

### 35.03 RURAL LIVING ZONE

Shown on the planning scheme map as **RLZ** 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 residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

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

#### 35.03-1 Table of uses

##### Section 1 - Permit not required

USE	CONDITION
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 2 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>Carnival Circus</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.  Must meet the requirements of Clause 35.03-2.
<b>Dwelling (other than Bed and breakfast)</b>	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 8 hectares.  Must be the only dwelling on the lot.  Must meet the requirements of Clause 35.03-2.
<b>Home occupation Informal outdoor recreation Mineral exploration</b>	

**Section 1 - Permit not required (continued)**

<b>USE</b>	<b>CONDITION</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>Tramway</b>	

**Section 2 - Permit required**

<b>USE</b>	<b>CONDITION</b>
<b>Accommodation (other than Dependent person's unit and Dwelling)</b> <b>Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry and Timber production)</b>	
<b>Animal boarding</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Community market</b>	
<b>Convenience shop</b>	The leaseable floor area must not exceed 80 square metres.  The site must not have direct access to a rural freeway.
<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 35.03-2.
<b>Freeway service centre</b>	Must meet the requirements of Clause 52.30.
<b>Hotel</b>	The site must not have direct access to a rural freeway.
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b> <b>Medical centre</b> <b>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b> <b>Place of assembly (other than Amusement parlour, Carnival, Circus, and Nightclub)</b>	

## Section 2 - Permit required (continued)

USE	CONDITION
Plant nursery Postal agency Primary produce sales	
Restaurant	The site must not have direct access to a rural freeway.
Rural industry (other than Abattoir and Sawmill)	
Service station	The site must either: <ul style="list-style-type: none"><li>• Adjoin a business zone or industrial zone.</li><li>• Adjoin, or have access to, a road in a Road Zone.</li></ul> The site must not exceed either: <ul style="list-style-type: none"><li>• 3000 square metres.</li><li>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</li></ul> The site must not have direct access to a rural freeway.
Store	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.
Tavern	The site must not have direct access to a rural freeway.
Timber production	Must meet the requirements of Clause 52.18.
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
Brothel
Cinema based entertainment facility
Industry (other than Rural Industry)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Community market, Convenience shop, Hotel, Plant nursery, Postal agency, Primary produce sales, Restaurant and Tavern)
Saleyard
Sawmill
Transport terminal
Warehouse (other than Store)

### **35.03-2 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.

### **35.03-3 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 8 hectares.

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

- 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 number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone. 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.

### **35.03-4 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 35.03-1. 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 is specified, 50 square metres.
- 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 the schedule to this zone or, if no setback is specified, 30 metres.
  - The setback from any other road or boundary specified in the schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in the schedule to this zone.
  - 100 metres from a waterway, wetlands or designated flood plain.

### **35.03-5 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.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

### **Agricultural issues**

- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

### **Environmental issues**

- The 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 need to protect and enhance the biodiversity of the area, including the need to retain 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 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 or development will require traffic management measures.

### **35.03-6 Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

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**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.*