### Rural uses code

#### Application

This code applies to development identified as requiring assessment against the Rural uses code by the tables of assessment in **Part 5 (Tables of assessment)**.

#### Purpose and overall outcomes

1. The purpose of the Rural uses code is to facilitate rural uses and ensure rural uses are developed in a sustainable manner which conserves the productive characteristics of rural land and protects environmental and landscape values and the amenity of surrounding premises.
2. The purpose of the Rural uses code will be achieved through the following overall outcomes:-

* 1. rural uses are undertaken on a sustainable basis;
  2. agricultural land classification (ALC) Class A and Class B land is not alienated or encroached upon by incompatible land uses or development;
  3. rural uses are established in suitable locations where potential adverse environmental, amenity and other impacts can be effectively managed; and
  4. adverse impacts on the surrounding or downstream environments or natural environmental processes are avoided.

#### Specific benchmarks for assessment

Requirements for development accepted subject to requirements and benchmarks for assessable development

#### Specific benchmarks for assessment

Benchmarks for assessable development

| **Performance outcomes** | **Acceptable outcomes** | **Compliance / Representations** |
| --- | --- | --- |
| ***Requirements for animal husbandry, cropping, intensive horticulture, minor aquaculture and wholesale nursery*** | |  |
| **PO1**  The rural use is conducted on a lot that is of sufficient size to reasonably accommodate the use and mitigate potential nuisance arising from noise, dust, odour and other emissions or contaminants generated by the rural use. | **AO1**  The rural use is conducted on a site with an area of at least 4,000m2. | Provide a brief description how your proposal complies with the relevant Acceptable outcome (if applicable) or a detailed analysis how compliance is achieved with the Performance outcome. |
| **PO2**  The rural use is sited such that natural watercourses and wetlands are protected. | **AO2**  Where the rural use is located on land adjoining a natural watercourse or wetland, as identified in the SPP interactive mapping system, the rural use is set back at least 10m from the high bank of the watercourse or wetland. | Click and provide your representations. |
| **PO3**  Buildings and structures associated with the rural use are set well back from site boundaries so as to:-   1. maintain an open or mostly open rural landscape character; 2. protect the visual amenity of scenic rural roads; 3. protect the functional characteristics of the State and local road networks; and 4. provide adequate privacy and visual separation to adjoining properties. | **AO3.1**  Where located on a lot exceeding 2ha in area, buildings and structures associated with the rural use have front boundary setbacks of at least:-   1. 40m from a State-controlled road; or 2. 20m from any other road; or 3. where there is an existing building or structure on the lot with a setback less than (a) or (b) above, the same setback as the existing building or structure.   **AO3.2**  Where located on a lot not exceeding 2ha in area, buildings or structures associated with the rural use have front boundary setbacks of at least:-   1. 10m; or 2. where there is an existing building or structure on the lot with a setback less than (a) above, the same setback as the existing building or structure.   **AO3.3**  Buildings and structures associated with the rural use are setback from side and rear boundaries in accordance with the following:-   1. a minimum of 10m where the lot is more than 2ha in area; or 2. a minimum of 3m where the lot is not more than 2ha in area. | Click and provide your representations. |
| ***Requirements for permanent plantation*** | |  |
| **PO4**  The permanent plantation is located such that it conserves the productive characteristics of agricultural land classification (ALC) Class A and Class B land. | **AO4**  No part of the permanent plantation is located on land identified as ALC Class A or Class B land in the SPP interactive mapping system. | Click and provide your representations. |
| ***Requirements for roadside stall*** | |  |
| **PO5**  The roadside stall:-   1. only displays and offers for sale local rural produce; and 2. has a scale and intensity that is appropriate to a rural area. | **AO5.1**  The display and sale of goods at the roadside stall is limited to fresh or processed rural produce that is grown, produced or manufactured on the site or an adjoining site.  **AO5.2**  The roadside stall has a GFA not exceeding 50m2, and:-   1. is located in an existing building or part of an existing building; or 2. buildings or structures used for the roadside stall are temporary or mobile or are constructed of materials that can easily be dismantled following cessation of the use.   **AO5.3**  The roadside stall is ancillary to a rural use occurring on the same site. | Click and provide your representations. |
| **PO6**  The roadside stall does not have an adverse impact on the safety or functioning of the road network. | **AO6.1**  The roadside stall is located on a site adjoining a road other than a State-controlled road or a principal rural road identified in Council’s plans for trunk infrastructure in **Schedule 3**.  **AO6.2**  The roadside stall is located on a site with sufficient area to park at least three (3) cars clear of the road reserve and within 20m of the roadside stall. | Click and provide your representations. |
| **PO7**  Signage associated with the roadside stall is small, unobtrusive and appropriate to a rural location. | **AO7**  Not more than one (1) sign is placed on the premises and the sign:-   1. has a maximum sign face area of 0.5m2 per side; and 2. is not illuminated or in motion. | Click and provide your representations. |

Benchmarks for assessable development only

| **Performance outcomes** | **Acceptable outcomes** |  |
| --- | --- | --- |
| ***Requirements for aquaculture (other than minor aquaculture), animal keeping, intensive animal industry and rural industry (intensive rural uses)*** | |  |
| ***Location and site suitability*** | |  |
| **PO8**  The intensive rural use, including associated buildings, pens, ponds, other structures and waste disposal areas, is located on a site which:-   1. has sufficient area to physically accommodate the intended use; 2. provides for adequate setbacks to:- 3. road frontages; 4. site boundaries; 5. residential uses on surrounding land; and 6. watercourses or wetlands; and 7. is sufficiently separated from any existing or planned residential area or other sensitive receptor to avoid any adverse impacts with regard to noise, dust, odour, visual impact, traffic generation, lighting, radiation or other emissions or contaminants | **AO8.1**  The intensive rural use is located on a site which has a minimum site area that complies with **Table 9.2.15.3.3 (Siting and setback requirements for intensive rural uses)**.  **AO8.2**  The use area for the intensive rural use is setback to roads, residential buildings on surrounding land, wetlands and watercourses in accordance with the requirements specified in **Table 9.2.15.3.3 (Siting and setback requirements for intensive rural uses)**.  **AO8.3**  The intensive rural use, other than a rural industry, is located on a site which is not less than:-   1. 5,000m from land included in a residential zone; or 2. 1,000m from land included in the Rural Residential zone; or 3. 1,000m from any community activity where people gather (e.g. educational establishment or child care centre).   **OR**  If the intensive rural use is a rural industry, the use is located on a site which is not less than 500m from land included in a residential zone, the Rural residential zone or any community activity where people gather (e.g. educational establishment or child care centre). | Click and provide your representations. |
| **PO9**  The intensive rural use is located on land which is physically suitable and is sufficiently elevated to facilitate ventilation and drainage. | **AO9**  The intensive rural use is located on a site which:-   1. has slopes not exceeding 10%; 2. is not subject to the Flood hazard overlay or otherwise identified as being subject to inundation in the defined flood event; and 3. is not located in an overland flow path. | Click and provide your representations. |
| **PO10**  The intensive rural use is located on a site which has appropriate access to necessary infrastructure including:-   1. a reliable, good quality water supply; 2. adequate vehicle access; and 3. reticulated sewerage or on-site treatment and disposal facilities. | **AO10**  The intensive rural use is:-   1. provided with a reliable water supply with capacity to store a minimum of two weeks supply; 2. located on a site which has sealed or fully formed gravel road access; and 3. provided with appropriate on-site effluent treatment and disposal facilities, where reticulated sewerage is not available. | Click and provide your representations. |
| **PO11**  Buildings and structures associated with the intensive rural use are sited and designed to avoid or minimise adverse visual impacts on the rural landscape. | **AO11**  No acceptable outcome provided. | Click and provide your representations. |
| ***Environmental and amenity impacts*** | |  |
| **PO12**  The intensive rural use incorporates waste disposal systems and practices which:-   1. ensure that off-site release of contaminants does not cause environmental harm or nuisance; 2. ensure no significant adverse impacts on surface or ground water resources; and 3. comply with relevant Government or industry guidelines, codes and standards applicable to a specific use or on–site waste disposal. | **AO12**  No acceptable outcome provided. | Click and provide your representations. |
| **PO13**  The intensive rural use provides for all animals to be effectively contained within the site. | **AO13**  All animals are kept in suitable enclosures or appropriate property fencing is erected to prevent the escape of animals from the site. | Click and provide your representations. |
| **PO14**  The intensive rural use prevents or manages any discharges of stormwater runoff or wastewater from the site to any watercourse, wetland, roadside gutter or stormwater drainage system such that:-   1. no unacceptable levels of sediment, nutrients, chemicals or other pollutants enter a watercourse or wetland; and 2. the ecological and hydraulic processes of the watercourse or wetland are not adversely affected. | **AO14**  No acceptable outcome provided. | Click and provide your representations. |
| ***Requirements for winery*** | |  |
| ***Bona fide use*** | |  |
| **PO15**  The winery is associated with, and ancillary to, a bona fide cropping use located on the same site. | **AO15**  No acceptable outcome provided. | Click and provide your representations. |
| **PO16**  Ancillary activities associated with the winery are limited to those which are legitimately associated with a winery. | **AO16**  Ancillary activities associated with the winery are limited to cellar door sales, winery tours and restaurant facilities. | Click and provide your representations. |
| ***Location and site suitability*** | |  |
| **PO17**  The winery is in a location, and is of a size, scale, and design that is compatible with the desired character of the local area. | **AO17**  No acceptable outcome provided. | Click and provide your representations. |
| **PO18**  The winery is sited and designed to avoid or minimise conflict between the winery and its ancillary uses and:-   1. existing or potential rural uses on surrounding properties; or 2. residential uses on surrounding properties. | **AO18**  Any public areas or manufacturing areas associated with the winery are set back a minimum of 100m from all site boundaries. | Click and provide your representations. |
| ***Site layout, building design and landscaping*** | |  |
| **PO19**  Buildings and structures associated with the winery are designed and landscaped so as to complement the rural character, integrate with the surrounding natural landscape and minimise adverse visual impacts. | **AO19.1**  Manufacturing activities associated with the winery including wine-making and wine-storage activities and any ancillary bottling activities occur within enclosed buildings.  **AO19.2**  Buildings and structures associated with the winery, other than public areas, are set back at least 10m from all side and rear property boundaries.  **AO19.3**  On-site landscaping provides for the effective screening of all non-residential buildings, structures, parking areas and other outdoor use areas from surrounding roads and dwellings. | Click and provide your representations. |

Siting and setback requirements for intensive rural uses

| **Column 1**  **Rural use** | **Column 2**  **Minimum site area** | **Column 3**  **Minimum boundary setbacks** | **Column 4**  **Minimum distance from a residential building on surrounding land** | **Column 5**  **Distance from a wetland or watercourse** |
| --- | --- | --- | --- | --- |
| Animal keeping | 4ha | 50m from any road frontage.  15m from any side or rear boundary. | 100m | 50m |
| Aquaculture (other than minor aquaculture) | 5ha | 50m from any road frontage.  15m from any side or rear boundary. | 100m | 100m |
| Intensive animal industry | 20ha | 200m from any road frontage.  100m from any side or rear boundary. | 400m | 100m |
| Rural industry | 1ha | 50m from any road frontage.  10m from any side or rear boundary. | 100m | 50m |

Editor’s note—the minimum site areas and setback requirements for intensive rural uses specified in **Table 9.2.15.3.3** may be varied having regard to relevant industry guidelines and/or an impact assessment report, prepared by an appropriately qualified person, demonstrating that no significant environmental harm or nuisance will arise from adopting a lesser site area or setback distance.