

New Zones for Rural Victoria Final Package



New Zones for Rural Victoria



The story so far

Since the previous Government introduced the existing rural zones in 1996, there has been concern that the zones do not adequately recognise the importance of agriculture and have led to increased land use conflicts by allowing a whole range of non-farming uses in rural areas.

Preparing planning controls for rural land is a complex and contentious issue. Councils, landowners, farmers and community groups have all expressed views about how rural land should be used and developed and the extent to which planning should influence this. Some believe that market forces should decide the fate of rural land while others believe that rural areas should be tightly controlled. Most agree however that planning needs to strike a sensible balance between the short and long term needs of landowners, the community and the environment.

Rural zones that are clearly focussed, protect the rights of farmers to farm and prevent ad hoc development are critical for rural Victoria.

Workshops held at Nagambie and Cowes in November 2001 identified

ways to improve the existing rural zones. The workshops led to the appointment of a Rural Zones Review Reference Group chaired by John Keaney and four project teams. Their task was to analyse four key aspects of the existing zones: purpose, development controls, use controls and intergovernmental coordination.

The Reference Group released a discussion and options paper in March 2003. The Group concluded that the existing zones should be replaced with a new set of zones with clearer purposes and tighter controls. It recommended a new zone that unambiguously catered for farming as an industry. It also recommended a 'mixed use' rural zone to cater for areas where agricultural and other uses could co-exist and a zone with a strong environmental focus.

The Reference Group recommended that the State planning policy for agriculture be changed to focus on the protection of productive agricultural land.

The discussion paper was widely circulated and a range of comments received. Submitters generally supported the Reference Group recommendations but were keen to see more detail on the zone controls.

The discussion paper and the responses formed the basis for preparing three draft rural zones. These were released for comment in November 2003. The draft zones were:

- A new Farming Zone – to unambiguously cater for the use of land for agriculture.
- A new Rural Activity Zone – to cater for areas where agriculture and other activities can co-exist.
- A revised Rural Living Zone – to cater for residential use in a rural environment.

In November 2003, a new Rural Conservation Zone was introduced into the Victoria Planning Provisions as part of the Government's protection of Melbourne's green wedges. This zone is also designed for use in rural Victoria





and meets the Reference Group's recommendation for a zone with a strong environmental focus to replace the existing Environmental Rural Zone.

More than 2,700 submissions about the draft rural zones were received from councils, professional organisations, and individuals.

Existing rights to remain

Early in the consultation period, the Minister for Planning announced that existing rights would remain for dwellings in the Farming Zone:

- A property owner will continue to be able to seek a permit for a dwelling on lots less than 40 hectares or the scheduled lot size.
- A property owner will continue to be able to seek a permit for a second dwelling on a lot.
- A property owner will continue to be able to seek a permit to excise an existing dwelling, subject to a condition preventing further subdivision of the resultant lots.

How has Government responded?

Following consideration of all submissions, the Government is committed to new zones for rural Victoria that:

- Recognise the State, regional and local importance of agriculture as an industry and provide greater protection for productive agricultural land.
- Provide a wider choice of zones with clear purposes and controls to match.
- Discourage ad hoc and incompatible use and development.
- Recognise the changing nature of agricultural activities and reduce the



potential for conflict between agricultural and other, more sensitive, land uses.

- Recognise that rural areas are places where people live and work.
- Recognise and protect rural areas that are environmentally sensitive.
- Remove the need for permits for minor matters.

What are the new zones?

The final combination of new rural zones will be a new Farming Zone, a new Rural Activity Zone, the new Rural Conservation Zone (already introduced) and a revised Rural Living Zone. Each of the zones has been adjusted to respond to a number of suggestions made in the submissions.

The new zones for rural Victoria

Farming Zone	Replaces the Rural Zone. The main zone for agricultural areas.
Rural Activity Zone	A new zone providing flexibility for agriculture and other land uses to co-exist.
Rural Living Zone	Upgrades the existing zone. The main zone for rural residential areas.
Rural Conservation Zone	Replaces the Environmental Rural Zone. The main zone for areas with significant environmental considerations (also applies in green wedge areas).



- The new **Farming Zone** unambiguously caters for agriculture as an industry and encourages the use of land for a range of agricultural activities. Discouraging uses that could undermine agriculture is a key purpose of this zone. A limited range of non-agricultural uses that support and improve agricultural activities may be considered, but the controls on use and development in this zone are much tighter than those in the existing Rural Zone and the new Rural Activity Zone.

This zone will replace the existing Rural Zone.

- The new **Rural Activity Zone** is designed to be applied to selected areas where agricultural activities and other land uses can co-exist. A wider range of tourism, commercial and retail uses can be considered in this zone. Agriculture has primacy in this zone, but other uses may be established if they are compatible with the agricultural, environmental and landscape qualities of the area.

Councils will need to consider where this zone can appropriately be applied.

- The revised **Rural Living Zone** provides for residential use in a rural environment. This zone applies to rural areas in selected locations where residential use is specifically encouraged.
- The new **Rural Conservation Zone** will protect and enhance the natural environment and its historic, archaeological, scientific, landscape, faunal habitat and

cultural values. Agriculture is allowed in the zone, provided it is consistent with the environmental and landscape values of the area. A schedule to the zone requires the specific conservation values of the land to be clearly stated.

This zone is already in the Victoria Planning Provisions and will replace the existing Environmental Rural Zone.

The full details of the new zones can be viewed at your local council or at www.dse.vic.gov.au/planning.

Houses in the rural zones

Houses are permitted in the final rural zones. The right to apply for a permit for a house on a lot, regardless of the lot size, has been retained in every zone. The right to apply for a permit for additional houses has also been retained in every zone except for the Rural Conservation Zone.

In preparing and considering a permit application for a house, the landowner and Council will need to consider the zone purpose and specific decision guidelines for dwellings.

House lot excisions in the rural zones

The right to apply for a permit for one house lot excision has also been retained in both the Farming Zone and the Rural Activity Zone, subject to a condition that prevents further house lot excisions.

In preparing and considering a permit application for a house lot excision, the landowner and Council will need to consider the zone purpose and decision guidelines.

As is the case now, house lot excisions are prohibited in the Rural Conservation Zone and the Rural Living Zone.



New Zones for Rural Victoria

FARMING ZONE

Houses	<p>No permit is required for a house on a lot greater than 40 hectares or the minimum lot size set by the council.</p> <p>A landowner may apply for a permit for a house on a lot smaller than 40 hectares or the minimum lot size set by the council.</p> <p>A landowner may apply for a permit for additional houses on a lot.</p> <p>A permit application for a house must include a written statement that addresses certain decision guidelines in the zone.</p>
Agricultural uses	<p>Most agricultural uses do not need a permit.</p> <p>Intensive animal industries (such as broiler farms and piggeries) require a permit.</p>
Other uses	<p>A landowner may apply for a permit for small-scale tourist uses associated with agriculture (such as host farms, bed and breakfast, restaurant, motel and up to 6 self-contained cabins). Uses that support and service agriculture (such as rural industry, rural store, manufacturing sales, primary produce sales, utility installation and saleyard) may also be permitted.</p> <p>Industry, warehouses, offices and most retail uses are prohibited.</p>
Subdivision	<p>A permit is required to subdivide land. The minimum lot size is 40 hectares or the lot size set by the council.</p>
House lot excisions	<p>A landowner may apply for a permit to excise a small lot for one existing house, subject to conditions to prevent further house lot excisions.</p>
Exempt minor buildings	<p>Additional exemptions have been included in the zone so that a permit is not required to alter or extend:</p> <ul style="list-style-type: none"> • An existing house if the additional floor area is less than 50 square metres or the floor area set by the council. • An existing farm building if the additional floor area is less than 100 square metres or the floor area set by the council.

RURAL ACTIVITY ZONE

Houses	<p>No permit is required for a house on a lot greater than the minimum lot size set by the council.</p> <p>A landowner may apply for a permit for a house on a lot smaller than the minimum lot size set by the council.</p> <p>A landowner may also apply for a permit for additional houses on a lot.</p>
Agricultural uses	<p>Most agricultural uses do not need a permit.</p> <p>Intensive animal industries (such as broiler farms and piggeries) require a permit.</p>
Other uses	<p>A landowner may apply for a permit for a range of tourism, recreation and commercial uses in the zone. This zone gives councils the flexibility to consider a diverse range of proposals that are not necessarily related to agriculture, but which can co-exist with agriculture (such as tourist accommodation, function centres, restaurants, hotels and taverns).</p> <p>Industry, warehouses, offices and transport terminals are prohibited.</p>
Subdivision	<p>A permit is required to subdivide land. The council needs to set the minimum lot size.</p>
House lot excisions	<p>A landowner may apply for a permit to excise a small lot for one existing house, subject to conditions to prevent further house lot excisions.</p>
Exempt minor buildings	<p>Additional exemptions have been included in the zone so that a permit is not required to alter or extend:</p> <ul style="list-style-type: none"> • An existing house if the additional floor area is less than 50 square metres or the floor area set by the council. • An existing farm building if the additional floor area is less than 100 square metres or the floor area set by the council.

RURAL LIVING ZONE

Houses	<p>No permit is required for a house on a lot greater than 8 hectares or the minimum lot size set by the council.</p> <p>A landowner may apply for a permit for a house on a lot smaller than 8 hectares or the minimum lot size set by the council.</p> <p>A landowner may apply for a permit for additional houses on a lot.</p>
Agricultural uses	<p>All agricultural uses need a permit.</p> <p>Intensive animal industries (such as broiler farms and piggeries) are prohibited.</p>
Other uses	<p>A landowner may apply for a permit for a range of accommodation, tourism, recreation and commercial uses in the zone.</p> <p>Industry, warehouses, offices, transport terminals, take away food places and convenience restaurants are prohibited.</p>
Subdivision	<p>A permit is required to subdivide land. The minimum lot size is 8 hectares or the lot size set by the council.</p>
House lot excisions	<p>As is the case now, house lot excisions are prohibited.</p>
Exempt minor buildings	<p>Additional exemptions have been included in the zone so that a permit is not required to alter or extend an existing house if the additional floor area is less than 50 square metres or the floor area set by the council.</p>

RURAL CONSERVATION ZONE

Houses	<p>A landowner may apply for a permit for one house on a lot. There is no requirement for the lot to be a certain size.</p>
Agricultural uses	<p>All agricultural uses need a permit.</p> <p>Intensive animal industries (such as broiler farms and piggeries) are prohibited.</p>
Other uses	<p>A landowner may apply for a permit for a limited range of tourism uses.</p> <p>Industry, education centres, warehouses, offices, transport terminals and most retail uses are prohibited.</p>
Subdivision	<p>A permit is required to subdivide land. The minimum lot size is 40 hectares or the lot size set by the council.</p>
House lot excisions	<p>As is the case now, house lot excisions are prohibited.</p>
Exempt minor buildings	<p>Additional exemptions have been included in the zone so that a permit is not required to alter or extend an existing house or an existing farm building if the additional floor area is less than 50 square metres or the floor area set by the council.</p>

How will the new zones be applied to land?

Councils will determine how and when the new zones will be applied. The translation to the new zones is required to be done either before or as part of the Council's next three year review of its planning scheme.

Availability of the new zones in the Victoria Planning Provisions

The two new zones – the Farming Zone and the Rural Activity Zone – will be introduced into the Victoria Planning Provisions in June, so they are available for Councils to apply. The Rural Conservation Zone is already available in the Victoria Planning Provisions.

The Rural Living Zone will be modified at the same time, and will apply immediately to land currently in the existing Rural Living Zone.

Application of the new zones to rural land

Councils will amend their planning schemes to apply the Farming Zone, Rural Conservation Zone and Rural Activity Zone to land. The process for amending planning schemes includes consultation with landowners.

The Government will help Councils to carry out the translation to the new zones where requested and appropriate.

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