

9.3.17 Rural activities code

9.3.17.1 Application

- (1) This code applies to assessing development for Rural activities if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

Note – ‘Rural activities’ is a defined activity group listed in Table 1 SC1.1.1.2 in Schedule 1 that applies to uses in the Rural zone. When the term rural activities is used within this code it means any of the above uses to which this code is applicable.

Note – For both code and impact assessable development, Planning Guidelines – Separating Agricultural and Residential Land Uses 1997, published by the Department of Natural Resources, provides guidance to meet the performance outcomes in this code. The document provides guidance for operating self-assessable rural activities.

Editor’s note—For a proposal to be self-assessable, it must meet all the self-assessable outcomes of this code and any other applicable code. Where it does not meet all self-assessable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcome that the proposal fails to meet needs to be assessed against the corresponding assessable acceptable outcome or performance outcome. Other self-assessable outcomes that are met are not assessed as part of the development application.

9.3.17.2 Purpose

- (1) The purpose of the Rural activities code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development does not prejudice the on-going operation of farming in rural areas, in particular sugar cultivation;
 - (b) development does not result in unreasonable impacts on the environment, landscape values or the amenity of surrounding areas;
 - (c) setbacks to buildings and structures do not impact on the amenity of adjoining properties or the open character of the rural area;
 - (d) the display and sale of goods for sale does not impact on the amenity, character or safety of rural areas, or the safety and efficiency of roads;
 - (e) rural industries support rural production in their immediate vicinity;
 - (f) rural land, with existing watercourse(s) and areas of environmental integrity is progressively revegetated and rehabilitated in association with the rural activity on the land.

9.3.17.3 Criteria for assessment

Table 9.3.17.3.a – Rural activities code – assessable development

Performance outcomes	Acceptable outcomes
For self-assessable and assessable development	
<p>PO1 Development must not result in unreasonable impacts on the environment, landscape values or the amenity of surrounding areas.</p>	<p>AO1.1 Rural Activities are conducted on premises 1 hectare or greater.</p> <p>AO1.2 Development is restricted to: (a) animal husbandry, including the keeping and breeding of livestock and bees, where the</p>

Performance outcomes	Acceptable outcomes
	<p>livestock and bees are housed a minimum of 15 metres from any residential building on the site and 100 metres from any residential building on an adjoining premises;</p> <p>(b) horticulture (including Cropping and Intensive horticulture, Wholesale nursery);</p> <p>(c) storing produce resulting from horticulture carried out on the site;</p> <p>(d) existing areas of cleared land;</p> <p>(e) any minor ancillary activity that supports the primary rural activity land use.</p>
<p>PO2 The siting of horticultural buildings and structures must not impact on the amenity of adjoining properties or the open character of the area.</p>	<p>AO2 Any horticultural structure, including all greenhouses and other roofed structures used for cultivating crops, is setback a minimum of 6 metres from any property boundary.</p>
<p>PO3 Roof water from any horticultural structures must not cause any increase in flooding or drainage problems.</p>	<p>AO3 Development ensures that the total roofed area, which includes all impervious roofing materials such as glass or plastic sheeting of horticultural buildings and structures, does not exceed 2000m².</p>
Additional requirements for Function facility	
<p>PO4 The Function facility does not introduce guest volumes that would be incompatible with or interfere with rural amenity or rural activities.</p> <p>Note: Non-compliance with AO4 results in a Function facility that is no longer considered to be small scale.</p>	<p>AO4 The Function facility (small scale) caters for no more than 30 guests, at any one occasion.</p>
<p>PO5 The Function facility does not operate excessively during the year.</p> <p>Note – Non-compliance with AO5 results in a Function facility that is no longer considered to be small scale.</p>	<p>AO5.1 The Function facility (small scale) operates on no more than 6 occasions per calendar year.</p> <p>AO5.2 Hours of operation for function events are confined to 12 midday to 8.00pm.</p> <p>Note: Hours of operation do not include activities such as setting up the function (i.e. erecting a marquee, etc.)</p>
<p>PO6 The Function facility is able to be fully accommodated on site without nuisance to adjoining properties.</p>	<p>AO6 The minimum lot size is no less than 4 hectares.</p>
<p>PO7 The Function facility creates no dust nuisances to adjoining premises generated by vehicles access the site.</p>	<p>AO7 Road access to the Function facility (small scale) is via a sealed bitumen road.</p>
<p>PO8 The Function facility (small scale) is not purpose-built and involves no accommodation separate to the main dwelling on the premises.</p>	<p>AO8.1 The Function facility (small scale) requires no purpose-built buildings required for the use. Any accommodation is contained within the existing on-site dwelling.</p>

Performance outcomes	Acceptable outcomes
	<p>AO8.2 Accommodation for guests contained within the existing on-site dwelling is limited to 3 rooms.</p> <p>Note: Premises used for a Function facility (small scale) are required to have any relevant license needed to operate under applicable Local Laws.</p>
Additional requirements for a Roadside stall	
<p>PO9 The scale intensity and operating characteristics of the roadside stall does not impact on the amenity and character of the surrounding area.</p>	<p>AO9.1 There is only one roadside stall per site.</p> <p>AO9.2 The roadside stall: (a) does not exceed 25m² in floor area. (b) is associated with produce grown and harvested on the site or sourced from nearby farms; (c) is not located within the road reserve; (d) is confined to the display and sale of primary produce; (e) has no more than two signs with each sign: (i) not more than 1.5m² in area; (ii) not more than 2.5 metres in height. (f) operates in daylight hours only.</p>
<p>PO10 The site is accessed via a road that is of a standard adequate to cater for: (a) the proposed use; (b) allows customers and operators to park safely off site; (c) maintains adequate sight lines; (d) minimises mud/dust nuisances.</p>	<p>AO10.1 Car parking does not occur on a road reserve.</p> <p>AO10.2 Access to the roadside stall is via the primary property access point.</p> <p>AO10.3 Car parking allows vehicles to enter and exit the site in forward gear.</p> <p>AO10.4 Car parking, access and manoeuvring areas are sealed and/or otherwise surfaced with suitably draining gravel to minimise nuisances associated with dust or mud.</p>
<p>PO11 Waste causes no visual or amenity nuisance.</p>	<p>AO11 Waste management areas are: (a) screened from view from the street (b) located and designed to avoid adverse impacts on adjoining premises.</p>
Additional requirements for Tourist attraction (small scale)	
<p>PO12 The Tourist attraction is based on an appreciation of rural activities carried out in association with an operating and productive rural activity.</p> <p>Note - Non-compliance with AO12.1 and AO12.2 results in a Tourist attraction that is no longer considered to be small scale.</p>	<p>AO12.1 The Tourist attraction (small scale) occurs on land that is actively being used for rural purposes.</p> <p>AO12.2 The Tourist attraction (small scale) is directly associated with the rural use of the land and does not involve any activities do not have a bona-fide association with the rural use of the land.</p>

Performance outcomes	Acceptable outcomes
	Note - Activities such as a children's adventure playground is not an activity which could be considered to have a bona-fide association with the rural use of the land.
<p>PO13 The Tourist attraction (small scale) is able to be fully accommodated on site without nuisance to adjoining properties.</p>	<p>AO13 The minimum lot size is no less than 10 hectares.</p>
<p>PO14 The Tourist attraction operates during day-light hours only and requires no special buildings to operate that are not ordinarily used in the operation of a rural activity conducted on-site.</p>	<p>AO14.1 The Tourist attraction (small scale) requires no purpose-built buildings required for the use and does not involve overnight accommodation.</p> <p>AO14.2 The Tourist attraction (small scale) operates between the hours of 8.00am and 6.00pm.</p>
<p>PO15 The volume of visitors to the tourist attraction is low-scale and intended to operate as an ancillary use to the main activity of rural production on the premises. The Tourist attraction (small scale) does not unduly interfere with rural activities on nearby premises.</p>	<p>AO15 The Tourist attraction (small scale) caters for no more than an average of 10 site visitations per day.</p> <p>Note - An individual site visitation may include a mini-bus tour. A Tourist attraction catering for coaches results in the Tourist attraction no longer considered to be small scale.</p>
<p>PO16 The site is accessed via a road that is of a standard adequate to cater for:</p> <ul style="list-style-type: none"> (a) the proposed use; (b) allows visitors to park safely off site; (c) maintains adequate sight lines; (d) minimises mud/dust nuisances. 	<p>AO16.1 Car parking does not occur on a road reserve.</p> <p>AO16.2 Car parking allows vehicles to enter and exit the site in forward gear.</p> <p>AO16.3 Car parking, access and manoeuvring areas are sealed to minimise nuisances associated with dust or mud.</p>
Additional requirements for Tourist park (small scale)	
<p>PO17 The Tourist park is based on an appreciation of rural activities carried out in association with staying on an active / productive rural property.</p> <p>Note: Non-compliance with AO17.1 results in a Tourist park that is no longer considered to be small scale.</p>	<p>AO17.1 The Tourist park (small scale) occurs on land that is actively being used for rural purposes.</p>
<p>PO18 The Tourist Park is intended to:</p> <ul style="list-style-type: none"> (a) operate as a small scale alternative to parking on roads and reserves; (b) supplement productive farming activity on the premises; (c) accommodate self-contained recreational vehicles only. <p>Note: Non-compliance with AO18.1 and AO18.2 results in a Tourist park that is no longer considered to be small scale.</p>	<p>AO18.1 The Tourist park (small scale) caters for a maximum of 3 self-contained recreational vans at any one time only.</p> <p>AO18.2 The Tourist Park (small scale) does not cater for camping, accommodation within the main dwelling on the premises, or any other form of accommodation other than self-contained recreational vans.</p>
<p>PO19 The Tourist park (small scale) is able to be fully accommodated on site without nuisance to</p>	<p>AO19 The minimum lot size is no less than 10 hectares.</p>

Performance outcomes	Acceptable outcomes
adjoining properties.	
<p>PO20 Recreational vehicles are adequately separated from site boundaries so as not to be a visual intrusion on surrounding roads or adjoining premises, and are located close to the main dwelling on the premises, in a flood free location.</p>	<p>AO20 Recreational vehicles are: (a) accommodated on a dedicated level parking area setback a minimum of 100 metres from road frontages and 50 metres from side boundaries; (b) screened from view from adjoining roads; (c) accommodated no more than 100 metres from the main dwelling on the site; (d) located in a flood-free part of the land.</p>
<p>PO21 A Tourist park (small scale) is not intended to accommodate extended visitor stays or to compete with larger scale Tourist parks established elsewhere within the Shire.</p> <p>Note: Non-compliance with AO21.1 and AO21.2 results in a Tourist park that is no longer considered to be small scale.</p>	<p>AO21.1 The maximum stay for each individual recreational van is a maximum of 7 nights in succession.</p> <p>AO21.2 No purpose-built structures are required for the use (including ablution blocks).</p>
<p>PO22 The site is accessed via a road that is of a standard adequate to cater for: (a) the proposed use; (b) allows visitors to park safely off site; (c) maintains adequate sight lines; (d) minimises mud/dust nuisances.</p>	<p>AO22.1 Car parking does not occur on a road reserve.</p> <p>AO22.2 Car parking allows vehicles to enter and exit the site in forward gear.</p> <p>AO22.3 Car parking, access and manoeuvring areas are sealed to minimise nuisances associated with dust or mud.</p>
For assessable development	
Additional requirements for aquaculture, intensive animal industry or intensive horticulture	
<p>PO23 The use is located outside mapped areas of Matters of State Environmental Significance.</p> <p>Note – Refer to the relevant Natural areas overlay mapping in schedule 2.</p>	<p>AO23 No acceptable outcomes are prescribed.</p>
<p>PO24 The use is located so as not to detract, or diminish the scenic amenity of the surrounding area, scenic routes, landmarks, lookouts and vistas.</p>	<p>AO24 No acceptable outcomes are prescribed.</p>
<p>PO25 The development does not cause environmental nuisance or environmental harm as a result of odour emissions.</p>	<p>AO25 No acceptable outcomes are prescribed.</p>
<p>PO26 The establishment of aquaculture or intensive animal industry does not interfere with coastal processes.</p>	<p>AO26.1 The area of the site containing the aquaculture facility is not located below highest astronomical tide.</p> <p>AO26.2 The establishment of the aquaculture or intensive</p>

Performance outcomes	Acceptable outcomes
	animal husbandry facility does not involve the removal of littoral, riparian or other remanent endemic vegetation.
<p>PO27 The topography of the site is suitable for the intended use.</p>	<p>AO27.1 The area of the site containing the aquaculture or intensive animal industry facility has a slope of less than 10%.</p> <p>AO27.2 The area of the site containing the aquaculture or intensive animal industry facility is located above 1% AEP inundation level, including storm tide inundation levels.</p>
<p>PO28 Buildings, pens, other structures, ponds and waste disposal areas are sited, constructed and managed so that the maximum number of animals intended to be kept on site can be accommodated without having any significant adverse environmental impacts outside the site.</p>	<p>AO28.1 Barriers are provided and maintained to prevent the escape of animals.</p> <p>AO28.2 Waste disposal areas are situated only where minimal risk of contaminating any groundwater supply or surface water resource, and are of an adequate size to provide for the amount of waste generated on the site.</p>
<p>PO29 Buildings/structures, ponds and waste disposal areas are designed and sited so that the aquaculture or intensive animal industry facility does not impact on the amenity of the area and does not have significant environmental impacts outside the site.</p>	<p>AO29 Buildings, pens and other structures, ponds and waste disposal areas are sited clear of any watercourse or any environmentally sensitive area.</p>
<p>PO30 The collection, treatment and disposal of waste and waste water ensures: (a) no on-site or off-site soil contamination; (b) no detrimental impacts on the quality of receiving waters; (c) no odour impacts on nearby uses.</p>	<p>AO30 The collection, treatment and disposal of waste and waste water ensures: (a) no on-site or off-site soil contamination; (b) no detrimental impacts on the quality of receiving waters; (c) no odour impacts on nearby uses</p>
Additional requirements for a Rural industry	
<p>PO31 Development is established only where associated with rural production in the immediate vicinity.</p>	<p>AO31 Development ensues that rural industry involves the storage, processing or packing of products produced on land within 10 kilometres of the site.</p>