

## 35.01 RURAL ZONE

Shown on the planning scheme map as **RUZ** 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 provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and Timber production).

To encourage:

- An integrated approach to land management.
- Protection and creation of an effective rural infrastructure and land resource.
- Improvement of existing agricultural techniques.
- Protection and enhancement of the bio-diversity of the area.
- Value adding to agricultural products at source.
- Promotion of economic development compatible with rural activities.
- Development of new sustainable rural enterprises.

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

### 35.01-1 Table of uses

#### Section 1 - Permit not required

USE	CONDITION
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.
Cattle feedlot	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.

## Section 1 - Permit not required (continued)

USE	CONDITION
<b>Circus</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Crop raising (other than Rice growing and Timber production)</b>	
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.  Must meet the requirements of Clause 35.01-2.
<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 40 hectares.  Must be the only dwelling on the lot.  Must meet the requirements of Clause 35.01-2.
<b>Extensive animal husbandry Home occupation Informal outdoor recreation Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation Natural systems Railway 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.
<b>Timber production</b>	Must meet the requirements of Clause 52.18.  The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.  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.  The plantation must not be within 100 metres of: <ul style="list-style-type: none"> <li>• Any dwelling in separate ownership.</li> <li>• Any land zoned for residential, business or industrial use.</li> </ul> Any site specified on a permit which is in force which permits a dwelling to be constructed.

## Section 1 - Permit not required (continued)

USE	CONDITION
	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.
<b>Tramway</b>	

## Section 2 - Permit required

USE	CONDITION
<b>Accommodation (other than Dependent person's unit and Dwelling)</b> <b>Agriculture (other than Apiculture, Cattle feedlot, Crop raising and Extensive animal husbandry)</b>	
<b>Cattle feedlot - if the Section 1 condition is not met</b>	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots - August 1995.
<b>Convenience shop</b>	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>	Must meet the requirements of Clause 35.01-2.
<b>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</b>	Must meet the requirements of Clause 35.01-2.
<b>Equestrian supplies</b>	
<b>Freeway service centre</b>	Must meet the requirements of Clause 52.30.
<b>Leisure and recreation (other than Informal outdoor recreation)</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>	
<b>Retail premises (other than Shop)</b>	The site must not have direct access to a rural freeway.
<b>Rice growing</b>	
<b>Service station</b>	The site must not have direct access to a rural freeway.

## Section 2 - Permit required (continued)

USE	CONDITION
Timber production - if the Section 1 condition is not met	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
Brothel
Cinema based entertainment facility
Shop (other than Convenience shop and Equestrian supplies)

### 35.01-2 Dwellings

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

- Access must be provided via an all-weather road and be of adequate dimension 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 Environmental 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.

### 35.01-3 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 35.01-1.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule. Earthworks include landforming, laser grading, levee banks, lanes, tracks, aqueducts, surface and subsurface drains and any associated structures.
- 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.
  - On a permanent waterway.
  - Diverts water from a permanent waterway.

#### **35.01-4 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. 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 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, unless creating a lot for an existing dwelling. The agreement must be registered on title.
- The subdivision is to create a lot for an existing dwelling. Only one additional lot which does not contain a dwelling may be created in the subdivision. Each lot must be at least 0.4 hectare.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

#### **35.01-5 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.

#### **35.01-6 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 rural land use, rural diversification and natural resource management.
- Whether the dwelling is reasonably required for the operation of the rural activity conducted on the land.

## **Rural issues**

- The maintenance of farm production and the impact on the rural economy.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining and nearby farming and other 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 requirements of any existing or proposed rural industry.
- The impact on the existing and proposed rural infrastructure.
- An assessment of industry requirements, growth expectations, staging of the development and investment requirements.

## **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 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.

### **35.01-7 Advertising signs**

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

---

#### **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.*