

Reformed Residential, Commercial and Industrial Zones for Victoria

This advisory note provides information about the reformed zones introduced into the *Victoria Planning Provisions* by Amendment V8 and Amendment VC100.

This advisory note explains:

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

Why were the zones reformed?

Suggested reforms of, and improvements to, the State's planning zones were 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 included the release of draft zones for public comment for which over 2,000 submissions were received. Various government departments and agencies were also consulted about the proposed reformed zones. 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 zones?

Following the zones review, the Government approved changes to the residential, commercial and industrial zones. This includes nine deleted zones, five new zones and six amended zones. A summary is provided in the table below.



Other sections of planning schemes that relate to the operation of the reformed residential, commercial and industrial zones have also been reviewed to be consistent with the reformed zones. Reforms to the rural zones will be implemented in a later amendment.

Delete nine existing zones and schedules	Create five new zones and schedules	Amend six existing zones and five schedules
Residential 1 Zone	Residential Growth Zone	Low Density Residential Zone – no change to the schedule
Residential 2 Zone	General Residential Zone	Mixed Use Zone
Residential 3 Zone	Neighbourhood Residential Zone	Township Zone
Business 1 Zone	Commercial 1 Zone	Industrial 1 Zone
Business 2 Zone	Commercial 2 Zone	Industrial 2 Zone
Business 3 Zone		Industrial 3 Zone
Business 4 Zone		
Business 5 Zone		
Priority Development Zone*		

*Note: the Priority Development Zone will be deleted by July 2014 after consultation with local government.

The new and reformed zones:

- allow a broader range of activities to be considered
- simplify planning requirements
- improve the range of zones to better manage growth
- give greater clarity about the type of development that can be expected in each zone.

Residential zones

The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone were introduced into the *Victoria Planning Provisions* on 1 July 2013 by Amendment V8. These zones will replace the Residential 1, 2 and 3 zones, and the department is currently working with all councils to identify where the new zones will be applied. Advisory note 50 provides information about Amendment V8 and Practice note 78 provides guidance on how to apply the residential zones.

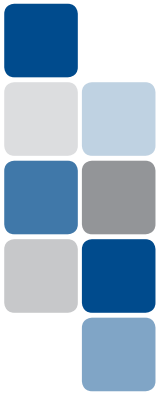
The Mixed Use Zone, Township Zone and Low Density Residential Zone have also been reviewed and reformed.

Changes have been made to all residential zones which require compliance with Clause 55 'ResCode'. The clause will now apply to dwellings and residential buildings up to and including four storeys.

Mixed Use Zone

The reformed Mixed Use Zone:

- allows local objectives, application requirements and decision guidelines to be specified
- allows a local maximum building height to be specified that cannot be exceeded
- allows key residential siting and design requirements to be varied for different neighbourhoods
- removes or reduces restrictions on non-residential land uses such as a place of worship, medical centre and convenience shop
- includes additional amenity requirements for buildings on lots abutting land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone or Township Zone
- allows multiple schedules to the zone



- removes the floorspace area restrictions from the schedule to the zone for office, shop and trade supplies
- allows a bed and breakfast use to accommodate 10 persons as-of-right.

Township Zone

The reformed Township Zone:

- allows local application requirements and decision guidelines to be specified
- allows a local maximum building height to be specified that cannot be exceeded
- allows key residential siting and design requirements to be varied for different neighbourhoods
- allows multiple schedules to the zone
- removes or reduces restrictions on non-residential land uses such as place of worship and medical centre
- allows a bed and breakfast use to accommodate 10 persons as-of-right.

The new and reformed residential zones, together with existing zones such as the Activity Centre Zone and Comprehensive Development Zone will give councils much better tools to identify where residential character will be protected and areas where urban densification will occur.

Low Density Residential Zone

The reformed Low Density Residential Zone allows lots to be subdivided to a minimum of 0.2 hectares where reticulated sewerage is connected or to a minimum of 0.4 hectares where not connected to reticulated sewerage, except where specified otherwise in a schedule to the zone. It also allows a bed and breakfast use to accommodate 10 persons and a small medical centre as-of-right.

Commercial zones

The five existing business zones have been consolidated into two new commercial zones:

- The Business 1 Zone, Business 2 Zone and Business 5 Zone have been consolidated into the Commercial 1 Zone

- The Business 3 Zone and Business 4 Zone have been consolidated into the Commercial 2 Zone.

Commercial 1 Zone

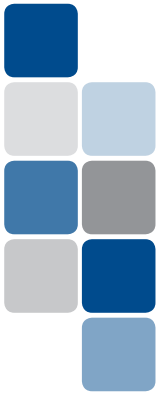
The new Commercial 1 Zone broadens the range of activities that land can be used for without the need for a planning permit and removes floor area restrictions. The Commercial 1 Zone:

- removes permit requirements for all Accommodation (other than a Corrective institution), all retail uses (except for Adult sex bookshop), and Exhibition centre. This includes allowing a Supermarket and Shop without a permit
- removes the conditions for Education centre and Office
- removes all floor space caps for Shop and Office in Melbourne metropolitan planning schemes but rural planning schemes will have existing schedules to the Business 1 and 2 zones migrated to a new Commercial 1 Zone schedule.

Commercial 2 Zone

The new Commercial 2 Zone provides more opportunities for office, commercial businesses, restricted retail premises, trade supplies and some limited retail activity. Floor area restrictions for office and some retail uses have been removed in many instances to create new opportunities for office and retail growth. The Commercial 2 Zone:

- does not require a permit to use land for a Cinema, Cinema-based entertainment facility, Food and drink premises, Office, Restricted retail premises and Trade supplies
- removes the maximum floor area restriction for an Office
- prohibits Accommodation (other than Caretakers house, Motel and Residential hotel)
- allows use for a small-scale Supermarket (less than 1800sqm) and associated Shops (less than 500sqm) without a permit in the Melbourne metropolitan area but requires a permit for these uses in rural municipalities.



Larger supermarkets and stand alone shops require a permit in the Melbourne metropolitan area and larger supermarkets are prohibited in rural municipalities

- requires that Supermarkets and associated Shops adjoin or have access to a main road in the Commercial 2 Zone.

Further information about the new commercial zones is available in the department's New Commercial Zones Fact Sheet.

Industrial zones

All of the industrial zones have been amended. The changes have:

- removed the default floor space area restriction for an office in the Industrial 1 Zone, Industrial 2 Zone and Industrial 3 Zone, with the ability to specify locally set floor area caps
- allowed a small scale supermarket of up to 1800 square metres with associated shops totalling 500 square metres, and allow convenience shops in the Industrial 3 Zone in Melbourne to create commercial opportunities and competition.

Further information on the changes is available in the department's Reformed Industrial Zones Fact Sheet.

When were the new zones implemented?

The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone were introduced into the *Victoria Planning Provisions* on 1 July 2013 by Amendment V8.

The new commercial zones, amended Low Density Residential Zone, Mixed Use Zone, Township Zone and industrial zones were introduced into the *Victoria Planning Provisions* and planning schemes on 15 July 2013 by Amendment VC100.

Residential zones

Changes to the Mixed Use Zone, Low Density Residential Zone and Township Zone became effective on 15 July 2013. The Department of Transport, Planning and Local Infrastructure

worked with councils to translate schedules to the new provisions where a schedule previously applied.

Details about the implementation of the General Residential Zone, Residential Growth Zone and Neighbourhood Residential Zone is provided in Advisory note 50 available online at <http://www.dpcd.vic.gov.au/planning/practicenotes>

Commercial zones

On 15 July 2013, land previously zoned Business 1, Business 2 and Business 5 was translated across to the Commercial 1 Zone and land previously zoned Business 3 and Business 4 was translated across to the Commercial 2 Zone. The Business 1, 2, 3, 4 and 5 zones were deleted from the VPP and all planning schemes. The Department of Transport, Planning and Local Infrastructure has worked with councils to translate schedules to the new provisions where a schedule previously applied.

Planning scheme map notation changes will not be initially required as the new commercial zones reference the previous business zones.

Industrial zones

Changes to the industrial zones became effective from 15 July 2013. Schedules that previously existed in the Industrial 1 and 3 zones were translated across to the amended zones in local planning schemes.

Priority Development Zone

The Priority Development Zone will be removed from the *Victoria Planning Provisions* and all planning schemes by a later amendment, following consultation with local government, to occur before July 2014.

Floor space caps from other controls

Overlays (such as the Incorporated Plan Overlay and the Development Plan Overlay) which include floor space provisions will be amended to delete those provisions throughout 2013, in consultation with local government (except for the Urban Growth Zone where floor space provisions will remain).



What is the background of the reformed zones?

The Government committed to improving the efficiency of the planning system by reviewing the operation of the zones. The Government released a set of proposed reformed zones in July 2012 for public comment. The reformed zones included a suite of new or amended residential, commercial, industrial and rural zones.

Public comment was sought on the proposed zone reforms until 28 September 2012. Over 2000 submissions were received to the proposed zones.

A Reformed Zones Ministerial Advisory Committee was established to consider all submissions and to advise the government on the zone reforms, including the final form of the zones and how they should be introduced, as well as recommending a set of criteria to help determine the appropriate spatial application of the reformed residential zones. The committee met with submitters and stakeholders including councils, individuals, community and industry groups. The committee provided the government with a Residential Zones Progress Report in December 2012. The remaining two reports on the commercial and industrial zones and the rural zones were provided to the government in February 2013.

The government supported the majority of the committee's recommendations and released a final set of residential zones in March 2013, and a final set of commercial and industrial zones in May 2013. Amendments V8 and VC100 implement the reforms approved by the government.

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 require a permit under the new provisions do not need to comply with existing permit requirements. Other planning scheme provisions and restrictions such as section 173 agreements or covenants may still apply.

Where a current permit application is no longer required because of the implementation of the new and reformed zones, the application cannot be determined by a council. A council can determine if a full or partial application fee refund is applicable.

Transitional provisions are included in the residential zones to ensure that no active applications are disadvantaged by the amendment. The transitional provisions mean active planning permit applications are not:

- subject to the more restrictive maximum height controls and maximum dwellings per lot controls in the Neighbourhood Residential Zone
- affected by the change that requires compliance with the 'ResCode' standards in Clause 55 for four-storey buildings. Previously Clause 55 only applied to buildings of three storeys or less.

Where can I get a copy of the reformed zones?

The reformed zones have been incorporated into the Victoria Planning Provisions and all planning schemes in Victoria. The Victoria Planning Provisions are 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.dpcd.vic.gov.au/planning

- Publications / Practice and advisory notes
- Practice note 78: Applying the residential zones, July 2013
- *Victoria Planning Provisions*
- Reformed Zones Ministerial Advisory Committee - Residential Zones Progress Report, 14 December 2012
- Reformed Zones Ministerial Advisory Committee - Commercial and Industrial Zones Report, February 2013
- Fact sheet: Reformed residential zones, July 2013
- Fact sheet: New commercial zones, July 2013
- Fact sheet: Improved industrial zones, July 2013.

Published by the Victorian Government Department of Transport, Planning and Local Infrastructure Melbourne, July 2013.

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