permit → Section 1:*  
**C1** – Accommodation; **MUZ** – Office; **GWZ, GWAZ** – Agriculture
- **Changing use requirements for nested headings changes everything nested under the heading =**
  - C1: host farm, retirement village and residential college *without a permit (S1).*
  - C1: dependent persons unit (*S1, no conditions*). Residential: *one per lot*, C1: *no restriction on number.*
  - C1: primary school (*S1*) with Adult Sex Bookshop, Gaming Premises and Brothel.
- **Deletion of permit conditions =**
  - FZ: Transfer station *Permit with conditions → Permit.* Current condition prohibiting construction, demolition, commercial and industrial waste and restricting size deleted. *Becomes a gigantic toxic tip - open to the public.*
  - MUZ: Convenience restaurant *Permit → S1c* (condition = 150 sqm). *No requirement for RDZ.*

- **FZ, RCZ: Changing innominate default from Prohibited → Permit Required =**
  - RCZ: Freeway Service Centre *Prohibited* → *Permit* (no 52.30 condition).
  - RCZ: *Prohibited* → *Permit (no conditions)* Saleyard, Research Centre\*, Funeral Parlour\*, Cemetery, Crematorium, Hospital\* (Not nested) \* = also FZ
- **Changing Prohibited to Permit (without including Section 2 condition in other zones) =**
  - FZ, RCZ, GWZ, GWAZ Service Station *Prohibited* → *Permit (no conditions)* = direct access to rural fwy.
  - RAZ: Convenience restaurant *Prohibited* → *Permit (no conditions)* = direct access to rural fwy.
  - RAZ: Retail Premises *Prohibited* → *Permit (no conditions)* = all can have direct access to rural fwy.
- **Examples of Unexpected Outcomes =**
  - FZ: *Prohibited* → *Permit (no conditions)* accommodation, school, industry, motor racing track, pleasure boat facility, retail premises. *Hotel and school with intensive animal husbandry, abattoir, transfer station.*
  - IN3: Supermarket and shops Section 1 – *contaminated land.*
  - RAZ: Shop *Prohibited* → *Permit* but Convenience Shop *Permit with conditions* remains unchanged = more requirements for Convenience Shop than Bottle Shop and Adult Sex Bookshop.
  - RAZ: Car Park *Permit (innominate) no conditions* = only zone where can happen without S1 or S2 use.
  - FZ, RCZ, GWZ, GWAZ: Display Home *Prohibited* → *Permit (no conditions)*. Conflicts with requirements for dwellings and allows additional dwellings **display homes** in rural zones.

### 3. Requested Changes

#### 3.1. Abandon:

- Use changes in all zones
- Deletion of prohibited default innominate in Farming and Rural Conservation zones
- Provision changes (expanded Section 1 buildings and works, deletion of Section 173 agreements) in rural zones
- Reduced default lot size in Rural Living Zone
- Two new commercial zones – retain five existing Business zones
- Deletion of schedules – business zones, Industrial 1 zone
- Deletion of ability to specify floor areas in schedules

***Comprehensive strategic review and justification, and consultation, is required before introducing these Statewide changes.***

***As part of a review:***

- ***Specifically address impacts and requirements in rural and regional areas as part of the review.***
- ***Improve the ability to recognize differences across Victoria:***
  - ***More, not fewer, zones.***
  - ***Provide all zones with schedules that allow Objectives, Heights, Application Requirements etc (as in residential schedules).***
  - ***Allow multiple schedules in all zones.***

### 3.2. Address Inconsistencies and Weaknesses In Residential Zones

While the Association supports improvements to schedules, and the NRZ, there are weaknesses in the zones which should be addressed. These are presented at 4 Residential Zones – Detailed Comments.

### 3.3. Other Zones

Further comments are provided for other zones as follows:

- **Commercial** – if new zones are retained, address inconsistencies and weakness identified at Section 5.
- **Industrial** – see Section 6.
- **Rural** – see Section 7.

## 4. Residential Zones – Detailed Comments

### 4.1. General

- 4.1.1. The Neighbourhood Character Zone retains almost all Residential 1 uses and provisions, and has the clearest purposes of the three new residential zones. Its expanded schedule provides the most flexibility and the best ability to give expression to strategic objectives in a local context.
- 4.1.2. The ability to include multiple schedules for residential zones, and include new local requirements in schedules, is seen as a significant step forward, and is supported.
- 4.1.3. The Residential Growth Zone sends mixed messages, and there is ambiguity around what its purposes are.
- 4.1.4. The General Residential Zone incorporates some changes which make it less attractive as a broadly applied “general” zone than the Residential 1 zone.
- 4.1.5. Significant concerns are held with the metropolitan assumptions and standards applied to the Township Zone.
- 4.1.6. The failure to provide the LDRZ with the ‘new-style’ schedule is a major flaw.
- 4.1.7. There are inconsistencies across the residential zone suite which need to be addressed.

### 4.2. Not supported:

- The extent, mixed use nature and as-of-right status of non-residential use in residential zones.
- Residential – Key Use Changes, Residential Zones

| Use                  | R1/R2 | RGZ   | GRZ   | MUZ      | TZ      | LDRZ    |
|----------------------|-------|-------|-------|----------|---------|---------|
| Office               | X     | S1c   | S1c   | Pc / S1c |         |         |
| Medical Centre       | P     | S1c   | S1c   | Pc / S1c | P / S1c | P / S1c |
| Place of Worship     | S1c * | S1c * | S1c * | S1c *    | S1c *   | S1c *   |
| Food & Drink         | P, Pc | S1c   | S1c   | P / S1c  |         |         |
| Shop (& Supermarket) | X     | S1c   | S1c   | S1c      |         |         |

\* Conditions significantly changed to only = less than 250 sqm

- The supposed restriction of “within 100 metres” of commercial and mixed use zones. The “same street frontage” condition is ambiguous. For example, a *block* is zoned business/commercial, with *four* street frontages in the zone – which is the street frontage in the condition?

#### 4.3. Residential: Formatting

- ✘ **ALL** – Zone format is not the same across all zones. New zones have Exemptions, Application Requirements and Decision Guidelines grouped together, while MUZ, TZ AND LDRZ (still) have them under each sub-clause.
- ▶▶ **Make formatting consistent.**

#### 4.4. Residential: Zone Names

- ✘ **RGZ and GRZ** – Abbreviations are similar and easily confused and transposed. ▶▶ **Consider changing GRZ name to improve ease of use and clarity. (e.g. standard conventional traditional)**

#### 4.5. Residential: Schedules

- 4.5.1. ✓ Multiple Schedules are a clear improvement, allowing differences within a zone to be addressed.
- 4.5.2. ✓ The ability to include Objectives, Maximum Height, Application Requirements and Decision Guidelines in schedules is a positive change, and finally allows local conditions and objectives to be articulated.
- 4.5.3. ✘ **LDRZ** – Zone is not provided with new-style residential schedule. ▶▶ **Add NRZ-style schedule to allow articulation of local requirements, and multiple schedules to be used.**
- 4.5.4. ✘ **TZ** – Schedule reflects the General Residential Zone schedule. ▶▶ **Provide with NRZ-style schedule to allow rural, unsewered, mixed use and other issues to be better recognised.**
- 4.5.5. ✘ **GRZ, TZ Objectives** – Only Neighbourhood Character objectives can be included in schedule. ▶▶ **Allow other objectives (as in RGZ, NRZ and MUZ) to be included in schedule.**
- 4.5.6. ✘ **MUZ** – The ability to schedule maximum floor areas for certain types of uses is deleted. As this zone is applied anywhere in the State, the ability to continue to specify appropriate scales of use in different locations and circumstances is important. ▶▶ **Reinstate the ability to specify maximum floor areas for non-residential uses in the schedule.**
- 4.5.7. ✘ **ALL ZONES Fences** – The type of fence used for residential subdivision (e.g. suburban paling fences) can have strong impacts on character in rural areas. ▶▶ **Add an ability to specify fence types in the zone schedules, particularly NRZ, TZ and LDRZ.**

#### 4.6. Residential: Purposes

- 4.6.1. ✘ **RGZ** - 'Medium density at increased densities'. Medium density implies units at ground level. This zone is intended for high intensity residential development. ▶▶ **Accurately describe the type of residential development intended to occur in the zone.**
- 4.6.2. ✘ **RGZ** – The existing R1Z and R2Z purpose of respecting neighbourhood character is deleted, and no objectives/standards are articulated for development. ▶▶ **Add a purpose to the effect “To encourage high quality development of architectural merit that is compatible with and respects surrounding heritage and neighbourhood character”.**
- 4.6.3. ✘ **GRZ** – The existing Residential 1 zone purpose of 'providing for a range of densities' is deleted. This removes the existing requirement for subdivision to produce more than the smallest possible lots, and will cause significant detriment in rural towns. ▶▶ **Reinstate “range of lot sizes” at purposes, or allow a minimum or range of lot sizes to be included in the GRZ zone schedule.**

- 4.6.4. ✘ **NRZ** – Purposes say limitations on development may include neighbourhood character, environmental and landscape characteristics but only seek to ensure ‘development respects neighbourhood character’. ▶▶ **At “To ensure development respects neighbourhood character”, add “and environmental and landscape characteristics”**
- 4.6.5. ✘ **MUZ** – New Purpose is ‘housing at higher densities’, but concurrent (increased) allowable uses are fraught with potential land use conflicts and detriment to residential amenity. Land use conflicts, interface issues and use and development priorities are not adequately addressed in Purposes. ▶▶ **Clarify the nature of this zone (i.e. how it qualifies as a “residential” zone), set clear use and development priorities and address inherent incompatibilities in the zone Purposes.**
- 4.6.6. ✘ **TZ** – Purposes do not recognize the rural context of Township Zones, rural interface issues, integration of mixed uses, lack of reticulated services (particularly sewer) or the importance of development being small scale and/or of low profile. ▶▶ **Acknowledge the rural context of TZ.**
- 4.6.7. ✘ **RGZ, MUZ, C1** – Three zones contain a purpose of high density residential development. C1 and MUZ are not residential zones. ▶▶ **Delete high density res from C1 and MUZ purposes.**

#### 4.7. Residential: Subdivision

- 4.7.1. ✘ **TZ** – Decision Guidelines do not require consideration of Objectives in the schedule. ▶▶ **Add requirement for Objectives to be considered.** See also 4.5.5 re Objectives.
- 4.7.2. ✘ **RGZ, MUZ** – Third party rights are extinguished for all subdivision. ▶▶ **As these zones accommodate intense mixed use and development, rethink exemptions on ALL subdivision.**
- 4.7.3. ✘ **TZ** – Application of Clause 56 promotes suburban outcomes in a rural context. ▶▶ **A Rural ResCode is required. Better recognise the rural context of Township Zones in the zone’s provisions.**
- 4.7.4. ✘ **TZ** – Subdivision: ‘Objectives in schedule’ are not required to be considered. ▶▶ **Add requirement.**

#### 4.8. Residential: LDRZ Subdivision Default

✘ **LDRZ** – The zone’s default minimum subdivision size is halved to 0.2ha where sewer, unless otherwise specified in schedule. Fails to recognise the zone may be applied for strategic reasons other than lack of sewer (e.g. fire risk, landscape, etc.). For example, this zone is applied to sewer, but no minimum lot size is included in the schedule. ▶▶ **Retain 0.4ha default minimum subdivision size and provide scope in schedule for sewer 0.2ha lot size to be “scheduled in”.**

#### 4.9. Residential: One Dwelling On A Lot

**RGZ, MUZ** – The zone permit trigger for one dwelling on a lot is reduced from 300 sqm lots to a tiny 80 sqm (which promotes subdivision in advance of development approval), and the ability to schedule in a permit trigger for single dwellings on lots between 300 and 500 sqm is deleted from schedules for both zones.

This means neither use nor buildings and works permits (Section 2 only) are required for single dwellings on lots between 80 and 500 sqm. Without a permit trigger, high density development can occur without use or B&W permits, third party rights, or assessment against zone provisions.

At the same time:

- The Mixed Use zone allows potentially incompatible industrial and commercial use, and new Exemptions potentially extinguish third party rights on all use and development applications (subdivision is already exempted from third party rights in both zones).
- The new RGZ allows more ‘mixed’ uses

- There are no restrictions on Dwelling as a Section 1 use, regardless of lot size, meaning new single dwellings can continue to be placed on lots *larger* than 500 sqm without a permit in these zones, potentially undermining objectives for increased density.
- The Table of Uses in both zones still allows Dependent Person's Unit, Bed and Breakfast and Outbuilding without a permit. These, as well as a dwelling, can all be placed on a single lot down to 80 sqm in size - without any permit.

Existing requirements for fences are also deleted in both zones. As these zones may be applied anywhere in the State, an ability to respond to varying conditions remains relevant.

Intentions for residential development in these zones – other than being vaguely higher density – lack clarity, and as exhibited, the zones send very confused (and confusing) messages. Intense use and development *without a permit requirement of any kind* – particularly in the Mixed Use Zone – is an invitation for poor, unplanned and incompatible outcomes, and significant land use conflicts.

The impacts of applying these zones – and in the case of Mixed Use, where that zone may already be applied - outside the metropolitan area and in unsewered areas have apparently not been considered.

▶▶ **RGZ, MUZ – Retain existing zone permit triggers for single dwellings on lots less than 300 sqm.**

▶▶ **RGZ – Consider requiring permits for single dwellings on lots larger than 500 sqm.**

▶▶ **MUZ – Retain the ability to schedule a permit trigger for 300 sqm – 500 sqm lots.**

- 4.9.1. ✘ **GRZ, TZ** – Current permit trigger for single dwellings (and for fences) on lots less than 300sqm is reduced to 200 sqm across the State, in both zones, regardless of differing contexts and infrastructure deficiencies. Applying the same provisions to such different zones is not appropriate or logical. ▶▶ **GRZ – Retain the existing zone (300 sqm) and schedule (300 – 500 sqm) permit triggers.**
- 4.9.2. ✘ **TZ** – These distinctly metro standards are also applied to the usually unsewered and significantly 'mixed' use Township Zone. Requiring permits for single dwellings only on lots of 200 sqm or less, or even 300 sqm, is already nonsensical in the Township Zone. ▶▶ **“Unlink” GRZ and TZ. At a minimum retain existing requirements. Comprehensively rethink the appropriateness of these provisions in the Township Zone. See also 4.11.**

#### 4.10. Residential: Two Or More Dwellings Per Lot

✘ **RGZ, GRZ, NRZ, MUZ, TZ** - 'No permit is required to CONSTRUCT a Dependent Persons Unit.'

- Repeating this statement for TZ fails to recognize the TZ Table of Uses condition: '*Must meet the requirements of Clause 32.05-3*'. ▶▶ **Recognise the Township Zone's additional requirements.**
- "Construct" implies a permanent structure when Clause 75 defines DPU as a "movable" structure. ▶▶ **Reword to reflect the temporary nature of the structure inherent in the definition.**

#### 4.11. Residential: Clause 54 and 55

✘ **TZ** – Reconsider imposing metropolitan standards in (unsewered) Township Zones. ▶▶ **A Rural ResCode is required. See also 4.9.2.**

#### 4.12. Residential: Buildings and Works

✘ **All Zones** – A permit is only triggered for buildings and works associated with SECTION 2 uses. This has enormous implications taken together with proposed use changes. Entire nested uses are arbitrarily moved from Section 2 or 3 to Section 1, and Section 2 conditions are deleted. Consequently, many uses which currently attract use *and* buildings and works permits will no longer require either. ▶▶ **Comprehensively rethink use changes and/or buildings and works requirements in the zones.**

## 4.13. Residential: Buildings On Lots That Abut Other Residential Zones

✘ **MUZ** – This is only a requirement for the Mixed Use Zone. Increased mixed use across most zones (increased non-residential use in residential zones and increased residential use in commercial zones) creates a need for impacts on residential use, not just residential zones, to be rethought in MUZ and other zones. ►► **Include new requirements for all mixed use to mitigate impacts of across-the-board mixed use on residential use.**

## 4.14. Residential: Heights

4.14.1. ✓ The ability to set residential maximum heights in the schedule is a positive.

4.14.2. ✘ **ALL** (except LDRZ) – Maximum heights can only be specified for dwellings and residential buildings, but not non-residential or even all nested accommodation use. ►► **Allow maximum heights to be specified for all use and development. Include an ability to specify heights in the LDRZ.**

4.14.3. ✘ **ALL** (except LDRZ) **Inconsistent default heights**

- Specific default heights are provided for RGZ and NRZ only
- The default for GRZ and TZ is ResCode Clause 54 and 55 which reflects the current open-ended situation
- MUZ has no height default at all

►► **Provide specific default heights for GRZ and MUZ.**

►► **Provide a default height for TZ (e.g. NRZ 9.5 metre default) which reflects the rural context of this zone.**

4.14.4. ✘ **TZ** – At two or more dwellings, 'must meet the requirements of Clause 55 except 4 storeys'. ►► **Delete 4 storey reference in TZ.**

## 4.15. Residential: Exemptions

4.15.1. ✓ **RGZ** – Deletion of dwelling Exemptions restores third party rights for dwellings on lots less than 80sqm.

4.15.2. ✓ **GRZ, NRZ** – Exemptions are unchanged.

4.15.3. ✘ **RGZ, MUZ** – Third party rights are extinguished for any/all subdivision (a new exemption introduced to MUZ). Both zones allow single dwellings on larger lots, high density, and significant Section 1 amenity reducing uses (in MUZ, additional to those already present, with further removal of existing conditions).

In these intense zones, no third party rights are available for:

- Dwellings on lots greater than 80sqm
- Subdivision
- Section 1 uses
- Buildings and works (Section 2 only)

►► **Review all blanket and consequential exemptions, and permit triggers, in these zones.**

4.15.4. ✘ **MUZ** – introduces a new *optional* Exemption in the schedule for all use and development. Potential exists for third party rights to be extinguished for *all* use and development in a zone with numerous non-residential and potentially incompatible uses. ►► **Provide parameters to prevent exemptions on all use and development in this zone.**

## 4.16. Residential: Application Requirements

- ✓ Introduction of Application Requirements in new zones is supported.

However, zone requirements are not uniformly introduced, and there is also significant variation in requirements across the 'residential' zone suite.

- **RGZ, GRZ and NRZ** – no requirements for non-residential development.
- **MUZ** – included for buildings and works only.
- **TZ** – included for "Use for Industry or Warehouse" only.
- **LDRZ** – included for subdivision only, with no scope to include requirements in schedule.

▶▶ **Add Application Requirements for all permit types, including non-residential, to the zones.**

## 4.17. Residential: Decision Guidelines

- 4.17.1. ✓ Inclusion of expanded Decision Guidelines – and the ability to include local requirements in the schedule (except LDRZ) – is a significant improvement.
- 4.17.2. ✗ **RGZ, GRZ, NRZ** New zones are formatted with all Decision Guidelines in one sub-clause, while MUZ, TZ and LDRZ still have Decision Guidelines under individual sub-clauses. Issues addressed in 'new' and 'old' zones vary: General Decision Guidelines are not provided for MUZ, and TZ has only General Decision Guidelines ▶▶ **Review Decision Guideline format, and issues addressed in the zone Guidelines.**
- 4.17.3. ✗ **TZ, MUZ** – These zones have Decision Guidelines for *Use for Industry and Warehouse*, but not other non-residential use and development. This is a critical omission given the very 'mixed use' nature of these zones. ▶▶ **Add Decision Guidelines for all non-residential use.**
- 4.17.4. ✗ **LDRZ** –
- Does not include Decision Guidelines for non-residential use.
  - Lacks new residential zone schedule, local Decision Guidelines cannot be included. ▶▶ **Provide LDRZ with new residential zone schedule. Add Decision Guidelines for non-residential applications.**
- 4.17.5. ✗ **TZ** – At 'dwellings and residential buildings', and at 'one' and 'two or more dwellings on a lot', zone requires only *Decision Guidelines* in a schedule to be considered. ▶▶ **Include a requirement for Objectives in the TZ schedule to also be considered. See also comments about restricted Objectives at 4.5.5.**
- 4.17.6. ✗ **ALL – Subdivision:** The only Decision Guideline requirement for non-residential subdivision is consideration of the pattern of subdivision and its effect on the spacing of buildings. ▶▶ **Clarify the relevance of building spacing (e.g. why would one spacing be more acceptable than another, what is an acceptable spacing?).**

## 5. Commercial Zones

Note: In Macedon Ranges, the B1, B3 and B4 zones are applied. These form the basis of comparison with the proposed C1 and C2 zones.

### 5.1. Not supported:

- 5.1.1. Deletion of the existing five Business zones, and replacement with only two new Commercial Zones
- 5.1.2. Lack of schedules, and ability to specify floor areas, with new Commercial Zones
- 5.1.3. Use changes – incorporating incompatible and substantially increased ‘mixed’ use
- 5.1.4. Commercial 1 zone purposes of mixed use and high density residential. Exchanges retailing focus of existing Business 1 zone for yet more mixed use and incompatible high density residential. Goes from a business to a catchall zone.
- 5.1.5. Commercial – Key Use Changes, Commercial Zones

| Use                                     | B1            | C1    |  | B3, B4 | C2  |
|---|---------------|-------|--|--------|-----|
| Accommodation                           | P             | S1    |  | X      | P   |
| Ed. Facility (primary/secondary school) | X             | S1    |  | X, P   | P   |
| Office                                  | S1c           | S1    |  | S1c,Pc | S1  |
| Cinema                                  |               |       |  | P      | S1c |
| Cinema based ent. facility              |               |       |  | P      | S1c |
| Exhibition Centre                       | P             | S1    |  |        |     |
| Place of Worship                        | P             | S1c * |  |        |     |
| Retail Premises                         | P             | S1    |  |        |     |
| Food & Drink                            | S1,<br>S1c, P | S1    |  | P      | S1c |
| Shop (& Supermarket)                    | S1c           | S1    |  | X      | S1c |
| Trade Supplies                          |               |       |  | P      | S1  |
| Warehouse                               |               |       |  | Pc     | S1c |
| Service Station                         |               |       |  | Pc     | P   |

\* c = Less than 250 sqm

In C1, a permit is required for Extensive Animal Husbandry, but not for Host Farm or Retirement Village. In C2, new residential uses and schools are added to industry, warehouses and trade supplies.

### 5.2. Use Changes to Commercial 1 Zone Promote Pokies

Use changes provide for Hotel, Tavern and Gaming Premise use go from Permit Required to Section 1. This promotes uses which are associated with gaming, and pokies. The zone also promotes Section 1 ‘non-shop’ use. This has strong potential to undermine the Clause 52.28 strip shopping centre definition of ‘predominantly shops’, opening the door for increased gaming in strip shopping centres.

### 5.3. Commercial – Purposes

- 5.3.1. ✘ **C1** – the existing Business 1 zone’s focus on intense development for retailing is deleted and replaced with mixed use and high density residential, leaving Victoria without a zone which prioritizes retailing. This change does however give Victoria 3 zones with high density residential as a purpose: C1, RGZ and MUZ.
- 5.3.2. ✘ **C2** - ‘Offices, appropriate manufacturing and industrial uses *that do not affect the safety and amenity of adjacent sensitive uses*’. The zone includes mixed and incompatible uses, many Section 1, which will affect the safety and amenity of adjacent sensitive uses. How is the purpose achieved?

## 5.4. Commercial – Schedules

✘ **C1, C2 Schedules** – No zone schedules were exhibited for C1 or C2, and the Table of Uses for these zones no longer contain any conditions referring to floor area requirements in a schedule (as existing Business zones do).

Generic floor areas are instead specified in the zone Table of Uses, but only for Section 1 uses:

- C1: Place of Worship (250 sqm).
- C2: Shop (500 sqm), Supermarket (2,000 sqm), and Food and Drink Premises (100sqm).

There are no floor area restrictions for uses specified in current schedules, or for Section 2 uses (i.e. no limit on what can be applied for, or approved).

Loss of schedules disallows a strategic response to local conditions, and with increased Section 1 uses, reduces certainty and disempowers councils and communities.

There is no scope to articulate Objectives, Application Requirements, Heights or Decision Guidelines for these zones

▶▶ **Retain schedules for these zones, and the ability to specify floor areas (expand to allow floor areas for other uses to be specified in the schedule).**

▶▶ **Expand schedules to include Objectives, Application Requirements, Heights and Decision Guidelines (as in residential zones).**

## 5.5. Commercial - Buildings and Works

✘ **C1, C2** – The requirement for a buildings and works permit for all use (other than minor exceptions) is retained.

However, the current Business zone description of buildings and works, “*This includes the internal rearrangement of a building if the maximum leasable floor area specified in the schedule to the zone is exceeded*” is deleted.

This removes internal rearrangement from buildings and works, and allows rearrangement of any scale without a permit. ▶▶ **Reinstate standards above which a buildings and works permit is required for internal rearrangements.**

## 5.6. Commercial – Application Requirements

✘ **C1, C2** – Application Requirements are included for Use (including Industrial / Warehouse Use) and Buildings and Works only.

Although proposed use changes introduce residential (Accommodation) and school use, there are no application requirements for these potentially incompatible uses in the C2 zone, and none for subdivision in either zone.

Without zone schedules, there is also no capacity to specify Application Requirements in a schedule.

▶▶ **Add Application Requirements for newly introduced (non-retailing/manufacturing) uses and subdivision.**

▶▶ **Reinstate zone schedules and provide the ability to include Objectives, Application Requirements, Heights and Decision Guidelines (as in residential zones). See also 5.4 above**

## 5.7. Commercial – Exemptions

✘ **C1, C2** – Exemptions extinguish third party rights on all subdivision applications, and buildings and works applications except where within 30 metres of a residential zone or land used for a hospital or education centre (or within a PAO for those uses).

Introduction of residential and school uses (Section 1 in C1) mixes “sensitive” uses with potentially incompatible commercial/industrial uses INSIDE commercial zones.

Despite substantially increased potential for incompatible uses creating conflicts between commercial/industrial use and residential amenity, this change is not addressed in Exemptions. ►► **Reinstate third party rights by deleting exemptions.**

## 5.8. Commercial – Decision Guidelines

- 5.8.1. ✘ **C1, C2** – Decision Guidelines, at General, fail to recognise substantially increased potential for land use conflicts within the zone. The requirement is only for interfaces with adjoining *zones* to be considered, not adjoining *uses*.
- 5.8.2. ✘ **C1, C2** – At Use, the requirement is for the effect of existing uses on proposed uses to be considered, but not the effect of the proposed use on existing uses.
- 5.8.3. ✘ **C1** – At Clause 34.01-8 Decision Guidelines - Buildings and Works, Clauses 54 and 55 are required to be considered (does not apply to 4 or more storeys).

Yet at Clause 34.01-4 Buildings and Works, the sections ‘Neighbourhood and Site Description and design response’, and ‘Satisfactory neighbourhood and site description before notice and decision’ only require compliance with Clause 54. There is also no reference to what requirements exist for development of ‘more than 4 storeys’.

The effect of existing and proposed buildings and works *on each other* is not required to be considered.

►► **Review Decision Guidelines to ensure mixed and incompatible uses are fully addressed.**

## 6. Industrial Zones

### 6.1. Not supported:

- 6.1.1. Deletion of Industrial 1 zone schedule and removal of the ability to specify floor areas.
- 6.1.2. Supermarket and Shops in Industrial 3 zone. Not compatible with industry and contaminated land. Occupies valuable light industry land for unrelated and incompatible purposes.

## 7. Rural Zones

### 7.1. Not supported:

- 7.1.1. Use changes in FZ, RAZ, RCZ, GWZ, GWAZ
- 7.1.2. Deletion of Prohibited innominate use from Farming and Rural Conservation Zones
- 7.1.3. Deletion of “biodiversity” purpose from Farming Zone – biodiversity remains a critical issue.
- 7.1.4. Increased structure (buildings and works) sizes without a permit. Sizes are doubled, while setbacks from RDZ remain the same = potential for substantial landscape impacts.
- 7.1.5. Deletion of requirements for Section 173 agreements – subdivision. This creates the potential for repetitious subdivision and for endless excisions in the Farming and Rural Activity Zones. It is not orderly planning, and promotes windfall changes.
- 7.1.6. Rural Living Zone: Reduction of default minimum lot size. Changes RLZ from *rural* to *living*. 2 ha can already be accommodated in LDRZ or specifically included in RLZ schedule. A 2ha default conflicts with zone purposes for on-going rural activity.

