

Reformed Rural Zones for Victoria

This advisory note provides information about the reformed rural zones introduced into the *Victoria Planning Provisions* (VPP) by Amendment VC103 on 5 September 2013.

This advisory note explains:

- why the rural zones were reformed
- the main features of the reformed rural zones
- how the reformed rural zones affect planning schemes, permits and permit applications.

Why were the rural zones reformed?

Suggested improvements to the rural zones have been raised over several years by many industry bodies, local governments and members of the community. The government announced a review of Victoria's planning zones to ensure they were functioning correctly and their schedules were still relevant.

The review looked at the rural zones together with the residential, business and industrial zones. Over 2000 submissions were received. The government established

the Reformed Zones Ministerial Advisory Committee to review the public submissions and provide recommendations on the content and implementation of the new zones.

What are the main features of the reformed rural zones?

The reformed rural zones support agricultural activity, allow more tourism related uses and support population retention to sustain rural communities. Unnecessary conditions and the prohibition of some land uses have been removed and more permit exemptions have been applied to farming related activity.

Amendment VC103 amends the six existing rural zones and the schedule to the Rural Conservation Zone. The reforms also make a number of consequential changes to the VPP and planning schemes to support the reformed rural zones. These include amendments to:

- Clauses 11 and 16 of the State Planning Policy Framework

- Clause 57 of the Particular Provisions to give effect to the changes applying to green wedge land
- Clause 62 of the General Provisions to exempt crop support and protection structures from requiring a permit
- Clause 74 to modify land use definitions to host farm, rural industry and primary produce sales.

Rural Living Zone

Changes to the existing Rural Living Zone include:

- removing the requirement for a mandatory section 173 agreement which restricts future subdivision
- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- reducing the minimum lot size for subdivision and construction of a single dwelling from eight hectares to two hectares
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit.

The schedule to the Rural Living Zone has not been amended.

Green Wedge Zone

Changes to the existing Green Wedge Zone include:

- including a new purpose statement to provide for the use of land for agriculture
- making many agricultural uses exempt from a permit requirement
- removing permit requirements for other uses such as primary produce sales and rural store
- removing the prohibition on primary and secondary schools
- removing the prohibition on place of assembly and including an associated condition

- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit
- retaining the 'in conjunction' requirement and other related conditions for function centre, group accommodation, research and development centre, research centre, residential building, residential hotel and restaurant
- including additional decision guidelines for primary and secondary schools.

The schedule to the Green Wedge Zone has not been amended.

Green Wedge A Zone

Changes to the existing Green Wedge A Zone include:

- including a new purpose statement to provide for the use of land for agriculture
- making many agricultural uses exempt from a permit requirement
- removing the prohibition on primary and secondary schools and market
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit
- retaining the 'in conjunction' requirement and other related conditions for function centre, group accommodation, research centre, residential building and restaurant
- removing permit requirements for other uses such as primary produce sales and rural store
- including additional decision guidelines for primary and secondary schools.

The schedule to the Green Wedge A Zone has not been amended.

Rural Conservation Zone

Changes to the existing Rural Conservation Zone include:

- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses
- removing the prohibition on primary and secondary schools
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit
- removing the 'in conjunction' requirement and other conditions for uses such as group accommodation, residential hotel and restaurant
- removing other conditions which restrict uses such as freezing and cool storage, group accommodation, residential hotel and restaurant.

The schedule to the Rural Conservation Zone is being amended to remove the ability for councils to limit the number of bedrooms to a residential hotel and number of patrons to a restaurant.

Farming Zone

Changes to the existing Farming Zone include:

- a new purpose statement promoting the retention of employment and population to support existing rural communities
- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved

- making less uses prohibited and more uses discretionary including some accommodation, retail and commercial uses
- removing the prohibition on group accommodation, landscape gardening supplies, market, trade supplies, warehouse and primary and secondary schools
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit
- removing the 'in conjunction' requirement which restricts uses such as group accommodation, residential hotel and restaurant
- removing other conditions which restrict uses such as group accommodation, place of assembly, store and transfer station
- removing permit requirements for uses such as primary produce sales, rural industry and rural store.

The schedule to the Farming Zone has not been amended.

Rural Activity Zone

Changes to the existing Rural Activity Zone include:

- reducing the restrictions for alterations and extensions to dwellings and farm buildings
- removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved
- removing the prohibition on backpacker's lodge, camping and caravan park, group accommodation, hotel, host farm, landscape gardening supplies, manufacturing sales, restaurant, residential hotel, trade supplies and tavern uses
- increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit

- removing permit requirements for uses such as rural industry and rural store.

The schedule to the Rural Activity Zone has not been amended.

How will the reformed zones affect existing uses, permits and permit applications?

Existing lawfully established uses can continue to operate and existing permits which have not expired can still be acted upon as provided in Clause 63 of the planning scheme.

Land use and development that no longer requires a permit under the new provisions does not need to comply with existing permit requirements. Other planning scheme provisions and restrictions such as existing section 173 agreements or covenants may still apply.

Where a current permit application is no longer required because the reformed zones allow the use or development, the application cannot be determined by a council. A council may decide to fully or partially refund the application fee.

Where can I get a copy of the reformed rural zones?

The reformed rural zones have been incorporated into the VPP and planning schemes in Victoria. The VPP is available online at <http://planningschemes.dpcd.vic.gov.au/vpps/> and planning schemes are available online at <http://planningschemes.dpcd.vic.gov.au/>

More information

More information is available at www.dtpli.vic.gov.au/planning

- Publications / Practice and advisory notes
- Planning Practice Note 78: Applying the residential zones, July 2013
- *Victoria Planning Provisions*
- The government's response to the committee's report, 15 August 2013
- Reformed Zones Ministerial Advisory Committee – Rural Zones Report, February 2013
- Reformed Zones Ministerial Advisory Committee - Commercial and Industrial Zones Report, February 2013
- Reformed Zones Ministerial Advisory Committee - Residential Zones Progress Report, 14 December 2012
- Fact sheet: Reformed Rural Zones, August 2013
- Fact sheet: Reformed Residential Zones, July 2013
- Fact sheet: New Commercial Zones, July 2013
- Fact sheet: Improved Industrial Zones, July 2013.

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