

**35.03**

31/07/2018  
VC148

**RURAL LIVING ZONE**

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

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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**

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**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Bed and breakfast</b>	No more than 10 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>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<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>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<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 2 hectares.  Must be the only dwelling on the lot.  Must meet the requirements of Clause 35.03-2.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	Must be no more than 100 poultry (not including emus or ostriches).  Must be no more than 10 emus and ostriches.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
<p>Accommodation (other than Community care accommodation, Dependent person's unit and Dwelling)</p>	
<p>Agriculture (other than Apiculture, Broiler farm, Domestic animal husbandry, Intensive animal production, Racing dog husbandry and Timber production)</p>	
<p>Bar</p>	<p>The site must not have direct access to a rural freeway.</p>
<p>Broiler farm - if the Section 1 condition to Poultry farm is not met</p>	<p>Must be no more than 10,000 chickens.</p>
<p>Car park</p>	<p>Must be used in conjunction with another use in Section 1 or 2.</p>
<p>Convenience shop</p>	<p>The leasable floor area must not exceed 80 square metres.</p> <p>The site must not have direct access to a rural freeway.</p>
<p>Dependent person's unit - if the Section 1 condition is not met</p>	<p>Must meet the requirements of Clause 35.03-2.</p>
<p>Domestic animal boarding</p>	
<p>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</p>	<p>Must meet the requirements of Clause 35.03-2.</p>
<p>Freeway service centre</p>	<p>Must meet the requirements of Clause 53.05.</p>
<p>Hotel</p>	<p>The site must not have direct access to a rural freeway.</p>
<p>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</p>	
<p>Market</p>	
<p>Medical centre</p>	
<p>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</p>	
<p>Plant nursery</p>	
<p>Postal agency</p>	
<p>Primary produce sales</p>	
<p>Racing dog husbandry – if the Section 1 condition is not met</p>	<p>Must meet the requirements of Clause 53.12.</p>
<p>Restaurant</p>	<p>The site must not have direct access to a rural freeway.</p>

## VICTORIA PLANNING PROVISIONS

Use	Condition
<b>Rural industry (other than Abattoir and Sawmill)</b>	
<b>Service station</b>	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Road Zone.</li> </ul> <p>The site must not exceed either:</p> <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> <p>The site must not have direct access to a rural freeway.</p>
<b>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</b>	Must meet the requirements of Clause 53.11.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Abattoir</b>
<b>Amusement parlour</b>
<b>Brothel</b>
<b>Cinema based entertainment facility</b>
<b>Industry (other than Rural Industry)</b>
<b>Intensive animal production</b>
<b>Motor racing track</b>
<b>Nightclub</b>
<b>Office (other than Medical centre)</b>
<b>Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant)</b>
<b>Saleyard</b>
<b>Sawmill</b>
<b>Transport terminal</b>
<b>Warehouse (other than Store)</b>

**35.03-2**

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**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.

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**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 2 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.
- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12

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**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 provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
- An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in the schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.
- A rainwater tank.
- 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 distance 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.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where the land is not: <ul style="list-style-type: none"> <li>▪ Used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</li> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> </ul> Any works must not be earthworks specified in the schedule to the zone.	Clause 59.13

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**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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

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**Signs**

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