

**35.07**19/01/2006  
VC37**FARMING ZONE**

Shown on the planning scheme map as **FZ** with a number.

**Purpose**

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To protect and enhance natural resources and the biodiversity of the area.

**35.07-1**19/01/2006  
VC37**Table of uses****Section 1 – Permit not required**

<b>USE</b>	<b>CONDITION</b>
<b>Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry, Rice growing and Timber production)</b>	
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 5 animals.
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Bed and breakfast</b>	No more than 6 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Cattle feedlot</b>	Must meet the requirements of Clause 52.26.  The total number of cattle to be housed in the cattle feedlot must be 1000 or less.  The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994.  The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
<b>Carnival Circus</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.

USE	CONDITION
<b>Dependent person's unit</b>	<p>Must be the only dependent person's unit on the lot.</p> <p>Must meet the requirements of Clause 35.07-2.</p>
<b>Dwelling (other than Bed and breakfast)</b>	<p>Must be the only dwelling on the lot.</p> <p>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p>
<b>Home occupation</b> <b>Informal outdoor recreation</b> <b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation</b> <b>Natural systems</b> <b>Railway</b> <b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Timber production</b>	<p>Must meet the requirements of Clause 52.18.</p> <p>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</p> <p>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</p> <p>The plantation must not be within 100 metres of:</p> <ul style="list-style-type: none"> <li>• Any dwelling in separate ownership.</li> <li>• Any land zoned for residential, business or industrial use.</li> <li>• Any site specified on a permit which is in force which permits a dwelling to be constructed.</li> </ul> <p>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</p>
<b>Tramway</b>	

## Section 2 – Permit required

USE	CONDITION
<b>Animal boarding</b>	
<b>Broiler farm</b>	Must meet the requirements of Clause 52.31.
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Cattle feedlot – if the Section 1 condition is not met</b>	<p>Must meet the requirements of Clause 52.26.</p> <p>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</p>
<b>Cemetery</b> <b>Community market</b> <b>Crematorium</b>	
<b>Dependent person's unit – if the Section 1 condition is not met</b> <b>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 35.07-2.
<b>Emergency services facility</b>	
<b>Freeway service centre</b>	Must meet the requirements of Clause 52.30.
<b>Freezing and cool storage</b>	
<b>Group accommodation</b>	<p>Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.</p> <p>Must be no more than 6 dwellings.</p>
<b>Host farm</b> <b>Intensive animal husbandry (other than Broiler farm and Cattle feedlot)</b> <b>Interpretation centre</b> <b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b> <b>Manufacturing sales</b> <b>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b>	
<b>Place of assembly (other than Carnival and Circus)</b>	Must not be used for more than 10 days in a calendar year.
<b>Primary produce sales</b>	
<b>Residential hotel</b> <b>Restaurant</b>	Must be used in conjunction with Agriculture, Outdoor recreation facility, Rural industry, or Winery.
<b>Rice growing</b> <b>Rural industry</b> <b>Rural store</b> <b>Saleyard</b>	

USE	CONDITION
<b>Store (other than Freezing and cool storage and Rural store)</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Timber production – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 52.18.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b> <b>Wind energy facility</b> <b>Winery</b>	

### Section 3 - Prohibited

USE
<b>Accommodation (other than Dependent person's unit, Dwelling, Group accommodation, Host farm and Residential hotel)</b> <b>Industry (other than Rural industry)</b> <b>Motor racing track</b> <b>Retail premises (other than Community market, Manufacturing sales, Primary produce sales and Restaurant)</b> <b>Warehouse (other than Store)</b> <b>Any other use not in Section 1 or 2</b>

#### 35.07-2

19/01/2006  
VC37

#### Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

#### 35.07-3

19/01/2006  
VC37

#### Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further

subdivided so as to create a smaller lot for an existing dwelling. The agreement must be registered on title.

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

#### **35.07-4**

19/01/2006  
VC37

#### **Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area specified, 50 square metres.
  - An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in the schedule to this zone or, if no area specified, 100 square metres. The building must not be used to keep, board, breed or train animals.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

#### **35.07-5**

19/01/2006  
VC37

#### **Application requirements for dwellings**

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

#### **35.07-6**

19/01/2006  
VC37

#### **Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### **General issues**

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

### **Agricultural issues**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

### **Dwelling issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

### **Environmental issues**

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

### **Design and siting issues**

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

### **35.07-7**

19/01/2006  
VC37

#### **Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

#### **Notes:**

*Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

*Check whether an overlay also applies to the land.*

*Other requirements may also apply. These can be found at Particular Provisions.*