

Part D

Zones

13.0 Rural Living Zone

13.1 Zone Purpose

13.1.1 Zone Purpose Statements

13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.

13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.

13.1.1.3 To provide for agricultural uses that do not adversely impact on residential amenity.

13.1.1.4 To facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages.

13.1.1.5 To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.

13.1.1.6 To provide for use and development that respects the natural landscape.

13.1.2 Local Area Objectives

Local Area Objectives	Implementation Strategy
There are no Local Area Objectives for this Zone.	

13.1.3 Desired Future Character Statements

Desired Future Character Statements	Implementation Strategy
There are no Desired Future Character Statements for this Zone.	

13.2 Use Table

No Permit Required	
Use Class	Qualification
Educational and occasional care	Only if for home-based child care in accordance with a licence under the <i>Child Care Act 2001</i>

Natural and Cultural Values Management	
Passive Recreation	
Residential	Only if single dwelling or home-based business.
Utilities	Only if minor utilities
Permitted	
Use Class	Qualification
Resource Development	Only if for agricultural use
Visitor accommodation	
Discretionary	
Use Class	Qualification
Bulky goods	Only if garden and landscape supplies
Business and professional services	Only a veterinary surgery.
Community meeting and entertainment	Only if church, art and craft centre or public hall
Domestic animal breeding, boarding or training	
Educational and occasional care	Except if No Permit Required. Only if day respite facility.
Emergency services	
General retail and hire	Only if roadside stall.
Resource Development	Except if permitted.
Resource Processing	Only if winery or similar
Sports and recreation	
Utilities	Except if No Permit Required.
Prohibited	
Use Class	Qualification

All other uses	
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13.3 Use Standards

13.3.1 Non-Residential Use

Objective:	
To ensure that non-residential use does not unreasonably impact residential amenity.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Hours of operation must be within:</p> <ul style="list-style-type: none"> (a) 8.00 am to 6.00 pm Mondays to Fridays inclusive; (b) 9.00 am to 12.00 noon Saturdays; (c) nil Sundays and Public Holidays; <p>except for office and administrative tasks or visitor accommodation.</p>	<p>P1</p> <p>Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.</p>
<p>A2</p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <ul style="list-style-type: none"> (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm; (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am; (c) 65dB(A) (LAmax) at any time. 	<p>P2</p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>
<p>A3</p> <p>External lighting must comply with all of the following:</p> <ul style="list-style-type: none"> (a) be turned off between 6:00 pm and 8:00 am, except for security lighting; (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land. 	<p>P3</p> <p>External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) level of illumination and duration of lighting; (b) distance to habitable rooms in an adjacent dwelling.

<p>A4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 20 vehicle movements per day and be within the hours of:</p> <p>(a) 7.00 am to 5.00 pm Mondays to Fridays inclusive;</p> <p>(b) 9.00 am to 12 noon Saturdays;</p> <p>(c) nil on Sundays and Public Holidays.</p>	<p>P4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>
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13.3.2 Visitor Accommodation

Objective:	
To ensure visitor accommodation is of a scale that accords with the semi-rural character and use of the area.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Visitor accommodation must comply with all of the following:</p> <p>(a) is accommodated in existing buildings;</p> <p>(b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) has a floor area of no more than 160m².</p>	<p>P1</p> <p>Visitor accommodation must satisfy all of the following:</p> <p>(a) not adversely impact residential amenity and privacy of adjoining properties;</p> <p>(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</p> <p>(c) be of an intensity that respects the character of use of the area;</p>

	(d) not adversely impacts the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.
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13.4 Development Standards for Buildings and Works

13.4.1 Building Height

Objective:	
To ensure that building height contributes positively to the landscape character and does not result in unreasonable impact on residential amenity of adjoining land.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Building height must not be more than:</p> <p style="padding-left: 40px;">8.5 m.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape of the area;</p> <p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <p style="padding-left: 40px;">(i) overlooking and loss of privacy;</p> <p style="padding-left: 40px;">(ii) visual impact when viewed from adjoining lots, due to bulk and height;</p> <p>(c) be reasonably necessary due to the slope of the site;</p> <p>(d) be no more than 10 m.</p>

13.4.2 Setback

Objective:	
To maintain desirable characteristics of the landscape, protect amenity of adjoining lots, avoid land use conflict and fettering of use on adjoining rural land and protect environmental values on adjoining land zoned Environmental Management.	
Acceptable Solutions	Performance Criteria
A1	P1

<p>Building setback from frontage must be no less than:</p> <p>20 m.</p>	<p>Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the prevailing setbacks of existing buildings on nearby lots; (c) the size and shape of the site; (d) the location of existing buildings on the site; (e) the proposed colours and external materials of the building; (f) the visual impact of the building when viewed from an adjoining road; (g) retention of vegetation.
<p>A2</p> <p>Building setback from side and rear boundaries must be no less than:</p> <p>10 m.</p>	<p>P2</p> <p>Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the size and shape of the site; (c) the location of existing buildings on the site; (d) the proposed colours and external materials of the building; (e) visual impact on skylines and prominent ridgelines; (f) impact on native vegetation; (g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by: <ul style="list-style-type: none"> (i) overlooking and loss of privacy; (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.

13.4.3 Design

Objective:	
To ensure that the location and appearance of buildings and works minimises adverse impact on the landscape.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p> <ul style="list-style-type: none"> (a) be located within a building area, if provided on the title; (b) be an addition or alteration to an existing building. (c) be located on a site that does not require the clearing of native vegetation and is not on a skyline or ridgeline. 	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) be located on a skyline or ridgeline only if: <ul style="list-style-type: none"> (i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope; (ii) there is no significant impact on the rural landscape; (iii) building height is minimised; (iv) any screening vegetation is maintained. (b) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape. (c) be located in an area requiring the clearing of native vegetation only if: <ul style="list-style-type: none"> (i) there are no sites clear of native vegetation or any such areas are not suitable for development due to access difficulties or excessive slope; (ii) the extent of clearing is the minimum necessary to provide for buildings, associated works and associated bushfire protection measures.
<p>A2</p> <p>Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.</p>	<p>P2</p> <p>Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring</p>

	land and detracting from the contribution the site makes to the landscape, views and vistas.
<p>A3</p> <p>The combined gross floor area of buildings must be no more than:</p> <p>375 m².</p>	<p>P3</p> <p>The combined gross floor area of buildings must satisfy all of the following:</p> <p>(a) there is no unreasonable adverse impact on the landscape;</p> <p>(b) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;</p> <p>(c) be consistent with any Desired Future Character Statements provided for the area;</p>
<p>A4</p> <p>Fill and excavation must comply with all of the following:</p> <p>(a) height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;</p> <p>(b) extent is limited to the area required for the construction of buildings and vehicular access.</p>	<p>P4</p> <p>Fill and excavation must satisfy all of the following:</p> <p>(a) does not detract from the landscape character of the area;</p> <p>(b) does not unreasonably impact upon the privacy for adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining land.</p>

13.4.4 Outbuildings

Objective:	
To ensure that the size and number of outbuildings does not detract from the amenity of the area and does not visually dominate an associated dwelling.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:</p> <p>(a) have a combined gross floor area no more than 100 m²;</p>	<p>P1</p> <p>Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:</p> <p>(a) be less visually prominent than the existing or proposed dwelling on the site;</p>

(b) have a wall height no more than 6.5 m and a building height not more than 7.5 m;	(b) be consistent with the scale of outbuildings on the site or in close visual proximity
(c) have setback from frontage no less than that of the existing or proposed dwelling on the site.	(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.

13.4.5 Outdoor Storage Areas

Objective:	
To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Outdoor storage areas for non-residential uses must comply with all of the following:</p> <p>(a) be located behind the building line;</p> <p>(b) all goods and materials stored must be screened from public view;</p> <p>(c) not encroach upon car parking areas, driveways or landscaped areas.</p>	<p>P1</p> <p>Outdoor storage areas for non-residential uses must satisfy all of the following:</p> <p>(a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality;</p> <p>(b) not encroach upon car parking areas, driveways or landscaped areas.</p>

13.5 Development Standards for Subdivision

13.5.1 Lot Design

Objective:	
To provide for new lots that:	
<p>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</p> <p>(b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;</p> <p>(c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas.</p>	
Acceptable Solutions	Performance Criteria

<p>A1</p> <p>The size of each lot must be no less than the following, except if for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority:</p> <p>as specified in Table 13.1.</p>	<p>P1</p> <p>No Performance Criteria.</p>
<p>A2</p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; (d) has an average slope of no more than 1 in 5; (e) is a minimum of 30 m x 30 m in size. 	<p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) is reasonably capable of accommodating residential use and development; (b) meets any applicable standards in codes in this planning scheme; (c) enables future development to achieve reasonable solar access, given the slope and aspect of the land; (d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;
<p>A3</p> <p>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</p> <p>40 m.</p>	<p>P3</p> <p>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:</p> <p>6m.</p>
<p>A4</p> <p>No lot is an internal lot. ^[R1]</p>	<p>P4</p> <p>An internal lot must satisfy all of the following:</p>

	<ul style="list-style-type: none"> (a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land; (b) it is not reasonably possible to provide a new road to create a standard frontage lot; (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot; (d) the lot will contribute to the more efficient utilisation of rural living land; (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use; (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m; (g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot; (h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road; (i) a sealed driveway is provided on the access strip prior to the sealing of the final plan. (j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.
<p>A5</p> <p>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p>P5</p> <p>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>

Footnotes

[R1] Generally, new internal lots are not appropriate and any subdivisions in which new roads are constructed are not to include internal lots.

They should only be contemplated in existing developed areas (in order to make more efficient use

of previously poorly subdivided land).

They may also be appropriate if fronting certain forms of public open space instead of a public road. Such arrangements may be designed into an area through the development of a Specific Area Plan.

13.5.2 Roads

Objective:	
To ensure that the arrangement of new roads within a subdivision provides for all of the following:	
<ul style="list-style-type: none"> (a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian and cycling traffic; (c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>The subdivision includes no new road.</p>	<p>P1</p> <p>The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised; (b) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority; (c) the subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries; (d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy; (e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum; (f) internal lots are not created;

	<ul style="list-style-type: none"> (g) connectivity with the neighbourhood road network is maximised; (h) the travel distance between key destinations such as shops and services is minimised; (i) walking, cycling and the efficient movement of public transport is facilitated; (j) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A; (k) multiple escape routes are provided if in a bushfire prone area.
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13.5.3 Ways and Public Open Space

Objective:	
To ensure that the arrangement of ways and public open space provides for all of the following:	
<ul style="list-style-type: none"> (a) the provision of safe, convenient and efficient connections for accessibility, mobility and recreational opportunities for the community; (b) the adequate accommodation of pedestrian and cycling traffic; (c) the adequate accommodation of equestrian traffic. 	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <ul style="list-style-type: none"> (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate; (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate; (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;

	<p>(d) topographical and other physical conditions of the site are appropriately accommodated in the design;</p> <p>(e) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</p> <p>(f) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.</p>
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>Public Open Space must be provided as land or cash in lieu, in accordance with the Kingborough Public Open Space Contribution Policy, Policy 6.3, November 2021.</p>

13.5.4 Services

Objective:	
To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot must be connected to a reticulated potable water supply where such a supply is available. ^{R1}</p>	<p>P1</p> <p>No Performance Criteria.</p>
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>
<p>A3</p> <p>Each lot must be connected to a stormwater system able to service the building area by gravity. ^{R2}</p>	<p>P3</p> <p>Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.</p>

13.5.4.R1 The Water and Sewer Corporation governs specific details separately to the planning scheme.

13.5.4.R2 The Stormwater Management Code governs specific details.

Table 13.1 Minimum Lot Size

Rural Living Zone Area	Minimum Lot Size	Area defined by map overlay?
Rural Living Zone - Area A	2.5 ha	Yes
Rural Living Zone - Area B	5 ha	No