

## PART 4

# ZONES

### *Division 1: Rural Zone*

#### **About the Rural Zone**

- The Rural Zone, as identified on Maps A1 – A8, A10 – A11 & A13 – A16, contains those areas of the Shire predominantly used for agriculture and grazing purposes, and other rural uses.
- The Rural Zone contains a distinct sub area, being:
  - Rural – Historically Subdivided Area as identified on Maps A14 – A16.

The Rural Zone Code regulates new uses and works in relation to their impacts on the natural values of the environment, separation distances between incompatible land uses, their scale and location.

#### **4.1.1 Assessment tables for the Rural Zone**

##### **(1) Assessment categories for the Rural Zone**

The assessment categories<sup>6</sup> are identified for development in the Rural Zone in Column 2 of Tables 4.1.1(1) and 4.1.1(2) as follows:

- (a) Table 4.1.1(1)—making a material change of use<sup>7</sup> for a defined use, or another use in a defined use class, listed in Column 1; or
- (b) Table 4.1.1(2)—other development<sup>8</sup> listed in Column 1, including:
  - (i) operational work;
  - (ii) reconfiguring a lot; and
  - (iii) carrying out operational work for reconfiguring a lot.

##### **(2) Relevant assessment criteria for self assessable and assessable development in the Rural Zone**

The relevant assessment criteria in the Rural Zone are referred to in Column 3 of Tables 4.1.1(1) and 4.1.1(2).

For self-assessable development and development requiring code assessment, the relevant assessment criteria are applicable codes.

<sup>6</sup> Information about assessment categories is provided in the Fitzroy Shire Planning Scheme User's Guide

<sup>7</sup> Works associated with an application for a material change of use may be assessed together with the material change of use. Also, see Fitzroy Shire Planning Scheme Explanatory Notes giving examples which explain the type of development involved in different proposals.

<sup>8</sup> See Fitzroy Shire Planning Scheme Explanatory Notes giving examples which explain the type of development involved in different proposals.

<b>TABLE 4.1.1 (1)</b> <b>ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE RURAL ZONE – MAKING A MATERIAL CHANGE OF USE</b>		
<b>Column 1</b> <b>Defined use or use class<sup>9/10</sup></b>	<b>Column 2 Assessment Category-</b> <b>(where Self Assessable development Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9)</b>	<b>Column 3</b> <b>Relevant criteria<sup>11</sup> - is the applicable codes for self assessable and code assessable development.</b>
<b>Rural Use Class</b>		
Agriculture	Self assessable	Rural Zone Code; Development Standards Code; and Agricultural Use Code
Animal Husbandry/Grazing	Exempt	N/A
Roadside Stall	Self assessable where use area does not exceed 10m <sup>2</sup> Code assessable where criteria for self assessable do not apply	Rural Zone Code; and Development Standards Code
Rural Dwelling	Self assessable except where located in the Rural – Historically Subdivided Area Impact assessable where located in the Rural – Historically Subdivided Area	Rural Zone Code; Development Standards Code; and House Code
All other uses in the Rural Use Class	Impact assessable	
<b>Residential Use Class</b>		
Home Based Business; House	Self assessable except where located in the Rural – Historically Subdivided Area Impact assessable if located in the Rural – Historically Subdivided Area	Rural Zone Code; and Development Standards Code; Home Based Business Code; and House Code
Home Host Accommodation	Code assessable except where located in the Rural – Historically Subdivided Area Impact assessable if located in the Rural – Historically Subdivided Area	Rural Zone Code; and Development Standards Code ; Home Host Accommodation Code; and House Code
All other uses in the Residential Use Class	Impact assessable	
<b>Commercial Use Class</b>		
Off Street Car Park; Plant Nursery	Code assessable	Rural Zone Code; and Development Standards Code; and Commercial Development Code.
All other uses in the Commercial Use Class	Impact assessable	
<b>Industrial Use Class</b>		
All uses in the Industrial Use Class	Impact assessable	
<b>Community Use Class</b>		
Open space	Exempt	N/A
Public facility – operational	Exempt	N/A
All other uses in the Community Use Class	Impact assessable	

<sup>9</sup> See Dictionary (Division 1 Schedule A (Defined Uses and Use Classes)).

<sup>10</sup> Department of Main Roads should be contacted to consent to the access arrangements for any new use with frontage to a State Controlled Road.

<sup>11</sup> For impact assessable development the 'relevant assessment criteria' are provided for assistance and in no way affect the regard given to the planning scheme as a whole in accordance with section 3.5.5 of the IPA.

<b>TABLE 4.1.1 (2)</b>		
<b>ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE RURAL ZONE OTHER DEVELOPMENT</b>		
Column 1 Defined use or use class	Column 2 Assessment Category- (where Self Assessable development Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9)	Column 3 Relevant criteria <sup>12</sup> - is the applicable codes for self assessable and code assessable development.
<b>Operational Works</b>		
Works - Roads	Code assessable	Rural Zone Code; Development Standards Code
Works – Bridges (eg traffic, barriers, pedestrian safety rails, retaining walls and street lighting)		
Works – Earth Dams and Detention Basins	Exempt in the Rural zone where not a Rural use as defined in Part 2 Division 1: Schedule A – Defined Uses and Use Classes	
Works – Stormwater Drainage	Self-assessable	
Works – Site Works		
Works – Erosion Control and Stormwater Management	Code assessable	
Works – Cycleway and Pathway		
Works – Bushfire Protection	Self assessable	
Works – Water	Code assessable	
Works – Sewerage		
Works – Car Parking and Access	Self assessable	
Works – Parks, Landscaping and Street Trees		
Works – Electricity and Telecommunications		
<b>Reconfiguring a Lot</b>		
All circumstances	Code assessable; 1. Where the size of any additional lots created is; (i) Not more than 5% below, (ii) Equal to, or (iii) Greater than, the relevant specified minimum lot sizes in the Reconfiguring a Lot Code; or 2. Where no additional lots are created and the proposal is for the rearrangement of existing lot boundaries. Impact assessable where circumstances for Code assessable do not apply	Rural Zone Code Reconfiguring a Lot Code; and Development Standards – Reconfiguring a Lot Code
<b>Carrying out operational work for reconfiguring a lot</b>		
All circumstances	Self assessable	Rural Zone Code Reconfiguring a Lot Code; and Development Standards – Reconfiguring a Lot Code
<b>Other</b>		
All other development	Exempt	

<sup>12</sup> For impact assessable development the 'relevant assessment criteria' are provided for assistance and in no way affect the regard given to the planning scheme as a whole in accordance with section 3.5.5 of the IPA.

#### 4.1.2 Rural Zone Code

##### (1) Rural Zone Code

The provisions in this division comprise the Rural Zone Code. They are:

- (i) the Purpose of the Rural Zone Code – Section (2); and
- (ii) the Specific Outcomes, Probable Solutions and Acceptable Solutions for the Rural Zone – Table 4.1.2. Rural Zone.

##### (2) The Purpose of the Rural Zone Code

The purpose of the Rural Zone Code is to achieve the following overall outcomes, specific to identified Areas, and in the Rural Zone generally:

- (a) The overall outcomes sought for the **Rural - Historically Subdivided Area** are;
  - (i) Historically subdivided land at Egan's Hill and along the Fitzroy River is used predominantly for agricultural and grazing purposes;
  - (ii) Land is not provided with rural standard services; and
  - (iii) Development for the amalgamation of lots is encouraged.
- (b) The overall outcomes sought for **all Rural Zoned land** are;
  - (i) Agriculture and grazing purposes, dominate the land uses within the Zone;
  - (ii) Land is provided with rural standard services;
  - (iii) Rural character, including rural and agricultural landscapes, is protected;
  - (iv) Overall water quality is maintained and enhanced where possible by the protection of natural features such as watercourses, soil landscapes and native vegetation and the spread or increase of weeds and pest animals is prevented;
  - (v) Intensive agriculture and intensive animal husbandry uses locate in the Zone, provided that it is demonstrated through the application process that both on-site and off-site impacts of the development are managed so as not to pose a risk to the natural environment;
  - (vi) Those Rural Uses which have significant smell, noise or other impacts are located away from towns and villages to protect the amenity of those towns and villages; and
  - (vii) Some non-rural uses such as recreational based uses, home based businesses, home host accommodation, educational or tourism related uses of a low intensity and scale, and mining and extractive industry uses occur within the Zone where the Specific Outcomes are met.

TABLE 4.1.2 RURAL ZONE CODE

TABLE 4.1.2 RURAL ZONE CODE	
Specific outcomes (S) for Code and Impact assessable development	Probable Solutions (P) for Code and Impact assessable development; and Acceptable Solutions (A) for Self assessable development. (where Self assessable development does not meet the Acceptable Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9).
<i>All Uses and Works</i>	
<b>Environmental Considerations</b>	
<p><b>S1</b> Land uses and works are located and designed so as not to have significant negative impacts on natural values of the environment including:</p> <p>(i) Natural fauna and flora habitats; (ii) Water quality, watercourse integrity and, ground water resources, and (iii) Soil, land and coastal resources.</p>	<p><b>P/A1.1</b> All uses and works are setback a minimum of 50m from a river and 25m from a creek, as measured to the top of bank.</p> <p><b>P/A1.2</b> Where the site and any newly created lots are not connected to the reticulated sewerage system, on-site sewerage disposal methods meet: (i) the Department of Natural Resources and Mines <i>On-site Sewerage Code (July 2002)</i> or any subsequent update of that Code; and (ii) AS/NZS 1547:2000 <i>On-site Domestic Wastewater Management</i>.</p> <p><b>P/A1.3</b> Land is kept free of declared weeds and noxious plant infestations, as detailed in the Fitzroy Shire Council Pest Management Plan.</p> <p><b>P1.4</b> Development on land within 100m of land in the Open Space Zone does not detrimentally affect the natural values of the Open Space zoned land.</p>
<b>Amenity</b>	
<p><b>S2</b> Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area in relation to;</p> <p>(i) Their design, orientation or construction materials; (ii) The operation of machinery or electrical equipment; or (iii) The emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference.</p>	<p><b>P2.1</b> No solutions specified.</p>
<p><b>S3</b> Land uses are located such that the potential impacts of noise from major roads and rail lines are reduced.</p>	<p><b>P/A3.1</b> Noise sensitive uses<sup>13</sup> are located;</p> <p>(i) At least 100m from any frontage to a State Controlled Road; or (ii) Are only located within 100m of any frontage to a Main Road where: (a) The Department of Main Roads has consented to the location without conditions; or (b) The Department of Main Roads has set conditions on the development to reduce the impacts of traffic noise and the development is undertaken in accordance with those conditions.</p> <p><b>P/A3.2</b> Noise sensitive uses<sup>14</sup> are located;</p> <p>(i) At least 90m from any frontage to a rail line; or (ii) Bedroom and living areas in residential uses and noise sensitive areas in non residential uses are sited and designed to reduce the impact of all rail noise. This can be achieved through; (a) Siting noise affected areas a far away as practicable from the railway corridor noise source ; or (b) Using roof and wall insulation mechanical ventilation, thickened glass, double glazing of windows and doors; or (c) Orientating openings (for example windows and doors) away from the rail corridor noise source; or (d) Incorporating noise attenuation barriers such as earth mounds landscaping and fences or walls without gaps between the noise source and the use.</p>

<sup>13</sup> See Administrative Definition of "Noise sensitive uses" contained in Section 2.1.1 Schedule B

<sup>14</sup> See Administrative Definition of "Noise sensitive uses" contained in Section 2.1.1 Schedule B

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<i>All Uses and Works</i>	
<b>Separation Distances</b>	
<p><b>S4</b> Land uses and works are located, and include mitigation measures that;</p> <p>(v) Are sufficient to protect the amenity of the area;(ii)Are sufficient to protect the capacity for existing and approved uses to continue to operate; and</p> <p>(vi) Are sufficient to protect the opportunities for existing and approved uses to expand in allocated /zoned land; and</p> <p>(iii) For agricultural uses, are outlined in <i>Planning Guidelines: Separating Agricultural and Residential Land Uses</i> DNR and DLGP, 1997;and</p> <p>(iv) For the keeping of cattle, are outlined in <i>Section 4 of the DPI Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland, 2000</i>; and</p> <p>(vii) For the keeping of poultry, are outlined in the <i>Guidelines for Poultry Farming in Queensland</i>;</p> <p>(viii) For the keeping of pigs, are outlined in the <i>Separation Guidelines for Queensland Piggeries (2001)</i>; and</p> <p>(ix) For development in proximity to watercourses and water bodies, are outlined in the <i>SEQWATER Development Assessment Guidelines</i>, prepared as a collaboration of State Government Departments;</p> <p>(x) Are consistent with the <i>Guidelines to minimise mosquito and biting midge problems in new development areas</i>; and</p> <p>(xi) Take into account the following variables:</p> <p>(a) The nature of the proposed land use; and</p> <p>(b) The existing and future amenity of the area; and</p> <p>(c) The existing and future development in the area; and</p> <p>(d) The location of any existing vegetation which would buffer the proposed use; and</p> <p>(e) predominant wind directions; and</p> <p>(f) The topography of the site.</p>	<p><b>P/A4.1</b> Uses in the Residential Use Class, except for houses, home host accommodation and home based businesses on lots with an area of 5ha or less, have separation distances between uses in the Residential Use Class and other uses, applicable to both existing and approved uses, in accordance with Division 1: Schedule A – Separation Distances Between Uses in the Residential Use Class and Other Uses.</p>
<b>Building Setbacks</b>	
<p><b>S5</b> Building setbacks reflect the character of existing development and land uses, and are provided having regard for the following;</p> <p>(xii) The existing and proposed amenity of the area;</p> <p>(ii) The existing or proposed future development in the area;</p> <p>(iii) The distance between any constructed road and the proposed building;</p> <p>(iv) The distance between any existing buildings on other sites and the proposed building;</p> <p>(xiii) The location of any existing vegetation which would buffer the proposed building; and</p> <p>(vi) Any constraints to development due to the topography of the site.</p>	<p><b>P/A5.1</b> Buildings and other structures have a minimum front boundary setback of 10 metres.</p>

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<i>All Uses and Works</i>	
<b>Building Height</b>	
<p><b>S6</b> Building height reflects the character of existing development and land uses, and buildings are provided having regard for the following:</p> <ul style="list-style-type: none"> <li>(i) The existing and proposed amenity of the area;</li> <li>(ii) The existing or proposed future development in the area;</li> <li>(iii) The efficient and safe operation of any airstrips or airfields;</li> <li>(iv) The particular characteristics of the proposed building;</li> <li>(v) The distance of proposed buildings from roads and other public places from which the building could be viewed;</li> <li>(vi) The topography, shape and location of the site; and</li> <li>(vii) The location of any existing vegetation which would buffer the proposed building.</li> </ul>	<p><b>P/A6.1</b> Buildings and other structures have maximum building heights of 8.5m.</p>
<i>All Uses and Works in the Rural – Historically Subdivided Area</i>	
<p><b>S7</b> Uses in the Residential Use Class are located where they :</p> <ul style="list-style-type: none"> <li>(i) Have access to town or village facilities; and</li> <li>(ii) Have services including roads, water supply, sewerage disposal, electricity and telephone services.</li> </ul>	<p><b>P7.1</b> No solutions specified.</p>

**Division 1: Schedule A:****Separation Distances between Uses in Residential Use Class and Other Uses.****Notes:**

1. Separation distances apply between uses, whether they are on adjoining land or not.
2. Separation distances apply to the siting of uses in the Residential Use Class only. The uses listed under Use/Use Class may have different setback requirements having regard to the Specific Outcomes that relate to Separation Distances in the Zone Code.
3. If the separation distance specified cannot be provided and therefore the probable solutions/acceptable solutions relating to separation distances are not met; the development then becomes Code Assessable in accordance with Section 1.2.9 of the Planning Scheme.

Use / Use Class	Separation Distance
Agriculture or Intensive Agriculture (excluding forestry); (i) Chemical Spray drift (ii) Odour (iii) Noise (for agriculture excluding forestry) (iv) Noise (for intensive agriculture excluding forestry)	300m 500m 60m 1000m
Animal Husbandry including: (i) Cattle Dips and Yards (ii) Dairy Bails and Yards (iii) Stock Saleyards	200m 200m 500m
Intensive Animal Husbandry	500m
Motor Sport Facilities	1000m
High Impact Industries	500m