



Attachments - Minutes Under Separate Cover

Ordinary Meeting

Tuesday, 20 June 2023

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10.3 Adoption of a Major Amendment (Amendment No. 3) and Administrative Amendment (Amendment No. 7) to the Scenic Rim Planning Scheme 2020

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SCENIC RIM REGIONAL COUNCIL
SCENIC RIM PLANNING SCHEME 2020
AMENDMENT NO. 3

FOR COUNCIL'S ADOPTION

20 JUNE 2023





Scenic Rim Planning Scheme 2020

AMENDMENT NO.3

This is to certify that this is a true and correct copy of the *Scenic Rim Planning Scheme 2020* Amendment No. 3 adopted on <insert date> and commenced on <insert date>.

David Keenan

CHIEF EXECUTIVE OFFICER

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Preliminary

Short title

This amendment may be cited as *Scenic Rim Planning Scheme 2020 Amendment No. 3*.

Purpose

This Major Amendment is made in accordance with Chapter 2, Part 4 of the Minister's Guidelines and Rules (Version 1.1) made under the *Planning Act 2016* and prescribed in the *Planning Regulation 2017*.

The purpose of this Major Amendment is to update a range of policy matters that have been identified through the implementation of the planning scheme and matters that are outstanding from the public consultation of the draft Planning Scheme.

Application

This Major Amendment applies to the following version of the Scenic Rim Planning Scheme 2020:

Scenic Rim Planning Scheme 2020 (24 February 2023)

Item 1: Facilitation of small-scale craft breweries and distilleries

Summary

1. Amendment to enable *Low Impact Industry* involving craft brewing as Accepted Development in the zones that support commercial and tourism activities.
2. Amendment to enable *Medium Impact Industry* involving craft distilling as Code Assessable development in the zones that support commercial activities.

Explanation

Small scale and 'craft' brewing and distilling are increasingly popular activities that also have the potential to contribute to a key area of growth in the region's expanding tourism industry and provide further small business opportunities. Amendments to the Planning Scheme are proposed that further facilitate this use to support this burgeoning activity in light of the benefits it can generate for tourism development in the region.

1. Craft Breweries

Craft breweries are different to large-scale breweries because they have lower production volumes and are generally low impact in terms of matters such as noise, odour emissions and traffic generation.¹ Craft breweries can come in different sizes and with differing scales of production, such as a micro-brewery in a large industrial building versus a nano-brewery in a retail tenancy. They are often accompanied by associated *Shops, Function facilities* or *Food and drink outlets* where they serve their product and offer other services and experiences such as live music, niche retail, tours and community events.

An amendment is proposed to facilitate small scale craft brewing in the zones in the planning scheme that support commercial activities to enable the activity to occur without requiring a Development Permit and provide the opportunity to co-locate or combine with another commercial use.

The Planning Scheme identifies brewing as an industrial use and the activity falls within the *Low, Medium* or *High Impact Industry* land use definition, depending on the scale of the activity. Currently, as a *Low Impact Industry*, brewing of beverages must produce less than 50 tonnes (50,000L) per annum and is Code Assessable in the Industry Zone and the Commercial/Industrial Precinct of the Mixed Use Zone. In all other zones of the planning scheme, brewing of any scale is Impact Assessable.

The proposed change to the Planning Scheme seeks to enable a small-scale craft brewing activity to occur as Accepted Development in the zones that support commercial activities and where the activity is proposed in an *existing commercial building*. It is proposed to limit the scale of the activity to the current *Low impact industry* threshold, which is 50 tonnes (50,000L) per annum.

To illustrate the effect of the proposed amendment, the most common barrel size is approximately 200 Litres and at the proposed limit of 50,000L per annum, a brewing activity could produce approximately five barrels per week, or fill an average backyard swimming pool in a year.

If a *Low impact industry* involving small-scale brewing includes new building work, then it is proposed that Code Assessment be required against the relevant Zone Code and the suite of codes that generally apply in the Planning Scheme when new buildings are proposed as Assessment Benchmarks. All other *Low*

¹ Department of State Development, Manufacturing, Infrastructure and Planning Fact Sheet: Supporting craft brewing through planning schemes (2019): [Supporting the craft brewing industry through planning schemes \(rdmw.qld.gov.au\)](https://www.rdmw.qld.gov.au)

impact industry or a brewing activity that exceeds the proposed threshold would remain Impact Assessable (and inconsistent development in accordance with the Overall Outcomes of the Zone Code).

2. Craft Distilleries

Similar to craft brewing, distilling is an increasingly popular activity that can make a positive contribution to the region's growing tourism industry. Due to the potential impacts (odour, vapours, and the use of hazardous materials), distilling is currently classed as a *Medium impact industry* use in the Planning Scheme where the development involves distilling alcohol in works producing less than 2500 Litres per annum.

Medium Impact Industry is Code Assessable in the Industry Zone and Impact Assessable in all other zones. Distilling more than 2500 Litres makes the use a *High impact industry*, which is Impact Assessable in all zones in the Planning Scheme.

The proposed change to the Planning Scheme seeks to enable *Medium impact industry* involving small-scale distilling of alcohol as Code Assessable development in the zones that support commercial activities. It is considered that the proposed assessment benchmarks that would apply through the Code Assessment process, which include the General Development Provisions Code, would enable a suitable assessment of the impacts of a proposed small-scale distillery to enable Council to impose suitable conditions to protect the amenity of neighbouring properties if required.

Notes:

1. Other land uses such as *Function facilities*, *Shops* or *Food and drink outlets* that may be associated with a proposed *Low impact industry* involving brewing up to 50,000 Litres would be subject to the requirements of the Planning Scheme.
2. *Existing commercial building* is defined in the Planning Scheme as an existing Class 5, 6, 8 and 9 building as specified in the Building Code of Australia.
3. *Minor building work* is defined in the Planning Scheme as building work that increases the gross floor area of a building by no more than the lesser of the following -
 - a. 50m²; or
 - b. an area equal to 5% of the gross floor area of the building.

State Interests

State Planning Policy 2017 - Planning for Safety and resilience to hazards: Emissions and hazardous activities

The proposal takes into consideration the State Interest component regarding Industrial development. In accordance with Policy (1) of this State Interest, the appropriate location, design and management mechanisms that avoid or mitigate adverse impacts of emissions on sensitive land uses and the natural environment are addressed through the use of the nominated Accepted development and Code assessable development thresholds for *Low impact industry* - brewing beverages and *Medium impact industry* - distilling alcohol when located in the Minor Tourism zone.

In accordance with Policy (2) of this State interest, the *Low impact industry* - brewing beverages at the small-scale proposed, is not considered to be a hazardous activity within the identified zones that support commercial activities. Proposals involving distilling alcohol, even at a small-scale will be assessed against, among other benchmarks, the relevant Zone Code, the General Development Provisions Code and the Earthworks, Construction and Water Quality Code to determine whether the use, storage and disposal of hazardous materials associated with distilling alcohol has been sufficiently addressed and is met by the proposal.

State Planning Policy 2017 - Planning for Economic Growth – Tourism

Within this State Interest, Policies (1), (2), (3) and (4) are relevant to the proposed amendment. The zones that support commercial activities include complementary and compatible land uses which mitigate the

presence of sensitive uses. Craft breweries and small scale alcohol distilleries complement and enhance the local character and the social and cultural values of the region, and draw upon the natural and landscape assets for which the Scenic Rim is renown.

The proposed assessment levels for craft breweries and alcohol distilleries will assist in servicing and supporting the tourist experience within the Scenic Rim by increasing and diversifying tourist opportunities and generating additional economic growth.

The proposed amendment also aligns with the *Queensland Craft Brewing Strategy* (November 2018) prepared by the Department of State Development, Manufacturing, Infrastructure and Planning by recognising the unique requirements of small scale craft breweries through tailored planning controls.

Proposed Changes

1. In Part 5, Tables of Assessment, Section 5.5 amend the Material Change of Use Tables to include:

- a. Low impact industry as:
 - i. Accepted development where involving brewing beverages up to 50,000 Litres per annum and where in an *existing commercial building* and not involving building work other than *minor building work*; and
 - ii. Code assessable development if not Accepted and where involving brewing of beverages up to 50,000 Litres per annum; and
- b. Medium impact industry as Code Assessable where involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum;

in the following Zones:

- a. District Centre Zone, Table 5.5.3.1;
- b. Local Centre Zone, Table 5.5.7.1;
- c. Major Centre Zone, Table 5.5.10.1;
- d. Major Tourism Zone, Table 5.5.11.1;
- e. Minor Tourism Zone, Table 5.5.12.1;
- f. Neighbourhood Centre Zone, Table 5.5.14.1;
- g. Township Zone (Where no precinct applies), Table 5.5.19.1.

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Low impact industry	Accepted	Not Applicable
	If: <ul style="list-style-type: none"> (1) involving brewing beverages up to 50,000 Litres per annum; and (2) where located in an existing commercial building; and (3) not involving building work (other than minor building work). 	
	Code assessment	
	If not Accepted and involving brewing of beverages up to 50,000 Litres per annum.	Relevant Zone Code Earthworks, Construction and Water Quality Code General Development Provisions Code Infrastructure Design Code Landscaping Code Parking and Access Code

Use	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development
Medium impact industry	Code assessment	
	If involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum	Relevant Zone Code Earthworks, Construction and Water Quality Code General Development Provisions Code Infrastructure Design Code Landscaping Code Parking and Access Code

2. In Part 6, Zones, amend the overall outcomes (2)(b) in the zones listed in no. 1 above to include a new clause as shown below to allow for *Low impact industry* and *Medium impact industry* as land uses that are intended to occur in the zone and renumber remaining outcomes accordingly:

(b) **Land uses:**

[\(viii\) include *Low impact industry* where involving brewing beverages up to 50,000 Litres per annum.](#)

[\(ix\) include *Medium impact industry* where involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum.](#)

3. In Part 6, Zones, for the zones listed in no.1 above, amend the table for Consistent Uses and Potentially Consistent Uses to include an additional line for *Low impact industry* under a new heading for *Industrial Activities* as shown below.

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
Industrial Activities	
Low impact industry (where involving brewing beverages up to 50,000L per annum) Medium impact industry (where involving distilling alcohol in works producing less than 2,500 Litres of alcohol per annum).	

4. In Part 3, Strategic Framework, Section 3.5 - Growing Economy, Table 3.5.2 Strategic Outcomes, Element: Centre Hierarchy, amend no. 11 to accommodate small-scale brewing as a low impact industry that is supported fronting High Street in the Boonah District Centre.

(11) Low impact industries are supported in the District Centres where:

- (a) the potential for land use conflict with other uses expected in the centre is effectively mitigated; and
- (b) not fronting High Street in the Boonah District Centre [\(except where involving brewing beverages up to 50,000 Litres per annum\).](#)

5. In Part 3, Strategic Framework, Section 3.5 - Growing Economy, Table 3.5.2 Strategic Outcomes, Element: Industry and Employment, include a new outcome (2) as shown below and renumber subsequent outcomes accordingly.

[\(2\) Industrial activities involving small-scale craft brewing or distilling are supported in the District Centre Zone, Local Centre Zone, Major Centre Zone, Major Tourism Zone, Minor Tourism Zone, Neighbourhood Centre Zone and Township Zone \(Where no precinct applies\), where potential adverse off-site environmental impacts can be mitigated.](#)

Item 2: Amendment to facilitate groundwater extraction for water supply in the Rural Zone - Tamborine Mountain Precinct

Summary

Amendment to facilitate groundwater extraction as Code Assessable development in the Tamborine Mountain Rural Precinct where the water is used for *water supply*.

Explanation

Recent water shortages resulting from extended drought on Tamborine Mountain has highlighted the need for additional local water suppliers to cater for increased demand for the refilling of domestic water tanks in the local area. The Planning Scheme currently requires Impact Assessment for a *Utility installation* involving groundwater extraction to cater for provision of bulk water to on-site storage facilities on Tamborine Mountain.

The application fee for an Impact Assessable development application, combined with the increased risk of third party appeals associated with the public submission process makes it prohibitive for new suppliers to obtain a Development Permit to establish a new use that caters for local water supply.

An amendment is proposed to enable groundwater extraction to occur as Code Assessable development where it is for a *Utility installation* involving groundwater extraction (including processing and transport) for *water supply*. A new Administrative Definition for *water supply* is proposed to clarify the meaning of the term in relation to commercial groundwater extraction.

The **existing** *Utility installation* definition from Schedule 1, Table SC1.1.2 of the Planning Scheme is provided below:

Regulated requirements		Guidance	
Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>Utility installation</i>	means the use of premises for— (a) a service for supplying or treating water , hydraulic power or gas; or (b) a sewerage, drainage or stormwater service; or (c) a transport service; or (d) a waste management service; or (e) a maintenance depot, storage depot or other facility for a service stated in paragraphs (a) to (d).	sewerage treatment plant, pumping station, water treatment plant, groundwater extraction for water supply (including processing and transport), minor utility installation	Telecommunications tower, major electricity infrastructure, minor electricity infrastructure, substation, renewable energy facility, transport depot

It is proposed that this provision for a *Utility installation* apply to the Tamborine Mountain Rural Precinct only, due to the potential amenity impacts (noise) associated with the use. This is consistent with the existing policy in the Planning Scheme for groundwater extraction for water supply in the Rural Zone (Where no precinct applies).

Notes:

1. Under Council's Local Laws, water carriers delivering drinking water must apply for a mobile food business license to comply with the *Food Act 2006*.
2. A new *Utility installation* for *water supply* would be exempt from the current Moratorium Notice made under Section 30 of the *Water Act 2000* applying to the Tamborine Mountain and Springbrook areas because it involves the construction of works by a registered service provider under the *Water Supply (Safety and Reliability) Act 2008* for town water supply (ref. no.8 (d) of the Moratorium Notice, dated 6 March 2020).

State Interests

State Planning Policy 2017 Planning for Infrastructure: Energy and water supply

The proposal takes into consideration the State Interest whereby timely, safe, affordable and reliable provision and operation of electricity and water supply infrastructure is supported and renewable energy development is enabled. Relevant policies of this State interest include (1), (2), (3) and (4). Specifically, the proposal considers the availability of existing water infrastructure and identifies impediments to affordably and reliably service the needs of the Tamborine Mountain and surrounding communities in times of drought when insufficient water supply infrastructure is locally available.

The Tamborine Mountain Rural Precinct typically has lot sizes that are larger than 10,000m². The large lot size and the restricted uses in the Rural zone, assist in protecting the infrastructure from development that may otherwise compromise its integrity, efficient delivery and functioning. The location of the *Utility installation* in the Tamborine Mountain Rural Precinct, would also help to minimise adverse impacts such as noise and heavy truck movements on surrounding land uses and the natural environment.

Proposed Changes

1. In Part 5, Tables of Assessment, Table 5.5.17.3 - Rural Zone - Tamborine Mountain Rural Precinct, include *Utility installation* as Code Assessable development if involving *groundwater extraction* for *water supply* for domestic purposes as shown in tracked changes below:

Table 5.5.17.3 - Rural Zone - Tamborine Mountain Rural Precinct

Use	Categories of development and Assessment benchmarks for assessable development and requirements for accepted development	
Utility installation	Accepted	
	If involving a <i>minor utility installation</i>	Not applicable
	Code assessment	
	If involving <i>groundwater extraction</i> for <i>water supply</i>	Rural Zone Code General Development Provisions Code Landscaping Code Parking and Access Code
	Impact assessment	
If not Accepted <u>or Code assessment</u>	The Planning Scheme	

2. In Schedule 1 Definitions, SC1.2 Administrative Definitions, Table SC1.2.2 - Administrative Definitions, include the following new *Water supply* definition in the alphabetical place order.

Column 1 Administrative Term	Column 2 Definition
Water supply	<p>In respect to groundwater extraction, means provision of bulk water to on-site storage facilities to be used for the following:</p> <ul style="list-style-type: none"> a) household and residential purposes; b) watering of animals; c) watering plants, garden or lawn; and d) non-residential uses where used on site and where not involving use for intensive manufacturing/production, or wholesale distribution. <p>Examples include water supplied to dwelling houses, shops and nurseries.</p>

3. In Part 3, Strategic Framework, Section 3.4, Settlement Pattern, *Mountain Community*, under the existing paragraph for groundwater extraction for commercial purposes, include the following additional paragraph as shown in tracked changes below:

Groundwater extraction for commercial purposes is not supported in the Mountain Community as the activity detracts from the amenity of the sensitive residential and nature-based tourism areas, which represents the prevailing development pattern of the Tamborine Mountain plateau and escarpment. In particular, the volume of heavy vehicle traffic generated by the use is inconsistent with the amenity and character expectations of land located along the road network that services the Mountain Community, which is predominantly utilised for residential and tourist activities.

[A Utility installation involving groundwater extraction for water supply is supported in the rural areas of the Mountain Community to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.](#)

4. In Part 3, Strategic Framework, Section 3.4, Table 3.4.2 Strategic Outcomes, Element: Mountain Community, include the following additional outcome (9) under existing outcome (8) and renumber remaining outcome accordingly:

[\(9\) A Utility installation involving groundwater extraction for water supply is supported in the Rural Zone \(Tamborine Mountain Precinct\) to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.](#)

5. In Part 3, Strategic Framework, Section 3.5 - Growing Economy, Table 3.5.2 Strategic Outcomes, Element: Natural Resources and Sustainability, include the following additional outcome (8) under existing outcome (7) and renumber subsequent outcomes accordingly:

[\(8\) A Utility installation involving groundwater extraction for water supply is supported in the Rural Zone \(Tamborine Mountain Precinct\) to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.](#)

6. In Part 6, Zones, 6.2.17 Rural Zone Code, 6.2.17.2 Purpose and Overall Outcomes, amend the overall outcomes for the Rural Zone - Tamborine Mountain Rural Precinct, by including the following additional outcome (4)(b)(viii) as shown below and renumber subsequent outcomes accordingly:

(b) Land Uses:

[\(viii\) include a Utility installation involving groundwater extraction for water supply is supported in the Rural Zone \(Tamborine Mountain Precinct\) to facilitate the provision of bulk water to on-site storage facilities and where the off-site impacts can be mitigated.](#)

7. In Part 6, Zones, 6.2.17 Rural Zone Code, 6.2.17.2 Purpose and Overall Outcomes, amend Table 6.2.17.2.3 - Consistent Uses and Potentially Consistent Uses in the Rural Zone - Tamborine Mountain Rural Precinct, by including additional text against the existing provision for Utility installation as shown below:

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
Infrastructure Activities	
<p><i>Major electricity infrastructure</i> (where proposed as underground infrastructure) <i>Substation</i> <i>Telecommunications facility</i> <i>Utility installation</i> (where involving a minor utility installation or where involving groundwater extraction for water supply)</p>	<p><i>Air Service</i> (helipad only) <i>Major electricity infrastructure*</i></p>

Item 3: Amendment to enable subdivision of land divided by a State controlled road in the Rural Zone

Summary

Amendment to the Rural Zone Code to enable subdivision of one lot into two lots where the land is divided by a *State controlled road*.

Explanation

In alignment with the *Shaping SEQ South East Queensland Regional Plan 2017*, the planning scheme seeks to protect rural land for agricultural production and rural activities and it also reflects the regulatory provisions of the *Planning Regulation 2017*, which prohibits the creation of new lots under 100ha in the Regional Landscape and Rural Production Area (RLRPA).

However, Schedule 10, section 23 of the Planning Regulation provides for *exempt subdivision* that enables subdivision below the 100ha minimum in the RLRPA that divides 1 into 2 lots, if:

- a) the divided lot is severed by a road that was gazetted before 2 March 2006 or a State-controlled road; and
- b) the road forms the whole of the boundary between the lots.

There are several hundred parcels of land in the Rural Zone of the Planning Scheme currently severed by a road that was gazetted before 2 March 2006. An analysis of these land parcels was undertaken to determine appropriate policy measures to enable the suitable application of the *exempt subdivision* allowance of the Planning Regulation by applying the following considerations:

- the size and dimension of potential new lots;
- the constraints of the land (particularly the Environmental Significance, Bushfire Hazard, Flood Hazard, Steep Slope and Landslide Hazard Overlays);
- the road construction type and potential access to new lots (i.e. sealed, unsealed, unconstructed);
- existing land uses (including surrounding land uses); and
- the locality of potential new lots in regard to access to services and surrounding character.

In the majority of cases, the combination of the above considerations established that the creation of an additional lot was unsuitable in that the development would not contribute to the achievement of the purpose of the Rural Zone in the Planning Scheme, which is to:

- (a) provide for rural uses and activities; and
- (b) provide for other uses and activities that are compatible with:
 - (i) existing and future rural uses and activities; and
 - (ii) the character and environmental features of the zone; and
- (c) maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.

The analysis also found that it was not evident that the road severance was obstructing the ability for the land to be used effectively for rural purposes as the land was generally located in relatively isolated locations with little passing traffic.

Notwithstanding, the analysis determined that lots severed by a State-controlled road may have the potential to accommodate the opportunity to apply the *exempt subdivision* provision of the Planning Regulation because in many cases, the severance potentially restricts the ability for the land to be used effectively for Rural activities.

Accordingly, an amendment is proposed to enable the opportunity to create a new lot in the Rural Zone (and RLRPA) where the existing lot is dissected by a State-controlled road and where the subdivision can achieve the proposed outcomes in the Rural Zone Code and the Strategic Framework. All other reconfiguring a lot in the Rural Zone where the land is severed by an existing road will be discouraged.

The proposed outcomes will require that a Reconfiguration of a lot that is severed by a State-controlled road:

1. results in lots of an appropriate size and configuration to sustain the productive capacity of the land for *Rural activities*;
2. facilitates improved land management practices for *Rural activities* that are restricted by the road severance;
3. creates an additional lot only if the new boundary aligns with the road severance and each lot has access from an existing constructed and sealed road;
4. does not contribute to conflict between existing surrounding *Rural activities* and residential uses or ribbon development along rural roads;
5. does not further limit the potential for *Rural activities* to occur where lots are constrained by natural hazards, including riverine flooding, steep slope and bushfire hazard;
6. protects important ecological values including protected vegetation, waterways, important landscape features and view corridors; and
7. provides for lots that have access to safe and reliable water supply and effluent disposal.

As per the Table of Assessment in the Reconfiguring a Lot, the creation of a new lot below 100ha remains Impact Assessable so that a holistic approach to the impacts of the subdivision (including matters raised through public submissions) are assessed against the Strategic Outcomes of the planning scheme and that the intent of the Rural Zone is upheld.

Notes:

1. A State controlled road is defined in Schedule 1, Table SC1.2.2 - Administrative Definitions as a road or land, or part of a road or land, declared under section 24 (of the Transport Infrastructure Act 1994), to be a State-controlled road, and, for chapter 6, part 5, division 2, subdivision 2 (of the Transport Infrastructure Act 1994), see section 53 (of the Transport Infrastructure Act 1994).
Note—definition from the Transport Infrastructure Act 1994.
2. State controlled roads are mapped in the Planning Scheme on Overlay Map OM-15.2 Road Hierarchy Overlay.
3. Rural Activities are defined in Schedule 1 Definitions, Table SC1.1.3.2 - Defined Activity Groups
4. The amendment is proposed to only apply to the Rural Zone - Where no precinct applies.

State Interests

Shaping SEQ South East Queensland Regional Plan 2017 (Planning Regulation 2017)

DRO4 and DRO 5 seek to protect, manage, enhance and sustainably use regional natural resources and rural production areas; and contribute to strong, sustainable and viable rural communities. This amendment, through the proposed Performance Outcomes will sustain productive capacity; facilitate improved land management; provide appropriate access; discourage the opportunity for sensitive adjoining uses to emerge, discourage lot creation where environmental constraints impact productive capacity, protect ecological values; and require access to safe and reliable water and effluent disposal.

State Planning Policy 2017 - Planning for Economic Growth: Agriculture

The proposal also meets the requirements of the State Interest through the protection of the resources that agriculture depends upon and by supporting the sector's long term growth. The severance of the lot will not detrimentally impact the agricultural land. Applicants who propose to take up the option must demonstrate in response to the proposed Code requirements that the two new lots can be appropriately serviced to provide suitable rural productive capacity and enhance the resource without further fragmenting the land.

Proposed Changes

1. Amend Part 6.2.17.2 of the Rural Zone Code by including a new overall outcome (e)(iii) as shown below:

Where land is severed by a road and the management of the land is restricted by the road severance, an additional lot may only be created if:

(A) the new boundary aligns with the road severance;

(B) the road is a state-controlled road;

(C) the reconfiguration protects and enhances the agricultural production capacity of the land; and

(D) the lots are appropriately serviced.

2. Amend Table 6.2.17.3.1—Accepted and Assessable Development - Rural Zone (Where no precinct applies) by amending PO4 and including an additional PO5/AO5 as follows:

Performance Outcomes	Acceptable Outcomes
Reconfiguration of a Lot	
<p>PO4 Reconfiguring a lot:</p> <p>(1) creates lots of an appropriate size, dimension and configuration to accommodate land uses consistent with the purpose and overall outcomes of the zone;</p> <p>(2) facilitates agricultural production, and minimises the loss and fragmentation of land for agricultural production; and</p> <p>(3) complies with the standards in Table 9.4.6.3.2 - Minimum Lot Size and Design <u>(except where PO5/AO5 applies below)</u>.</p>	<p>AO4 No Acceptable Outcome is prescribed.</p>
<p>Reconfiguration of a lot involving the division of 1 lot into 2 lots and where:</p> <p><u>a) the divided lot is severed by a road that was gazetted before 2 March 2006 or a State-controlled road; and</u></p> <p><u>a)b) the road forms the whole of the boundary between the lots.</u></p>	
<p>PO5 <u>Reconfiguration of a lot may only occur where the land is severed by a State-controlled road and the reconfiguration:</u></p> <p><u>(1) results in lots of an appropriate size and configuration to sustain the productive capacity of the land for Rural activities;</u></p> <p><u>(2) facilitates improved land management practices for Rural activities that are hindered by the road severance;</u></p> <p><u>(3) creates an additional lot only if the new boundary aligns with the road severance and each lot has access from an existing constructed and sealed road;</u></p> <p><u>(4) does not contribute to conflict between existing surrounding Rural activities and residential uses or ribbon development along rural roads;</u></p> <p><u>(5) does not further limit the potential for Rural activities to occur where lots are constrained by natural hazards, including riverine flooding, steep slope and bushfire hazard;</u></p> <p><u>(6) protects important ecological values including protected vegetation, waterways, important landscape features and view corridors;</u></p> <p><u>(+) (7) provides for lots that have access to safe and reliable water supply and effluent disposal.</u></p>	<p>AO5 No Acceptable Outcome is prescribed.</p>

3. In Part 3 Strategic Framework, Section 3.4 Communities and Character, amend Table 3.4.2 Strategic Outcomes for the *Rural Areas* element, by including an additional outcome under the existing outcome (4) as shown below and renumber subsequent outcomes accordingly:

- (4) Lots in the Rural Zone achieve the minimum lot sizes specified for the Rural Precincts identified in **Strategic Framework Map SFM-03: Rural Precinct Plan**, being:
- (a) Rural 60 ha Precinct; and
 - (b) Rural 40 ha Precinct

which are SEQ Subdivision Precincts in accordance with Schedule 10 of the *Planning Regulation 2017*. Where not included in a Rural Precinct, the minimum lot size for new lots in the Rural Zone is 100 ha.

- (5) Notwithstanding the requirements of (4) above, where land is severed by a State-controlled road and the management of the land is restricted by the road severance, an additional lot may be created that does not achieve the minimum lot size if the new boundary aligns with the road severance, the reconfiguration

- [protects and enhances the agricultural production capacity of the land and both lots are appropriately serviced.](#)
4. In Part 3 Strategic Framework, Section 3.5 Growing Economy, amend Table 3.5.2 Strategic Outcomes for the *Rural Areas* element, by including an additional outcome following the existing outcome (2) as shown below and renumber subsequent outcomes accordingly:
 - 2) Lots in the Rural Zone achieve the minimum lot sizes specified for the Rural Precincts identified in **Strategic Framework Map SFM-03: Rural Precinct Plan**, being:
 - (a) Rural 60 ha Precinct; and
 - (b) Rural 40 ha Precinct,which are SEQ Subdivision Precincts in accordance with Schedule 10 of the *Planning Regulation 2017*. Where not included in a Rural Precinct, the minimum lot size for new lots in the Rural Zone is 100 ha.
 - 3) [Notwithstanding the requirements of \(2\) above, where land is severed by a State-controlled road and the management of the land is restricted by the road severance, an additional lot may be created that does not achieve the minimum lot size if the new boundary aligns with the road severance, the reconfiguration protects and enhances the agricultural production capacity of the land and both lots are appropriately serviced.](#)

Item 4: Amendments to the Dual Occupancy Code and level of assessment for Dual Occupancies

Summary

1. Amendment to the levels of assessment for Dual Occupancies in the Low Density Zone (Where no precinct applies) and Low-medium Density Zone.
2. Amendment to the Dual Occupancy Code to enhance amenity and neighbourhood character outcomes.

Explanation

In response to community concerns raised during the public consultation of the Planning Scheme in 2018, changes are proposed to the level of assessment for *Dual occupancies* in the Low-medium Density Residential Zone and the Low Density Residential Zone (Where no precinct applies). Minor changes to the Dual Occupancy Code are also proposed to enhance amenity for occupants of the dwellings and to ensure that *Dual occupancy* development contributes to the desired neighbourhood character of the residential zones.

The changes seek to ensure that this housing type does not become over-represented in a neighbourhood resulting in a residential density not envisaged in the zones, which can lead to poor amenity outcomes, including unplanned traffic impacts. The proposed changes encourage development of *Dual occupancies* on corner lots through the levels of assessment and increase the lot size for *Dual occupancies* that are Code Assessable to accord with the envisaged density of these zones (min.700m² in the Low Density Residential Zone and minimum 450m²/minimum average 700m² in the Low-medium Density Residential Zone).

Through the strengthening of the additional code provisions for Dual Occupancies and also to achieve better alignment with development intended to occur in the Low and Low-medium Density Residential Zones, it is proposed to limit the level of assessment to Code (rather than Impact).

The following changes to the Dual Occupancy Code are also proposed:

1. Inclusion of the requirement for *Dual occupancies* to maintain the appearance of a single dwelling by requiring the dwelling units to share a common wall where located in the Low Density Residential Zone (Where no precinct applies) and the Low-medium Density Zone.
2. Inclusion of the requirement for *Dual occupancies* to be located on lots that have a minimum frontage width of 20m to assist in ensuring adequate area for private open space, on-site car parking and the ability for the intended character can be achieved.
3. Removal of the requirement that the main living area of one dwelling of the *Dual occupancy* is located within 20m of a main living area of the other dwelling of the *Dual occupancy*. This requirement triggers unnecessary Code Assessable development applications for *Dual Occupancy*, particularly in the Rural Zone where the spacing of the two dwellings on the land could improve a sense of privacy for the occupants.
4. Inclusion of the requirement that where located in the Low Density or Low-medium Density Residential Zone (including precincts) and not on a corner lot, a Dual occupancy is not located within 50 metres of another *Dual occupancy* located on the same side of the street. This seeks to ensure that *Dual occupancies* are dispersed and avoid concentration in residential neighbourhoods to ensure amenity and streetscape character are consistent with the Zone. This additional Performance Outcome is also proposed to be supported by an additional corresponding Overall Outcome in the Dual Occupancy Code.

