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Cr Darriea Turley AM  
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Local Government NSW  
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Via email: lgnsw@lgnsw.org.au; executive.assistant@lgnsw.org.au

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**Subject: Agritourism reforms commencing 1 December 2022**

Dear Cr Turley

Thank you for your correspondence to the Hon. Anthony Roberts MP, Minister for Planning and Minister for Homes regarding the agritourism policy and its implementation. The Minister asked me to respond on his behalf.

The NSW Government is committed to supporting the resilience and recovery of regional and rural communities. The recently introduced agritourism policy will help to achieve this by making it easier for commercial farms to innovate and diversify into small-scale agritourism opportunities.

The Department of Planning and Environment acknowledges the contribution local councils have made to the development of the agritourism policy, particularly through responses to the Explanation of Intended Effect that was exhibited in 2021 and subsequently through one-to-one discussions and sector-wide briefings. We also acknowledge that councils provided nominations in early 2022 to amend their local environmental plans (LEPs) to support the agritourism reforms and are in the process of updating these nominations now that the policy is finalised and due to commence in December.

By starting the agritourism changes on 1 December, farmers can benefit from the policy over the summer period, open up more areas of the state to tourism and take advantage of the economic benefits it brings to rural and regional communities. In addition, many farmers are recovering from the recent floods and will be looking to new ways to diversify their incomes to keep their farming business viable.

As you know, the agritourism reforms are focussed on retaining primary production land for farming. The provisions have been carefully developed so agritourism activities remain ancillary to the agricultural use of the land and support, not detract from the farm. Development standards for exempt and complying development aim to minimise land use conflict by requiring significant setbacks from neighbours and intensive uses on adjoining land, placing limits on the number of events with amplified noise, limiting the number of visitors and hours of operation and limiting the size and number of buildings. The department has also developed optional clauses councils can adopt in their Local Environment Plan (LEP) to guide the merit assessment of development proposals, particularly the consideration of key issues such as retaining farmland and minimising impacts on neighbours.

At this stage, most agritourism activities are only permitted in certain rural zones. The Department will continue to work with councils to ensure agritourism is permitted in more areas of the state so that as many commercial farms can benefit from these changes as possible.

The next stage of the reforms will require amendments to LEPs and we are working with councils to realise the changes in early 2023. The deadline for council input to these amendments is the end of December. If councils are unable to meet this timeframe or have concerns about the application of the agritourism policy, we have asked that they get in touch with us to discuss options. Subject to future Ministerial discretion, we will look to play a facilitative role in the ongoing rollout of the agritourism policy and make LEP changes on behalf of councils.

We are also finalising other initiatives to assist councils to implement the reforms. This includes model development control plan (DCP) provisions for agritourism and an Agritourism Guide for Landholders. We are also available to assist councils to develop additional standards to include in their LEPs.

With regard to issues of compliance raised in your letter, I note that agritourism definitions have been clearly defined in the Standard Instrument Order under this policy. In fact, many agritourism activities have been defined for the first time in the planning system. Furthermore, the exempt and complying development provisions outlined in the Codes SEPP include associated planning controls with clear metrics that have been designed to be easily understood by farmers, neighbours and council compliance officers.

In addition, the Department has produced clear guidance to make it easier for councils to take action if someone is not following the rules. We are preparing a guide for landholders to explain the policy in plain English, and we have a Codes Hotline to help with any questions on exempt and complying development. A dedicated agritourism email address continues to be monitored and all questions and feedback are responded to.

As is the case now, councils will continue to be responsible for compliance with regard to local development and there is a degree of discretion available to council officers about what, if any, action to undertake in response to breaches of planning law. The recent changes to the compliance cost notices framework will make it easier for councils to recover costs from compliance action.

As you know, state environmental planning policies aren't static and can change based on stakeholder feedback. We will rely on input from councils as we monitor the policy over the next 12 months to determine how it's working and whether any changes are needed. Councils are welcome to provide specific instances where the policy is resulting in poor compliance or planning outcomes or to seek further clarity on any aspect of the policy.

Councils can direct any enquiries from the public about the new agritourism requirements for exempt and complying development to the department's Codes Hotline on 13 77 88 or email [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au). Our agritourism policy mailbox will also remain available for general questions on the policy ([agritourism@planning.nsw.gov.au](mailto:agritourism@planning.nsw.gov.au)).

Should you have any questions, you are welcome to contact [REDACTED]

Yours sincerely

[REDACTED]  
2/11/2022

**Marcus Ray**  
**Deputy Secretary**  
**NSW Planning**