3.3
RURAL RESIDENTIAL LOCALITY

3.3 Rural Residential Locality

3.3.1 Tables of Assessment Categories and Assessment Criteria

TABLE 4A - Material Change of Use[1]		
Column 1 Defined Use	Column 2 Assessment Category	Column 3 Assessment Criteria
(1) DEVELOPMENT FOR DEFINED USES AND USE CLASSES:		
(a) Rural Use Classes		

Animal keeping:	**Self assessable:**
	
	If:
	
	(i) for poultry keeping;
	
	or
	
	(ii) for an aviary;
	
	or
	
	(iii) for the keeping of:
	
	      (1) 6 or less loud birds,
	
	      (2) 3 or less dogs, or
	
	      (3) 10 or less cats.
	
	Code assessable:
	
	(i) If nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code;
	
	or
	
	(ii) All circumstances except if self assessable or impact assessable.
	
	Impact assessable:
	
	If:
	
	(i) for a kennel, cattery and/or animal pound/refuge or holding facility;
	
	or
	
	(ii) for the keeping of 4 or more dogs.
		<u>*Applicable Codes*</u>:
		
		For self assessable development:
		
		▪ Animal Keeping and Intensive Animal Husbandry Code – Element (b), (d) and (f).
		
		For assessable development:
		
		▪ Rural Residential Locality Code; and
		
		▪ Animal Keeping and Intensive Animal Husbandry Code;
		
		AND
		
		For assessable development:
		
		(i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive:
		
		▪ Natural Features and Resources Overlay Code
		
		(ii) If in a SMOA on SMOA map 2E:
		
		▪ Community Facility Overlay Code

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[1] Uses proposed on State lands must be consistent with the purpose for which the land was allocated under the *Land Act, 1994*. Consult with Department of Natural Resources and Mines.

TABLE 4A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(a) Rural Use Classes continued:		

Farming:
 	
NOTE:
 	
Farming for animal husbandry for pigs is an inconsistent use (refer SO2 in 3.3.2)
	Self assessable:
	
	If for:
	
	(i) *Farming* except if involving:
	
	    (1) on-farm processing,
	
	    (2) a roadside stall, or
	
	    (3) irrigation services;
	
	or
	
	(ii) animal husbandry if not exceeding an animal density of:
	
	    (1) 1/ha for free ranged livestock excluding pigs,
	
	    (2) 2/ha for goats, or
	
	    (3) 2/ha for stabled hoofed animals.
	
	Code assessable:
	
	If:
	
	(i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code;
	
	or
	
	(ii) for on-farm processing or roadside stall;
	
	or
	
	(iii) in all other circumstances except if self assessable or impact assessable.
	
	Impact assessable:
	
	If for:
	
	(i) animal husbandry for the keeping of more than:
	
	    (1) 10 emus/ha,
	
	    (2) for hoofed animals:
	
	        a. 1/ha free ranged, and
	
	        b. 2/ha for stabling of animals, or
	
	    (3) 35 poultry;
	
	or
	
	(ii) agriculture involving irrigation services.
		Applicable Codes:
		
		For self assessable development:
		
		▪ Farming Code.
		
		For assessable development:
		
		▪ Rural Residential Locality Code; and
		
		▪ Farming Code;
		
		AND
		
		For assessable development:
		
		(i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive:
		
		▪ Natural Features and Resources Overlay Code
		
		(ii) If in a SMOA on SMOA map 2E:
		
		▪ Community Facility Overlay Code

Forestry business:	**Self assessable:** All except if assessable as follows. **Code assessable:** If: (i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code; or (ii) in a SMOA on SMOA maps 2A to 2D(i) inclusive.	*Applicable Codes:* *For self assessable development:* ▪ Forestry Business Code. *For assessable development:* ▪ Rural Residential Locality Code; and ▪ Forestry Business Code; **AND** *For assessable development:* (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code

TABLE 4A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(a) Rural Use Classes continued:		

Intensive animal husbandry:
 	
NOTE:
Uses for:
- a dairy
- feedlotting
- a piggery
- a poultry farm
are inconsistent uses (refer SO2 of 3.3.2)
	Code assessable:
	All except if impact assessable as follows.
	Impact assessable:
	If for:
	   (1) aquaculture,
	   (2) aquarium,
	   (3) aviary,
	   (4) emu farming, or
	   (5) zoo.
		Applicable Codes:
		▪ Rural Residential Locality Code; and
		▪ Animal Keeping and Intensive Animal Husbandry Code;
		AND
		(i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive:
		▪ Natural Features and Resources Overlay Code

Rural service industry:	**Impact assessable:** All circumstances	
(b) Residential Use Classes:		
Accommodation building: **NOTE:** *Accommodation building is an inconsistent use (refer SO2 in 3.3.2)*	**Code assessable:** All circumstances	*Applicable Codes:* ▪ Rural Residential Locality Code; and ▪ Multiple Dwelling Unit and Accommodation Building Code; **AND** (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code (ii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
Annexed unit: *Bed and breakfast:* *Dwelling house:* **NOTE:** *Uses for more than 1 Dwelling house (or a Dwelling house and a Caretakers residence) on a lot are an inconsistent use (refer SO2 in 3.3.2)*	**Self assessable:** All except if assessable as follows. **Code assessable:** If: (i) nominated as self assessable but unable to comply with an Acceptable Solution for the Applicable Code; or (ii) more than 1 *Dwelling house* (or a *Dwelling house* and *Caretaker's residence*) is proposed on a lot.	*Applicable Codes:* *For all levels of assessment:* (i) For Annexed Unit: ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (d), (e) and (g). (ii) For Bed and Breakfast: ▪ Bed and Breakfast and Small Scale Tourist Facility Code. (iii) For Dwelling House: ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (g) and (h). (iv) If in a SMOA on SMOA map 2B showing bushfire areas: ▪ Natural Features and Resources Overlay Code – Element (b)(ii); **AND** *For assessable development:* ▪ Rural Residential Locality Code – Elements (a), (c)(i)O6 and S6.2, (iii) to (vi) and (g); and (i) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code

TABLE 4A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(b) Residential Use Classes continued:		
Caretakers residence:	**Code assessable:** All circumstances	*Applicable Codes:* ▪ Rural Residential Locality Code – Elements (a), (c)(i)O6 and S6.2, (iii) to (vi) and (g); and ▪ Dwelling House, Annexed Unit and Caretakers Residence Code – Elements (a), (b), (e), (f) and (g); and (i) If in the SMOA on SMOA map 2B showing bushfire areas: ▪ Natural Features and Resources Overlay Code – Element (b)(ii)
Home-based business:	**Code assessable:** All circumstances.	*Applicable Codes:* ▪ Rural Residential Locality Code – Elements (a), (c)(iii) to (vi) and (g); and ▪ Home-based Business Code; **AND** *For assessable development:* (i) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
Multiple dwelling unit: **NOTE:** *A Multiple dwelling unit involving more than two dwellings is an inconsistent use (refer SO2 in 3.3.2)*	**Code assessable:** All except if impact assessable as follows. **Impact assessable** If for a *Multiple dwelling unit* involving only two dwelling units.	*Applicable Codes:* ▪ Rural Residential Locality Code; and ▪ Multiple Dwelling Unit and Accommodation Building Code; **AND** (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code (ii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
Other defined Residential uses not listed above:	**Impact assessable:** All circumstances	
(c) Commercial Use Classes:		
All defined Commercial uses: **NOTE:** *All defined Commercial uses except for a:* *- Office* *- Small-scale tourist facility* *- Shop (under 50sqm in gross floor area)* *are inconsistent uses (refer SO2 in 3.3.2)*	**Code assessable:** All except if impact assessable as follows. **Impact assessable:** If for a *Shop* (under 50sqm in gross floor area).	*Applicable Codes:* ▪ Rural Residential Locality Code; **AND** (i) For Small-scale Tourist Facility: ▪ Bed and Breakfast and Small Scale Tourist Facility Code; and ▪ Rural Residential Locality Code; **AND** (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code (ii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code

TABLE 4A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(d) Industrial Use Classes:		
Borrow pit:	**Code assessable:** All except if impact assessable as follows. **Impact assessable:** If for a *Borrow pit (large scale)* within 500m of the edge of land in the: (1) Residential Zone, (2) Village Zone, or (3) Rural Residential Zone.	<u>*Applicable Codes:*</u> ▪ Rural Residential Locality Code – all Elements except (b), (c)(i) and (ii) and (d); and ▪ Extractive Industry and Borrow Pit Code; **AND** (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code (ii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code
Other defined Industrial uses not listed above: **NOTE:** *All other defined Industrial uses except for a Landscape supplies are inconsistent uses (refer SO2 in 3.3.2)*	**Code assessable:** All except if impact assessable. **Impact assessable:** If for a *Landscape supplies.*	<u>*Applicable Codes:*</u> (i) For Extractive Industry: ▪ Extractive Industry and Borrow Pit Code; and ▪ Rural Residential Locality Code – all Elements except (b), (c)(i) and (ii) and (d); (ii) For Service Station or Car Washing Station: ▪ Service Station and Car Washing Station Code; and ▪ Rural Residential Locality Code – all Elements except (b), (c)(i) and (ii); (iii) For other defined Industrial uses not listed above: ▪ Rural Residential Locality Code; **AND** (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Features and Resources Overlay Code <u>(ii)</u> If in the SMOA on SMOA map 2E: ▪ Community Facility Overlay Code

(e) Community Use Classes:		
Local utility:	**Exempt:** All except if assessable as follows.	Nil
	Code assessable: If: (i) for a community service in any SMOA shown on SMOA map 2A to 2E inclusive; or (ii) for community services on any premises listed in Schedule 5 except if related to a premises comprising a *Local utility* or *Special use.*	*Applicable Codes:* ▪ Rural Residential Locality Code; **AND** (i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive: ▪ Natural Resources and Resources Overlay Code (ii) If in a SMOA on SMOA map 2E: ▪ Community Facility Overlay Code

Other defined Community uses not listed above:
 	
NOTE:
Major utility is an inconsistent use unless it fulfils the circumstances for self assessment specified in Column 2 (refer SO2 in 3.3.2)
	Self assessable:
	If:
	(i) for the particular *Community use class* indicated for the premises listed in Schedule 5, Division 1 and for not more than a 10% increase in gross floor area calculated from the commencement day;
	or
	(ii) by a public sector entity in an existing building on land under Council's control in the following circumstances:
	    (1) for not more than a 10% increase in gross floor area calculated from the commencement day,
	    (2) outside the area shown on SMOA map 2A to 2E, or
	    (3) not involving flood lighting.
	
	Code assessable:
	If:
	(i) nominated as self-assessable but unable to comply with an Acceptable Solution for the Applicable Codes;
	or
	(ii) for all other circumstances except if self assessable or impact assessable herein.
	
	Impact assessable:
	If for a *Child-care centre*
		Applicable Codes:
		For all levels of assessment:
		▪ Rural Residential Locality Code;
		AND
		(i) For Telecommunications Facility:
		    • Telecommunications Facilities Code;
		AND
		For assessable development:
		(i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive:
		▪ Natural Resources and Resources Overlay Code
		(ii) If in a SMOA on SMOA map 2E:
		▪ Community Facility Overlay Code

(f) Recreational Use Classes:		
Park:	**Exempt:** All circumstances	Nil

TABLE 4A - Material Change of Use[1]		
Column 1 **Defined Use**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**

Other defined Recreational uses not listed above:
 	
NOTE:
 	
If Indoor entertainment is Code assessable under Column 2 it is an inconsistent use (refer SO2 in 3.3.2)
	Self assessable:
	
	If on Council controlled land except if:
	
	(1) for more than a 10% increase calculated from the commencement day:
	
	    a. in gross floor area, or
	
	    b. in car parking demand,
	
	(2) needing a liquor licence,
	
	(3) involving floodlighting, or
	
	(4) in a SMOA on SMOA map 2A to 2E.
	
	Code assessable:
	
	If:
	
	(i) nominated as self-assessable but unable to comply with an Acceptable Solution for the Applicable Code;
	
	or
	
	(ii) for all other circumstances except if self assessable or impact assessable herein.
	
	Impact assessable:
	
	If for *Indoor sports facility.*
		Applicable Codes:
		
		For all levels of assessment:
		
		▪ Rural Residential Locality Code;
		
		AND
		
		AND
		
		For assessable development:
		
		(i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive:
		
		▪ Natural Resources and Resources Overlay Code
		
		(ii) If in a SMOA on SMOA map 2E:
		
		▪ Community Facility Overlay Code

(2) DEVELOPMENT FOR UNDEFINED USES:[2]		
All:	**Impact assessable:** All circumstances	

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[2] Development for undefined uses refers to proposals that do not fall within the ambit of a defined use as set out in Schedule 7.

TABLE 4B – Development other than material change of use

Column 1 Nature of Development	Column 2 Assessment Category	Column 3 Assessment Criteria
(1) BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		

All:	**Code assessable:**
	
	If for:
	
	(i) a building or structure having a building height greater than the following measured above ground level:
	
	    (1) 8.5 metres for habitable buildings or for a *Community use*, or
	
	    (1) 3.5 metres for a *Small-scale tourist facility*, *Bed and breakfast*, *Home-based business* or an outbuilding;
	
	or
	
	(ii) a fence or wall forward of the building line over 1.8m in height and less than 50% transparent;
	
	or
	
	(iii) a retaining wall over 2m in height;
	
	or
	
	(iv) a Class 10 building on premises not associated with an existing *Dwelling house;*
	
	or
	
	(v) displacement of more than 50 m^3 of material.
		Applicable Codes:
		
		(i) For building or structure height:
		
		▪ Rural Residential Locality Code – Element (c)(ii)O8.
		
		(ii) For fences and walls:
		
		▪ Rural Residential Locality Code - Element (c)(v).
		
		(iii) For a Class 10 building:
		
		▪ Rural Residential Locality Code - Elements (c)(i) and (ii), (d) and (g).
		
		(iv) For displacement of material:
		
		▪ Rural Residential Locality Code - Elements (d) and (g);
		
		AND
		
		(i) If in the SMOA on SMOA map 2E:
		
		▪ Community Facility Overlay Code

(2) OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
Placement of an advertisement device:	**Code assessable:** All circumstances	*Applicable Code:* ▪ Rural Residential Zone Code – Elements (c)(vi), (d) and (g)

Excavation and/or filling that materially affects premises:	**Code assessable:**
	
	If:
	
	(i) for a:
	
	    (1) *Telecommunication facility (medium impact)*,
	
	    (2) *Major utility*, or
	
	    (3) *Extractive industry*;
	
	or
	
	(ii) for a change in the ground level of more than 1 metre or if more than 50 cubic metres of material is filled or excavated.
	
	or
	
	(iii) capable of storing water and/or causing the ponding of water and:
	
	    (1) the distance from any point on the edge of the full water level to any downstream property boundary (including road reserve) is less than the widest distance in any direction on the surface of the water at its maximum fill level; or
	
	    (2) the distance from any point on the edge of the full water level to any upstream property boundary (including to road reserve) is less than half the widest distance in any direction on the surface of the water at its maximum fill level
		Applicable Codes:
		
		▪ Rural Residential Zone Code – Elements (g);
		
		AND
		
		(i) For Telecommunications Facility:
		
		▪ Telecommunications Facilities Code
		
		(ii) For Extractive Industry:
		
		▪ Extractive Industry and Borrow Pit Code;
		
		AND
		
		(i) If in a SMOA on SMOA maps 2A to 2D(i) inclusive:
		
		▪ Natural Features and Resources Overlay Code

Works associated with reconfiguring a lot:	**Code assessable:** All circumstances	*Applicable Codes:* ▪ Rural Residential Locality Code – Elements (b), (d), (f) and (g); **AND** (i) If in a SMOA on SMOA maps 2C: ▪ Natural Features and Resources Overlay Code – Element (d) and (e)

TABLE 4B – Development other than material change of use		
Column 1 **Nature of** **Development**	**Column 2** **Assessment Category**	**Column 3** **Assessment Criteria**
(3) RECONFIGURING A LOT NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		

Reconfiguring a lot:	**Code assessable:**
	All except if impact assessable as follows.
	Impact assessable:
	If creating a lot:
	(i) within 200m of land shown on SMOA map 2D;
	or
	(ii) if the compliant 2500sqm building area (with a minimum dimension of 50m) is in:
	    (1) the buffer area to the boundary to an *Intensive animal husbandry* premises shown on SMOA map 2D(i);
	    (2) the Mineral and Extractive Resources and Buffer Area as shown on SMOA map 2A;
	    (3) the 500 metre buffer area to a *Major utility* shown on SMOA map 2E; or
	    (4) the 200m buffer to land included in the Industrial Zone on the Zone maps shown on SMOA map 2D(i).
		Applicable Codes:
		▪ Rural Residential Zone Code - Elements (b), (d), (f) and (g);
		AND
		(i) If in a SMOA on SMOA maps 2A or 2D(i) inclusive:
		▪ Natural Features and Resources Overlay Code
		(ii) If in the SMOA on SMOA map 2E:
		▪ Community Facility Overlay Code

(4) OTHER THAN SPECIFIED ABOVE AND NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All:	**Exempt:** All circumstances	Nil