

WHAT ARE THE GOVERNMENT PROVISIONS FOR AGRITOURISM

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THE INSIDE STORY ON THE NSW PLANNING PROVISIONS FOR AGRITOURISM

Where has it all come from?

Late in 2022, the NSW government decided to introduce some **provisions within the planning regulations** to support rural and regional property owners. And you know what, the inside story on these provisions is very interesting, and has the potential to be a real game-changer for many an entrepreneurial farmer.

Oh, I'm not an entrepreneurial farmer, you say. But hey, before you walk away, do yourself a favour and have a read here of the ins and outs, and you might find that this is exactly what you need. It's a real boon for property owners who are feeling the drought pinch or simply looking for something to boost their income and make life a bit more enjoyable.

Really?

Or you might say yep, you are definitely that entrepreneur, but ... you're sceptical of the provisions because you just can't believe that the government would do something to help.

Well, we're all a bit sceptical in one way or another, but we can say that although there are certainly some strings attached, there is lots of juice to be got out of this provision if it's relevant to you.

Let's do a deep dive.

Before we dig into the details, here's a brief 30,000-foot view of the special policy around Agritourism.

1. They've introduced some new land-use definitions, and then –

2. They're allowing these uses to be undertaken without council approval if they meet specified development standards.

The government has made these changes because they want to make it easier for farmers to use their land for Agritourism.

We don't think there's any hidden agenda here, it's just that they've simply recognised that there's a goldmine of experiences that can be had far away from the city lights that will make a substantial difference to the ups and downs of farming income and cashflow.

By the way, if you're a tad hazy on what Agritourism is, see our other blog [here](#). Well worth the read.

Defining the definitions.

Ok, so here are the 3 new definitions the policy includes –

- Farm gate premises. This is where visitors interact with produce from the farm, such as fruit picking, sales, tastings, workshops and cafes.
- Farm experience premises. Where visitors can experience life on a farm including tours, horse riding, weddings, functions and retreats.
- Farm stay accommodation. And this is where visitors can stay in buildings or moveable dwellings, including tents and caravans, on a farm.

The last one – Farm-stay Accommodation – is what this blog is about, although all 3 are linked.

What it boils down to is that you can install up to 6 **modular, or relocatable, buildings**, no more than 60 mtrs² each, on your farm without having to go through the rigmarole of getting approvals from your local shire.

But you need to be able to tick some other boxes first. And to be blunt, a few of them can be deal-breakers for some farmers.




Here's the list –

1. The agritourism side of your property needs to play second-fiddle to your main farm game, the primary producer. And you need to be able to demonstrate this in some way – financial accounts for example. The word the policy uses is 'supplementary'.
2. The zone of the farm must be one of either RU1, RU2, or RU4. See [here](#) for more details if you're unsure on what yours is.
3. Your farm needs to be at least 15 hectares, or 37 acres.
4. It must have a lawful house already standing, able to be lived in.
5. And the property, or at least the area where the accommodation units are going, must be in a zone that's BAL29 or less. This refers to the Bushfire Attack Level.
6. Off-street parking's a must.
7. And finally, Farm Stay Accommodation is permitted under the LEP, or the Local Environmental Plans. Click [here](#) if you want some more info on LEP's and how to find out yours.

What does the list mean for me as a landowner?

If you can place a resounding yes beside each of these, then congratulations, you're in a position to take advantage of these regulations.



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Based on your exact scenario, there are what the government calls 'different approval pathways'. These pathways depend on the type of agritourism development you're planning to introduce, but here are the details of the 2 pathways –

- **Exempt development** is minor and low-impact development that can be carried out without the need for planning or building approval if it meets specified development standards.
- **Complying development** is a fast-tracked approval process for straight-forward development where planning and building standards can be signed-off by the council or a registered certifier. This process offers many benefits to applicants including certainty, as well as time and cost savings.

How do I know which one is right for me?

Your builder or supplier of the relocatable buildings will be best able to advise you which of these will apply to you.

And we would always recommend that a professional planner or an equivalent legal advisor will still need to eyeball it all for you to make sure you have a watertight case. You don't want to be in a position of thinking it's all good and then something comes out of nowhere and hits you on the back of the head.

And what if you can't place a tick beside all of them, what then?

Well, you can still chase those Agritourism dreams, but you'll have to slow it down, fill out a development application and lodge it with the council. There's a good chance it will all still be ok, but it's just going to involve some additional cost and time. And you know what, that just goes to highlight the value of the exemption provisions.

And that's the long and the short of it.

It may come across that there's quite a few hurdles to jump, but if the situation is genuine, you're a farmer with some land and you really can offer a genuine experience to tourists looking to enjoy some of the great Aussie countryside, then you'll often find that you can make it work.

And as always, our team are eager to help you through the process, so reach out for a chat!

