

9.3.15 Rural industries code

9.3.15.1 Application

- (1) This code applies to accepted development and assessable development identified as requiring assessment against the Rural industries code by the tables of assessment in **Part 5 (Tables of assessment)**.
- (2) The acceptable outcomes in **Table 9.3.15.3.1 (Requirements for accepted development and performance outcomes and acceptable outcomes for assessable development)** are requirements for applicable accepted development.
- (3) All provisions in this code are assessment benchmarks for applicable assessable development.

9.3.15.2 Purpose and overall outcomes

- (1) The purpose of the Rural industries code is to ensure rural industries are established in a manner that:-
 - (a) supports local rural activities;
 - (b) conserves the productive characteristics of rural land; and
 - (c) protects environmental and landscape values and the amenity of surrounding premises.
- (2) The purpose of the Rural industries code will be achieved through the following overall outcomes:-
 - (a) rural industries are established in a manner that complements and supports local rural activities; and
 - (b) rural industries are located and designed so as not to adversely impact upon rural amenity, visual character and the environment.

9.3.15.3 Performance outcomes and acceptable outcomes

Table 9.3.15.3.1 Requirements for accepted development and performance outcomes and acceptable outcomes for assessable development

Performance Outcomes		Acceptable Outcomes	
<i>Requirements for a Roadside Stall</i>			
PO1	The <i>roadside stall</i> is limited in scale, appropriate to a rural setting and provides only for the sale of locally grown and manufactured goods.	AO1.1	Produce sold at the <i>roadside stall</i> is limited to that which is grown or produced on the <i>site</i> or in the surrounding area.
		AO1.2	The <i>roadside stall</i> does not involve the sale of manufactured goods other than where manufactured on the <i>site</i> .
		AO1.3	Buildings and structures associated with the <i>roadside stall</i> :- (a) do not exceed a maximum <i>building height</i> of 8.5 metres; (b) occupy a <i>gross floor area</i> of not more than 40m ² ; and (c) are temporary, mobile, or constructed of materials that can easily be dismantled following the cessation of the use.
		AO1.4	The <i>roadside stall</i> is <i>ancillary</i> to a rural use conducted on the same <i>site</i> .
PO2	The <i>roadside stall</i> does not have an adverse impact on the safety and functioning of the road network.	AO2.1	The <i>roadside stall</i> is located on a <i>site</i> adjoining a road other than a highway/motorway or arterial road

Performance Outcomes		Acceptable Outcomes	
		AO2.2	identified on Figure 9.4.8A (2031 Functional Transport Hierarchy) . The <i>roadside stall</i> is located on a <i>site</i> with sufficient area to park 3 cars clear of the road reserve and within 20 metres of the roadside stall.
PO3	Signage associated with the <i>roadside stall</i> is small, unobtrusive and appropriate to a rural location.	AO3	Not more than 1 sign is erected on the premises and the sign:- (a) has a maximum <i>signface area</i> of 0.5 metres per side; and (b) is not illuminated or in motion.
Requirements for a Rural Industry			
Height of Buildings			
PO4	Buildings associated with the <i>rural industry</i> have a scale compatible with the rural landscape character and do not adversely impact on the amenity of surrounding premises, having regard to:- (a) overshadowing; (b) privacy and overlooking; (c) views and vistas; (d) building appearance; and (e) building massing and scale.	AO4	Buildings associated with the <i>rural industry</i> do not exceed a maximum <i>building height</i> of 12 metres.
Relationship to Primary Rural Use			
PO5	The <i>rural industry</i> is appropriate to a rural setting and provides only for the storage, processing and packaging of locally grown produce.	AO5.1 AO5.2	Produce packed or processed is limited to that which is grown on the <i>site</i> or in the surrounding area. The <i>rural industry</i> is <i>ancillary</i> to a rural use occurring on the same <i>site</i> .
Location and Site Suitability			
PO6	The <i>rural industry</i> is located on a <i>site</i> which is of sufficient area to reasonably accommodate the use and limit the likelihood of adverse amenity impacts on surrounding properties.	AO6	The <i>rural industry</i> is located on a <i>site</i> with a minimum area of 4 hectares.
Separation From Sensitive Land Uses and Setbacks to Site Boundaries			
PO7	The <i>rural industry</i> is setback from <i>sensitive land uses</i> , <i>site</i> boundaries and road frontages to:- (a) protect the amenity of surrounding premises; (b) protect the rural landscape and visual character of the local area; and (c) provide adequate separation of buildings and structures (including equipment, machinery, storage areas or waste materials) from <i>sensitive land uses</i> .	AO7.1 AO7.2 AO7.3	<i>Use areas</i> associated with the <i>rural industry</i> are <i>setback</i> a minimum of:- (a) 100 metres from any <i>dwelling</i> on a surrounding property; and (b) 250 metres from any community activity where people congregate (e.g. <i>child care centre</i> , community centre, <i>educational establishment</i> , <i>hospital</i> , <i>place of worship</i>). Buildings and structures associated with the <i>rural industry</i> are <i>setback</i> from all <i>site</i> boundaries, other than road <i>frontages</i> , a minimum of:- (a) 10 metres, where not exceeding a building height of 8.5 metres; or (b) 15 metres, where exceeding a <i>building height</i> of 8.5 metres. Buildings and structures associated with the <i>rural industry</i> are <i>setback</i> at least:- (a) 40 metres from a State controlled road; and (b) 20 metres from any other type of road.

Performance Outcomes		Acceptable Outcomes	
Protection of Amenity			
PO8	The <i>rural industry</i> does not involve any materials, equipment or processes that are likely to cause nuisance or impact on the rural amenity of the area.	AO8.1	The <i>rural industry</i> avoids or minimises dust emissions.
		AO8.2	The <i>rural industry</i> avoids or minimises odour emissions.
		AO8.3	The <i>rural industry</i> does not produce noise which exceeds the background noise level plus 5dB(A) from 8.00am – 6.00pm (measured as adjusted sound level) at the <i>site</i> boundaries.
		AO8.4	The <i>rural industry</i> does not involve any activity defined as an environmentally relevant activity in the <i>Environment Protection Regulation 2008</i> .
Signage			
PO9	Signage associated with the <i>rural industry</i> is small, unobtrusive and appropriate to a rural location.	AO9	Not more than 1 sign is erected on the premises and the sign:- (a) has a maximum <i>signface area</i> of 0.5 metres per side; and (b) is not illuminated or in motion.
Requirements for a Small Scale Transport Depot in a Rural Area			
Location and Site Suitability			
PO10	The <i>transport depot</i> is located on a <i>site</i> which is of sufficient area to reasonably accommodate the use and limit the likelihood of adverse amenity impacts on surrounding properties.	AO10	The <i>transport depot</i> is located on a <i>site</i> with a minimum area of 4 hectares.
Separation From Sensitive Land Uses and Setbacks to Site Boundaries			
PO11	The <i>transport depot</i> is setback from <i>sensitive land uses</i> , <i>site</i> boundaries and road <i>frontages</i> to protect rural amenity and the visual character of the local area.	AO11.1	<i>Use areas</i> associated with the <i>transport depot</i> are set back a minimum of:- (a) 100 metres from any <i>dwelling</i> on a surrounding property; and (b) 250 metres from any community activity where people congregate (e.g. <i>child care centre</i> , community centre, <i>educational establishment</i> , <i>hospital</i> , <i>place of worship</i>).
		AO11.2	Buildings and structures associated with the <i>transport depot</i> are <i>setback</i> a minimum of 10 metres from all <i>site</i> boundaries, other than road <i>frontages</i> .
		AO11.3	Buildings and structures associated with the <i>transport depot</i> are <i>setback</i> at least:- (a) 40 metres from a State controlled road; and (b) 20 metres from any other type of road.
Traffic Impacts			
PO12	Traffic impacts are no greater than that which might reasonably be expected in a rural location.	AO12.1	The <i>transport depot</i> does not involve the use of a vehicle with a tare weight exceeding 7.5 tonnes.
		AO12.2	Loading or unloading activity is undertaken entirely within the <i>site</i> boundaries.

Table 9.3.15.3.2 Additional performance outcomes and acceptable outcomes for assessable development

Performance Outcomes		Acceptable Outcomes	
Additional Requirements for a Rural Industry			
Protection of Agricultural Land			
PO1	The <i>rural industry</i> is located such that it conserves the productive characteristics of Agricultural Land Classification Class A and Class B.	AO1	The <i>rural industry</i> is not located on Agricultural Land Classification Class A or Class B under the State Planning Policy. Note—Agricultural Land Classification Class A and Class B is identified under the State Planning Policy. Note—a site specific agricultural land assessment may be used to demonstrate that although the subject <i>site</i> is identified as Agricultural Land Classification Class A or Class B under the State Planning Policy, it is in fact not Agricultural Land Classification Class A or Class B under the State Planning Policy. If such an assessment confirms that that land is not Agricultural Land Classification Class A or Class B (and this is independently verified where necessary), then Performance Outcome PO1 will not be relevant to the development.
Infrastructure and Services			
PO2	The <i>rural industry</i> is located on a <i>site</i> which has appropriate access to necessary <i>infrastructure</i> including:- (a) adequate vehicle access; (b) a reliable, good quality water supply; and (c) reticulated sewerage or on-site treatment and disposal facilities.	AO2.1 AO2.2 AO2.3	The <i>rural industry</i> is located on a <i>site</i> which has sealed or fully formed gravel road access. Where reticulated water is not available, the <i>rural industry</i> is provided with a reliable water supply with capacity to store a minimum of two days supply. Where reticulated sewerage is not available to the <i>site</i> , the <i>rural industry</i> is provided with appropriate on-site effluent treatment and disposal facilities.
Environmental Management			
PO3	The <i>rural industry</i> incorporates waste disposal systems and practices which:- (a) ensure that off-site release of contaminants does not occur; (b) ensure no adverse impacts on surface or ground water resources; and (c) comply with relevant industry guidelines, codes of practice and standards applicable to a specific use.	AO3	No acceptable outcome provided.
PO4	The <i>rural industry</i> use prevents or manages any discharges of stormwater runoff or wastewater from the <i>site</i> to any <i>waterway</i> , <i>wetland</i> , roadside gutter or stormwater drainage system such that:- (a) no unacceptable levels of sediment, nutrients, chemicals or other pollutants enter a <i>waterway</i> or <i>wetland</i> ; and (b) the ecological and hydraulic processes of the <i>waterway</i> or <i>wetland</i> are not adversely	AO4	No acceptable outcome provided.

Performance Outcomes		Acceptable Outcomes	
	affected.		
Traffic Generation			
PO5	Traffic generated by the <i>rural industry</i> on the surrounding road network does not result in unacceptable impacts on adjacent land and road users.	AO5	No acceptable outcome provided.
Requirements for Winery			
Bona Fide Use			
PO6	The <i>winery</i> is associated with, and <i>ancillary</i> to, a <i>bona fide cropping</i> use located on the same <i>site</i> .	AO6	No acceptable outcome provided.
PO7	<i>Ancillary</i> activities associated with the <i>winery</i> are limited to those which are legitimately associated with a <i>winery</i> .	AO7	<i>Ancillary</i> activities associated with the <i>winery</i> are limited to cellar door sales, winery tours and restaurant facilities.
Height of buildings			
PO8	Buildings associated with the <i>winery</i> have a scale compatible with the rural landscape character and do not adversely impact on the amenity of surrounding premises, having regard to:- (a) overshadowing; (b) privacy and overlooking; (c) views and vistas; (d) building appearance; and (e) building massing and scale.	AO8	Buildings associated with the <i>winery</i> do not exceed a maximum <i>building height</i> of:- (a) 8.5 metres where on a lot not exceeding 4 hectares; or (b) 12 metres where on a lot exceeding 4 hectares.
Location and Site Suitability			
PO9	The <i>winery</i> is located on a <i>site</i> which has sufficient area to reasonably accommodate the use and limit the likelihood of adverse amenity impacts on surrounding properties.	AO9	No acceptable outcome provided.
PO10	The <i>winery</i> is sited and designed to avoid or minimise conflict between the <i>winery</i> and its <i>ancillary</i> uses and:- (a) existing or potential rural uses on surrounding properties; or (b) residential uses on surrounding properties.	AO10.1 AO10.2	Any public areas associated with the <i>winery</i> are set back a minimum of 100 metres from all <i>site</i> boundaries. Any public areas or manufacturing areas associated with the <i>winery</i> are set back a minimum of 100 metres from any <i>dwelling</i> on surrounding properties.
Protection of Agricultural Land			
PO11	The <i>winery</i> is located such that it conserves the productive characteristics of Agricultural Land Classification Class A and Class B.	AO11	The <i>winery</i> :- (a) is not located on Agricultural Land Classification Class A or Class B; and (b) is separated from Agricultural Land Classification Class A and Class B and other farm activities such that it does not cause a land use conflict that would threaten the ongoing productive use of the Agricultural Land Classification Class A and Class B or an established farming enterprise. Note—Agricultural Land Classification Class A and Class B is identified under the State Planning Policy. Note—a site specific agricultural land assessment may be used to demonstrate that although the subject <i>site</i> is identified as Agricultural Land Classification Class A or Class B under the State Planning Policy, it is in fact not Agricultural Land Classification Class A or Class B under the State Planning

Performance Outcomes		Acceptable Outcomes	
			<p>Policy.</p> <p>If such an assessment confirms that that land is not Agricultural Land Classification Class A or Class B (and this is independently verified where necessary), then Performance Outcome. PO10 will not be relevant to the development.</p>
PO12	The <i>winery</i> is sited and designed to avoid or minimise adverse visual impacts on the rural landscape.	AO12.1	Manufacturing activities associated with the <i>winery</i> , including wine-making and wine-storage activities and any <i>ancillary</i> bottling activities, occur within enclosed buildings.
		AO12.2	<p>Appropriate on-site landscapes are provided around <i>winery</i> buildings, parking areas and other public spaces.</p> <p>Editor's note—Section 9.4.2 (Landscape code) sets out requirements for landscapes.</p>
Site Layout, Building Design and Landscapes			
PO13	Buildings and structures associated with the <i>winery</i> :- (a) are designed and landscaped so as to complement the rural character and integrate with the surrounding natural landscape; (b) incorporate elements which reflect or interpret the style of, existing buildings in the area; and (c) incorporate colours and finishes that allow the buildings to blend in with the natural and rural landscape.	AO13.1	Buildings and structures associated with the <i>winery</i> are <i>setback</i> at least 10 metres from all side and rear property boundaries.
		AO13.2	Buildings and structures associated with the <i>winery</i> are <i>setback</i> at least:- (a) 40 metres from a State controlled Road; and (b) 20 metres from any other type of road.
		AO13.3	The architectural style and materials used for any new building:- (a) comprise a mix of lightweight and textured external materials such as timber cladding and corrugated iron roofs; and (b) reflect the line, form, colour and texture found in the existing landscape and do not replicate artificial or imported themes.