

## 6.2.12 Rural zone code

### 6.2.12.1 Application

1. This code applies to:
  - a. accepted development (subject to requirements) and code assessable material change of use for which Rural zone code is identified in the assessment benchmarks for assessable development and required for accepted development column in Table 5.5.12.1 - Rural zone in Part 5 - Tables of assessment;
  - b. material change of use made impact assessable in Table 5.5.12.1 - Rural zone in Part 5 - Tables of assessment;
  - c. reconfiguring a lot made impact assessable in Table 5.6.1 - Reconfiguring a lot;
  - d. building work made accepted development (subject to requirements) in Table 5.7.1 - Building work in Part 5 - Tables of assessment.
2. When using this code, reference should be made to section 5.3.2 - Determining the category of development and category of assessment and, where applicable, section 5.3.3 - Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development located in Part 5 - Tables of assessment.

### 6.2.12.2 Purpose

1. The purpose of the Rural zone 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.
2. The local government purpose of the Rural zone code is to:
  - a. provide for a range of rural activities that support the rural economy;
  - b. provide for a diversified rural economy and viable rural communities;
  - c. not compromise the long-term use of the land for Rural activities;
  - d. protect the amenity of the Rural zone and adjoining land.
3. The purpose of the Rural zone code will be achieved through the following overall outcomes:
  - a. land uses comprise:

- i. Rural activities and uses that do not result in the alienation or fragmentation of rural land and the loss of productive capacity of rural land and are compatible with Rural activities;
- ii. an Intensive horticulture industry (being the mushroom farm) located on 4696-4754 Mount Lindesay Highway, North Maclean (Lot 1 RP218191);
- b. the design of the built form:
  - i. produces a built form that is compatible with a rural landscape;
  - ii. is set within a landscape setting, where the landscape character predominates over the built form;
- c. development protects amenity consistent with its location in the Rural zone or precinct and the surrounding area;
- d. development ensures that positive social and health impacts are enhanced and negative impacts are mitigated or avoided;
- e. the rural character and landscape values are protected;
- f. in the Farming precinct:
  - i. land uses comprise Rural activities (excluding Aquaculture), Bulk landscape supplies, Caretaker's accommodation, Dual occupancy (auxiliary unit), Dwelling house, Environment facility, Home-based business, Market, Nature-based tourism, Sales office or Transport depot being Heavy vehicle parking;
  - ii. a Transport depot being Heavy vehicle parking is consistent with the intended amenity of the zone and precinct;
  - iii. Agricultural Land Classification (ALC) Class A or Class B is protected from development that would result in its fragmentation, alienation or loss of productive capacity;
- g. in the Rural tourism precinct:
  - i. land uses comprise Rural activities (excluding Aquaculture) Bulk landscape supplies, Caretaker's accommodation, Dual occupancy (auxiliary unit), Dwelling house, Environment facility, Home-based business, Market, Nature-based tourism or Sales office;
  - ii. development protects the natural environment and scenic amenity values.

**6.2.12.3 Assessment benchmarks for assessable development and requirements for accepted development**

**Part A - Requirements for accepted development (subject to requirements) and assessment benchmarks for assessable development**

**Table 6.2.12.3.1 - Rural zone code - accepted development (subject to requirements) and assessable development**

Performance outcomes	Acceptable outcomes	Comments
<b>For accepted development (subject to requirements) and assessable development</b>		

Land uses		
<p><b>PO1</b> A use in the Rural zone is for uses identified in:</p> <ul style="list-style-type: none"> <li>a. section 6.2.12.2(3)(f)(i) overall outcomes for the Farming precinct; or</li> <li>b. section 6.2.12.2(3)(g)(i) overall outcomes for the Rural tourism precinct.</li> </ul>	<p><b>AO1</b> A use in the Rural zone is for uses identified in:</p> <ul style="list-style-type: none"> <li>a. section 6.2.12.2(3)(f)(i) overall outcomes for the Farming precinct; or</li> <li>b. section 6.2.12.2(3)(g)(i) overall outcomes for the Rural tourism precinct.</li> </ul>	<p><b>COMPLIES WITH AO1</b> The proposed development is for a Transport depot that primarily involves the parking of heavy vehicles which is an identified envisaged use within the Farming precinct.</p>
<b>Animal keeping being for the training of horses and stabling</b>		
<p><b>PO2</b> Animal keeping being for training or stabling of horses, does not produce dust emissions that adversely impact on residential amenity by providing a:</p> <ul style="list-style-type: none"> <li>a. adequate separation to uses other than Rural activities;</li> <li>b. boundary clearance;</li> <li>c. suitable track surface.</li> </ul>	<p><b>AO2</b> A training or exercise track for horses or stabling of horses:</p> <ul style="list-style-type: none"> <li>a. has a minimum boundary clearance of: <ul style="list-style-type: none"> <li>i. 30 metres from a residential zone category;</li> <li>ii. 15 metres otherwise;</li> </ul> </li> <li>b. is surfaced with a material that limits dust generation (such as coarse sand or chip sawdust mix).</li> </ul>	<p><b>NOT APPLICBLE</b> There is no animal keeping use aspect associated with this specific transport depot application.</p>
<b>Cropping</b>		
<p><b>PO3</b> Cropping has a boundary clearance that protects the amenity of adjoining premises.</p>	<p><b>AO3</b> Cropping has a minimum boundary clearance of:</p> <ul style="list-style-type: none"> <li>a. 50 metres from a residential zone category;</li> <li>b. 30 metres from any zone other than the Rural zone.</li> </ul>	<p><b>NOT APPLICBLE</b> There is no cropping associated with this specific transport depot application.</p>
<b>Permanent plantation</b>		
<p><b>PO4</b></p>	<p><b>AO4</b> A Permanent plantation has a minimum boundary clearance of:</p>	<p><b>NOT APPLICBLE</b> There is no permanent plantation aspect associated with this specific transport depot application.</p>

<p>A Permanent plantation protects the amenity of adjoining premises and safety of people and premises from bushfire.</p>	<p>a. 20 metres from a lot boundary; or b. 100 metres from premises: i. being a lot containing an Educational establishment; or ii. in the residential zone category; or iii. in the Rural residential zone - Park living or Park residential precincts.</p>	
<b>Transport Depot</b>		
<p><b>PO5</b> A Transport depot being Heavy vehicle parking in the Farming precinct protects the residential amenity of adjoining premises by:</p> <ol style="list-style-type: none"> <li>a. limiting the number of vehicles parked on the premises;</li> <li>b. limiting the maintenance of a vehicle;</li> <li>c. limiting the hours during which maintenance of a vehicle is carried out;</li> <li>d. providing a visual buffer between the use and adjoining residential uses;</li> <li>e. providing separations;</li> <li>f. limiting the type of goods or materials stored on a vehicle while the vehicle is parked on the premises.</li> </ol>	<p><b>A05</b> A Transport depot being Heavy vehicle parking in the Farming precinct:</p> <ol style="list-style-type: none"> <li>a. involves the parking of a maximum of six Heavy vehicles;</li> <li>b. involves only the minor maintenance of vehicles;</li> <li>c. undertakes minor maintenance of vehicles only between the hours of:             <ol style="list-style-type: none"> <li>i. 7:00 am and 6:00 pm Monday to Saturday;</li> <li>ii. 9:00am to 5:00pm Sunday and Public Holidays;</li> </ol> </li> <li>d. provides landscaping that visually screens the use from a public place and adjoining premises;</li> <li>e. has a minimum boundary clearance of 6 metres from a lot boundary;</li> <li>f. does not involve the storage of vehicles that are loaded with Hazardous materials.</li> </ol>	<p><b>COMPLIES WITH PO5</b> Whilst the scale and operations of the transport depot use are a departure from those outlined in the AO, given the large size of the subject site and existing scale of built form infrastructure already present, the use is able to operate without detrimentally impacting on any nearby residential amenity.</p> <p>The existing surplus infrastructure on the subject site that is to be used for the transport depot use is centrally located and as a result is well set back and separated from nearby residential premises to assist with both visual and acoustic amelioration.</p> <p>A detailed Noise Impact Assessment (NIA) has been undertaken to ensure that the proposed activity does not exceed Council noise emission standards on any nearby properties.</p> <p>In this respect, the proposed transport depot use on the subject site is readily able to be</p>

		undertaken without impact the residential amenity of any adjoining premises.
<b>Design</b>		
<b>Building height</b>		
<b>PO6</b> A building has a scale compatible with the rural landscape character.	<b>AO6</b> A building has a maximum building height of 12 metres.	<b>NOT APPLICABLE</b> There are no proposed changes to the existing built form and height on the subject site as a result of this transport depot use.
<b>Boundary clearance</b>		
<b>PO7</b> A building or structure has a road, side and rear boundary clearances compatible with the rural character having regard to: a. visual amenity; b. privacy.	<b>AO7</b> A building or structure, other than an existing lawful building or structure, has a minimum: a. road boundary clearance of 20 metres; b. side and rear boundary clearances of 10 metres.	<b>NOT APPLICABLE</b> There are no proposed changes to the established building setbacks established on the site as a result of this transport depot use.
<b>Amenity</b>		
<b>General emissions</b>		
<b>PO8</b> Development protects the intended amenity for the zone and precinct of an adjoining premises by having regard to: a. noise emissions; b. air emissions; c. light emission; d. radiation emissions; e. vibration emissions.	<b>AO8</b> Development complies with the following emissions standard of Planning scheme policy 3 - Environmental management: a. Table 3.2.1.1 - Noise emission standards for the protection of residential amenity where adjoining a premises in a zone specified in 3.2.1(1)(a) of Planning scheme policy 3 - Environmental management; b. Table 3.2.1.2 - Noise emission standards for the protection of general amenity where	<b>COMPLIES WITH AO8</b> In support of this proposed transport depot use, a detailed Noise Impact Assessment (NIA) has been undertaken to ensure that the proposed activity does not exceed Council noise emission standards on any nearby properties. This findings of this NIA have confirmed the suitability of the use to operate in compliance with Council specifications.

	<p>adjoining a premises in a zone specified in 3.2.1(1)(b) of Planning scheme policy 3 - Environmental management;</p> <p>c. Table 3.2.2.1 - Air emission standards;</p> <p>d. Table 3.2.3.1 - Light emission standards;</p> <p>e. section 3.2.4 - Radiation emission standards;</p> <p>f. Table 3.2.5.1 - Preferred weighted rms value for continuous and impulsive vibration acceleration (m/s<sup>2</sup>) 1/80Hz.</p>	<p>Air or radiation emissions are not considered relevant when considering a transport depot use.</p> <p>Light emission standards can be readily conditioned by Council.</p>						
<b>Reverse amenity</b>								
<p><b>PO9</b> Development, being a sensitive land use, maintains the operational integrity of the government supported transport infrastructure and corridor by mitigating the adverse impacts of the infrastructure.</p>	<p><b>AO9</b> Development, being a sensitive land use, within 100 metres of government supported transport infrastructure complies with the noise and vibration criteria identified in section 7 - Development Affected by Environmental Emissions from Transport Policy prepared by Department of Transport and Main Roads.</p>	<p><b>NOT APPLICABLE</b> The proposed transport depot is not defined as a sensitive land use.</p>						
<p><b>PO10</b> A sensitive land use is designed and located to mitigate any potential adverse impacts from Rural activities, Medium impact industry, High impact industry or Special industry. Note - Planning scheme policy 3 - Environmental management provides guidance on how to achieve this outcome.</p> <table border="1" data-bbox="123 1141 1008 1335"> <thead> <tr> <th>Column 1: Separation distance</th> <th>Column 2: Use</th> </tr> </thead> <tbody> <tr> <td>1,500 metres</td> <td>Special industry</td> </tr> <tr> <td>500 metres</td> <td>High impact industry</td> </tr> </tbody> </table>	Column 1: Separation distance	Column 2: Use	1,500 metres	Special industry	500 metres	High impact industry	<p><b>AO10</b> A sensitive land use is not developed within the separation distance shown in Column 1, from the use listed in Column 2 in Table 6.2.12.3.2. <b>Table 6.2.12.3.2</b></p>	<p><b>NOT APPLICABLE</b> The proposed transport depot is not defined as a sensitive land use.</p>
Column 1: Separation distance	Column 2: Use							
1,500 metres	Special industry							
500 metres	High impact industry							

500 metres	Intensive animal industry	
500 metres	Intensive horticulture, being the mushroom farm located on 4696-4754 Mount Lindesay Highway, North Maclean (Lot 1 RP218191).	
300 metres	Intensive horticulture, excluding the mushroom farm located on 4696-4754 Mount Lindesay Highway, North Maclean (Lot 1 RP218191).	
300 metres	Wholesale nursery	
250 metres	Medium impact industry	
<b>PO11</b> A sensitive land use does not adversely affect the ongoing operation of the Intensive horticulture industry (being the mushroom farm) located on 4696-4754 Mount Lindesay Highway, North Maclean (Lot 1 RP218191).	<b>AO11</b> A sensitive land use is not located within 500m of the Intensive horticulture industry (being the mushroom farm) located on 4696-4754 Mount Lindesay Highway, North Maclean (Lot 1 RP218191).	<b>COMPLIES WITH AO11</b> Whilst the subject site is located at the premises identified in the PO and AO, no sensitive land use is proposed.
<b>For assessable development only</b>		
<b>Farming precinct</b>		
<b>Land uses</b>		
<b>Alienation and fragmentation of rural land</b>		
<b>PO12</b> Development in the ALC Class A or Class B area identified on Figure 6.2.12.3.1 - Agricultural	<b>AO12</b> No acceptable outcome provided.	<b>COMPLIES WITH PO12</b> The subject site is not mapped in the ALC Class A or B areas as shown on Figure 6.2.12.3.1.

<p>protection area does not fragment, alienate or result in the loss of the productive capacity of ALC Class A or Class B land unless:</p> <ul style="list-style-type: none"> <li>a. there is an overriding need in the public interest;</li> <li>b. there is no alternate site available for the development.</li> </ul>		
<p><b>Agricultural Land Classification Class A or Class B land</b></p>		
<p><b>PO13</b> Development protects ALC Class A and Class B land from development that leads to permanent impacts or diminished productivity by ensuring that:</p> <ul style="list-style-type: none"> <li>a. ALC Class A and Class B land is managed to preserve the productive capacity of the land for future generations;</li> <li>b. to the extent that the ALC Class A and Class B land is in a management area and will be permanently impacted upon by a development with a footprint greater than 3,000m<sup>2</sup>, an overriding need must be demonstrated and mitigation is provided for the impacted land.</li> </ul>	<p><b>AO13</b> Development in the ALC Class A or Class B area identified on Figure 6.2.12.3.1 - Agricultural protection area, other than Cropping, is limited to a footprint of 3,000m<sup>2</sup>.</p>	<p><b>NOT APPLICABLE</b> The subject site is not mapped in the ALC Class A or B areas as shown on Figure 6.2.12.3.1.</p>
<p><b>Animal keeping being a kennel</b></p>		
<p><b>PO14</b> Animal keeping being a kennel does not produce emissions that adversely impact on residential amenity by providing:</p> <ul style="list-style-type: none"> <li>a. separation from a use in a residential zone category;</li> </ul>	<p><b>AO14</b> Animal keeping being a kennel:</p> <ul style="list-style-type: none"> <li>a. is located a minimum of 100 metres from any lot in the residential zone category;</li> </ul>	<p><b>NOT APPLICABLE</b> Animal keeping being a kennel is not proposed as part of this transport depot use application.</p>

<ul style="list-style-type: none"> <li>b. separation from an existing kennel;</li> <li>c. ease of supervision;</li> <li>d. boundary clearances;</li> <li>e. setbacks;</li> <li>f. a visual buffer to limit visual stimulus to dogs from an external source;</li> <li>g. an acoustic fence;</li> <li>h. a limit on the number of dogs kept on the premises.</li> </ul>	<ul style="list-style-type: none"> <li>b. is located a minimum distance of 1,000 metres from another lawfully established or approved kennel;</li> <li>c. is located a maximum of 20 metres from a Dwelling house on the same lot;</li> <li>d. has a minimum boundary clearance of: <ul style="list-style-type: none"> <li>i. 100 metres from a road frontage;</li> <li>ii. 15 metres from a side and rear boundary;</li> </ul> </li> <li>e. is setback a minimum of: <ul style="list-style-type: none"> <li>i. 150 metres from a sensitive land use;</li> <li>ii. 150 metres from the boundary of an adjoining lot where the adjoining lot is vacant;</li> </ul> </li> <li>f. is visually buffered by: <ul style="list-style-type: none"> <li>i. a minimum five metres wide screen landscaping strip adjoining a building, run, exercise yard or car park;</li> <li>ii. locating the kennel behind the existing or proposed Dwelling house;</li> </ul> </li> <li>g. provides an acoustic fence with a minimum height of two metres;</li> <li>h. has no more than 10 dogs per hectare, up to a maximum of 100 dogs.</li> </ul>	
<b>Intensive horticulture or Wholesale nursery</b>		
<p><b>PO15</b> An Intensive horticulture or Wholesale nursery protects the amenity of adjoining premises.</p>	<p><b>AO15</b> A building or structure where associated with Intensive horticulture or Wholesale nursery, has a minimum boundary clearance of 50 metres from a lot boundary.</p>	<p><b>NOT APPLICABLE</b> Intensive horticulture or a wholesale nursery use aspect are not proposed with the proposed transport depot operation.</p>
<b>Amenity</b>		

<b>Reverse amenity</b>		
<p><b>PO16</b> An activity that is not Rural activities does not prejudice the future operation and viability of Rural activities.</p>	<p><b>AO16</b> No acceptable outcome provided.</p>	<p><b>COMPLIES WITH PO16</b> The proposed transport depot use is not a sensitive land use and is proposed to be undertaken on current surplus and unused buildings and hardstand areas of the subject site. The proposed use of these surplus parts of the subject site for a transport depot use represent a less than 4% usage of the total site area and as a result will have no impact on any future viability and operation of any rural activity that may/could be undertaken on the site.</p>
<b>Social and health impact</b>		
<p><b>PO17</b> Development enhances the positive impacts and mitigates or avoids the negative impacts for the uses stated in Table 2.1.2.1 of Planning scheme policy 7 - Social and health impact assessment. Note - Compliance with this performance outcome is to be demonstrated by a detailed social and health impact assessment report prepared in accordance with Part 2 of Planning scheme policy 7 - Social and health impact assessment.</p>	<p><b>AO17.1</b> Development meets the criteria for the uses stated in Table 2.1.2.1 of Planning scheme policy 7 - Social and health impact assessment where involving the sale or consumption of liquor.</p> <p><b>AO17.2</b> Development does not provide for gaming.</p>	<p><b>NOT APPLICABLE</b> Assessment and consideration of a transport depot use on the subject site does not require any form of social and health impact assessment.</p>

**Figure 6.2.12.3.1 - Agricultural protection area**

