

# Planning Zone Changes for the Aireys Inlet District

## UPDATE March 2013

On 5 March Planning Minister Matthew Guy announced the government's decisions regarding the changes to the state's residential zones, as the first part of the 'Reformed Zones for Victoria' program. This follows the recommendations of the ministerial working party, which considered all public submissions made last September.

Although limited at this stage to residential zones only – and bearing in mind that AIDA's main concerns related largely to the proposed changes to the commercial and rural zones – it is good to see that important changes to the original residential zone proposals have been agreed to by the government.

Of the three new and two revised residential zones, only two recognise neighbourhood character, and of these AIDA strongly prefers the Neighbourhood Residential Zone for our area. Although it will be up to the shire council to make a final decision on this choice, it appears that there is a very strong case to choose the Neighbourhood Residential Zone for all of the Aireys Inlet district's existing Residential Zone 1 (RZ1) areas.

In all, the government received 180 submissions from throughout the state on the various points made associated with the proposed Neighbourhood Residential Zone. It is therefore well worth noting that the submissions of AIDA members would have made up a significant component of those expressing their views to the working party.

AIDA's major concerns regarding the Neighbourhood Residential Zone were (in bold) and the government's revised provisions (in italics) are:

**Non-residential uses were not to be subject to building height or neighbourhood character controls.**

Now ALL developments will be subject to building height controls, neighbourhood character, heritage, environmental and landscape characteristics.

**The default building height limit was to be 9 metres, and 10 metres on sites steeper than 2.5 degrees.**

This will now be reduced to 8 metres, and 9 metres for sites steeper than 2.5 degrees.

It is also good to see that this control is to be mandatory, and not merely an objective, as it is at present. A lesser building height can also be scheduled, as we currently have with our local 7.5 metre height limit.

**Medical centres and places of worship were to be allowed anywhere, with no permit.**

Now these developments will require access to road zone, which will limit them to sites with access to the Great Ocean Road or Bambra Road. Also, any new medical centre must now be within an existing building.

The new residential zones will be legally established on 1 July this year and their inclusion in each planning scheme is to be implemented by 1 July 2014.

We have yet to hear anything of the final proposals for the new and revised commercial and rural zones.

*Ian Godfrey*

### **UPDATE December 2012**

Thank you to all members who made submissions and comments to the state government regarding its proposal to amend the planning controls for our Residential, Business and Rural Planning Scheme Zones. Many did submit – some even bearding the minister, and receiving ‘interesting’ personal replies for their trouble! You may also have seen the numerous media articles opposing the proposals.

All submissions across the state have been referred to a ministerial working party, which is scheduled to report on the results, together with

recommendations, for residential zones this December, and all other zones in February 2013.

*Ian Godfrey*

### **Planning Zone Changes for the Aireys Inlet District – July 2012**

On 11 July 2012 the Victorian Government announced the restructuring of the planning zones that control how land can be used across the state. These changes are designed to increase the diversity of uses that are permitted in most zones – for example, shops and offices in residential zones; accommodation, offices and educational facilities in shopping centres; and recreation, school, accommodation and commercial uses in surrounding rural areas – while at the same time “cutting red tape” by reducing the planning conditions required to be met by developers, and also reducing or eliminating opportunities for public objections.

These changes have the potential to change irredeemably the character of our area. Quite apart from dramatic changes to our precious part of the coast, AIDA is concerned that little thought has been given to infrastructure consequences (notably water supply, sewerage and roads) and increased bushfire risk.

These announcements come on top of radically revised and reduced state-wide car parking planning requirements introduced by the Minister for Planning in June, which will lead to increased roadside car parking, and will be further exacerbated by the new zoning changes.

Some aspects of the changes may be positive, such as a welcome absolute limit to residential building heights, but other changes will introduce potentially intrusive uses and encourage development to spread into surrounding green areas.

At public meetings, the Minister for Planning Matthew Guy has made clear that the proposed changes are designed to let “the market” determine the mix of uses under the new zonings rather than continue with the current level of more direct statutory control over land uses.

#### **Rural areas:**

All of the bush and paddocks between the public conservation zones of the Great Otway National Park and our core residential areas have a rural zoning. This includes most of the lower density residential areas in Aireys Inlet and Fairhaven – as well as most of the Painkalac Valley. In past consultations with our members and with the general community, the preservation of the Valley has ranked first in importance, ahead of all competing local development and environmental issues.

The Government's stated aim for the revised rural zone is to "protect and enhance natural resources and the biodiversity of the area." This sounds fine, but unfortunately, the proposed changes will remove the very controls, that is, the requirement to apply a Section 173 Agreement to stipulate detailed subdivision and development restrictions, which have preserved the Painkalac Valley to date.

This is a serious challenge for AIDA and our whole community.

But the rural zone changes as proposed go well beyond this challenge, driven by the state Government's decision to allow greater Melbourne to "bleed" into Melbourne's rural green wedges. Our rural zone is caught up in the backwash of this controversial metropolitan-focussed policy.

The changes to the rural zone are proposed to allow, with a permit, but without any use-related conditions: leisure, sports and recreation, camping and caravan parks, residential hotels (including entertainment), group accommodation, host farms, residential buildings, residential and retirement villages, primary and secondary schools, and other uses. Conditions on restaurants, including the current cap of 150 patrons, are to be removed. Only the existing conditions which apply to a planning permit for a dwelling are to be retained under the revised rural zone.

AIDA is concerned that our settlements will be permitted to spread into surrounding rural land, bringing greatly increased resident, tourist and visitor numbers. Some may think this will be a great opportunity, but we fear it will lead to the destruction of the things we value most about our area.

Taken together, the above changes to residential, shopping and rural areas are likely to increase local population and the mix of activities, placing strains on the capacity of our infrastructure, including water, sewerage, roads and drainage – not to mention our pristine beaches and environment – and also possibly adding to our existing fire risks. Increased traffic volumes will lead to congestion and

reduced pedestrian safety, with the need for yet more signage, road sealing, formal streets and footpaths — the suburbanisation of Aireys Inlet.

### **Shopping centres:**

Our shopping centres are to be changed to a new 'commercial' zone intended to radically free up the mix and scale of the developments permitted. This is designed to "promote vibrant mixed use commercial centres for retail, office, business, entertainment and high density residential" according to the Government's documentation.

New retail uses, not currently allowed, are to be permitted – such as gambling and car sales – and will not require a permit nor be subject to any of the conditions which currently apply. "High density residential" may mean high-rise, as has been supported elsewhere by the Minister in low-rise areas.

In what the AIDA committee sees as a further dangerous step, in almost most cases the public will not be provided with notice of permit applications for new developments in this zone, nor be able to object to them nor to appeal to VCAT – except only for hospital and education uses and commercial areas within 30 metres of a residential zone.

### **Submissions to Government:**

Public submissions to the Government on the new zones closed on 21 September. AIDA made a submission, as did many individual members.

There will now be a staged process for the changes to be confirmed by Government and put into place by local councils in all planning schemes throughout the state. We can therefore expect the changes to our area to be progressively introduced over the next 12 months.

Details of the Government's proposed new zoning reforms can be found on the Victorian Planning Department's website at:

[www.dpcd.vic.gov.au/planning/theplanningsystem/improving-the-system/new-zones-for-victoria](http://www.dpcd.vic.gov.au/planning/theplanningsystem/improving-the-system/new-zones-for-victoria).

***Ian Godfrey and Peter McPhe***