

**DRAFT AMENDMENT TO
WEDDIN DEVELOPMENT CONTROL PLAN 2014**

INTENSIVE PLANT & LIVESTOCK AGRICULTURE

Prepared for
Weddin Shire Council

Lodged with
Department of Planning & Environment

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1 Introduction

Weddin Shire Council has received a Gateway Determination dated 13/04/17 for amendment to *Weddin Local Environmental Plan 2011* (WLEP2011) relating to a number of matters.

One of those matters included the introduction of a new standard clause permitting Intensive Plant & Livestock Agriculture plus the potential to apply for a dwelling on a lot of 100 hectares in size (noting that the current minimum lot size for a dwelling is 400ha). Please see the Planning Proposal by **iPLAN PROJECTS** dated July 2017 for more details.

The Gateway Determination Condition No2. Noted that *'Prior to community consultation, Council is to prepare draft Development Control Plan content to guide development for the purpose of intensive plant agriculture and intensive livestock agriculture. The content is to be endorsed by the Department of Planning and publicly exhibited with the planning proposal.'*

This document is an outline / draft of the proposed DCP amendment to address this requirement.

2 Weddin Local Environmental Plan 2011

In the current version of WLEP2011 (as at September 2017), 'intensive livestock agriculture' and 'intensive plant agriculture' are both permitted with consent in Zone RU1 Primary Production throughout the Shire. They are prohibited in Zone E3 Environmental Management. The Minimum Lot Size (MLS) for a dwelling is 400ha. The issue in this case is NOT one of subdivision but the combination of issues arising from intensive agriculture and the permissibility of a dwelling on a lot below the MLS in the relevant rural zone.

3 New Local Environmental Plan Clause

At this stage the specific wording for the Intensive Agriculture and dwelling clause has not been prepared by Parliamentary Counsels' Office (PCO). However, for the purpose of preparing the DCP clause(s) the following wording is likely to indicate the matters that the LEP clause would address (though this wording MAY change).

4.2E Subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture

(1) The objectives of this clause are as follows:

- (a) to provide flexibility in the application of standards for subdivision for the purpose of intensive livestock agriculture or intensive plant agriculture in certain rural zones,
- (b) to encourage sustainable intensive livestock agriculture and intensive plant agriculture,
- (c) to minimise unplanned rural residential development.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production.

(3) Development consent may be granted for the subdivision of land to which this clause applies for the purpose of intensive livestock agriculture or intensive plant agriculture to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) However, development consent must not be granted under subclause (3) if an existing dwelling house would, as a result of the subdivision, be situated on a lot created by the subdivision unless the consent authority is satisfied that:

- (a) the lot will have an area of at least **100 hectares**, and

- (b) the lot is or is to be subject to **irrigation** requiring a delivery entitlement and the volume of water available under that entitlement is or will be adequate for the use of the land for the purpose of intensive livestock agriculture or intensive plant agriculture, and
 - (c) the lot is **suitable** for, and **is to be used for**, intensive livestock agriculture or intensive plant agriculture, and
 - (d) the **dwelling house is required** to support the carrying out of such a purpose.
- (5) Development consent may be granted for the erection of a dwelling house on a lot created by a subdivision under this clause or on an existing lot of any size that only contains land in a zone to which this clause applies if the consent authority is satisfied that:
- (a) the lot complies with subclause (4) (a) and (b), and
 - (b) the lot is suitable for, and is being used for, the purpose of intensive livestock agriculture or intensive plant agriculture, and
 - (c) the dwelling house is required to support the carrying out of that purpose.

Note. *State Environmental Planning Policy (Rural Lands) 2008 and the factsheet titled Assessing Intensive Plant Agriculture Developments (ISSN 1832-6668) published by the NSW Government in December 2011 set out other relevant issues for the consideration of consent authorities when assessing development applications for intensive plant agriculture.*

Note: *State Environmental Planning Policy No.30 (Intensive Agriculture) and other relevant factsheets or publications by NSW Government set out relevant issues for the consideration of consent authorities when assessing development applications for some kinds of intensive livestock agriculture.*

(Further note: a number of SEPPs involving agriculture are in the process of being reviewed and consolidated by DPE so these are subject to change)

The key requirements to permit a dwelling are in subclause(s) (4) and (5) and can be summarised as:

- a) The subject lot has an area of 100 hectares
- b) The owner has an irrigation license that is **adequate** for the proposed intensive agricultural use
- c) The subject land is **suitable** for the proposed use
- d) The dwelling is **required** to **support the carrying out** of such a purpose.

4 Other Legislation & Policies

It is also relevant to consider other NSW Government legislation and policies including, but not limited to:

- *Environmental Planning & Assessment Act 1979* which sets out thresholds and regulations for 'designated development' which includes, amongst others, some forms of intensive agriculture;
- *State Environmental Planning Policy (Rural Lands) 2008* ('SEPP Rural Lands') which sets out Subdivision and Planning Principles for the development of rural lands; and
- *State Environmental Planning Policy No.30 (Intensive Agriculture)* ('SEPP Intensive Ag.') which, amongst other matters, sets sizes for cattle feedlots or piggeries which require development consent;
- *Central West & Orana Regional Plan*.

In addition, the Department of Primary Industries (DPI) has created relevant guidelines for the agricultural component including, but not limited to:

- *Preparing a development application for intensive agriculture in NSW;*
- *Factsheet (December 2011) Preparing intensive plant agriculture development applications;*

- *Assessing intensive plant agriculture developments;*
- *Planning for turf farms;*
- *Factsheet (October 2011) Land Use Conflict Risk Assessment (LUCRA) Guide;*
- *Guidelines for the development of controlled environment horticulture;*
- *Better site selection for meat poultry developments;*
- *Agricultural Impact Statement technical notes;*
- *Primefacts (November 2008) Rural workers dwellings;*
- *Cattle Feedlots (EIS Guideline) DUAP 1996.*

5 Designated Development

The EP&A Regulations Schedule 3 sets out when 'livestock intensive industries' and 'turf farms' become 'designated development' and are defined as follows:

22 Livestock processing industries

Livestock processing industries (being industries for the commercial production of products derived from the slaughter of animals or the processing of skins or wool of animals):

- a) *that slaughter animals (including poultry) with an intended processing capacity of more than 3,000 kilograms live weight per day, or*
- b) *that manufacture products derived from the slaughter of animals, including:*
 - (i) *tanneries or fellmongeries, or*
 - (ii) *rendering or fat extraction plants with an intended production capacity of more than 200 tonnes per year of tallow, fat or their derivatives or proteinaceous matter, or*
 - (iii) *plants with an intended production capacity of more than 5,000 tonnes per year of products (including hides, adhesives, pet feed, gelatine, fertiliser or meat products), or*
- c) *that scour, top, carbonise or otherwise process greasy wool or fleeces with an intended production capacity of more than 200 tonnes per year, or*
- d) *that are located:*
 - (i) *within 100 metres of a natural waterbody or wetland, or*
 - (ii) *in an area of high watertable or highly permeable soils or acid sulphate, sodic or saline soils, or*
 - (iii) *on land that slopes at more than 6 degrees to the horizontal, or*
 - (iv) *within a drinking water catchment, or*
 - (v) *on a floodplain, or*
 - (vi) *within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

31 Turf farms

Turf farms:

- a) *that are located:*
 - (i) *within 100 metres of a natural waterbody or wetland, or*
 - (ii) *in an area of high watertable or acid sulphate, sodic or saline soils, or*
 - (iii) *within a drinking water catchment, or*
 - (iv) *within 250 metres of another turf farm, and*
- b) *that, because of their location, are likely to significantly affect the environment.*

6 Other DCP & Policy Examples

The Planning Proposal reviews which other Local Government Areas (LGAs) have utilised the Intensive Agriculture and Dwelling clause in their LEPs in the Central West. This includes (as at late 2016) Narromine, Mid-Western, and Cowra. Dubbo & Forbes have provisions for dwelling houses in Zone RU4 Primary Production Small Lots which is similar in purpose but different in wording.

The Department of Planning has indicated that Weddin Shire should look at the DCPs for Narromine and Dubbo as a starting point.

7 DA Lodgement Checklist

It is important that any development application under the intensive agriculture clause provides sufficient information to be able to assess the impacts of the proposal and any mitigation methods. Some of the following matters would be relevant to an application and could form a checklist in the DCP or any associated Development Guide but in effect the following controls are seeking responses to these questions:

- a) **Existing Lot (Holding) Size:** What is the lot size of the relevant lot? Is it below 100ha? If so, are there other lots that form part of the holding that would (in combination) exceed 100ha?
- b) **Dwelling:** Is there an existing dwelling on the lot or is a new dwelling proposed? Where is the existing/proposed dwelling located in relation to all lot/holding boundaries? Does it have suitable access and utilities? What are the potential impacts of any new dwelling and how will they be mitigated?
- c) **Definition of Intensive Agriculture:** Does the proposed agriculture use meet the definition in WLEP2011 for either 'intensive plant agriculture' or 'intensive livestock agriculture' including the sub-definitions for 'horticulture', 'turf farming', or 'viticulture'?
- d) **Scale & Productivity of Agriculture:** What scale of intensive agriculture is proposed (numbers of stock / areas of plant agriculture)? Where will this be located on the lot/holding? Is this likely to be an economically viable scale for the specific type of intensive agriculture?
- e) **Agricultural Capability:** Is the proposed land capable of supporting the proposed intensive agricultural use (e.g. land/soil, water)? Is the proposed intensive agriculture type sustainable on that land?
- f) **Water:** Is there an irrigation licence or other water entitlement that is of a suitable volume and viability to meet the needs of the intensive agricultural purpose? Is this licence valid? Who is it held by?
- g) **Environmental Impacts:** What are the environmental impacts (if any) of both the proposed agricultural land use and any proposed dwelling? How are these mitigated or minimised?
- h) **Supporting Dwelling:** Demonstrate that the proposed dwelling is required to support the intensive agricultural practice and the need cannot reasonably be met in another way.

8 Existing DCP - Chapter 9 – Rural Development

Weddin Development Control Plan 2014 (DCP) already has a well-developed set of controls for rural development (including agricultural development, subdivision, rural dwellings, outbuildings and associated agricultural uses – see Clause 9.3) in Chapter 9 of the DCP. Therefore, any controls to supplement the proposed intensive agriculture clause should be located in this chapter.

This report indicates broadly how the existing clauses could be modified or supplemented to meet the requirements of this condition by NSW Government. Most of the key changes are to Clause 9.20A Intensive Agriculture (for the agricultural component) and Proposed Clause 9.20B – Intensive Agriculture and a Dwelling (for the dwelling application linking it back to the intensive agricultural pursuit). However, minor updates to other controls in this Chapter are also proposed to promote consistency.

We have shown the existing clauses (as written) and then provided Amended or Proposed New Clauses with any **new wording in red** and any wording removed ~~struck-out~~.

9 Clause 9.5 – Minimum Allotment Size

9.1 Existing Clause 9.5

Objectives

- To protect the valuable agricultural land resource within Weddin.
- To implement minimum allotment sizes which reflect the amount of land needed to accommodate sustainable agriculture.

Standards

1. There is no minimum allotment size for land proposed for the purposes of agriculture. Minimum allotments sizes are attributed to dwelling house entitlements.
 - i) The minimum allotment size for an allotment seeking a dwelling entitlement is 400 hectares.

9.2 Need for Amendment to Clause 9.5

This clause only refers to the general minimum lot size (MLS) for subdivision of agricultural land for a dwelling. The introduction of the Intensive Agriculture clause will permit subdivision down to 100ha where both the intensive agriculture and dwelling are justified but it is suggested that this is clarified by stating that the 100ha is only a minimum if the other controls in this DCP are met and larger lot sizes may be required. Minor amendment.

9.3 Amended Clause 9.5

Objectives

- To protect the valuable agricultural land resource within Weddin.
- To implement minimum allotment sizes which reflect the amount of land needed to accommodate sustainable agriculture.
- To promote intensive plant and livestock agriculture on suitable lands in accordance with the requirements of the LEP & DCP.

Standards

1. There is no minimum allotment size for land proposed for the purposes of agriculture. Minimum allotments sizes are attributed to dwelling house entitlements.
2. The minimum allotment size for an allotment seeking a dwelling entitlement is 400 hectares (except as noted below).
3. The minimum allotment size for intensive plant or livestock agriculture that is also seeking approval for a supporting dwelling is 100ha noting, however, that the lot size may need to be larger than this if:
 - a. the particular agricultural type requires a larger size; or
 - b. the lot cannot accommodate suitable buffers to adjoining land uses in accordance with this DCP; or
 - c. the lot cannot meet other controls in this DCP without having a larger lot size.

10 Clause 9.6 – Location within Agriculturally Productive Area

10.1 Existing Clause 9.6

Objectives

- To recognise and protect the valuable agriculturally productive land of the Weddin Shire.
- To increase awareness of the realities of developing and living in the country.

Standards

1. Applicants need to recognise they are proposing to develop within an agriculturally productive area.

2. Council may impose conditions or requirements upon development consents or land covenants acknowledging the diversity of agriculture and potential external impacts.
3. Any application for a dwelling should seek to avoid or, where no reasonable alternative exists), minimise impact on prime crop and pasture land.

10.2 Need for Amendment to Clause 9.6

There is no need for amendment as the same principles apply to intensive agriculture and a dwelling. Clause 9.8 – Identification of Building Envelope addresses locating building envelopes to avoid high quality agricultural land.

11 Clause 9.7 – Rural Land Use Conflict

11.1 Existing Clause 9.7

Objectives

- To acknowledge rural land use conflict as a major threat to the sustainability of agriculture within the Weddin Shire.
- To minimise the opportunities for rural land use conflicts.
- To maintain the rural visual character of agriculture within the Weddin Shire.
- To provide separation between residential uses and noise generating sources.

Standards

1. A minimum separation distance of 150 metres as well as landscape screening shall be provided in new developments which adjoin incompatible land uses to accommodate noise, odours and chemical spray.
2. A minimum set back of 30 metres is required for all rural dwellings to all existing public roads.

11.2 Need for Amendment to Clause 9.7

The purpose of this clause is to ensure that new sensitive uses (such as dwellings) will be located a suitable distance from property boundaries to minimise any impacts from agricultural activities on that dwelling and thereby prevent restrictions on those agricultural activities. It is NOT written to provide buffers for intensive agriculture. These should be addressed in Clause 9.20 below. Therefore, the amendments below are minor in nature and seek to clarify wording only. It is also important to note that Clause 9.13 Separation (addressed below) may require additional setbacks for dwellings.

11.3 Amended Clause 9.7

Note – This clause applies to applications for new dwellings or other sensitive residential uses on rural lands. For applications for intensive agriculture please see Clause 9.20A.

Objectives

- To recognise the NSW Government policy on 'The Right to Farm' (2016 as amended).
- To acknowledge rural land use conflict as a major threat to the sustainability of agriculture within the Weddin Shire.
- To minimise the opportunities for rural land use conflicts.
- To maintain the rural visual character of agriculture within the Weddin Shire.
- To provide separation between residential uses / other sensitive development and adjacent land/ development that may have existing or future reasonable impacts on amenity associated with uses permitted in that zone to the extent necessary to mitigate or minimise that impact ~~noise generating sources~~.

Standards

1. A minimum separation distance of 150 metres *from property boundaries* as well as landscape screening shall be provided *for in new residential or other sensitive developments* which adjoin incompatible land uses to accommodate noise, odours and chemical spray.
2. A minimum set back of 30 metres is required for all rural dwellings to all existing public roads.

12 Clauses 9.8-9.19 - Dwelling Controls

12.1 Existing Clause(s) 9.8 to 9.19

These clauses in Chapter 9 – Rural Development are focussed on appropriate dwelling locations and design including, but not limited to:

- Clause 9.8 – Identification of building envelope (for subdivision only);
- Clause 9.9 - Building siting and design;
- Clause 9.10 - Protecting scenic and landscape qualities;
- Clause 9.11 - Servicing;
- Clause 9.12 - Access;
- Clause 9.13 - Separation to other dwellings and agricultural uses;
- Clause 9.14 - Minimising impacts of development on the natural environment;
- Clause 9.15 – Landform and stability;
- Clause 9.16 – Bushfire;
- Clause 9.17 – Outdoor advertising/signage;
- Clause 9.18 – New transportable homes; and
- Clause 9.19 – Relocation of existing dwellings – relocated homes.

12.2 Need for Amendment to Clause(s) 9.8 to 9.19

It is noted that these existing clauses provide sufficient guidance for any development for intensive agriculture that applies for a supporting dwelling. No change is proposed.

In particular it is noted that Clause 9.13 Separation requires 'sufficient' separation of a proposed dwelling house from existing rural dwellings and agricultural uses on adjoining properties. *'Each proposal will be assessed on its merits having regard to the varying considerations such as natural topography, prevailing winds, land uses and buffer treatment.'* In addition, *'new development shall consider any potential impacts upon the visual and acoustic privacy of existing rural dwellings.'*

13 Clause 9.20A – Intensive Agriculture

13.1 Existing Clause 9.20

Objectives

- To promote intensive agricultural development in appropriate locations.
- To minimise potential impacts upon surrounding properties and the environment.

Standards

1. Separation of intensive agricultural developments from existing dwellings shall be based upon potential land use conflict investigations including, noise, odour, spray drift etc.
2. Relevant industry guidelines should be followed in the design of intensive agricultural developments and will form an important part of Council's assessment of proposed developments.
3. Applications for development likely to generate noise, odour or other environmental nuisance shall be accompanied by an assessment report prepared by a suitably qualified practitioner considering the environmental standards of the Department of Environment and Conservation. Consideration should be

given to amelioration techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.

13.2 Need for Amendment to Clause 9.20

The existing clause provides sufficient reference to NSW Government guidelines to address likely impacts from intensive agriculture. The requirement for a suitably qualified consultant to prepare an assessment gives sufficient credibility to any proposed setbacks and can be reviewed by DPI Agriculture if required. The proposed amendments seek to supplement/strengthen this clause but retain the discretion for Council to determine appropriate outcomes.

Different intensive agricultural activities have different impacts and therefore different buffer needs. Some other NSW DCPs and rural handbooks have listed specific buffers for more intensive agricultural practices such as piggeries, feedlots, poultry sheds, dairies and intensive horticulture involving sprays. These generally range from 100m to property boundaries up to 1000m depending on the sensitivity of the nearby use (e.g. dwelling, tourist accommodation, or school).

The types of intensive agriculture likely to occur in Weddin Shire are more likely to be intensive animal than intensive plant due to current availability of water, but this may change over time. It is also worth noting that designated development will be triggered for larger feedlots and turf farms.

It is our suggestion that rather than noting specific buffers for a large range of potential intensive agricultural types it is preferable to create a discretion for Council to condition a reasonable setback to ownership/lot boundaries and clearly state that setbacks will need to increase dependent on the potential impacts of the activity or proximity to sensitive development on an adjacent lot(s).

13.3 Amended Clause 9.20A

Objectives

- *To promote intensive agricultural development in appropriate locations.*
- *To ensure the applicant demonstrates that the land is capable of sustainably supporting the intended intensive agricultural activity.*
- *To minimise potential impacts upon surrounding properties and the environment.*

Standards

1. *Separation of intensive agricultural developments from existing dwellings and neighbouring land shall be based upon potential land use conflict investigations including a review of the specific requirements and potential impacts that could reasonably be associated with the proposed intensive agricultural type including, but not limited to, noise, odour, dust, spray drift and use of chemicals, traffic generation, visual impact, pest and weed management, and/or waste disposal etc.*
2. *Relevant NSW Government / industry guidelines should be followed in the design and operation of intensive agricultural developments and will form an important part of Council's assessment of proposed developments.*
3. *Applications for intensive agriculture should provide a site plan or aerial photo with lot boundaries that identifies all known sensitive uses (including dwellings) within 1000m of the boundaries of the lot proposed for the intensive agricultural use.*
4. *Applications for development likely to generate noise, odour or other environmental nuisance shall be accompanied by an assessment report prepared by a suitably qualified practitioner considering the environmental and management standards/guidelines of the NSW Government relevant to that agricultural type Department of Environment and Conservation. Consideration should be given to amelioration techniques and the location of existing surrounding rural dwellings or other existing or potential future sensitive uses in regard to prevailing winds, views, and sensitivities.*
5. *Council is likely to condition a minimum setback distance between any intensive agricultural use and property boundaries (and/or sensitive development on adjacent lots) and may require vegetative buffers*

or other amelioration techniques (as required). A greater setback will be required for higher impact intensive agriculture compared to lower impact activities. Please consult with Council in the preparation of your application.

Note: *Certain types and sizes of intensive (plant and livestock) agriculture may trigger additional requirements under NSW legislation (e.g. 'designated development') or State Environmental Planning Policies that may affect the approval process. Please confirm these requirements with Council prior to lodgement.*

14 Proposed Clause 9.20B – Intensive Agriculture and a Dwelling

14.1 Need for new Clause 9.20B

This additional clause seeks to supplement proposed Clause 9.20A – Intensive Agriculture to provide additional requirements if the applicant seeks to apply for a dwelling on that land and it is below the minimum lot size shown on the Lot Size Map(s) in WLEP2011.

A key addition is the requirement for the application to provide a report that provides the physical and economic assessment of the suitability of the land to support the proposed agricultural activity (hereafter referred to as an Agricultural Productivity Assessment (APA)). This is NOT required if it was only an application for intensive agriculture or subdivision for intensive agriculture. It is triggered by the dwelling application and seeks to ensure that any existing or proposed intensive agriculture is the dominant purpose for the application (not the dwelling).

This is similar to the tool used by Dubbo Regional Council in its DCP to justify a dwelling on Zone RU4 land. However, Dubbo does not require this assessment when land is over a certain lot size as it has studies to suggest that agriculture becomes less viable below that threshold. We have selected some of the key criteria for this report but do not expect it to be a 'detailed profit and loss statement' as each case is specific. The aim is that the applicant clearly represents an understanding of the agricultural venture they are entering into and it is not a speculative proposal solely to get a dwelling below the minimum lot size.

This assessment can be prepared by a suitably qualified 'person'. In some cases, the applicant may be able to demonstrate they have sufficient experience in agriculture and/or agricultural economics to prepare it themselves so we have tried not to add costs to the applicant by requiring a consultant to prepare this study.

14.2 Proposed Clause 9.20B

Objectives

- *To recognise that a dwelling may be needed to support and facilitate certain types of intensive agriculture when the lot is below the minimum lot size shown on the Lot Size Map(s).*
- *To ensure the applicant demonstrates that the dwelling is ancillary to, and required for, the intensive agricultural activity.*
- *To minimise potential impacts upon surrounding properties and the environment.*

Standards

In addition to addressing Clause 9.21A – Intensive Agriculture (for any new intensive agricultural use), and at the time when an applicant applies for a dwelling on a lot below the minimum lot size on the Lot Size Map(s) in WLEP2011 the following must be provided/addressed:

1. *The applicant must provide an Agricultural Productivity Assessment (APA) (prepared by a suitably qualified person) that demonstrates that the subject land is capable of supporting the existing or proposed intensive agricultural activity in accordance with industry and government guidelines and provides:*
 - a. *the size/scale of the proposal and area of land needed with all supporting facilities;*
 - b. *the agricultural capacity of the land for the proposed use including, but not limited to suitability of soils, slope, cleared land, and local infrastructure;*

- c. *an existing water licence or other water source with sufficient access and reliability of water supply to meet the needs of the proposed use;*
 - d. *the estimated volumes of other agricultural inputs needed to support the agricultural type (e.g. feed / fertiliser etc.);*
 - e. *the estimated volume and timing of agricultural outputs;*
 - f. *operational and management plan;*
 - g. *waste management plan for any waste outputs;*
 - h. *access to markets and methods of transport/infrastructure;*
 - i. *the broad economic demand and sustainability of the proposed business; and*
 - j. *reliance on off-farm income for economic viability (where relevant).*
2. *The applicant must also demonstrate that:*
- a. *a dwelling is required to provide a residence for people (and their families) working directly with the intensive agricultural use;*
 - b. *the intensive agricultural use has specific qualities/operations that require a 24-hour available on-site manager for key periods of that production or process and there are no other reasonable alternatives in proximity to the land for that purpose;*
 - c. *the dwelling is ancillary to the intensive agriculture use and not the dominant use of the land (i.e. the intensive agricultural use is of a sufficient size and economic productivity to warrant varying the minimum lot size to permit a dwelling on the land).*

Note: *Council may condition that a significant amount of the intensive agricultural activity or production or infrastructure is in place and/or operational before it will issue a development approval / construction certificate for any ancillary or supporting dwelling.*

15 Clause 9.21 - Non-Agricultural Development

15.1 Existing Clause

Objectives

- *To permit non-agricultural development within the rural area where it will not adversely potential agricultural production nor impact upon adjoining properties.*

Standards

1. *Developments which have the potential to generate traffic should consider the likely traffic generation and the condition and capacity of the road system.*
2. *Any necessary road upgrades to cater for the proposed development will be the responsibility of the applicant.*
3. *Applications for development likely to generate noise, odour or other environmental nuisance shall be accompanied by an assessment report prepared by a suitably qualified practitioner considering the environmental standards of the Department of*
4. *Environment and Conservation. Consideration should be given to amelioration techniques and the location of existing surrounding rural dwellings in regard to prevailing winds.*
5. *Low scale rural tourist facilities are encouraged in the form of farm stay and bed and breakfast facilities. Larger proposals will be considered on their merits.*

15.2 Need for Amendment

There is no need for amendment of this clause. It provides for suitable non-agricultural development including tourist accommodation. Buffers to intensive agriculture are addressed above. Non-agricultural development that is 'sensitive' has additional requirements in Clause 9.7 – Rural Land Use Conflict.