

Using the residential zones

January 2026

This practice note provides information and guidance about how to:

- implement strategic planning for housing in the planning scheme
- use local policies and overlays to complement the residential zones
- make use of key features in the residential zones

This practice note should be read with *Planning Practice Note 90: Planning for Housing*.

The residential zones

The Victoria Planning Provisions (VPP) contains a suite of standard residential zones for statewide application. These are summarised in **Table 1**.

Table 1: The role and application of the residential zones

Residential zone	Role and application
Mixed Use Zone (MUZ) Clause 32.04	Applied to areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. Suitable for areas identified for residential development at higher densities including urban renewal and strategic redevelopment sites.
Housing Choice and Transport Zone (HCTZ) Clause 32.10	Applied to well-serviced locations and areas around activity centres with good access to jobs, services and public transport, to support high density and diverse housing. Provides transition between more intensive development and lower-scale residential areas by promoting mid-rise development.
Residential Growth Zone (RGZ) Clause 32.07	Applied to areas suitable for housing diversity and housing at increased densities in locations offering good access to services, jobs and public transport, and to provide a transition between areas of more intensive use and development such as activity centres and other residential areas.
Township Zone (TZ) Clause 32.05	Applied to small towns with no specific structure of residential, commercial and industrial land uses.
General Residential Zone (GRZ) Clause 32.08	Applied to areas where housing development of three storeys exists or is planned for in locations offering good access to services and transport.
Neighbourhood Residential Zone (NRZ) Clause 32.09	Applied to areas where there is no anticipated change to the predominantly single and double storey character. Also, to areas that have been identified as having specific neighbourhood, heritage, environmental or landscape character values, that distinguish the land from other parts of the municipality or surrounding area. The purpose is to manage development and ensure it is responsive to these identified characteristics



Residential zone	Role and application
Low Density Residential Zone (LDRZ) Clause 32.03	Applied to areas on the fringe of urban settlements and townships with reticulated sewerage (0.2 ha minimum) or without reticulated sewerage (0.4 ha minimum) to ensure lots remain large enough to treat and retain all wastewater but small enough to be maintained without the need for agricultural techniques or equipment.

Principles underpinning the residential zones

Principle 1

Housing change areas need to align with other strategic work to provide a residential development framework that clearly identifies future outcomes for an area.

Clear alignment of housing change areas with other strategic work ensures certainty for community and industry as to how housing growth and competing local objectives will be balanced with accessibility to jobs, public transport and community facilities and services to meet housing targets.

Principle 2

All residential zones support and allow increased housing inside established settlement boundaries, unless environmental constraints or special characteristics exist.

Planning for housing growth should recognise that serviced urban land within settlement boundaries, such as the Urban Growth Boundary, is limited. To avoid further urban sprawl, planning authorities need to plan for increased housing in all locations within settlement boundaries unless environmental constraints or special characteristics like heritage, neighbourhood character and landscape significance exist.

Principle 3

The Housing Choice and Transport Zone promotes varied housing growth and supports lot consolidation around activity centres and well-served locations, close to employment, services and trains and trams.

The Housing Choice and Transport Zone promotes housing growth of three to six storeys and supports lot consolidation by allowing higher building heights on larger sites. Maximum building heights are fixed by the zone and cannot be varied through a schedule to the zone.



Principle 4

The Residential Growth Zone promotes housing growth in locations close to jobs, services and facilities serviced by public transport including activity centres.

While the Residential Growth Zone promotes greater housing intensification up to four storeys, it can also be used to facilitate taller residential development by specifying a maximum building height greater than 13.5 metres in the schedule to the zone.

Principle 5

The General Residential Zone is a three-storey zone with a maximum building height of 11 metres.

The General Residential Zone should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate to apply the General Residential Zone to areas where a planning authority seeks to protect the existing single and double storey character of an area.

Principle 6

The density or number of dwellings on a lot cannot be restricted in the Neighbourhood Residential Zone unless environmental constraints or special characteristics exist.

Dwelling density is not a suitable basis for restricting development outcomes in the Neighbourhood Residential Zone. Specific tools such as overlays should be used instead to restrict the number of dwellings in areas where environmental constraints or special characteristics like heritage, neighbourhood character and landscape significance exist.

Applying the right residential zone

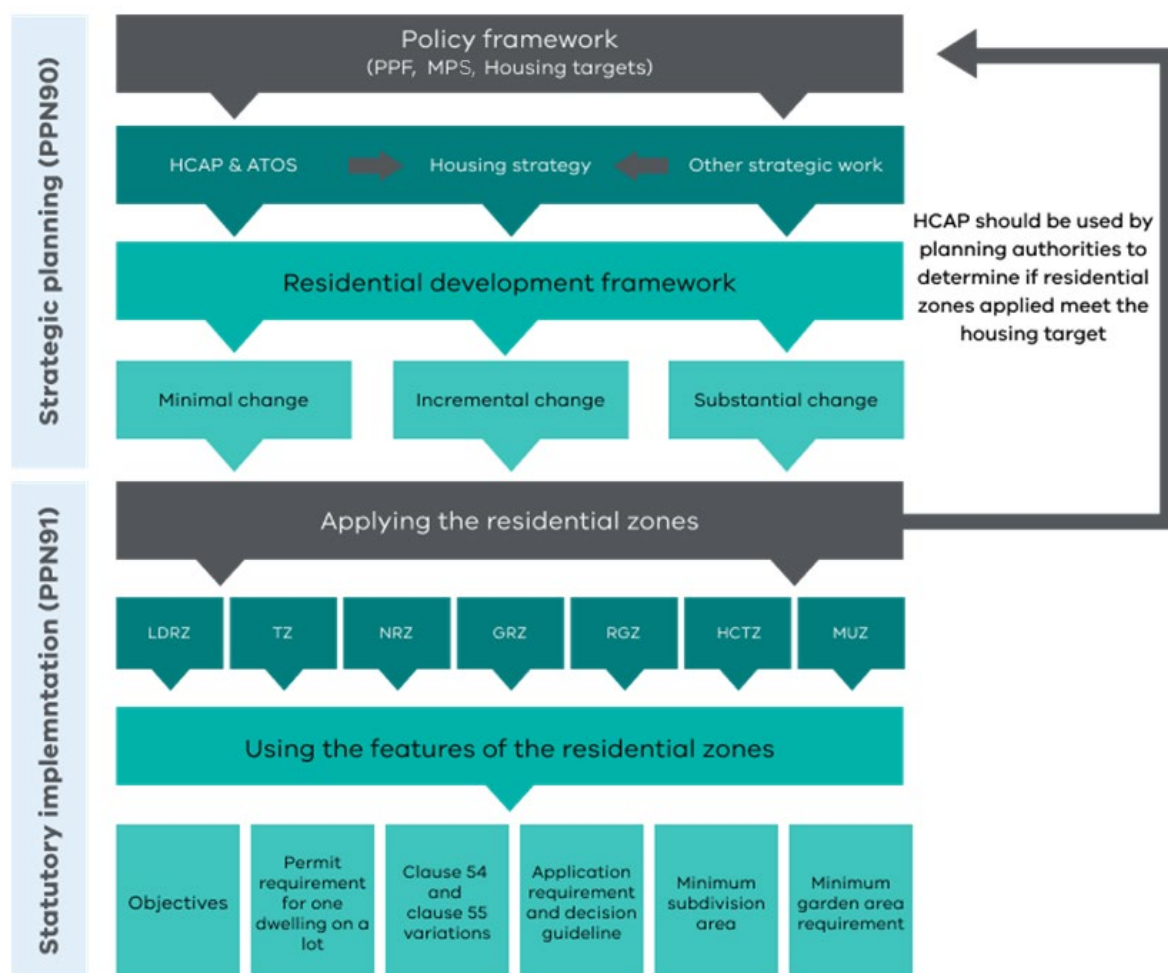
Planning schemes in Victoria are strategically focused and driven. Any planning control should have a clear reason to be imposed and be based on achieving a strategic, amenity or design outcome.

Residential zones must implement the municipal-wide residential development framework plan, a Municipal Planning Strategy (MPS). The MPS should be developed in response to relevant state and regional planning policies in the Planning Policy Framework (PPF).

This process for how the strategic planning and statutory implementation processes work to provide for housing change is shown in **Figure 1**. See **Figures 2** and **3** for an example of how a residential development framework plan can be implemented using the residential zones.



Figure 1: Strategic planning and statutory implementation when planning for housing



Housing Capacity Assessment Platform (HCAP) and Access to Opportunities and Services (ATOS) are explained in Planning Practice Note 90: Planning for Housing.

There is no 'default' residential zone to be applied to a residential area in Victoria.

All seven residential zones can be applied to residential land in a municipality, as appropriate.

There is no prescribed percentage for how much land in a municipality should be in each residential zone. Residential zones should be applied to locations consistent with the residential framework plan and the level of housing change envisaged.

A choice about which residential zone to apply will always need to be made. This choice must be based on the strategic outcomes being sought by the MPS and PPF, including providing sufficient capacity to achieve local housing targets.

The 'test' is whether the residential zones implement the residential development framework plan in the MPS.



The right residential zone will reflect the true development capacity of land. If land is impacted by environmental constraints that are identified in the MPS and PPF, then a residential zone should be applied that aligns with these attributes or constraints. If land has special characteristics such as specific character or heritage, then zones and policies should resolve these competing objectives in a way that will deliver the municipality's housing target.

Applying the right residential zone also provides the opportunity to apply local requirements to achieve preferred built form outcomes identified in the MPS and local policies.

Table 2: Aligning housing change areas and residential zones

Zone	Substantial	Incremental	Minimal
Mixed Use Zone	✓	✓	
Housing Choice and Transport Zone	✓	✓	
Residential Growth Zone	✓	✓	
General Residential Zone	✓	✓	
Township Zone		✓	✓
Neighbourhood Residential Zone		✓	✓
Low Density Residential Zone			✓

Housing targets and residential zones

The Housing Capacity Assessment Platform (HCAP) should be used by planning authorities to determine if the residential zones applied to the municipality meet the housing targets specified in the PPF. HCAP is designed for use by the Department of Transport and Planning (DTP) and local government strategic planners. Access to HCAP is provided through DTP at planforvictoria@transport.vic.gov.au.

Building heights and zone selection

One of the key features of the residential zones is the different maximum building height for each zone. This is a key factor to consider when selecting a residential zone to give effect to housing objectives.

As a general principle, applying a residential zone should align with either existing building heights if minimal or incremental housing change is planned for, or align with future building heights where substantial housing change is identified in strategic work.

When a varied maximum building height is sought to be specified in a schedule to a residential zone it should not exceed the maximum building height of a zone with the next highest maximum building height, unless the existing built form of the area warrants a unique approach.

For example, allowing an 11 metre / three-storey height to be specified in the NRZ would be inconsistent with the purpose of the NRZ. However, allowing the maximum building height to be



increased to 10 or 11 metres may be appropriate to recognise the characteristics of existing double storey housing in an NRZ area.

The GRZ has a maximum building height of 11 metres and three storeys. It is important to remember that through the building system, a single dwelling can be constructed to a height of 11 metres and three storeys in the GRZ without the need to obtain a planning permit. If applying the GRZ, this should be considered.

Similarly, the GRZ is unlikely to be the best zone to apply to areas where new development of more than three storeys is planned for, as taller development is unlikely to be responsive to the purpose of the GRZ about neighbourhood character. A zone that promotes increased housing without reference to neighbourhood character in its purpose like the RGZ or HCTZ is likely to be a better fit.

After selecting the zones to apply, check that they align with the strategic work undertaken and any strategic objectives.

Table 3: Maximum building height matrix

Maximum building height	Zone options	Height tool	Rationale
Less than 9m or 2 storeys	NRZ	Overlay	A maximum building height lower than the NRZ cannot be specified in a zone schedule. An overlay is required to recognise the special characteristics.
9m (2 storeys)	NRZ	NRZ	The zone mandates this maximum building height and storey control.
Greater than 9m (retain 2 storeys)	NRZ	NRZ schedule	The schedule to the zone enables a greater maximum building height to be specified while maintaining the 2-storey requirement.
11m (3 storeys)	GRZ	GRZ	The zone mandates this maximum building height and storey control.
Greater than 11m (retain 3 storeys)	GRZ	GRZ schedule	The schedule to the zone enables a greater maximum building height to be specified while maintaining the 3-storey requirement.
11m (3 storeys) or 13.5m (4 storeys on large sites)	HCTZ2	HCTZ2	The zone mandates these maximum building heights and storey controls. A schedule to the zone cannot vary the height or storey controls.
13.5 (4 storeys) or 21.5m (6 storeys on large sites)	HCTZ1	HCTZ1	The zone mandates these maximum building heights and storey controls. A schedule to the zone cannot vary the height or storey controls.
13.5m (4 storeys)	RGZ	RGZ schedule	The schedule to the zone forces the discretionary maximum building height to be mandatory.
Greater than 13.5m and greater than 4 storeys	RGZ	Overlay	Maximum building height requirements along with other specific design and built form requirements should be included in an overlay so all built form requirements are included in the one provision.



The role of overlays and maximum building height

A maximum building height lower than the maximum building height specified in a residential zone can only be implemented by using an overlay to recognise environmental constraints or special characteristics.

In such cases, the height requirement in the overlay applies in addition to the height requirement in the zone.

Figure 2: Gumnut residential development framework plan

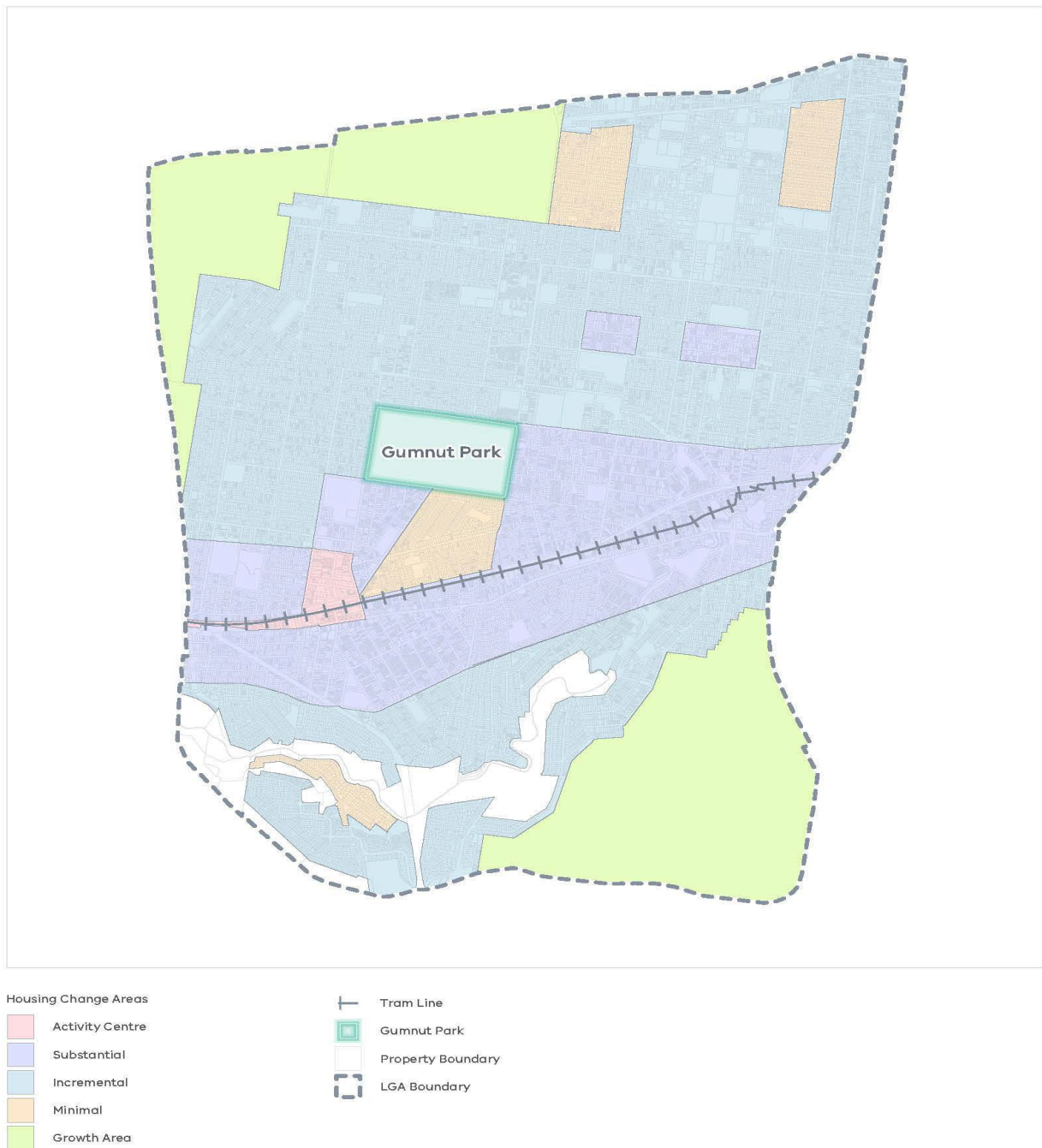
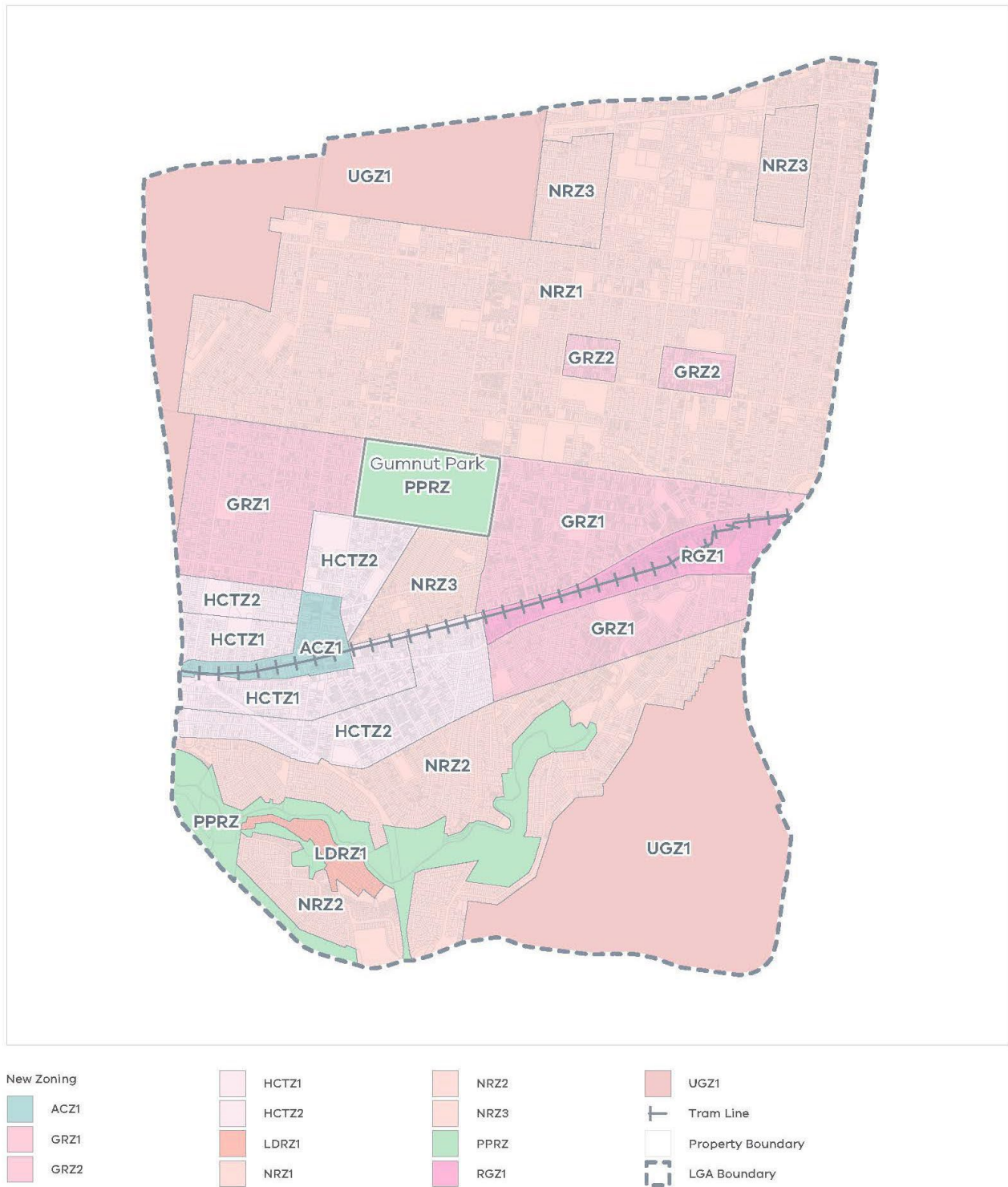




Figure 3: Gumnut residential zones application



**Remember**

The residential zones should be applied to:

- be consistent with the residential development framework plan and implement the identified housing change areas
- support achieving municipal housing targets
- not undermine the intent of the housing change areas
- provide greater certainty to the planning authority and the community about future development in an area
- facilitate long-term housing growth and diversity in well-served areas
- respond to identified environmental constraints or special characteristics.

Using other VPP tools

While selecting the right residential zone is fundamental, the zone is one of several VPP tools that may be used to implement local strategic work.

Different areas have different characteristics and expectations. The VPP allows different residential requirements to be set through either a schedule to the residential zones or the application of an appropriate overlay.

Local policies also have a role to play in how discretion is exercised.

The role of local planning policy

A housing strategy in the MPS or PPF should always present a residential development framework identifying change areas.

Other elements of a housing strategy (or other strategic work) may be included in a local planning policy. This can clarify how a responsible authority will exercise discretion in decision making.

Local planning policy can be used to:

- set out how local heritage will be resolved with state housing policy to achieve municipal housing targets
- set out preferred neighbourhood character or future built form strategies that apply when a residential development standard is not met in clauses 54, 55, 57 or 58
- clarify how discretion will be exercised when a residential development standard is not met in clauses 54, 55, 57 or 58.

The role of overlays

Overlays play an important role to give effect to preferred built form outcomes when a zone and local policy will not fully achieve the identified housing objectives for an area.



Neighbourhood Character Overlay

The Neighbourhood Character Overlay (NCO) can be used when the following criteria can be met:

- the proposed area exhibits special characteristics that need to be protected, or need to be changed to achieve a preferred character
- the area, relative to the rest of the municipality, can be demonstrated to require a specific approach to neighbourhood character
- the application of local planning policy cannot meet the neighbourhood character objectives for that area
- the application of objectives, standards or variations to clause 54 and clause 55 cannot meet the neighbourhood character objectives for that area.

The NCO should not be used as a 'blanket' control across the municipality. It should be applied strategically to areas where variations to clause 54 and clause 55 standards fail to meet the specific objectives for neighbourhood character, and new locally tailored standards are required and can be justified.

Rewriting the standards to clause 54 and clause 55

The NCO can be used to rewrite most clause 54 and clause 55 standards, except for those standards specified in the overlay at clause 43.05-3. Any rewritten standard must be consistent with the relevant objective and decision guideline in clause 54 or clause 55.

The NCO **cannot** be used to rewrite the objectives or decision guidelines in clause 54 and clause 55. The objectives and decision guidelines continue to apply to a rewritten clause 54 and clause 55 standard in the NCO.

Additional local neighbourhood character objectives and decision guidelines may be specified in the schedule to the NCO to achieve a preferred neighbourhood character.

Demolition

The demolition control in the NCO preserves the existing pattern of development until the character features of the site and the new development have been evaluated.

The demolition control should not be used to conserve existing buildings, but rather to ensure that demolition does not occur until the planning authority is satisfied that the new development meets the neighbourhood character objectives for the area.

Heritage Overlay

It is important to understand the differences between neighbourhood character and heritage.

While all areas have a history or a heritage, not all areas are historically significant. Heritage significance is determined by recognised criteria set by Commonwealth, state and local agencies, with reference to the [Burra Charter](#).



The Heritage Overlay (HO) should be used where the objective is to conserve the existing building or buildings.

The HO has different objectives from the NCO and is not intended to operate as a neighbourhood character control. However, heritage descriptors may also contribute to the neighbourhood character of an area.

The NCO and HO should not be applied to the same areas.

The application of the HO and underlying residential zoning, should be consistent with the strategic intent outlined in the MPS and PPF.

For example, if an area is zoned for housing change, a planning authority must satisfy itself that there is explicit policy support for higher-density development that should be resolved against the conservation of existing buildings, otherwise it would be difficult to achieve the purpose of the zone.

The HCTZ is a new tool intended to manage the development of residential development around Activity Centres – Housing Choice and Stations. There is explicit policy in the PPF for these areas. The HCTZ can be applied to existing HO areas protecting local heritage to give effect to recent state policy changes to support housing growth. The suitability of a proposed development in the HCTZ in regard to the heritage significance of a place can be assessed at the permit application stage.

Design and built form overlays

A Design and Development Overlay (DDO), Built Form Overlay (BFO), Development Plan Overlay (DPO) or Incorporated Plan Overlay (IPO) may be used to implement specific built form outcomes that cannot be achieved through a schedule to a residential zone.

Design and Development Overlay vs Neighbourhood Character Overlay

The DDO should not be used as a substitute for the NCO.

The schedule to the DDO does not provide a specific framework for rewriting standards in clauses 54 and 55 in the way that the NCO does. If using a DDO, it should be clear about the neighbourhood character objective it is seeking to achieve.

While the DDO has similar features to the NCO, it is more appropriately applied to promote specific urban design outcomes for an area that cannot be achieved by varying the standards to clause 54 and clause 55.

Design and built form overlays vs zone schedules

For residential development up to **three storeys**, clause 54 and clause 55 apply. An overlay may also be required where the built form outcomes sought are substantially different from ResCode standards and cannot be achieved using clause 54 or clause 55 variations.

For residential development of **four storeys**, the standards of clause 57 apply. These standards operate in addition to, and do not replace any requirement specified in an overlay or zone.



For residential development of **five or more storeys**, clause 58 applies. In these cases, another VPP tool is generally required to be used with the MUZ or RGZ to achieve the desired built form outcomes.

A DDO or BFO should generally be used to apply built form controls in a residential zone to developments greater than five storeys.

When using the DDO, BFO, DPO or IPO to control development greater than five storeys, all built form requirements (including maximum building height) should be specified in the overlay schedule instead of the schedule to the MUZ or RGZ. This provides greater clarity and transparency by ensuring all local requirements can be found in the relevant local provision.

Environmental and landscape overlays

The Environmental Significance Overlay, Significant Landscape Overlay and Vegetation Protection Overlay can be used to recognise and protect specific attributes.

These tools should be applied only to specific locations that have been identified for their unique or significant environmental and landscape values.

Other overlays

There are other overlays that recognise hazards or constraints that impact the capacity to develop residential land such as, the Bushfire Management Overlay, Melbourne Airport Environs Overlay, Restructure Overlay and Erosion Management Overlay.

These overlays should be applied as appropriate.

Using the key features of the residential zones

Each residential zone has a different role and purpose, and this is reflected in the different features provided in the schedules for each zone (see Table 4)

**Table 4: Residential zone features**

Feature	MUZ	RGZ	HCTZ1	HCTZ2	TZ	GRZ	NRZ	LDRZ
Can objectives be specified?	Yes	Yes	No	No	Yes	Yes	Yes	No
Is there a minimum garden area requirement?	No	No	No	No	No	Yes	Yes	No
Can the minimum garden area requirement be exempted?	N/A	N/A	N/A	N/A	N/A	Yes	No	N/A
Is there a minimum subdivision area requirement?	No	No	No	No	No	No	Yes	Yes
Is there a maximum building height/number of storeys requirement?	No	Yes Discretionary 13.5m	Yes Mandatory HCTZ1 13.5m (4 storeys) The maximum height of buildings constructed on a large site* within HCTZ1 is 21.5m (six storeys)	Yes Mandatory HCTZ2 11m (3 storeys) The maximum height of buildings constructed on a large site* within HCTZ2 is 13.5m (four storeys)	Yes Discretionary 9m	Yes Mandatory 11m and 3 storeys	Yes Mandatory 9m and 2 storeys	No
Can a mandatory maximum building height be specified in the schedule? (height / storeys)	Yes Height only	Yes Height only and not less than 13.5m	No	No	Yes Height only and not less than 9m	Yes Height and storeys and not less than 11m and 3 storeys	Yes Height and storeys and not less than 9m and 2 storeys	No
Can application requirements and decision guidelines be specified?	Yes	Yes	No	No	Yes	Yes	Yes	No

*Large site = 1,000m² and 20m frontage



The role of local objectives

While state, regional and local planning policy sets out how discretion should be exercised, the ability to specify local objectives in some residential schedules enables detailed expression to be given to desired neighbourhood, heritage, environmental, landscape or design outcomes to be responded to within a particular area, when the residential development standards of clauses 54, 55 and 57 are not met.

The [Minister's Direction - The Form and Content of Planning Schemes](#) only allows a maximum of five objectives to be expressed in a schedule to a residential zone.

Table 5: Operation of local objectives

Zone	Operation of local objectives
MUZ	Objectives may be specified in the schedule. There is no constraint on the type of objective that can be specified.
RGZ	Design objectives must be specified in the schedule.
HCTZ	There is no provision for specifying objectives in the schedule, as the purposes of the zone clearly express the intention of the zone.
TZ	Neighbourhood character objectives may be specified in the schedule.
GRZ	Neighbourhood character objectives may be specified in the schedule.
NRZ	Neighbourhood, heritage, environmental or landscape character objectives must be specified in the schedule.
LDRZ	There is no provision for specifying objectives in the schedule, as the purposes of the zone clearly express the intention of the zone.

Writing objectives

Clear differentiation between neighbourhood character and design objectives is essential to ensure that schedules are applied consistently.

Neighbourhood character objectives articulate the valued characteristics of an area and provide the basis for variation of particular clause 54 and clause 55 standards, where justified.

Design objectives specify the preferred built form and urban design outcomes for new development.

Writing neighbourhood character objectives

The schedules to the TZ, GRZ and NRZ enable neighbourhood character objectives to be specified.

Objectives in the schedule to the NRZ should specify the relevant neighbourhood character, heritage, environmental or landscape characteristics of the area.

Objectives in the schedule to the TZ should specify the neighbourhood character attributes to be achieved.



Objectives in the schedule to the GRZ should specify the attributes of the neighbourhood character to be achieved, in the context of a preferred built form outcome of three storeys.

Writing design objectives

Design objectives can specify matters related to built form and urban design. Design objectives should only specify public realm matters where they relate to the design of buildings that affect the function and amenity of the public realm.

Objectives in the schedule to the RGZ should specify the preferred design and built form outcomes for new residential development.

Preferred character statement or local objective?

Preferred neighbourhood character statements derived from neighbourhood character strategies are often found in local policies.

Rather than specifying preferred neighbourhood character statements in local planning policy, objectives can be specified in a schedule to a residential zone. This approach provides for a more transparent spatial representation of preferred neighbourhood character.

It is generally not necessary to have both a preferred character statement and local neighbourhood character objectives.

Table 6: Translating a preferred neighbourhood character statement into neighbourhood character objectives

Preferred neighbourhood character statement	Neighbourhood character objectives
<p>This precinct will maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens while preserving the intact nature of the streetscape.</p> <p>Built form to side boundaries will be avoided, and garages, carports and second-storey development will not visually dominate dwellings or streetscapes.</p> <p>Built form and hard surfaces will continue to occupy a low portion of the site area.</p> <p>The built form will be a modest scale and be sympathetic to the existing heritage character of the precinct, however, innovative and unique built form that blends with the existing character will be encouraged.</p> <p>New development will complement the existing landscape environment and native landscaping throughout the precinct will be encouraged.</p>	<ul style="list-style-type: none"> • To maintain a streetscape rhythm of detached dwellings set behind landscaped front gardens with generous side setbacks. • To support garages, carports and second storeys that are recessed from the ground floor facade to not visually dominate dwellings or streetscapes. • To support built form and hard surfaces that cover a low portion of the site. • To provide innovative and unique designs that integrate with the existing character. • To encourage new development to provide native landscaping.



What happens where an overlay exists or is proposed?

It is not necessary to be as detailed or explicit when writing objectives for the desired outcome in the schedule to the zone affected by an existing or proposed overlay. The overlay should instead contain the detailed neighbourhood character, built form, heritage, environmental, landscape or other objectives as relevant to the land.

Heritage Overlay

Where a HO exists over a precinct or an area, as opposed to an individual site, it is unnecessary to identify detailed heritage objectives through the schedule to the relevant residential zone.

It is enough to generally specify in the schedule to the zone that the objective to be achieved is derived from the heritage values of the area. Often it is clearest to apply the same schedule to all heritage areas within that zone, within a municipality.

Design, built form, neighbourhood character, environmental, landscape and other overlays

All these overlays require some form of statement of significance or risk along with specifying detailed objectives.

In all these instances, it is generally enough to specify the relevant characteristic that is being sought to be recognised and rely on the detailed objectives and statements of significance in the overlay to articulate the desired outcome.

Remember

When writing neighbourhood character objectives in residential zone schedules:

- ✓ Do be clear and specific.
- ✓ Do recognise a specific characteristic or constraint reflected through the application of an overlay.
- × Do not specify building heights (the zone or overlay does this).
- × Do not specify the type of housing change sought (the strategic framework and zone application does this).
- × Do not include statements of policy (this belongs in local policy).
- × Do not repeat objectives from other parts of the scheme, or reference other clauses in the scheme.
- × Do not reference policy background documents or studies or other tools in the scheme.
- × Do not specify scale, density, typology or number of dwellings unless strategically justified.

Minimum garden area requirement

A minimum garden area requirement is a mandatory requirement that applies to all lots in the NRZ and GRZ that are 400 square metres or more.

A minimum percentage of the land must be set aside for a garden area at ground level in accordance with the table below.

**Table 7:** Minimum garden area requirement

Lot size	Minimum garden area requirement
400-500m ²	25%
501-650m ²	30%
>650m ²	35%

The minimum garden area requirement **cannot** be exempted through a schedule in the NRZ. The minimum garden area requirement **can** be exempted through the schedule to the GRZ.

The decision to exempt the minimum garden area requirement in the GRZ must be based on the strategic outcomes being sought by the PPF and MPS. For example, it may be appropriate to exempt the minimum garden area requirement in the GRZ where a planning authority is seeking to recognise existing development conditions or to promote a denser urban form of housing than currently exists to achieve housing growth objectives.

Minimum subdivision area

A minimum subdivision area may only be specified in the schedule to the LDRZ or the NRZ.

Specifying a minimum lot size in the NRZ provides another mechanism to limit new housing because of environmental constraints or special characteristics, and when the area is categorised as a minimal change area.

Table 8: Minimum subdivision area

LDRZ	NRZ
Any minimum subdivision area specified in the schedule to the LDRZ must be at least: <ul style="list-style-type: none"> 0.4 ha for each lot where reticulated sewerage is not connected 0.2 ha for each lot with connected reticulated sewerage. 	Any minimum subdivision area may be specified in the schedule to the NRZ.

Varying the residential development standards

A schedule to the MUZ, TZ, RGZ, GRZ and NRZ enables the following key siting and amenity standards of clause 54 and clause 55 to be varied if it can be strategically justified:

- Standard A2-1 (clause 54.02) and Standard B2-1 (clause 55.02) Street setback
- Standard A2-5 (clause 54.02) and B2-5 (clause 55.02) Site coverage
- Standard A3-2 (clause 54.03) and B3-5 (clause 55.03) Private open space
- Standard A2-7 (clause 54.02) and B2-8 (clause 55.02) Front fences.

Except for a front fence, a local variation must be more permissive than the standard.

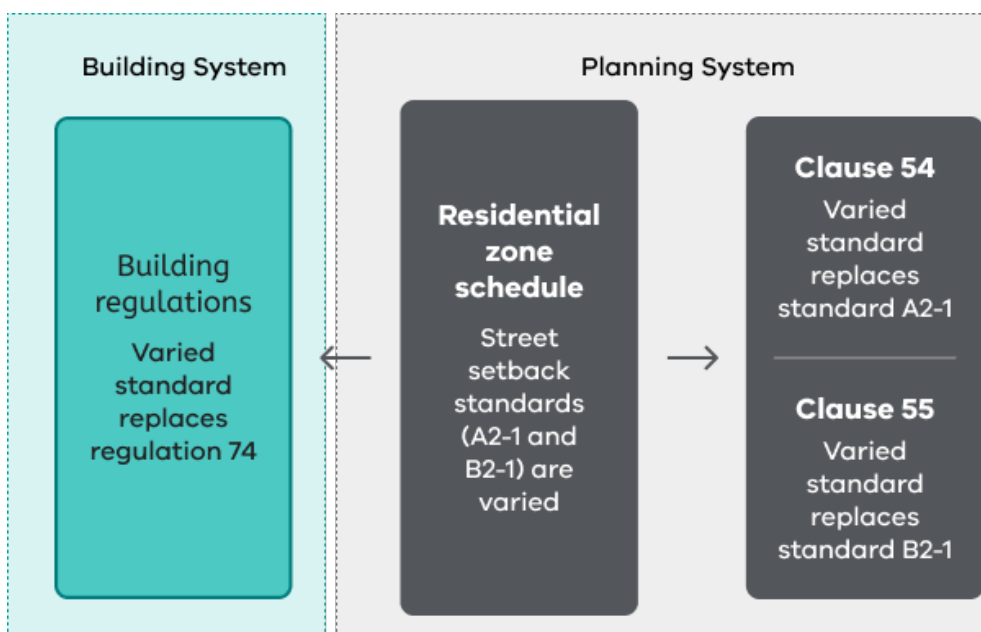


How do the varied standards operate?

An important feature of the schedules to the residential zones is that a change to a value in the schedule will affect all dwellings in the schedule, whether a planning permit is required or not. When a local value is specified in a schedule, the value replaces the relevant value in both planning scheme (the clause 54 and clause 55 standard), and in the corresponding building regulation.

Figure 4 below illustrates an example of how a schedule variation would interact with the building regulation and clauses 54 and 55.

Figure 4: Example street setback variation in the building and planning systems



When assessing a building permit application, a building practitioner must use the value in the schedule to the residential zone, instead of the value expressed in the relevant building regulation. Schedule 6 to the Building Regulations identifies which planning schemes have schedules that specify a local value.

When assessing a planning permit application, the varied standard continues to be read with the relevant standard in clause 54 and clause 55. The schedule simply substitutes one value for another. The remainder of the standard in clause 54 and clause 55 continues to apply.

When a new residential zone that is not currently used in the planning scheme is proposed, and a clause 54 standard is proposed to be varied, a consequential amendment to Schedule 6 to the Building Regulations is also necessary. This is required to apply the planning scheme change to a single dwelling that does not require a planning permit in the new residential zone.

If the schedule to the building regulations is not amended to reference the new residential zone in the planning scheme, the varied standard will not apply to a single dwelling that does not require a planning permit.



This is undesirable because it adds complexity and confusion to the application of the standards between the two approval systems.

Writing varied standards

The schedule cannot be used to vary the objective or decision guideline of the relevant standard in clause 54 and clause 55.

It is not possible to apply different standards for different types of residential development in the schedule, except for:

- Standards A2-1 and B2-1 (street setback)
- Standards A2-5 and B2-5 (Site coverage), and
- Standards A3-2 and B3-5 (Private open space).

When varying clause 54 and clause 55 standards in the schedule, it is important to use the existing standard to determine what value can be substituted or varied. The substituted value may be a dimension, area, distance or percentage.

It is important to ensure that the variation can be understood without reference to the state standard or relevant building regulation. See Table 9 below for examples. Variations to clause 54 standards must be clear and legible for a building practitioner when issuing a building permit for one dwelling on a lot that does not require a planning permit.

Any omission of text or values between the clause 54 and clause 55 standard and the variation may have unintended consequences. It is therefore important that the variation uses the format and language of the relevant standard to ensure that there is no confusion.

Only the numerical value of the relevant standard should be changed. The schedule cannot be used to apply a different value to only some land in the zone because the building regulations refer to the application of the variation uniformly throughout the zone. A building certifier's point of reference is what the land is zoned in the planning scheme.

Table 9: Drafting clause 54 and clause 55 variations - examples

Standard	✓ - supported	× - not supported
A2-1 and B2-1 - street setback	<p><i>'Walls of buildings should be set back at least 3 metres from the front street including corner sites.</i></p> <p><i>No encroachments are allowed into this setback.</i></p> <p><i>Side street setback requirements specified in the table to standards A2-1 and B2-1 continue to apply.'</i></p>	<p>3 metres</p> <p>This variation is inadequately expressed and its application may be confusing as it is unclear if the street setback standard applies to all street contexts.</p>



Standard	✓ - supported	✗ - not supported
A2-5 and B2-5 - Site coverage	<i>'The site area covered by buildings should not exceed 50 per cent.'</i>	<p>'50% including all buildings, swimming pools, tennis courts, paving and other hard surfaces.'</p> <p>Site coverage and permeability are separate standards and should not be combined.</p>
A3-2 - Private open space	<i>'A dwelling should have private open space with direct access from a living area, dining area or kitchen consisting of 20 per cent of the area of the lot but not less than 25 square metres. At least one part should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 2.5 metres.'</i>	<p>'Minimum dimension of 2.5 metres.'</p> <p>Even if only partially modified, for clarity, all parts of standard A3-2 that can be modified should be included in the schedule.</p>
A2-7 and B2-8 - Front fence height	<i>'A front fence within 3 metres of a road in a Transport Zone, should not exceed 1.5 metres in height, or 1.2 metres in height for all other streets.'</i>	<p>'Front fences should be at least 50% transparent and constructed from timber.'</p> <p>The standard does not regulate the design of the fence, only the height. Additional planning controls like an overlay are required to regulate design and materials.</p>

Remember

- The residential zone schedule simply substitutes one value for another. The remainder of the standard continues to apply to dwellings that require a planning permit under the residential zone.
- When a varied standard is specified, it applies to all dwellings in both the planning and building systems.
- When assessing a building permit application, a building certifier must use the varied standard specified in the schedule to the residential zone, instead of the value expressed in the relevant building regulation.
- When assessing a planning permit application, the variation continues to be read with the relevant objective and decision guidelines in clause 54 and clause 55.
- The schedule cannot be used to vary the objective or decision guideline of the standard in clauses 54 and 55.
- Only three standards allow a different standard to be specified for each of clause 54 and clause 55.
- When drafting variations to a clause 54 and clause 55 standard, it is best to start by including the variation in its entirety and modifying the numeric values of the standard as required.



Maximum building height

Maximum building height is managed in different ways, according to the role and purpose of each residential zone.

A schedule must not specify a height or number of storeys lower than the height and number of storeys specified in the zone. Only one maximum building height and number of storeys (where applicable) may be specified in each schedule.

The maximum building height only applies to a dwelling or residential building, except in the MUZ where it applies to all buildings.

The maximum building height is always mandatory when specified in a schedule to the TZ, MUZ, RGZ, GRZ and NRZ.

The mandatory maximum building height cannot be varied in a schedule to the HCTZ.

A schedule to the GRZ or NRZ should specify a maximum building height in both metres and storeys. A schedule to the MUZ, TZ and RGZ should only specify a maximum building height in metres.

If a higher discretionary maximum building height is sought in the RGZ, the schedule should not be used as specifying a maximum building height in the schedule makes the maximum building height mandatory. If a discretionary maximum building height greater than 13.5 metres is sought in the RGZ, another VPP tool such as a local policy or overlay should be used to specify an appropriate discretionary maximum building height above 13.5 metres.

The operation of maximum building heights and number of storeys in the residential zones is set out in Table 10.

Table 10: Operation of maximum building heights and number of storeys

Zone	Operation
MUZ	No maximum building height in the zone. No control over the number of storeys.
	Maximum building height may be specified in the schedule. When specified it applies to all development and is a mandatory maximum building height.
RGZ	A discretionary maximum building height of 13.5 metres applies to a dwelling or residential building.
	No control over the number of storeys.
HCTZ1	Maximum building height may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height.
	A mandatory maximum building height of 13.5 metres and 4 storeys applies, or 21.5 metres and 6 storeys if the building is on a large site*.
HCTZ2	Maximum building height or number of storeys cannot be varied in the schedule.
	A mandatory maximum building height of 11 metres and 3 storeys applies, or 13.5 metres and 4 storeys if the building is on a large site*.
HCTZ2	Maximum building height or number of storeys cannot be varied in the schedule.
	A mandatory maximum building height of 11 metres and 3 storeys applies, or 13.5 metres and 4 storeys if the building is on a large site*.



Zone	Operation
TZ	A discretionary maximum building height of 9 metres applies to a dwelling or residential building.
	No control over the number of storeys.
	Maximum building height may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height.
GRZ	A mandatory maximum building height of 11 metres and 3 storeys (excluding a basement) applies to a dwelling or residential building.
	Maximum building height or number of storeys may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height or number of storeys.
NRZ	A mandatory maximum building height of 9 metres and 2 storeys (excluding a basement) applies to a dwelling or residential building.
	Maximum building height or number of storeys may be specified in the schedule. When specified it applies to a dwelling or residential building and is a mandatory maximum building height or number of storeys.
LDRZ	No height control applies.
	Maximum building height cannot be specified in a schedule.

*A large site means:

- A lot with an area of at least 1000 square metres and a frontage of at least 20 metres; or
- Two or more contiguous lots with a combined area of at least 1000 square metres and a combined frontage of at least 20 metres.

Writing application requirements and decision guidelines

Application requirements set out information and other materials required to accompany a planning permit application. The HCTZ does not have a schedule.

A schedule may specify additional application requirements to supplement those in a residential zone. A schedule should not repeat application requirements in other planning provisions. Application requirements should have a clear nexus with the provisions of the schedule, and not require information about matters that are not controlled by a schedule to a residential zone.

Decision guidelines provide greater certainty about decision making for planning permit applications.

A schedule may specify additional decision guidelines to supplement those in a residential zone. A schedule should not repeat general decision guidelines, or decision guidelines in other planning provisions. Decision guidelines should have a clear nexus with the provisions of the schedule.

Some principles for drafting decision guidelines are included in Table 11.

**Table 11:** Principles for drafting decision guidelines – examples

Principle	✓ - supported	✗ - not supported
Other clauses in the planning scheme should not be referenced.	<i>‘Whether garages and upper floors are appropriately set back.’</i>	<i>‘Whether the development meets the objectives and standards of clause 54 or clause 55.’</i>
Background documents should not be referenced as decision guidelines.	<i>‘Whether the development provides an appropriate response to the public realm.’</i>	<i>‘Whether the development is consistent with the Gumnut Town Centre Structure Plan, 2002.’</i>
Use neutral expression and avoid introducing additional requirements.	<i>‘Whether the development provides adequate storage to meet the needs of future occupants.’</i>	<i>‘Whether the development provides 10 square metres of storage.’</i>



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