

6.5.2. Emerging community zone code

6.5.2.1. Application

This code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme.

When using this code, reference should be made to section 5.3.2 and where applicable, section 5.3.3 located in Part 5 of the planning scheme.

All subject matter in this code is applicable to the development assessment, unless the following circumstance arises:

- (1) The heading of a specific benchmarks for assessment table specifies otherwise; or
- (2) A heading within a specific benchmarks for assessment table specifies that the outcomes apply to a specific type of development or to development at a specific location; or
- (3) A performance outcome or acceptable outcome specifies that the outcomes apply to a specific type of development or to development at a specific location.

In the circumstance where point (2) or point (3) above arises the following applies:

- (1) the development assessment outcomes apply only to the type of development specified or only to development at the location specified; and
- (2) the development must still be assessed against all other general subject matter of the code (for example, assessment benchmarks including but not limited to those relating to built form, appearance, or general land use).

6.5.2.2. Purpose

The purpose of the emerging community zone code is:

- (1) to provide for development on land that is considered to be generally suitable for urban activities;
- (2) to protect land in the zone from development which compromises or limits its ability to develop for urban activities when needed;
- (3) to provide for the timely, orderly and efficient conversion of non-urban land to land providing for urban activities;
- (4) to provide for the development of new well planned urban communities;
- (5) to provide for the development of small scale and low intensity uses until such time as the land is needed for urban activities; and
- (6) to facilitate the achievement of the overall outcomes sought for the zone.

6.5.2.3. Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- (1) a demonstrated overriding community need is established prior to the land being developed for urban activities;
- (2) structure planning of areas within the zone is undertaken in advance of development of the land (with the only exception being the interim uses identified in Overall Outcome (4), Overall Outcome (5), Overall Outcome (6), and Overall Outcome (7));
- (3) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, development occurs only in the following circumstances:
 - (a) if it does not limit or compromise the ability to develop the land for urban activities at a time when needed; and
 - (b) if it is for the following:
 - (i) a small scale and low intensity use from within the rural activities group; or

- (ii) a small scale and low intensity use from within the recreation activities group; or
 - (iii) a use from within the accommodation activities group which is compatible with and supports a use from within the rural activities group; or
 - (iv) a use from within the special activities group which is an essential component of infrastructure servicing the community; and
- (c) if it involves reconfiguration of a lot, it does not result in fragmentation of the land into lots having inappropriate sizes and dimensions;
- (4) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the rural activities group is a preferred use within the zone in the following circumstances:
 - (a) it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and
 - (b) the use:
 - (i) is animal husbandry; or
 - (ii) is cropping; or
 - (iii) is a roadside stall; or
 - (iv) is a wholesale nursery;
- (5) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the recreation activities group is a preferred use within the zone in the following circumstances:
 - (a) it is an environment facility; or
 - (b) it is a park;
- (6) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the accommodation activities group is a preferred use within the zone only in the following circumstances:
 - (a) it is ancillary to the use of the land for a use within the rural activities group;
 - (b) it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;
 - (c) it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group;
 - (d) it is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity; and
 - (e) the use:
 - (i) is a dwelling house; or
 - (ii) is a home based business;
- (7) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the special activities group occurs within the zone only in the following circumstances:
 - (a) it has relatively low impacts and is an essential component of infrastructure servicing the community;
 - (b) it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;
 - (c) it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group;
 - (d) it is designed and sited so as to limit significant adverse impacts on any established sensitive land use in the immediate area and any future sensitive land use in the emerging community; and

- (e) the use:
 - (i) is a landing; or
 - (ii) is a utility installation (for example, water supply pump station, water supply reservoir, sewerage pump station, other essential urban infrastructure networks);
- (8) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, development is consistent with a built form that is characterised by low building heights and large boundary setbacks;
- (9) when there is a demonstrated overriding community need established for the land to be developed for urban activities, development occurs only in the following circumstances:
 - (a) the development is undertaken in accordance with a structure plan that has been approved by Council for the site;
 - (b) the Council approved structure plan for development of the site provides a framework for the coordinated provision and layout of land use and infrastructure and it includes specific details in relation to the planned development yield for the site; and
 - (c) the Council approved structure plan for development of the site and surrounding area provides for the achievement of the following outcomes:
 - (i) land that is unsuitable for development because of constraints arising from significant heritage features, matters of environmental significance, scenic landscape features or other important features is avoided, protected and appropriately managed;
 - (ii) land that is unsuitable for development because of constraints arising from natural hazards is avoided and appropriately managed;
 - (iii) development is appropriately integrated with established urban communities;
 - (iv) developed occurs in an orderly and sequenced way;
 - (v) development ensures that the efficient extension of existing urban infrastructure occurs;
 - (vi) development does not limit or compromise the development of identified future trunk infrastructure;
 - (vii) the provision of a variety of lot sizes to suit the needs of different land use envisioned within the structure plan area occurs;
 - (viii) development is provided with necessary infrastructure and services to an appropriate urban standard in a coordinated, timely and efficient manner;
 - (ix) development is able to be supported by transport infrastructure that promotes public transport use, walking and cycling;
 - (x) sensitive land use is not located in proximity to any established incompatible uses without appropriate design and siting to minimise adverse impacts on amenity;
 - (xi) the development of uses from within the accommodation activities group contributes to housing diversity which predominantly caters for the long-term stay of residents;
 - (xii) the development of uses from within the accommodation activities group predominantly occurs at densities that are consistent with the low density residential zone code and the low-medium density residential density zone code of the planning scheme;
 - (xiii) opportunities for the development of uses from within the accommodation activities group at a medium density are provided where adjoining or in proximity to land identified for the development of a centre;
 - (xiv) uses from within the accommodation activities group have safe and convenient access to an appropriate range of uses from within the community activities group and recreation activities group;

- (xv) the development of a limited range of uses from within the special activities group occurs at appropriate locations where they are an essential component of infrastructure servicing the emerging community;
- (xvi) where involving a centre, the centre is provided in accordance with the hierarchy of centres and the investigation areas stated in the Strategic Framework;
- (xvii) the development of other urban activities occurs at appropriate locations as identified in the Strategic Framework; and
- (xviii) the built form of development in areas identified for specific land use, is generally consistent with the built form that is intended for other zones of the planning scheme where they have a similar purpose.

Note: to confirm the location of approved structure plan areas, reference should be made to the notation of decisions affecting the planning scheme contained within Schedule 8 – Notations required under the Planning Act.

6.5.2.4. Specific benchmarks for assessment

Table 6.5.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes		Acceptable outcomes	
Land use			
Where located in an area that is not the subject of an approved structure plan			
If a use within the accommodation activities group			
PO1 The development of a use within the accommodation activities group: <ul style="list-style-type: none"> (a) does not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; (b) does not limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and (c) is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity. 		AO1.1 The habitable buildings of a use from within the accommodation activities group have a setback from side and rear lot boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) if there is an established use from within the rural activities group located on an adjoining lot, a setback from the common boundary with that lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (b) in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10. AO1.2 The habitable buildings of a use within the accommodation activities group have a setback from road frontage lot boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) if there is an established use from within the rural activities group located on a lot on the opposite side of the road, a setback from the road frontage lot boundary, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (b) in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10. 	

Performance outcomes		Acceptable outcomes	
If a use within the rural activities group			
PO2 The development of a use within the rural activities group is designed, sited and operated to minimise significant adverse impacts on sensitive land use.		AO2.1 The development of a use within the rural activities group complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	
If a roadside stall			
PO3 The roadside stall: (a) is small in scale; (b) does not impact on the amenity of adjoining land uses and the surrounding area; (c) does not adversely affect the safety and efficiency of the road network; (d) is ancillary to the rural use conducted on the same site; and (e) sells only fresh produce grown locally.		AO3.1 Any structure used for a roadside stall: (a) has a maximum floor area of twenty (20) square metres; and (b) is located entirely within the lot and not on the road reserve. AO3.2 Site access, car parking and storage areas: (a) are located entirely within the lot and not on the road reserve; and (b) use the same driveway as the primary lot access.	
Built form			
Where located in an area that is not the subject of an approved structure plan			
PO4 The height and bulk of buildings and structures are consistent with the intended character of the zone and do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area.		AO4.1 Building height and the height of structures does not exceed the following: (a) 8.5 metres above ground level where the ground has a slope less than fifteen (15) per cent; or (b) ten (10) metres above ground level where the ground has a slope equal to or greater than fifteen (15) per cent. AO4.2 Site cover does not exceed fifty (50) per cent. AO4.3 If located on a on a lot having an area 0 m ² to 2,999 m ² , building height of a standalone Class 10a building under the Building Code of Australia, does not exceed the lesser of the following: (a) if there is a dwelling house on the site, the height of the dwelling house; or (b) five (5) metres to the apex of the Class 10a building. AO4.4 If located on a on a lot having an area 0 m ² to 2,999 m ² , the volume of a standalone Class 10a	

Performance outcomes	Acceptable outcomes
	building under the Building Code of Australia, being a garage or shed, does not exceed three (3) per cent of the lot volume. Editor's note: Lot volume is defined in SC1.2 Administrative definitions.
PO5 The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: <ul style="list-style-type: none"> (a) minimisation of potential sources of nuisance; (b) prevention of overshadowing of habitable buildings of any sensitive land use on adjoining lots; and (c) prevention of overshadowing of public places. 	AO5.1 Buildings or structures have a setback from side, rear and road frontage lot boundaries in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.

Table 6.5.2.4.2 — Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes
Land use	
Where located in an area that is not the subject of an approved structure plan	
PO6 If the development is for a use that is not consistent with Performance Outcome (PO7), the development does not occur within the zone until a structure plan has been approved by Council in accordance with the overall outcomes for the zone. Editor's note: For structure plans, other than the overall outcomes of this code, reference should also be made to Schedule SC7.14.	No acceptable outcome is nominated.
PO7 The use is only one of the following: <ul style="list-style-type: none"> (a) a preferred use for the zone (as identified in the overall outcomes for the zone); or (b) a use from within the special activities group where it is an essential component of infrastructure servicing the community (where in accordance with the circumstances identified in the overall outcomes for the zone). 	No acceptable outcome is nominated.
PO8 The use does not limit or compromise the ability to develop the land for urban activities at a time when needed.	No acceptable outcome is nominated.
PO9 The use appropriately integrates with any established uses in the immediate area.	No acceptable outcome is nominated.

Performance outcomes	Acceptable outcomes
PO10 The use is located and designed in a manner that maintains public safety and minimises impacts on other land use.	No acceptable outcome is nominated.
PO11 The development of any public use that generates frequent and a large amount of public visitation: (a) is highly accessible; and (b) is well located in relation to public and active transport networks.	No acceptable outcome is nominated.
PO12 The development of a use within the rural activities group, where involving the boarding, accommodation, care, training, holding, keeping, production, or cultivation of animals and the like, ensures that the animals are confined within the site in secure fencing or other enclosures, and these confinements are sited, designed and managed in a manner which achieves the following: (a) accepted best practice for the welfare of animals; (b) prevention of the escape of animals; (c) best practice for the hygienic confinement of animals; and (d) minimal nuisance beyond the site boundaries by way of noise and odours produced by the animals.	No acceptable outcome is nominated.
PO13 The use does not result in land and water quality degradation (above ground and underground) due to the following: (a) movement of sediment, nutrients, pathogens, and pollutants; or (b) the handling, treatment and disposal of solid and liquid waste.	No acceptable outcome is nominated.
PO14 The use: (a) avoids unnecessary clearing of native vegetation and habitat; and (b) minimises major earthworks.	No acceptable outcome is nominated.
Lot size and shape	
Where located in an area that is not the subject of an approved structure plan	
PO15 The development does not reconfigure a lot into an inappropriate size which limits the potential to develop the land for urban activities in an efficient and coordinated manner.	No acceptable outcome is nominated.

Performance outcomes		Acceptable outcomes	
Note: Council considers that lots below a minimum area of ten (10) hectares and a minimum lot frontage and lot width of two-hundred (200) metres are unsuitable for enhancing the potential to develop the land for urban activities in an efficient and coordinated manner.			
Appearance			
Where located in an area that is not the subject of an approved structure plan			
PO16 The development is designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area.		No acceptable outcome is nominated.	
Infrastructure			
Where located in an area that is not the subject of an approved structure plan			
PO17 Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.		AO17.1 The development complies with the requirements of the Development Works Code.	
Structure Plan Area			
Note: to confirm the location of approved structure plan areas, reference should be made to the notation of decisions affecting the planning scheme contained within Schedule 8 – Notations required under the Planning Act.			