

6.2.6 Limited Development Zone Code



6.2.6.1 Application

This code applies to development:

- (1) within the Limited Development Zone as identified on the zone maps contained in **Schedule 2 Mapping**; and
- (2) identified as requiring assessment against the Limited Development Zone Code by the tables of assessment in **Part 5 Tables of Assessment**.

6.2.6.2 Purpose and Overall Outcomes

- (1) The purpose of the Limited Development Zone is to identify land that is significantly affected by 1 or more development constraints, including, for example, constraints relating to defence requirements, flooding, historical subdivisions, land contamination, past or future mining activities or topography.

Editor's Note - Land included in the Limited Development Zone is not an urban area for the purpose of the Planning Regulation 2017.

- (2) The purpose of the Limited Development Zone Code will be achieved through the following overall outcomes:

(a) **Development:**

- (i) is responsive to the significant constraints of the land and is limited in the range of land uses that can occur;
- (ii) where located in the Flood Land Precinct, is responsive to the constraints of the land;
- (iii) where located in the Historical Subdivision Precinct, maintains a rural living character and does not create high density residential communities in isolated areas of the region where services and infrastructure are unavailable and are not planned to become available;

- (3) The purpose of the **Limited Development Zone Code (Where no precinct applies)** will be achieved through the following overall outcomes:

(a) **Development:**

- (i) is responsive to the significant constraints of the land;

(b) **Land uses:**

- (i) are limited and of a low scale and intensity due to the significant constraints of the land;
- (ii) may include low-impact, small-scale residential living in the form of a *Dwelling house* where compatible with the surrounding area and where constraints can be appropriately mitigated;
- (iii) are provided with an appropriate level of infrastructure and access;
- (iv) are limited to the uses listed as a consistent use in column 1 of **Table 6.2.6.2.1 - Consistent Uses and Potentially Consistent Uses in the Limited Development Zone (Where no precinct applies)**;

- (v) where not listed in **Table 6.2.6.2.1 Consistent Uses and Potentially Consistent Uses in the Limited Development Zone (Where no precinct applies)** are inconsistent uses and are not intended to occur in the zone;
- (c) **Character:**
 - (i) consists of predominantly undeveloped land with an open space character;
- (d) **Built form:**
 - (i) is limited to open buildings and structures associated with *Animal husbandry, Cropping* or a *Park* that are compatible with the constraints of the land;
 - (ii) may include *Dwelling houses* to facilitate small-scale residential living that is designed to reflect the significant constraints of the land and where compatible with the amenity of the area;
- (e) **Lot design:**
 - (i) does not involve the creation of additional lots; and
 - (ii) supports the limited land uses envisaged in the zone where involving a boundary realignment or easement.

Table 6.2.6.2.1 - Consistent Uses and Potentially Consistent Uses in the Limited Development Zone (Where no precinct applies)

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
Rural Activities	Residential Activities
<i>Animal husbandry</i>	<i>Dwelling house</i>
<i>Cropping</i>	
Recreational Activities	
<i>Park</i>	
Infrastructure Activities	Infrastructure Activities
<i>Major electricity infrastructure (where proposed as underground infrastructure)</i>	<i>Major electricity infrastructure*</i>

- (4) The purpose of the **Limited Development Zone Code - Flood Land Precinct** will be achieved through the following overall outcomes:
- (a) **Development:**
 - (i) protects people and property from the significant safety risk of flood by limiting development to non-habitable uses and uses that do not increase the number of people congregating on flood prone land;
 - (b) **Land uses:**
 - (i) are limited due to the significant flooding constraints of land contained in the precinct and subsequently, the inability to mitigate the risk to people and property to an acceptable level;
 - (ii) that increase the number of people congregating or involve the construction of buildings on land having a significant flooding constraint including *residential activities, commercial activities, community services activities, industrial activities, infrastructure activities* and *tourism activities* are not supported;
 - (iii) do not include the expansion of existing low density residential activities;
 - (iv) are limited to the uses listed as a consistent use in column 1 of **Table 6.2.6.2.2 - Consistent Uses in the Limited Development Zone - Flood Land Precinct**;
 - (v) where not listed in **Table 6.2.6.2.2 Consistent Uses and Potentially Consistent Uses in the Limited Development Zone - Flood Land Precinct** are inconsistent uses and are not intended to occur in the zone;
 - (c) **Character:**
 - (i) consists of largely undeveloped land;
 - (d) **Built form:**
 - (i) is limited to open buildings and structures associated with *Animal husbandry, Cropping* or a *Park* that are compatible with the flood constraints of the land;

- (ii) does not impact on the flood characteristics of flood affected areas;
- (iii) directly, indirectly and cumulatively avoids an increase in the exposure or severity of flood hazard on the site or other land;
- (e) **Lot design:**
 - (i) does not involve the creation of additional lots; and
 - (ii) supports the limited land uses envisaged in the zone where involving a boundary realignment or easement.

Editor's Note - Refer also to the Flood Hazard Overlay Code and mapping for additional requirements that apply to land in a Flood Hazard Area.

Table 6.2.6.2.2 - Consistent Uses in the Limited Development Zone - Flood Land Precinct

Column 1 Consistent Uses
Rural Activities
<i>Animal husbandry</i> <i>Cropping</i>
Recreational Activities
<i>Park</i>

(5) The purpose of the **Limited Development Zone Code - Historical Subdivision Precinct** will be achieved through the following overall outcomes:

- (a) **Development:**
 - (i) provides a rural living character commensurate with the limited services and infrastructure available in the historical subdivisions of Clumber, Croftby, Fassifern Valley, Munbilla, Rosevale and Warrill View;
 - (ii) avoids the creation of medium or high density residential communities in isolated, unserviced and inaccessible areas of the region; and
 - (iii) encourages the amalgamation of small lots;
- (b) **Land uses:**
 - (i) are compatible with the limited level of infrastructure and service provision;
 - (ii) provide for a *Dwelling house* on a lot at least 2ha (or where in Harrisville, 4000m²) in area where safe and lawful access to a constructed road is obtained;
 - (iii) include very low impact *rural activities*;
 - (iv) are limited to the uses listed as a consistent use in column 1 of **Table 6.2.6.2.2 - Consistent Uses in the Limited Development Zone - Historical Subdivision Precinct**;
 - (v) where not listed in **Table 6.2.6.2.2 Consistent Uses in the Limited Development Zone - Historical Subdivision Precinct** are inconsistent uses and are not intended to occur in the zone;
- (c) **Character:**
 - (i) consists predominantly of *Dwelling houses* on lots with a minimum area of 2ha (or where in Harrisville, 4000m²) in a rural or natural landscape setting;
- (d) **Built form:**
 - (i) is small scale and low-rise and serviced by on-site water supply and waste water disposal where reticulated services are unavailable;
- (e) **Lot design:**
 - (i) does not involve the creation of additional lots and encourages the amalgamation of lots; and
 - (ii) supports the limited land uses envisaged in the zone.

Table 6.2.6.2.3 - Consistent Uses in the Limited Development Zone - Historical Subdivision Precinct

Column 1 Consistent Uses	Column 2 Potentially Consistent Uses
Rural Activities	
<i>Animal husbandry</i> <i>Cropping</i> <i>Roadside stall</i>	
Residential Activities	
<i>Dwelling house</i> (where the lot is a minimum 2 ha (or where in Harrisville, 4000m ²)) <i>Home based business</i> (if not involving Industrial activities other than <i>minor industrial activities</i>)	
Tourism Activities	
<i>Short term accommodation</i> (where involving a <i>holiday home</i>)	
Recreational Activities	Infrastructure Activities
<i>Park</i>	
Infrastructure Activities	
<i>Major electricity infrastructure</i> (where proposed as underground infrastructure)	<i>Major electricity infrastructure*</i>

6.2.6.3 Assessment Benchmarks

Table 6.2.6.3.1—Accepted and Assessable Development - Historical Subdivision Precinct

Performance Outcomes	Acceptable Outcomes																
Setbacks																	
<p>PO1 Building setbacks: (1) assist in the protection of residential amenity and privacy to adjoining premises; (2) allow for access around the building; and (3) allow for on-site car parking between the front boundary and buildings.</p> <p><i>Note - Where setbacks are required in this code or other codes, the higher numerical standard prevails.</i></p>	<p>AO1 Building setbacks are as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d3d3d3;">Setback</th> <th colspan="2" style="background-color: #d3d3d3;">Minimum Distances Measured in Metres (m)</th> </tr> </thead> <tbody> <tr> <td>Street frontage for all uses</td> <td colspan="2">6m</td> </tr> <tr> <td rowspan="3">Side and rear boundary</td> <td style="background-color: #d3d3d3;">Building Height</td> <td style="background-color: #d3d3d3;">Setback</td> </tr> <tr> <td>Up to 4.5m</td> <td>3m</td> </tr> <tr> <td>For that part between 4.5m – 7.5m</td> <td>5m</td> </tr> <tr> <td>For that part exceeding 7.5m</td> <td colspan="2">5m plus an extra 0.5m is added for every 3m in height or part thereof over 7.5m</td> </tr> </tbody> </table> <p><i>Note - Where setbacks are required in this code or other codes, the higher numerical standard prevails.</i></p>	Setback	Minimum Distances Measured in Metres (m)		Street frontage for all uses	6m		Side and rear boundary	Building Height	Setback	Up to 4.5m	3m	For that part between 4.5m – 7.5m	5m	For that part exceeding 7.5m	5m plus an extra 0.5m is added for every 3m in height or part thereof over 7.5m	
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Height																	
<p>PO2 Development is of a height that: (1) is low rise; (2) does not detract from the amenity of adjoining premises; and (3) is compatible with the height of nearby residential activities.</p>	<p>AO2 Buildings and structures do not exceed 2 storeys with a maximum height of 8.5m.</p>																

Table 6.2.6.3.2—Assessable Development - Historical Subdivision Precinct

Performance Outcomes	Acceptable Outcomes
Land Uses	
<p>PO1 Development being a Dwelling house: (1) facilitates low density rural living; and (2) is located on a lot having a minimum area of 2 ha (or where in Harrisville, 4000m²).</p>	<p>AO1 No Acceptable Outcome is prescribed.</p>
Access	
<p>PO2 Development obtains access from a <i>constructed road</i>.</p>	<p>AO2 No Acceptable Outcome is prescribed.</p>
Reconfiguration of a Lot	
<p>PO3 Reconfiguring a lot: (1) does not involve the creation of additional lots; (2) where involving a boundary realignment or easement, creates lots of an appropriate size, dimension and configuration to accommodate land uses consistent with the purpose and overall outcomes of the zone; and (3) complies with Table 9.4.6.3.2 - Minimum Lot Size and Design.</p>	<p>AO3 No Acceptable Outcome is prescribed.</p>