

Division 5: Rural Residential Zone**About the Rural Residential Zone**

- The Rural Residential Zone, as mapped on Maps A2, A5 & A8, contains those areas of the Shire predominantly used for residential uses in a rural setting.
- The Rural Residential Zone covers land in the vicinity of Gracemere and Bouldercombe. The Rural Residential Zone Code regulates new uses and works in relation to their impacts on the natural values of the environment, the availability of essential services, the impacts upon residential amenity, separation distances between incompatible land uses, their scale and location.

4.5.1 Assessment tables for the Rural Residential Zone**(1) Assessment categories for the Rural Residential Zone**

The assessment categories⁴² are identified for development in the Rural Residential Zone in Column 2 of Tables 4.51(1) and 4.5.1(2) as follows:

- (a) Table 4.5.1(1)—making a material change of use⁴³ for a defined use, or another use in a defined use class, listed in Column 1; or
- (b) Table 4.5.1(2)—other development⁴⁴ 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 Residential Zone

The relevant assessment criteria in the Rural Residential Zone are referred to in Column 3 of Tables 4.5.1(1) and 4.5.1(2).

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

⁴² Information about assessment categories is provided in the Fitzroy Shire Planning Scheme User's Guide.

⁴³ 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 that explain the type of development involved in different proposals.

⁴⁴ See Fitzroy Shire Planning Scheme Explanatory Notes giving examples that explain the type of development involved in different proposals.

TABLE 4.5.1 (1) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE RURAL RESIDENTIAL ZONE MAKING A MATERIAL CHANGE OF USE		
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 ⁴⁵ — is the applicable codes for self assessable and code assessable development.
Rural Use Class		
Animal Husbandry/Grazing; Agriculture	Exempt where in accordance with Council's Local Laws Impact assessable where not in accordance with Council's Local Laws	
All other uses in the Rural Use Class	Impact assessable	
Residential Use Class		
Home Based Business	Self assessable	Rural Residential Zone Code; Development Standards Code; Home Based Business Code; and House Code
House		Rural Residential Zone Code; Development Standards Code; and House Code
All other uses in the Residential Use Class	Impact assessable	
Commercial Use Class		
All uses in the Commercial Use Class	Impact assessable	
Industrial Use Class		
All uses in the Industrial Use Class	Impact assessable	
Community Use Class		
Open Space	Exempt	N/A
Public Facility – Operational		
All other uses in the Community Use Class	Impact assessable	

⁴⁵ 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.

TABLE 4.5.1 (2) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE RURAL RESIDENTIAL ZONE OTHER DEVELOPMENT		
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 ⁴⁶ — is the applicable codes for self assessable and code assessable development.
Operational work		
Works – Bushfire Protection	Self assessable	Rural Residential Zone Code; Development Standards Code
Works – Water	Code assessable	
Works – Sewerage		
Works – Car Parking and Access	Self assessable	
Works – Parks, Landscaping and Street Trees		
Works - Roads	Code assessable	Rural Residential Zone Code; Development Standards Code.
Works - Bridges	Self assessable	
Works – Structures (eg traffic barriers, pedestrian safety rails, retaining walls and street lighting)		
Works – Earth Dams and Detention Basins	Exempt in the Rural Residential zone where ancillary to a Rural use as defined in Part 2 Division 1: Schedule A – Defined Uses and Use Classes Self assessable in the Rural Residential zone where not ancillary to 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		
Works – Cycleway and Pathway	Code assessable	
Works – Electricity and Telecommunications	Self assessable	
Reconfiguring a lot⁴⁷		
All circumstances	Code assessable: (i) Where the size of any additional lots created is: (a) Not more than 5% below, (b) Equal to, or (c) Greater than, the relevant specified minimum lot sizes in the Reconfiguring a Lot Code; or (ii) 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 Residential Zone Code; Reconfiguring a Lot Code; and Development Standards – Reconfiguring a Lot Code

⁴⁶ 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.

⁴⁷ Under IPA, schedule 9, the reconfiguring of a lot is exempt and cannot be made self-assessable or assessable by a planning scheme if the proposal is for amalgamating 2 or more lots, for a building format plan that does not subdivide land, in relation to the Acquisition of Land Act 1967, or on Strategic Port Land.

Carrying out operational work for reconfiguring a lot		
All circumstances	Code assessable	Rural Residential Zone Code Reconfiguring a Lot Code; and Development Standards – Reconfiguring a Lot Code
Other		
All other development	Exempt	N/A

4.5.2 Rural Residential Zone Code

(1) Rural Residential Zone Code

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

- (i) the Purpose of the Rural Residential Zone Code – Section (2); and
- (ii) the Specific Outcomes, Probable Solutions and Acceptable Solutions for the Rural Residential Zone – Table 4.5.2. Rural Residential Zone.

(2) The Purpose of the Rural Residential Zone Code

The purpose of the Rural Residential Zone Code is to achieve the following overall outcomes;

- (i) Land is predominantly used for dwelling houses on small rural lots, without necessarily being provided with all urban services;
- (ii) Low population densities in the Zone mean that people enjoy a rural lifestyle with accessibility to community facilities;
- (iii) The nature of the land within the Zone is essentially residential and therefore the size and scope of rural activities is limited;
- (iv) Uses such as grazing, hobby farm cropping and agriculture are of a scale that do not result in adverse impacts on residential amenity and which are undertaken without significant negative impacts on the environment;
- (v) New rural residential development is located such that it represents an infill of existing available rural residential land, or is an extension of existing rural residential development;
- (vi) New rural residential development respects the natural values eg. watercourses and rural landscape values of the land and the surrounding area, by being visually non-intrusive or sufficiently buffered from these areas to protect them from physical degradation;
- (vii) The land in the Zone is afforded a rural (bitumen sealed) standard of road access;
- (viii) Where reticulated water and sewerage is not available, new rural residential development has an adequate supply of potable water and water for emergency purposes, and sustainable means of effluent disposal, which ensures that impacts on the ground and surface water resources are minimised;
- (ix) Low key uses which provide otherwise unprovided essential goods and services to the immediate rural residential community are located within the Zone, where potential impacts on residential amenity due to traffic, noise, and the built environment are minimised; and
- (x) Commercial and industrial uses are generally inconsistent with the residential nature of land within the Zone.

TABLE 4.5.2 RURAL RESIDENTIAL ZONE CODE

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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).
All Uses and Works	
Environmental considerations	
<p>S1 Land uses and works are located and designed so as not to have significant negative impacts on natural values of the environment including:</p> <ul style="list-style-type: none"> (i) Natural fauna and flora habitats; (ii) Water quality, watercourse integrity and, ground water resources, (iii) Soil and land resources; and (iv) Natural landscape features which; <p>(a) Contribute to the diversity of recreation settings; and (b) Provide linkages between open space areas or corridors for path networks.</p>	<p>P/A1.1 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>P/A1.2 Where the site and any newly created lots are is not connected to the reticulated sewerage system, on-site sewerage disposal methods meet;</p> <ul style="list-style-type: none"> (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/A1.3 Land is kept free of declared weeds and noxious plant infestations, as detailed in the Fitzroy Shire Council Pest Management Plan.</p> <p>P/A1.4 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>
Amenity	
<p>S2 Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area;</p> <ul style="list-style-type: none"> (i) By their design, orientation or construction materials; (ii) Due to the operation of machinery or electrical equipment; or (iii) Due to the emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference. 	<p>P2.1 No solutions specified</p>
<p>S3 Land uses are located such that the potential impacts of noise from major roads and rail lines is reduced.</p>	<p>P/A3.1 Noise sensitive uses⁴⁸ are located;</p> <ul style="list-style-type: none"> (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; <ul style="list-style-type: none"> (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/A3.2 Noise sensitive uses⁴⁹ are located</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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 dors) 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.

⁴⁸ See Administrative Definition of "Noise sensitive uses" contained in Section 2.1.1 Schedule B

⁴⁹ See Administrative Definition of "Noise sensitive uses" contained in Section 2.1.1 Schedule B

TABLE 4.5.2 RURAL RESIDENTIAL ZONE CODE (continued)

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).
All Uses and Works	
Separation Distances	
<p>S4 Land uses and works are located, and include mitigation measures that;</p> <ul style="list-style-type: none"> (i) 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 (iii) Are sufficient to protect the opportunities for existing and approved uses to expand in allocated /zoned land; and (iv) For agricultural uses, are outlined in <i>Planning Guidelines: Separating Agricultural and Residential Land Uses</i> DNR and DLGP, 1997; and (v) 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 (vi) For the keeping of poultry, are outlined in the <i>Guidelines for Poultry Farming in Queensland</i>; (vii) for the keeping of pigs, are outlined in the <i>Separation Guidelines for Queensland Piggeries (2001)</i>; and (viii) Development in proximity to watercourses and water bodies, are outlined in the <i>SEWATER Development Assessment Guidelines</i>, prepared as a collaboration of State Government Departments; (ix) Are consistent with the <i>Guidelines to minimise mosquito and biting midge problems in new development areas</i>; and (x) Take into account the following variables; <ul style="list-style-type: none"> (a) The nature of the proposed land use; and (b) The existing and future amenity of the area; and (c) The existing and future development in the area; and (d) The location of any existing vegetation which would buffer the proposed use; and (e) predominant wind directions; and (f) The topography of the site. 	<p>P/A4.1 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 PART 4 Division 1: Schedule A – Separation Distances Between Uses in the Residential Use Class and Other Uses (Rural Zone Code).</p> <p>P/A4.2 Unless separation distances are otherwise provided in accordance with P/A3.1 above, the following is provided;</p> <ul style="list-style-type: none"> (i) Uses in the Residential Use Class have minimum setbacks of 3m to any Non-Residential Use which exists on adjoining land; and (ii) Uses in the Commercial and Industrial Use Class and Community Purpose – other uses have; <ul style="list-style-type: none"> (a) Minimum setbacks of 2m to any use in the Residential Use Class which exists on adjoining land; (b) A solid fence with a minimum height of 1.8m on the shared boundary with an adjoining use in the Residential Use Class, which screens any buildings, parking and access areas; and (c) Refuse bin enclosures or refuse storage areas setback at least 3m from the shared boundary with an adjoining use in the Residential Use Class.
Building Setbacks	
<p>S5 Building setbacks reflect the character of existing development and land uses, and are provided having regard for the following;</p> <ul style="list-style-type: none"> (i) The existing and proposed amenity of the area; (ii) The existing or proposed future development in the area; (iii) The distance between any constructed road and the proposed building; (iv) The distance between any existing buildings on other sites and the proposed building; (v) The location of any existing vegetation which would buffer the proposed building; and (vi) Any constraints to development due to the topography of the site. 	<p>P/A5.1 Buildings and other structures have boundary setbacks as follows;</p> <ul style="list-style-type: none"> (i) Minimum setbacks of 6m to any road frontage; and (ii) Minimum side boundary setbacks of 3m
Building Height	
<p>S6 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"> (i) The existing and proposed amenity of the area; (ii) The existing or proposed future development in the area; (iii) The efficient and safe operation of any airstrips or airfields; (iv) particular characteristics of the proposed building; (v) The distance of proposed buildings from roads and other public places from which the building could be viewed; (vi) The topography, shape and location of the site; and (vii) The location of any existing vegetation which would buffer the proposed building. 	<p>P/A6.1 Buildings and other structures have maximum building heights of 8.5m.</p>