

35.02 ENVIRONMENTAL RURAL ZONE

Shown on the planning scheme map as **ERZ** with a number (if shown).

Purpose

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

To give effect to the environmental outcome specified in the schedule to this zone.

To conserve and permanently maintain flora and fauna species, soil and water quality and areas of historic, archaeological and scientific interest and areas of natural scenic beauty or importance so that the viability of natural eco-systems and the natural and historic environment is enhanced.

To encourage development and the use of the land which is in accordance with sound management and land capability practices, and which takes into account the environmental sensitivity and the bio-diversity of the locality.

To ensure that subdivision promotes effective land management practices and infrastructure provision.

35.02-1 Table of uses

Section 1 - Permit not required

USE	CONDITION
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Bed and breakfast	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.
Carnival	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Circus	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Dependent person's unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 35.02-2.
Home occupation Informal outdoor recreation Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.

Section 1 - Permit not required (continued)

USE	CONDITION
Minor utility installation Natural systems Railway Road	
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	

Section 2 - Permit required

USE	CONDITION
Accommodation (other than Dependent person's unit and Dwelling) Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry, and Timber production)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone. The site must not have direct access to a rural freeway.
Convenience shop	The leaseable floor area must not exceed 80 square metres. The site must not have direct access to a rural freeway.
Dependent person's unit - if the Section 1 condition is not met	Must meet the requirements of Clause 35.02-2.
Dwelling (other than Bed and breakfast)	Must meet the requirements of Clause 35.02-2.
Food and drink premises (other than Convenience restaurant and Take away food premises)	The site must not have direct access to a rural freeway.
Freeway service centre	Must meet the requirements of Clause 52.30.

Section 2 - Permit required (continued)

USE	CONDITION
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Medical centre	
Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)	
Place of assembly (other than Amusement parlour, Carnival, Circus, and Nightclub)	
Plant nursery	
Postal agency	
Primary produce sales	
Rural industry (other than Abattoir and Sawmill)	
Service station	<p>The site must either:</p> <ul style="list-style-type: none">• Adjoin a business zone or industrial zone.• Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p> <ul style="list-style-type: none">• 3000 square metres.• 3600 square metres if it adjoins on two boundaries a road in a Road Zone. <p>The site must not have direct access to a rural freeway.</p>
Store	<p>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.</p>
Take away food premises	<p>The site must adjoin, or have access to, a road in a Road Zone.</p> <p>The site must not have direct access to a rural freeway.</p>
Timber production	<p>Must meet the requirements of Clause 52.18.</p>
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Abattoir
Amusement parlour
Animal boarding
Brothel
Cinema based entertainment facility

Section 3 – Prohibited (continued)

USE

Industry (other than Car wash and Rural industry)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Food and drink premises, Plant nursery, Postal agency, and Primary produce sales)
Saleyard
Sawmill
Transport terminal
Warehouse (other than Store)

35.02-2 Dwellings

A lot may be used for one or more dwellings provided the following requirements are met:

- Access to a dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the responsible authority.
- 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 to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

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

35.02-3 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 35.02-1.
- 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:
 - 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1.
 - 40 metres from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.
 - 20 metres from any other road.
 - 5 metres from any other boundary.
 - 100 metres from a dwelling not in the same ownership.
 - 100 metres from a waterway, wetlands or designated flood plain.
- A dam which is any of the following:
 - A capacity greater than that specified in the schedule to this zone.
 - In a permanent waterway.
 - Diverts water from a permanent waterway.
- An outbuilding which has dimensions greater than those specified in the schedule to this zone.

35.02-4 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.

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

- The subdivision is the re-subdivision of existing lots. The number of lots must not be increased and all lots must be at least 0.4 hectare.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone. All lots must be at least 0.4 hectare. 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.

35.02-5 Application requirements

An application to subdivide land must be accompanied by a report which explains how the proposed subdivision:

- Promotes the purposes of this zone.
- Responds to the decision guidelines for this zone.
- Responds to any additional objectives and performance requirements set out in any relevant Local Planning Policy in this scheme.

35.02-6 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 Catchment and Land Protection Strategy and policies applying to the land.
- The capability of the land to accommodate the proposed use or development, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns.
- How the use or development relates to natural resource management.
- Whether the dwelling is reasonably required for the operation of the environmental rural activity conducted on the land.

Rural issues

- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining and nearby land uses.
- The farm size and the productive capacity of the site to sustain the rural enterprise and whether the use or development will have an adverse impact on surrounding land uses.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed infrastructure.

Environmental issues

- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The protection and enhancement of the natural environment and the character of the area, including the retention of vegetation and fauna habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridge lines, property boundaries, discharge areas and recharge areas.
- 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.

Design and siting issues

- The design, colours and materials to be used and the siting, including the provision of development and effluent envelopes for any building or works.
- The impact of the use or development on the existing and surrounding rural uses.
- The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.

35.02-7 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.