

Making a planning application for a dwelling or subdivision in the rural zone

Managing the construction of dwellings in rural areas is important for the protection and facilitation of agricultural activity, for the provision of infrastructure and services and for the protection of the rural landscape and environment.

Poorly located dwellings in rural areas can compromise agricultural activity by removing land from agricultural use and can increase the potential for complaints about noise, smells and sprays.

The primary purpose of the Rural zone is agricultural activity. Dwellings will generally only be permitted in the Rural zone where they are required for the conduct of an agricultural activity on the site and will not impact on farming operations in the area.

A permit for a dwelling in the Rural zone is generally only to be approved where:

- It is required for the conduct of an agricultural activity on the land
- It will not compromise the agricultural activity on surrounding land
- It can be supplied with all weather access, power, water and waste disposal
- It will not have a significant impact on the environment
- It will not be detrimental to the rural landscape
- It will be connected to a reticulated potable water supply or have an alternative potable water supply
- The lot must be at least the area specified in a schedule to the zone. If no area is specified, the lot must be at least 40 hectares

To use land for a dwelling in the Rural zone, you must provide:

- Access from an all weather road (ie. a road that can provide access to emergency vehicles and two wheel drives in most weather conditions)
- Appropriate effluent disposal
- Sufficient water supply for domestic and fire fighting purposes
- Appropriate power supply

Subdivision in the rural zone

It is State Planning Policy to protect productive agricultural land. The subdivision of rural land can sometimes facilitate the appropriate use of agricultural land but can also prejudice its ongoing use for agricultural activity.

A permit is required to subdivide land in the Rural zone. One of the purposes of the Rural zone is to ensure that subdivision promotes effective land management practices and infrastructure provision.

Each lot must be at least the area specified for the land in a schedule to the 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 be increased and all lots be at least 0.4 hectare.
- The number of lots is not 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 Planning and Environment Act 1987 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

An application to subdivide 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 the Planning Scheme