

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 4 April 2021 8:20 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 04/04/2021 - 08:19

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Woollamia 2540

### Submission

I do not agree with the proposed changes. The changes will allow & encourage farms to become less productive agriculturally. Events are a major problem in quiet rural areas with parking, noise, erosion, inadequate local infrastructure. Farm stays are already turning agricultural land into a broad acre hotels in our region. Development of these should still require full DAs through local councils with extensive consultation.

The proposed changes will reduce the level of consultation with affected communities.

Please do not proceed with these changes.

**I agree to the above statement**  
Yes



## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 5 April 2021 4:13 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 05/04/2021 - 16:13

Submitted by: Anonymous

Submitted values are:

**Submission Type**  
I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Berry

**Submission**  
Fantastic idea. I hope this is gazetted with minimal changes ....

**I agree to the above statement**  
Yes

Thank you for the opportunity to comment on the proposed changes to the 3.12.2 Recreational Beekeeping – Consultation Questions 25. “Are the proposed development standards appropriate and are any additional standards needed?”

My main concern is the wording of **“Must not be used for a commercial purpose.”**

This could be clarified to make it clear that it refers to the other description of bee keeping in the standard LEP. “While commercial beekeeping is defined as a form of extensive agriculture in the Standard Instrument LEP”. Recreational bee keeping is all other bee keeping, that is not extensive agriculture.

The questions raised regards the selling of honey at a road side store is that considered commercial? Or is the two bee hives keep as part of farm stay “commercial”?

1. **Recommendation, that the policy have wording changed by adding the word beekeeping after the word Commercial. Thus reading “Must not be used for commercial beekeeping.”**

This will make it clear that the exempt development is for recreational bee keepers and not commercial bee keepers. This would also remove the confusion regarding the sale of honey from recreational bee keepers – is that commercial?

2. **Alternatively the definition used by the Department of primary industries of 50 hives or more is considered commercial beekeeping, and could be added to the existing LEP definition of bee keeping.**
3. **Alternatively add the wording that “the sale of small volumes of honey from recreational bee keepers is not considered commercial for the purpose of the LEP”. [ just as the sale of eggs from a backyard flock of chickens is not considered commercial]**

Thanks for your time and congratulations on addressing this issue. An excellent policy. Thank you for the opportunity to comment on the proposed changes to the 3.12.2 Recreational Beekeeping – Consultation Questions 25.

Best regards



## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 14 April 2021 11:18 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Wed, 14/04/2021 - 11:17

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

### First name

Michael

### Last name

Syme

### Council name

Northern Beaches Council

### Council email

[michaeljsyme@bigpond.com](mailto:michaeljsyme@bigpond.com)

### I would like my submission to remain confidential

No

## Info

### Email

[michaeljsyme@bigpond.com](mailto:michaeljsyme@bigpond.com)

### Suburb/Town & Postcode

TERREY HILLS

### Submission

3.12.2 Recreational Beekeeping – Consultation Questions

25. Are the proposed development standards appropriate and are any additional standards needed?

Answer: it is proposed that the exempt development "Must be located in a rural, residential, or environmental zone".

I believe that it should be allowed in all zones. If the objective is to encourage recreational bee keeping then why restrict it to these zone. For example many 5 star hotels keep bees and grow herbs on the hotel roof. Why restrict this activity. Likewise many factories have unused "waste land" that would be suitable for small scale bee keeping.

Second point: recreational beekeeping should be defined using the DPI definition of less than 50 hives. This is the industry accepted definition.

Third point: excellent idea to simplify the red tape and encourage responsible bee keeping in NSW.

Thankyou.

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 9 April 2021 4:13 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Fri, 09/04/2021 - 16:12

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Arcadia 2159

### Submission

I STRONGLY SUPPORT THE AGRITOURISM PROPOSAL.

We live at Arcadia, a semi-rural holding area surrounded by orchardists, flower growers and plant nurseries.

In the past we have held Open Gardens, short term accommodation and occasional events on our 5 acre garden property. HOWEVER HORNSBY COUNCIL HAS STOPPED US FROM TRADING! My wife & I are self funded retirees. Our property has been featured on TV & has been described as ONE OF SYDNEY'S FINEST ACREAGE GARDENS. We currently have a DA SUBMISSION BEFORE HORNSBY COUNCIL to be able to operate again. Council talk a lot about WANTING MORE TOURISM, yet they are blocking it at the same time. What we were doing was attracting tourists who spend money at a big variety of local businesses! AGRITOURISM WOULD BE A HUGE BOOST TO OUR LOCAL RURAL ECONOMY.

**I agree to the above statement**  
Yes



## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 9 April 2021 9:10 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Fri, 09/04/2021 - 21:10

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

### Suburb/Town & Postcode

Bywong 2621

### Submission

Why does the EIE state 'The changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses'? Does this comment reflect an intention to only streamline planning processes for land in rural zones (R1, R2, etc) or is the intention that these agritourism uses will not be permitted in zones other than the rural zones? It seems logical that these activities should be permitted in non-rural zones where agriculture is undertaken. Perhaps they need higher levels of scrutiny of the impacts during the approval process where farms are smaller.

What is the definition of a hobby or recreational farmer for the purposes of the planning legislation? This terminology appears to refer to the attitude of individual farmers which is different from the capacity of the land to be used for a range of farming uses. There are many wealthy owners of large rural holdings who might be considered recreational farmers. There are also many people on relatively small rural holdings who are highly productive (eg market gardeners, vineyards, truffle farms) but often not in rural zones. How will the proposed rules manage this? How will it be decided whether a farmer is a 'real' farmer or a hobby or recreational farmer?

Apart from what zones these changes will or won't apply to, these changes would be a huge leap forward in streamlining planning approvals.

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 12 April 2021 11:48 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 12/04/2021 - 11:47

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am submitting on behalf of my organisation

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Wagga Wagga

### Submission

As a construction company for architect designed modular homes and buildings based in Wagga, our customers on rural land find the process of understanding what they can and cannot build extremely difficult and cannot achieve answers through their own research. Many do find they require the services of a town-planner to advise them as there is no one size fits all solution for rural zoning and planning in terms of Agritourism construction.

We support the urgent need for a simplified planning solution for Agri-tourism. We see the benefit alone to our organisation creating an additional 10-20 jobs within our organisation with an increased turnover of revenue for the construction of rural accommodation in the range of \$3m - \$5m. Our business is up and running and primed to meet demand in the Riverina region and broader NSW locations. The recent completion of the 'Malthouse' Leeton by our company for their accommodation is an example of what we can achieve toward the Agri-tourism industry.

**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Wednesday, 14 April 2021 10:54 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Wed, 14/04/2021 - 22:53

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Broughton Vale

### Submission

Having purchased a rural property it seems reasonable to expect some peace and quiet. The deluge of event venues, particularly with loud music, dilutes the attraction of a country area. The current event and function centre proposals will leave us with more noise pollution than in the city we hoped to leave behind! Do not let development ruin rural Berry, which is the whole attraction of the area. It is a beautiful and treasured area that should be preserved to continue to be attractive for tourists and homemakers alike. Over development will have a very negative effect on resident amenity and subsequently on tourist appreciation. As more properties are developed, in turn more properties will be developed until the character of the area is destroyed.

**I agree to the above statement**  
Yes

[REDACTED]

16 April 2021

Executive Director  
Local Government and Economic Policy Department of Planning,  
Industry and Environment  
Locked Bag 5022,  
Parramatta NSW 2124

## **RE: Agritourism and small-scale agriculture development: Proposed amendments to support farm businesses and regional economies**

### **4.1 Consultation Questions**

#### **4.1.10 Recreational Beekeeping Are the proposed development standards appropriate and are any additional standards needed?**

Who is [REDACTED]

The [REDACTED] started in 1964. Today the club has 390 members of all ages, all levels of experience, from a large range of backgrounds, some have one hive and others have +20 hives, and some have only European honey bees, others have native bee hives and some have both.

The club has a long history of providing hands-on beekeeping courses in our Club's apiary of 20 hives; mentoring; peer support; workshops; speaking at schools, etc; information stalls at Events; advice and assistance to beginners; and lending equipment to members.

The Club has its operations within the Hunter Region Botanic Gardens and is currently looking to expand its operational sites due to the present growth in recreational beekeepers.

[REDACTED] response to 4.1.10 is as follows:

In general, the proposed amendments will confuse Recreational Beekeepers so why duplicate the Beekeeping Code of Practice. Just make reference to the Code as has been made in the Note on page 32.

[REDACTED] specific response to each proposed amendment follows:

[REDACTED]

[REDACTED]

3.12.1 Proposed amendments	Response	Club Issues
Must not be used for a commercial purpose.	<p>This proposed amendment should be deleted as it is unnecessary.</p> <ul style="list-style-type: none"> <li>• Recreational beekeeping is a hobby, not a commercial enterprise.</li> <li>• At the 2019 Tocal Beekeepers Field Day a guest speaker from the DPI stated that the number of hives required for a successful commercial operation was in excess of 50 hives. So recreational beekeeping (less than 50 hives) is not a viable commercial proposition.</li> <li>• The annual costs of DPI registration/renewal and biosecurity compliance as well as the costs associated with hive parts, tools, protective clothing, extraction equipment and honey containers leaves little left over from the sale of honey and wax.</li> <li>• Recreational beekeepers should not be lumbered with additional red tape of having to prove, perhaps annually, that they are not engaging in a “commercial purpose”.</li> <li>• “commercial purpose” has not been defined in the proposed amendment in relation to recreational beekeeping.</li> </ul>	
<p>Must not consist of more than:</p> <ul style="list-style-type: none"> <li>○ 2 hives for lots up to 300m<sup>2</sup>,</li> <li>○ 4 hives for lots 300m<sup>2</sup> to 1000m<sup>2</sup>,</li> <li>○ 8 hives for lots above 1000m<sup>2</sup>,</li> <li>○ no limit for lots in a rural zone.</li> </ul>	<p>The following changes are suggested to bring this proposed amendment in line with the Beekeeping Code of Practice: -</p> <p>Must not consist of more than:</p> <ul style="list-style-type: none"> <li>○ 2 <b>permanent</b> hives for lots up to 300m<sup>2</sup>,</li> <li>○ 4 <b>permanent</b> hives for lots 300m<sup>2</sup> to 1000m<sup>2</sup>,</li> <li>○ 8 <b>permanent</b> hives for lots <del>above</del> 1000m<sup>2</sup>, <b>to 2000m<sup>2</sup></b>,</li> <li>○ no limit for lots in a rural zone.</li> </ul> <p><b>Note</b> The number of hives is a guide only and circumstances may allow more or less hives to be kept. In some circumstances, the keeping of bees may</p>	

	<p>be inappropriate in some locations as determined by an appropriate regulatory authority or the DPI Beekeeping Code of Practice.</p> <p>Does this proposed restriction apply to apis mellifera (European Honey Bees) <b>AND</b> Australian native bees (Tetragonula carbonaria and Austroplebeia) which are also kept in hives by Recreational Beekeepers.</p>	
<p>Must not contain any hive within 1m of any lot boundary, or within 3m of any boundary adjoining a public reserve, childcare centre, health services facility, educational establishment or community facility.</p>	<p>This proposed amendment should be replaced with the more suitable words from the Beekeeping Code of Practice, as the proposed amendment does not require any fence, screen or barrier between property boundaries, simply a distance: -</p> <p>Flight paths should be above 2 m when crossing property boundaries. This may be achieved by using screens, shrubs, walls, hedges, fences, etc., so setting specific distances between hives and buildings is unnecessary.</p> <p>Does this proposed restriction apply to apis mellifera (European Honey Bees) <b>AND</b> Australian native bees (Tetragonula carbonaria and Austroplebeia) which are also kept in hives by Recreational Beekeepers in NSW.</p>	<p>The Hunter being such a large region HVABA is currently seeking a Local Council's support to put another apiary on a public reserve for educational purposes.</p> <p>HVABA's existing apis mellifera apiary is located within the Hunter Region Botanic Gardens which is both a community facility and an educational facility. Does this mean we will have to relocate? If so, where to given this proposed amendment. Who will pay the relocation costs?</p> <p>From time to time the Club has hives of Tetragonula carbonaria located within the Hunter Region Botanic Gardens close to areas accessed by the public .</p>
<p>Must be located in a rural, residential, or environmental zone.</p>	<p>This proposed amendment should be deleted as it is unnecessary, restrictive and would cause the removal of hives currently located on top of tall building, in commercial and industrial zones.</p>	
<p>If it is in a residential zone, be located in the rear yard.</p>	<p>We seek clarification of this proposed amendment. What is the intent of/necessity for this proposed amendment?</p> <p>Surely this is covered by the DPI Beekeeping Code of Practice which mentions that hives should be out of sight of the public.</p>	



	Does this proposed restriction apply to apis mellifera (European Honey Bees) <b>AND</b> Australian native bees (Tetragonula carbonaria and Austroplebeia) which are also kept in hives by Recreational Beekeepers.	
If it is located on bush fire prone land, not be within 5m of a dwelling.	No objection.	

**Other issues:**

Section 3:12 Recreational Beekeepers	On the top of page 31 – Why is there a photo of Cattle and not bees/ hives?	
Recreational Beekeeper	Needs to be clearly defined. Apis mellifera (European Honey Bees) <b>AND</b> Australian native bees (Tetragonula carbonaria and Austroplebeia) are kept in hives by Recreational Beekeepers in NSW. Do these proposed amendments apply to all type of bees?	

Please don't hesitate to contact [REDACTED] if you require further information.



## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 15 April 2021 5:45 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Thu, 15/04/2021 - 17:44

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Broughton Vale 2535

### Submission

I would like any amendments to current development restrictions of agribusiness when that development can be used as a Function Centre.

Over the last three years, Berry and Kangaroo Valley have been the target of wealthy developers seeking to construct function centres in rural zones. Each application has been accompanied by consultants' reports that attempt to disguise the dire adverse noise, traffic and amenity impacts. One such case relates to an adjoining property to my own home where currently, a purported 'Camp Kitchen' for 12 'Campers' is in fact sized to cater for over a hundred persons. Developers have invariably ignored the genuine concerns of rural communities, which has resulted in concerted opposition to the applications. I am astonished by the proposal to allow function centres in rural zones as exempt development. Surely there have been sufficient distressing experiences to rule out this practice once and for all.

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Friday, 16 April 2021 9:22 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Fri, 16/04/2021 - 09:21

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2535

### Submission

I support the Berry Forum Submission. My concern is loss of privacy and rural amenity, together with issues of habitat destruction if glamping is permitted. Sewage and rubbish run off into our creeks which flow into the Shoalhaven River. Noise and motor vehicles on private roads which have no street lighting or curb and guttering. Private roads are maintained by the residents... getting these repaired is likely to be problematic. Wildlife on the roads will also be put at risk. We have healthy wombat families and wallabies which feed at night and regularly cross the roads. Regards [REDACTED]

**I agree to the above statement**  
Yes



Our goals are to “safeguard Fernhill Estate and ensure protection, through legislation, of the Mulgoa Valley as an area of outstanding cultural and natural significance to NSW”.

### **Submission on Agritourism and small-scale agriculture development – Proposed amendments to support farm businesses and regional economies**

#### **Summary**

██████ does not support a blanket “one size fits all” approach to agritourism as proposed. A site-based approach is essential. Without a site-based approach the stated principle of “no or low environmental impact” cannot be achieved.

It is stated that the new land use terms would only apply where the existing main use of the land is the production of agricultural/primary production goods for commercial purposes. Many people owning rural land in peri-urban areas would have agricultural activities on their land, but their principal source of income is off-farm. The proposed changes should not apply in such cases.

Mulgoa Valley is the last unspoilt rural landscape in the Greater Sydney area and the richest in historic, cultural and natural sites. The visual character of the Mulgoa Valley cannot afford to have development or planning mistakes such as the proposed farm stay accommodation (especially camping) and events in environment conservation zones. As the draft Penrith Rural Lands and Villages Strategy (2019) points out: *much of the Precinct is not suitable for accommodating significant development intensification or major land use changes, particularly where this conflicts with biodiversity, heritage and scenic conservation measures*”.

██████ has concerns about the “open space” on Fernhill and the Western Sydney Parklands if the proposed amendments are adopted in their present form.

#### **Introduction**

Our organisation supports the concept of agritourism, of farm stay accommodation, and farm gate activities in country areas west of the Great Divide. We recognise that provision of on farm accommodation is critical to the tourism industry in some regions where locations cannot be reached by day trips from major centres. ██████ does not support a blanket “one size fits all” approach to agritourism as proposed. A site-based approach is essential. Without a site-based approach the stated principle of no or low environmental impact cannot be achieved. The current Development Application process is there for a reason – for visual amenity, amenity of neighbours, for safety of guests etc.

*“Design-led place-based planning in the Metropolitan Rural Area will help manage environmental, social and economic values, maximise the productive use of rural areas, and incentivise biodiversity protection for remnant bushland vegetation. Design-led planning at the landscape unit scale will provide councils with a process to engage more effectively with stakeholders, examine complex issues more clearly, identify important rural values at a local scale and set priorities for maintaining and enhancing these values through local land use planning” (Western Sydney District Plan. Managing Rural Areas)<sup>1</sup>.*

### **Concerns**

The Explanation of Intended Effect states "the *changes **are not intended** to enable hobby farmers or other recreational farmers to establish agritourism businesses*". However, we know that the intention of planning legislation is irrelevant to some planners and lawyers assisting developers. Eg the explanation states that the new land use terms would only apply where the existing main use of the land is the production of agricultural/primary production goods for commercial purposes. Many people owning rural land in peri-urban areas would have agricultural activities on their land, but their principal source of income is off-farm. The proposed changes should not apply in such cases. This may not be a problem for farm gate activities, but is a major concern where farm accommodation or events are proposed, as they could affect the amenity of neighbours, scenic and landscape values of the area, and have deleterious effects on the environment, water quality and biodiversity and possibly Aboriginal heritage sites. Minimum land size must be established and small properties must meet building and set back requirements.

Currently, a small number of tents requires approval as a camping ground. We contest that camping is NOT a low-impact activity. Campers can be very destructive in obtaining firewood, construction of fireplaces, toileting practices etc. And will they want to ride trail bikes or discharge firearms? Camping on farms in peri-urban areas eg Metropolitan Rural Area should not be permitted.

Likewise farm events should not be hosted on peri-urban farms. Functions (including weddings) of up to 50 people 10 times a year, or up to 30 people 52 times a year as exempt development without Council approval and with the accompanying noise and traffic, should not be given blanket approval especially if some building works are permitted to facilitate these events.

### **Additional areas of concern:**

- Amendments are proposed to the *Standard Instrument (Local Environmental Plans) Order 2006 (Standard Instrument LEP Order)*, the *State Environmental Planning Policy (Primary Production and Rural Development) 2019 (PPRD SEPP)*, and the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* which will force Councils to redraw LEPs, thus taking a democratic say away from local communities.
- Proposed changes to definitions will enable landowners/developers to hold events and even construct new accommodation without any approvals.

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<sup>1</sup> <https://www.greater.sydney/western-city-district-plan/sustainability/city-its-landscape/better-managing-rural-areas>

- The rules would apply to Mulgoa Valley in the Metropolitan Rural Area and to Western Sydney Parklands including Fernhill. Presently the Western Sydney Parklands are prevented from building new accommodation in the Parklands or Fernhill because of LEP zoning limitations.
- The proposed changes apply to all rural land. In theory it needs to be a farm, but in practice any rural land is eligible (no agency has *actual* powers to enforce breaches by commercial certifiers)
- These proposed changes are mostly about peri-urban areas, not primary production and have serious implications for Western Sydney Parklands.
- Farm accommodation and events are suitable to farms in Regional NSW but not in the Metropolitan Rural Area or peri-urban areas generally.
- Has the ATO classification of Primary Producer been taken into consideration?
- In the long term one could envisage Farm Workers being called Visitors to avoid the need for Farm Workers Visas and enable pay below award wages.
- How will Farm Worker accommodation be distinguished from Visitor Accommodation?
- Using Private Certifiers will lead to variations in quality of accommodation.
- Longer term, eventing or farm accommodation could become the principal activity on some farms.

#### **Effect of proposed amendments on the Mulgoa Valley**

**Mulgoa Valley is the last unspoilt rural landscape in the Greater Sydney area and the richest in historic, cultural and natural sites.**

- The Mulgoa Valley preserves in perpetuity through biobanking and reserves, more than 886 Ha of *Critically Endangered Ecological Community* Cumberland Plain Woodland. Nine buildings in the Mulgoa Valley are on the State Heritage Register.
- The **Australian Institute of Landscape Architects (AILA)** NSW Landscape Heritage Report (2018) identified cultural landscapes and landscape conservation areas, which should be nominated for listing on the State Heritage Register. Included in the list are the Mulgoa Valley (rural), Mulgoa Valley (estates), Cumberland Plain (threatened places) and Fernhill (Significant Landscape Design).
- The **draft Penrith Scenic and Cultural Landscapes Study (2019)**<sup>2</sup> Statement of Significance for the Mulgoa Valley assesses the landscape as “Regional or higher”: *“Its significance relates to its rural setting, Cumberland Plain vegetation, cultural heritage (Aboriginal and European) and number of heritage properties and buildings”*
- From the September E-news of the **Historic Houses Association**: *“Mulgoa Valley’s exceptionally rich landscape of scenic vegetation and cultural (Aboriginal and European) historical features is unique in the Sydney region. It is under threat from the relentless expansion of greater Sydney”.*
- Fernhill Estate and The Mulgoa Valley are now on the **Australian Garden History Society** Landscapes at Risk: Watch and Action List.
- The National Trust and Heritage Council are currently considering the Mulgoa Valley for state heritage listing as a cultural landscape.



In SREP No. 13 (Mulgoa Valley Regional Environment Plan), most of the Mulgoa Valley was zoned 'Rural Conservation Landscape'. This was changed to E2 and E3 zoning in Penrith LEP 2010.

This environmental zoning should be maintained, as many properties have, or adjoin land,

- containing vegetation communities listed as Endangered Ecological Communities under the *Threatened Species Conservation Act 1995* (TSC)<sup>1</sup> and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC);
- with areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates;
- areas of culturally significant lands such as Aboriginal object sites, or European heritage sites
- have riparian areas or wildlife corridors.

Since Penrith LEP 2010 was adopted, vegetation communities including the Cumberland Plain Woodland within the Mulgoa Valley have been up-listed to 'Critically Endangered Ecological Communities', which heightens the urgent need to put in place strategies to protect and conserve Mulgoa Valley.

Most land in the Mulgoa Valley is peri-urban and rural in nature with grazing of cattle, sheep and horses as the agricultural activity but the principal revenue source is off-farm employment. Most are rural lifestyle properties and their rural and scenic landscape values lie in the size of the acreages (>10 ha).

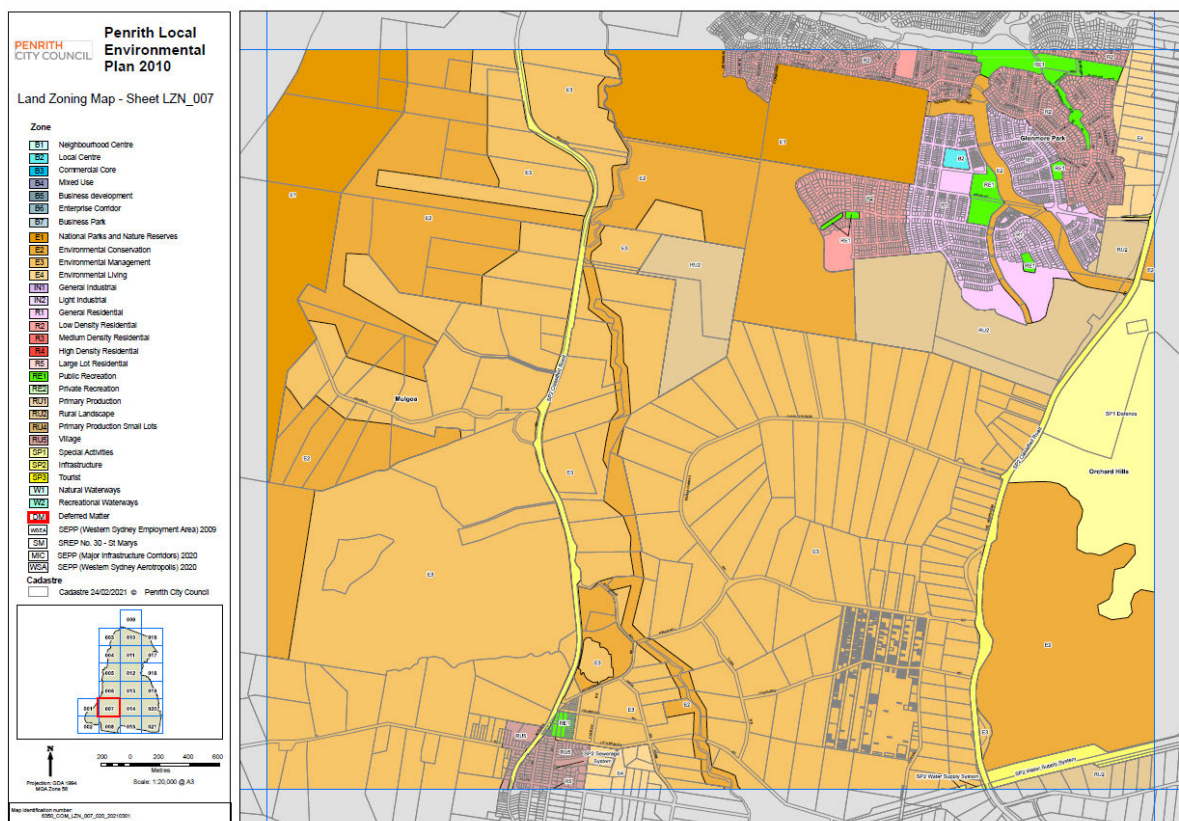
Sydney Regional Environmental Plan 13 and then Penrith Local Environment Plan 2010 quarantined the Mulgoa Valley's rural landscape and heritage items and their vistas, from unsympathetic development through the Penrith Development Control Plan 2014 E9 Mulgoa Valley. **The visual character of the Mulgoa Valley cannot afford to have development or planning mistakes such as the proposed farm stay accommodation (especially camping) and events in environment conservation zones.**

As the draft Penrith Rural Lands and Villages Strategy (2019) points out: *Planning in this Precinct will be heavily focused on protecting the Mulgoa Valley, in line with Strategy 1.2. This recognises that much of the Precinct is not suitable for accommodating significant development intensification or major land use changes, particularly where this conflicts with biodiversity, heritage and scenic conservation measures*".

██████ sees no reason for a change to land use planning within the Mulgoa Valley as the land use is lifestyle, rural (but not with agriculture as the principal revenue source), important for its scenic and landscape values<sup>2</sup>. Tourist and visitor accommodation is permitted within the village area and on R5 residential lots.

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<sup>2</sup> <https://www.penrithcity.nsw.gov.au/images/documents/council/council-business/Enclosure%20%20-%20Penrith%20Scenic%20%20Cultural%20Landscapes%20Study%20for%20Exhibition.pdf>



The following table shows the agritourism activities currently permitted in Penrith DCP 2014:

Mulgoa Valley	Permitted without consent	Permitted with consent	Prohibited	
<b>Zone E2 Environmental Conservation</b>	Nil	Recreation areas	Multi-dwelling housing; Recreation facilities (major)	
<b>Zone E3 Environmental Management</b>	Extensive agriculture;	Agriculture; Dual occupancies; Dwelling houses; Recreation areas; Secondary dwellings; Tourist and visitor accommodation	Hotel or motel accommodation; Intensive livestock agriculture; Multi dwelling housing;	
<b>Zone E4 Environmental Living</b>		Bed and breakfast accommodation; Dual occupancies; Dwelling houses; Recreation areas; Secondary dwellings		
<b>Zone RU5 Village</b>		Dual occupancies; Dwelling houses; Markets; Recreation areas; Recreation facilities (outdoor); Restaurants; Secondary dwellings; Tourist and visitor accommodation		
<b>Zone R5 Large Lot Residential</b>		Dual occupancies; Dwelling houses; Recreation areas; Secondary dwellings; Tourist and visitor accommodation	Hotel or motel accommodation; Serviced apartments	



### Proposed exempt development (no approval required)

- Accommodation in existing dwellings (AirBnB style)
- Events - weekly until midnight most nights, amplified noise to be setback 1000 m from nearest dwellings (even these limitations are contained in exempt development, so impossible to enforce)
- Caravans & camping (glamping facilities) up to 20 people
- Poultry factories of < 10,000 birds

### Proposed complying development (private approval)

- Conversion of existing sheds to accommodation
- Building new accommodation dwellings up to 6 buildings per holding, minimum 15 hectares per dwelling (must be within 300 m of existing dwelling)
- Building new cafes/restaurants ('farm gate facilities') up to total 500 square metre and 3 stories (10 m)
- Reusing existing buildings (any size) as cafe's/restaurants for up to 50 guests

### Effect of proposed amendments on Fernhill and the Western Sydney Parklands

Fernhill is part of an exceptionally rare colonial cultural landscape where Fernhill Homestead survives in its original setting. It is now part of the Western Sydney Parklands.

Fernhill is zoned E2 and E3 with 281Ha biobanked, which does not permit development. Passive recreation, **with the exception of overnight stays and/or camp fires**, is permissible on the land to the extent that the condition of vegetation on the site is not degraded.

Presently the Western Sydney Parklands are prevented from building new accommodation in the Parklands or on Fernhill because of zoning (LEP) limitations. However, the Parklands have a vision to do just that, under Part 3 (12) of the Western Sydney Parklands Act 2006.

The draft Fernhill Plan of Management proposes '*development and activation*' of Fernhill, and for the Littlefield's Creek Precinct, "*leasing opportunities for residential, community or education uses that complement the activities of the adjacent Mulgoa Village*". This commercialisation is stated to be required to sustain the 'self-funding model' for Fernhill. Agritourism should not be used as an excuse to allow development on Littlefields Creek precinct of Fernhill

**██████ objects to the commercialisation (i.e. 'activation') and development of the Littlefield's Creek precinct of Fernhill due to:**

- **its proximity to the breeding area of the critically endangered Regent honeyeater,**
- **its significance as an Aboriginal archaeological site and**
- **destruction of the pleasing (and only) view of Fernhill House from Mulgoa Road and**
- **effects on the aesthetic quality of the entrance to Mulgoa Village.**

Littlefield's Creek is a wildlife corridor linking Mulgoa Creek with Fernhill biobanking sites and the Blue Mountains National Park. The precinct is the location of one of only 5 known successful breeding attempts during 2019 - 2020 season, of the **Regent honeyeater, listed as critically endangered by both the Commonwealth and NSW**. It was the wetland area and the surrounding

undisturbed vegetation which were key to the breeding success of the bird on Littlefields Creek precinct. The **Varied Sittella** (listed as vulnerable in NSW) and the **Swift Parrot** (listed as endangered in NSW and critically endangered by the Commonwealth) have also been sighted on the Littlefields Creek precinct. The endangered **Cumberland Plain land snail** has been found on the Littlefields Creek precinct.

**The Greater Sydney Parklands plan to ‘develop and commercialise’ the Littlefield’s Creek Precinct would directly contradict the NSW Government’s ‘Saving our Species’ efforts to secure the survival of the critically endangered Regent honeyeater and the vulnerable Varied Sittella and Swift parrot and the endangered Cumberland Plain land snail.**

If the LEP Standard Instrument changes come into effect, a major program of new accommodation buildings all over Western Sydney Parklands land, including Fernhill, is possible, thus destroying the promise of “open space” for Sydney.

**New developments the proposed amendments would allow include:**

- Weekly events at Fernhill till Midnight most nights (outside Council control; effectively no conditions or compliance)
- 6 new accommodation buildings on Fernhill
- A new 3-story restaurant/event venue on Fernhill
- As many as 30 new accommodation buildings in Western Sydney Parklands
- Multiple new restaurants/cafes at Western Sydney Parklands

**Conclusion**

Any agritourism activities in the Sydney Basin should be the subject of a DA except for those properties greater than 10ha where the principal business is agriculture, the business is registered for GST, a primary production tax return is lodged and it has a registered business name. Most land holdings in the Sydney Basin and Metropolitan Rural Area do not fall within these parameters.

[REDACTED]  
[REDACTED]  
[REDACTED]

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 8:08 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 18/04/2021 - 08:07

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Menangle 2568

### Submission

Sheldonbrook encourage Planning NSW & Wollondilly Shire Council to approve the recommendation for LEP changes to enable RU1, RU2 landholders to enter the tourism industry without beaurocratic Red Tape of submitting a DA for small scale activities. Including but not limited to farm events such as wedding ceremony and reception, lunch events, hightea events, yoga and wellness, photography and filming, tours, acoustic events, camping plus, B & B.

Recommend that the Wollondilly Shire Council take up the opt in status for this change to the Shire's LEP as a matter of urgency to ensure RU1 and RU2 landholders do not continue to be disadvantage.

The ability for rural landholders to bring tourism into the Shire is grossly underestimated and should be supported from all angles. This change will not only support RU1 and RU2 landholders but the community as a whole. Employment opportunities, eatery, accommodation and put the Shire on the tourism map just as the Southern Highlands is.

**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 11:21 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 18/04/2021 - 11:21

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

**First name**

[REDACTED]

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

**Email**

[REDACTED]

**Suburb/Town & Postcode**

Bilambil

### Submission

Greetings!

The proposed amendment to support farm businesses

and regional economies, is I believe a much need step forward in the planning process.

The farming/ agriculture industry can be extremley difficult to survive in and any oppotunity to find new streams of income would be warmly welcomed.

I support all aspects of the document but am particularly interested in the farm events component.

For several years now our family has been battling to host weddings/ events on our property in the Northern rivers and continually face opposition due to the current legislation.

I believe we need some new broad guidelines to allow farm events on Ru2 land but also must have site specific regulations to ensure there are no negative effects to the surrounding community. The current restrictions are so restrictive that it basically makes it impossible to operate at all.

The current tempory use guidelines give zero ability to plan for the future and so the thought of investing in the business becomes very risky.

I believe that with the correct reasonable conditions there still wouldnt be that many properties that would have the ability to meet

the conditions. Most properties have insufficient land( i would suggest a 50-100 acre minimum)close neighbours , inconvenient access/location or other negating aspects.

The 1km from any neighbours is excessive i believe, maybe more appropriate is sound testing and decible limits for individual sites. If there was one neighbour within 1km that didnt even hear the event it shouldnt stop it from happening.

I also believe that the guest numbers should be adjusted so there is the possibility of having a certain number of events that allow 100 + events as these are quite a popular sized wedding.

I am sure you already recognise the value of these events to not only the land owners income but also the incredible amount of flow on economic stimulation to the wider community. It is basically endless amount of businesses that are benefited by guests travelling to a wedding location and often holidaying for a number of days.

I think the key is to allow people to operate without being so restrictive that it kills the business before it starts. To loosen the conditions and allow "function centres" on RU2 land would be an incredible step forward.

Thank you for moving forward on this issue and look forward to seeing some outcomes.

Kind Regards.

**I agree to the above statement**

Yes

To whom it may concern,

I am in favour of all planning amendments to agriculture being proposed by the NSW government at this time.

My circumstances are that I work full time off farm to subsidise farm costs. Because of my age, I have a less than ten year window to be able to continue to do this. I wish to retain my farm for my lifetime but have no avenue to make an adequate income from the farm alone. The property has been in my family since 1863.

I have 97 hectares used for beef cattle production. I am not permitted to sell even one small lot of land as a housing block, one half to one hectare for example. The ability to do this at current property prices would ensure farm security far beyond my lifetime. My understanding is that the smallest lot that can be sold under current guidelines is a 40 hectare block which is neither practical nor achievable due to the layout, access and topography of my property. I'm not permitted to build a second dwelling to perhaps rent out unless I subdivide a 40 hectare block off the property and build on that. This is not a financially viable option. I was informed in 2012 that the cost to subdivide off 40 hectares, including road construction and electricity connection, would have been in the vicinity of \$500,000 then. I live in the only house on the property, a one hundred year old, very modest dwelling. I have no options to increase farm income under current guidelines.

The current guidelines will force farmers to sell their farms as they age. It seems to me that the future of farming in the

Shoalhaven district is not positive, particularly as land prices, Council rates and insurances increase irrespective of climatic conditions, increased bushfire preparation expenses and more stringent biosecurity requirements. The viability of farmland is at risk in amongst the current trend of houses and land selling at extraordinary prices due to people purchasing 'weekenders' or relocating from the city to regional areas on a permanent basis.

I am supportive of any and all opportunities to increase farm income as outlined in the current state government Agritourism proposals.

Regards

[Redacted signature]

[Redacted signature]



Re: Planning amendments for Agritourism

I have lived in the rural surrounds of Berry in the Shoalhaven since 1997. During this time it has changed from a rural township community to a Sydney dormitory for weekenders. Many properties are let to large holiday groups and there is an abundance of absentee landlords encouraging weddings on farms. We do not need this type of development to be made easier for wealthy absentee owners without any oversight from council.

Last year our absent neighbour submitted a DA for a microbrewery and restaurant on Berry Mountain. After a long battle it was rejected by council due to a precedent from The Land and Environment court which ruled that Kangaroo Valley Road could not support increased tourism traffic without significant safety risks to users. Would the current proposal be a green light to this property hosting weddings without any consultation?

The elimination of Council involvement and the removal of all planning safeguards for wedding venues and camping would be destructive for rural communities in coastal council areas. Rigorous controls around eligibility and significant limitation of exempt development are essential if benefits resulting from this proposal are to accrue to real farmers in targeted regional areas. However, if these critical issues are not resolved, the benefits for real farmers will be marginal at best, the profits for lifestyle farmers and developers excessive, and the adverse ramifications for rural property owners extremely damaging.

Yours sincerely,

A large black rectangular redaction box covering the signature and name of the sender.

## Anita Skinner

---

**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 3:08 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Submitted on Sun, 18/04/2021 - 14:41

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name



**I would like my submission to remain confidential**  
Yes

## Info



**Suburb/Town & Postcode**  
2422

### Submission

I am writing to express my concerns and objection to the proposed Agribusiness changes to the NSW Planning laws. While the information states that the NSW Government is committed to supporting the recovery and resilience of our regional communities and farming by growing emerging industries that are supplementary to, or based on, agriculture, I am concerned that these proposed changes will make it more attractive for absentee farmers (e.g. landowners that do not work nor live in rural areas) to make money from exploiting agricultural land for tourism or lifestyle purposes. The proposal to have multiple buildings for farm stay accommodation (tourist accommodation) undermines existing Local planning requirements which seek to protect agricultural land and minimise land use conflict. I am also concerned that it will drive up land prices (refer to the NSW DPI guidelines for rural workers dwellings) making it harder for new generations of farmers to expand existing landholdings and to carry on their lives living and working on a farm. The exempt development provisions which would allow up to 20 people to stay on rural land in caravans etc, will have significant impacts on privacy and amenity of those that live nearby. This is already often experienced (unlawfully) during long weekends and school holiday periods, including:

- Traffic generation - often along sub-standard roads and rights of carriageways
- Impact on air quality (non-stop campfires)
- Damage to rivers – impact to the river bank, washing (e.g. soaps) and effluent disposal in waterways
- Destruction of rural amenity – noise and privacy

The exempt provisions do not seem to be thorough enough. Why not include a maximum number of caravans or tents as well as a

maximum number of people? 20 people could mean 20 caravans and that can have a major impact on gravel road and driveways. Does this mean that the requirements of the Local Government Regulations relating to camping grounds should be scrapped (as they are largely ignored by these proposed new laws)? Why aren't there any provisions to protect local drinking water catchments? Why aren't there clear setbacks from property boundaries (not just from intensive agricultural uses)? There are just simply not enough controls proposed to protect the residents of rural areas.

The proposed changes to farm events also raise the same issues as above – they will significantly impact rural amenity, privacy and encourage non- agricultural business on valuable farming land. Agriculture and fertile lands should be protected not undermined by an influx of people and non-agricultural businesses.

**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 3:25 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 18/04/2021 - 15:24

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2540

### Submission

I fully support the Berry Forum Committees statements.

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 3:44 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 18/04/2021 - 15:43

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2533

**Submission**  
Dear Sir/Madam,

We am writing this submission in full support of Kiama councils very detailed submission.

We strongly oppose these changes on a blanket scale.

We have spent many hours discussing in our community and contributing to helping to establish our very brilliant LEP and we are shocked that such a virtuous knee-jerk proposal would be put forward in this manner. The knock on effect would be a disaster for our region.

We strongly oppose your plan and fully support Kiama Council



I agree to the above statement  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 1:51 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 13:50

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2535

### Submission

We support the recommendations contained in the Berry Forum Committee's submission and don't feel enough thought has been given to the impact or sorting of this legislation which will potentially allow existing rural non producing properties to be used for events , accomodation with no consideration to rural landowner neighbours who wish to continue to enjoy their peace and quiet

**I agree to the above statement**  
Yes

To: The NSW Planning Minister

Copy to: Mr Gareth Ward NSW Member for Kiama

I am making a personal submission re:

**NSW Agritourism Development Proposal**

In 2015 I purchased a 4 acre, rural property in [REDACTED]

The property accesses the public road by way of a "Private Road"

Coming from the suburbs of Sydney and also having lived in other countries, I did not realise the implications of the meaning of a NSW **"Private Road"**

In NSW there are various types of roads, managed/financed by different parties.

Crown Roads and Motorways are managed/financed by NSW govt.

Highways and Local Roads are managed/financed by Local Govt.

Private Roads are managed/financed by private property owners using the **"Private Road"**.

This means that upon purchasing the rural property, the financial and daily maintenance of the road became "my responsibility". The frequency of maintenance is naturally determined by how many other road users/property owners use the **"Private Road"**

In the 1980's there was a flurry of rural subdivisions when farmers were allowed to subdivide a small part of their farms. The farms were remote and road access was an issue. The use of neighbouring properties infrastructure was a solution and an easement was created over the neighbouring property for a one-off fee. The new subdivision property owners were to maintain the easement/ private road. Unfortunately, the who, what, where, when and how the easement would be maintained was left to the road users to sort out. There was the beginning of conflict which is ongoing today over 40 years later. I understand from various contractors, that conflict is common on NSW "Private Roads". Many disputes have reached the NSW Land & Environment Court for resolution.

Our **"Private Road"** has 9 property owners/users. The legal name for the **"Private Road"** is an easement. The easement is created and registered on all the property titles. The terms of the easement are outlined in the Conveyancing Act. 1919

Essentially: **THE PUBLIC HAVE NO ACCESS TO A NSW PRIVATE ROAD**

In 1919 over 100 years ago a "visitor" was allowed to access the "Private Road". A visitor back in 1919 was probably considered a friend or relation coming to stay for a short or long



period. It was never envisaged to be a stream of tourists regularly using the “Private Road” With the advent of Air BNB and STAYZ etc, a visitor is now considered anyone from anywhere in the world. Rural property owners have already jumped on this opportunity for their gain and the other property owners on a “Private Road” being their loss.

On our “Private Road”, there are 9 property owners. If two property owners build 5 cabins each and let out short stay accommodation then the road maintenance will have doubled from 9 homes to 19 homes. The extra cost does not get shared proportionately. This is an additional cause for dispute.

The last straw was one property owner applying to council for a “Glamping” business.

I have since sold the property.

The current **NSW Agritourism Development Proposal** that affects Rural Property Owners in NSW has not addressed the Rural Property Owners on **“Private Roads”**

Should the NSW govt enact the proposals it will immediately create further conflict for multiple property owners on **“Private Roads”** throughout NSW.

Rural farms that have direct access to a “Public Road”, may not be affected.

If there is a **“Private Road”, “Driveway”, “Easement” or any other similar access** that affects 1 or more property owners, then this proposal should be amended to **exclude** these types of properties.

**Only rural properties with direct access to a Local Council Public Road should be considered without exceptions.**

Thank You



## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 7:59 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 18/04/2021 - 19:59

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

### Email

[REDACTED]

### Suburb/Town & Postcode

2077

### Submission

Our family have been involved in beekeeping for three years now. The opportunity to have our two primary school aged children involved in the whole process of looking after the bees, harvesting honey and supporting their local school by selling their honey at the small local market has been invaluable. Understanding where food comes from and the role bees play in the nature is a priceless lesson for children of any age. Making the kids' little honey stall at the local market a commercial activity requiring a DA approval is ludicrous.

Having reviewed the proposal for beekeeping planning amendments I am very disappointed. We need more beekeepers, and education of industry practices and standards and advocacy for responsible beekeeping should be at the core of what the associations do. Creating artificial barriers of entry for people and communities interested in beekeeping is irrational and I fail to see how they support any long term objectives, such as increased awareness and participation, practical understanding of beekeeping as part of agriculture or providing community members of all ages with the opportunity to be a part of responsible food production.

The proposal as it stands does not take into account urban planning matters, and would exclude a significant portion of population

in a major city, such as Sydney, from beekeeping due to artificial and rather random reasonings, including smaller land sizes, dwelling locations and distances from boundary fences. The suggestions for these seem arbitrary and I question the logic behind them.

**I agree to the above statement**

Yes

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We would like to submit and add our support to the proposal by The Berry Forum in its entirety re NSW DPIE – Agritourism Development Proposal.

To add to this are our concerns from the perspective of being previous local dairy farmers in Berry NSW and current property/landowners -

1. The NSW Ministers' announcement (DPIE Agritourism Development Proposal) is **NOT** "A significant opportunity for many primary producers in all corners of the State" as per Mr Tudehope's statement. It WILL cause adverse impacts. Legal precedence currently states that there must be an absence of adverse impact rather than an acceptable impact on adjoining land or amenity of the neighbourhood and the proposed changes are to get around this rule.
2. The primary purpose of properties involved are agricultural based and this is done to **enhance** agriculture enterprises - not for the purpose of corporate owned properties or companies to **exploit** changes to generate large profits.
3. Impacts of many of the proposals are not minor or low impact and will inevitably have ongoing issues for local landowners/residents. Many of the proposed changes may allow exploitation to lifestyles, access to properties, habitat objectives, noise impacts, visual impacts, safety impacts, health impacts and personal impacts.
4. It appears to allow landowners/companies to construct things such as function centres in rural zones with reports and briefs that are able to disguise the adverse impacts on the areas involved. Large companies have the equity and ability to understand more complex issues underlying changes to which they can manoeuvre requirements for future ventures.
5. We are frustrated at the continual upheaval each time a new submission is proposed which changes the course of action to each district and causes recurring issues. The developers proposals seem to have underlying intentions when proposing changes to the State LEP etc and do not appear to care about the genuine concerns of the local communities which are raised over and over again. They seem to be able to repeatedly find new avenues to meet their needs by addressing different levels of government contrary to the core objectives of the Agritourism proposal.
6. The focus should be agriculture not alternative business enterprises. Weddings have nothing to do with rural enterprise, which is about livestock, crops and country lifestyle. This is just another way to open the side-door to future company enterprise changes.

7. Supplementing rural farmers incomes should be in place to support/assist their ongoing current viability due to current hardships which they are enduring on their existing properties to survive and not for big companies/developers to make changes for profit.
8. After having watched events being organised it is our experience that the organiser of such events as weddings usually brings vendors with them and in most cases do not use local vendors therefore this does not help the local businesses. Rural events should not mean any event held on rural land but should relate to the farming industry on that property and exposure to things related to their rural industry eg dairy farms – livestock, milking cows, crops, harvesting, animal husbandry, farm equipment, farm operations/obstacles & the country environment.

In regard to the consultation questions –

#### Farm Stay Accommodation / Farm Events

1. Applications should be assessed on their individual merit, as per their local government requirements, as each area essentially differs due to land size and location.
2. Farm events should not be allowed to impact the current neighbouring properties as per the proposed 52 event days per year as this would definitely affect the lifestyle which was sought at the time of purchase of these properties. 10 days per year would be more acceptable but would need restrictions that apply to protect neighbouring properties/environment/livestock/wildlife.
3. Exclusions should be applied to anything that is not agriculturally based eg destination weddings, conferences etc.
4. Applications for events such as destination weddings should be assessed on their individual merits by their local councils to protect the impact on the environment / neighbouring properties so they can address local issues of noise and adverse impacts etc.
5. Residents purchase properties for various reasons and this should be taken into consideration by the planning proposals to be approved. Many destination weddings are proposed to be held on small coastal agricultural properties close to major cities that will impact a large number of neighbours who bought their properties for the agricultural amenity/outlook.
6. Zoning should not be the only consideration for approving agricultural events as there are other things to take into account such as impacts on the environment, wildlife, neighbouring properties etc.
7. Guidelines for councils should be provided but each council needs to adopt their own standards according to their districts.

In summary –

Rural properties purpose is primary agriculture production and Agrotourism is only supposed to be supplementary to this.

Supplementary income limits should be in place to maintain the viability of farm enterprises and farm lifestyles and should not impact on current neighbouring properties, wildlife or lifestyles.

There are already rules in place that are clear and precise which the majority of landowners adhere to but some enterprises seem to think it is okay to change the playing field because they have the means to do so.

Compliance to new regulations usually falls on the local councils or local police and this is just another grey area as we all know they already have limited resources.

We buy the land which fits our purpose but some commercial operations buy with the full intention of changing the rules whenever it doesn't suit them and apparently with no consideration or regard to those who bought before them.

Removing existing barriers is not to protect current landowners but to allow loopholes for large companies to make profits by changing the rules to suit themselves.

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Sunday, 18 April 2021 9:07 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sun, 18/04/2021 - 21:06

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2535

### Submission

I would like to support the Berry Forum Committee's proposal.

**I agree to the above statement**  
Yes

## Anita Skinner

---

**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 8:12 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 08:11

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2535

### Submission

I endorse the submission provided by the Berry forum.

In the Berry area we currently suffer the the negative impacts of over development by way of inappropriate size and scale of holiday accommodation and function centres with many of these developments being approved recently under the current planning regime.

Further relaxing planning controls by allowing these developments to be exempt will create anarchy with property owners having no certainty as to what can be built next to them . In addition it will destroy the very scenic amenity that attracts both visitors and residents to the area. Once the rural beauty of our area is lost due to uncontrolled development there will be no tourism industry and nothing for future generations to enjoy.

This poorly designed proposal is a cynical attempt to allow a few opportunistic property developers to make a profit and trash the local area in the process.

The definitions in the proposal are very vague (eg. agricultural enterprise) leaving them open to exploitation by developers who are



not rural producers at all .

This is a really appalling proposal for our area and should be rejected outright . Again I fully support the submission by the Berry forum.

**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 8:20 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Submitted on Mon, 19/04/2021 - 08:20

Submitted by: Anonymous

Submitted values are:

**Submission Type**  
I am making a personal submission

## Name

[REDACTED]

[REDACTED]

[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
2535

**Submission**  
I strongly support the submission provided by the Berry forum.

This proposal will destroy the very thing that attracts visitors to our area and will therefore destroy our local tourism industry. Visitors and residents are attracted to our area by the scenic rural amenity and not to look at countless oversized holiday cabins and gross overdevelopment.

**I agree to the above statement**  
Yes

19 April 2021

Our Ref. 17-066

Executive Director  
Local Government and Economic Policy  
Department of Planning, Industry and Environment  
Locked Bag 5022, Parramatta NSW 2124

*Lodged online via NSW Planning Portal*

Dear Sir/ Madam

**Re: Submission on Planning Amendments for Agriculture**

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██████████ has been engaged by ██████████ to prepare this submission on the Department of Planning, Industry and Environment's (DPIE) 'Explanation of Intended Effect' (EIE) for agritourism and agriculture development that is currently on exhibition (hereinafter referred to as the EIE). On behalf of our client, we thank the DPIE for the opportunity to comment on the EIE.

**Introduction**

Our client's landholding is located at ██████████ and ██████████. It comprises circa 200 hectares and is legally known as the following: ██████████

The landholding contains farm buildings with the majority of the land cleared and used for cropping to produce and store silage and the grazing of livestock. It is an undulating scenic landscape. The landholding is currently zoned **RU1 Primary Production** under the Liverpool LEP 2008, with the following land uses permitted with consent:

*Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Health consulting rooms; Helipads; Heliports; Home businesses; Home industries; Landscaping material supplies; Offensive storage establishments; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Veterinary hospitals; Water recreation structures*

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██████████  
██████████  
██████████  
██████████

██████████

## Comments on Explanation of Intended Effect (EIE)

Our client supports the intention to make it easier for farmers to establish new complementary businesses on their land. On behalf of our client we provide the following comments on the EIE:

### 1. Amendment of Definition

The current definition of *agriculture* (extract Standard Instrument) means any of the following—

- (a) *aquaculture,*
- (b) *extensive agriculture,*
- (c) *intensive livestock agriculture,*
- (d) *intensive plant agriculture.*

We understand that a new use term ‘Agritourism’ will be added to the definition of Agriculture as part of the proposed amendment, as follows:

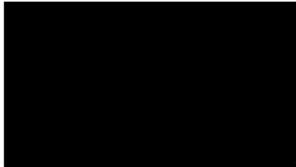
*Agritourism includes, but is not limited to, the following—  
(a) farm gate activities, (b) farm events.*

In addition to amending the definition of agriculture to include agritourism, our client recommends that the DPIE also support investment in farms by making it easier for landowners to establish other complementary uses, such as the following:

Use	Comment
Renewable Energy	<p>Renewable energy ought to be regarded as a primary production use in the same way as conventional agricultural pursuits. Renewable energy as an ancillary use of the land and supplementary source of income would encourage the use of renewal energy and sustainable agriculture businesses and any additional lease income could be used for improvements on the farmland.</p> <p>There are many examples of solar farms being undertaken in a manner that complements the ongoing use of the land for agriculture. The loss of agricultural land due to the development of a solar farm can be minimal and offset by the wider contribution that the solar farm can make to a local renewable energy power supply. Land with low agricultural quality, that is not prime arable land, can often be utilised for the panels.</p> <p>The land surrounding the panels can continue to be used for farming purposes such as livestock grazing within and around the operational panels. The panels are also able to be removed when no longer required and the land returned for agricultural use.</p> <p>Renewal energy is capable of being appropriately generated on farmland and should be encouraged and supported by the DPIE. A solar farm is an appropriate complementary development and use of rural land due to the size of the parcel of land needed and the ability to co-locate a solar farm with ongoing agricultural activities. It is much more appropriately characterised as a primary production than energy infrastructure.</p> <p>Accordingly, it is recommended that this be achieved by amending the definition of ‘Rural Industry’ to include the generation of renewal energy as an ancillary use to agriculture as follows:</p>



Use	Comment
Renewable Energy (continued)	<p><b>Rural industry</b> means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—</p> <p>(a) agricultural produce industries,</p> <p>(b) livestock processing industries,</p> <p>(c) composting facilities and works (including the production of mushroom substrate),</p> <p>(d) sawmill or log processing works,</p> <p>(e) stock and sale yards,</p> <p>(f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.</p> <p><b>And can include Renewable Energy as an ancillary use to (a)-(f)</b></p> <p><b>Note.</b> Rural industries are not a type of <b>industry</b>—see the definition of that term in this Dictionary.</p> <p>We understand that large scale renewable energy proposals are permissible under State Environmental Planning Policy (State and Regional Development) 2011 or small-scale proposals under State Environmental Planning Policy (Infrastructure) 2007, and could therefore be approved as an additional use through this process. However, there is a need to also recognise renewable energy as a form of primary production in the same way as the broader agricultural use of land which is exempt from land tax. Doing so would be consistent with acknowledging that renewable energy is capable of being part of an overall farming enterprise.</p> <p>It is noted that land used for Primary Production (subject to requirements) qualify for land tax exemption (according to Revenue NSW) can include:</p> <ul style="list-style-type: none"> <li>• maintaining animals for their natural increase, or to sell them or their bodily produce</li> <li>• cultivating crops to sell</li> <li>• keeping bees to sell honey</li> <li>• growing flowers, orchids or mushrooms to sell</li> <li>• commercial fishing and commercial farming of fish or oysters.</li> </ul> <p>Therefore, an amendment to the definition of 'Primary Production' to identify renewal energy generation as a supplementary or ancillary use of primary production would also be required to ensure the land continues to be exempt from land tax requirements.</p>
Plant nurseries	Plant nurseries would be an appropriate additional use of agriculture land. While this is currently permissible by a development application under the Liverpool LEP RU1 zone, it is recommended that this low impact use should be considered for exempt development on agriculture land.
Landscaping material supplies	As above
Markets	Markets would be an additional low impact activity suitable for agriculture land e.g. Farmers market. This use would be an appropriate subset also of Agritourism. Allowing these uses in Agricultural zones and applying a fast track planning approval system is recommended.
Eco-tourist Facilities	We understand that in addition to farm events and farm gate activities, the term Agritourism is intended to also covers farm-stay, camping and other on-farm



Use	Comment
	<p>accommodation. It is recommended that the definition also be expanded to include 'Eco-tourist Facilities' which are another type of tourist and visitor accommodation. Alternatively, this could be a use that is permitted with consent in the Standard Instrument for the RU1 zone (and any other relevant). This is currently a land use that is prohibited under the RU1 zone in the Liverpool LEP 2008 (as it is not stated as being permitted with consent).</p> <p>Ecotourism is an appropriate low impact use to complement farmland, supporting ecologically sustainable tourism with a primary focus on retaining the natural attributes of a landholding. This could be achieved by restricting the overall land area allowed to be developed as ecotourism facilities, while retaining the majority of the land for agriculture. This would support farm businesses by enabling an alternative use of land that is not suitable for farming (e.g. due to quality of the land) to be used as a complementary use that is focused on sustainability.</p>
<b>Storage and handling of animal and agricultural products</b>	Enable the storage and handling of animal and agricultural products as a complying development pathway. This would enable one landholding to establish a use that will support both the value adding of produce from that farm and from others nearby.

## 2. Farm Events

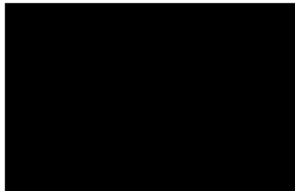
Our client supports the proposed intention to permit farm events in the RU1 Zone (that applies to our client's landholding) for the following reasons:

- This is an appropriate additional use for our client's farmland that would not impact the current principal use.
- Our client's landholding provides a unique high-quality landscape and scenery that would be suitable for weddings and other events.
- An expansion of uses would support their business and the continued agricultural use of the landholding.

However, it is recommended that the size of events that would be permissible as exempt development is expanded. We note the EIE intends to introduce exempt and complying development for farm events attended by up to 30 and 50 guest per event. It is recommended that the DPIE also make it easier for farms to host larger events attended by greater than 50 people. For example, machinery expos to showcase agricultural machinery and larger weddings. The time, effort and cost to obtain approval through development application is a hindrance to these events. Larger events would support the principal agricultural use of the property while being an important contributor to the tourism economy, and in this instance in particular supporting the economy of Western Sydney and within close proximity to the Aerotropolis.

It is recommended that events held on farms should also be exempt from land tax requirements to support farm businesses considering they are ancillary and complementary to the principal agricultural use of the land.





### 3. Farm Gate Activities

Our client supports the proposal to support farms and farm income by expanding the range of uses that are permissible on site and the potential for an exempt and complying development pathway for these activities. We understand it is proposed to include 'Farm Gate Activities' as a new land use term in the Standard Instrument LEP Order, as follows:

- a. the processing, packaging and sale of agricultural produce, or*
- b. a restaurant or café, or*
- c. facilities for the holding of tastings, workshops or providing information or education to visitors for agricultural produce grown on the farm or predominantly grown in the surrounding area*


It is recommended that the definition of farm gate activities be expanded to also include function centre to enable the holding of weddings and events.

We note that these activities will be permissible where the farm is currently not producing goods because of drought or similar events outside the landowner's control. Therefore, the primary purpose of the land at that time would not be agriculture. This could have land tax implications. Again, it is recommended that farm gate activities should also be exempt from land tax requirements to support farm businesses.

### Summary and Recommendations

In summary, the following are recommended:

- An increase in the range of uses that would be permissible on agriculture land to support investment in farms seeking supplementary incomes through other uses.
- A further expanding the list of exempt and complying developments to support the use of agriculture land in a more efficient and streamlined approach (See table of uses above).
- Encouraging the use and generation of renewable energy on agriculture land by recognizing this as a primary production use and amending the definition of 'Agriculture Industry (LEP) and 'Primary Production' (Revenue NSW).
- An increase in the extent and size of events proposed to be permissible by exempt development be expanded to enable larger less frequent events than that proposed be the EIE.
- Confirmation that farm gate activities and events will be exempt from land tax requirements to support farm businesses.

On behalf of  we thank the DPIE for the opportunity to comment on the EIE. If you have any queries please do not hesitate to contact me.



Executive Director  
Local Government and Economic Policy  
Department of Planning, Industry and Environment  
Locked Bag 5022, Parramatta NSW 2124

Submission provided through the online portal:

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/agriculture-changes>

16<sup>th</sup> April 2021

Dear Executive Director,

**Re. Submission - Agritourism and small-scale agriculture development: Proposed amendments to support farm businesses and regional economies**

We own a 300acre farm which has been in the family for four generations. We operate [REDACTED] Farm stay and [REDACTED] Paddock to Plate Tours, as well as beef and lamb production. We have extended knowledge of beef, lamb and vegetable growing in Robertson NSW. My dad [REDACTED] was a cabbage and potato grower before moving into beef and lamb production in the 60's and 70's. In fact, [REDACTED] opened [REDACTED] Butchery in which I [REDACTED] worked at and became owner of in 1980. As the years have gone by the butcheries have been passed down to the next generation and my son [REDACTED] now runs and owns them. With my parents passing in 2004 I inherited two farms, [REDACTED] and a smaller allotment which is part of [REDACTED]. I currently produce grass fed beef and lamb for our butcher shops.

Unfortunately, as you would know, it is very hard to make a sustainable living on 300 acres and yes, I understand that I would be considered a larger farm as so many farms have been subdivided into 100acre allotments. These farms are lifestyle only properties and cannot be profitable, even with our size and generational knowledge, present trends make it hard to be profitable. To boost our income, we rented our vacant house on [REDACTED] only to find the cost of maintenance made renting worthless. We have since operated it as a 3-bedroom Farm Stay which is generating an income to help farm profits. In 2018 we introduced [REDACTED] Paddock to Plate tours to help profitability. Our extensive knowledge of running farms and 45 years as master Butcher and running our own catering business we thought we would be able to share this knowledge of protein production.

A chance to educate the young and demonstrate to all where and how good healthy food is produced in a natural authentic and healthy way. We have also become involved in regenerative farming practices and are learning about giving back to the soils and working with the environment to create a food source that is sustainable, healthy and has the benefits of natural flavours. As our area evolves, we as farmers must as well if we are to survive and allow the next generation to continue on this legacy as we wish to and as our parents did.

It would be easy to sell and live an easy life, but my desire is to continue on so hopefully our children and grandchildren can have the opportunity to share our history and knowledge and a lifestyle that



works with the land. Our Farm stay is an opportunity for city and overseas people to enjoy the beauty of our environment on a property that showcases the best the Southern Highlands has to offer, with spectacular 360-degree views of the surrounding areas. It is close to many iconic locations from waterfalls to coastal views with regenerative, organic growers producing wine, potatoes, truffles, milk, meat and eggs.

Our Paddock to Plate Tour has the ability to educate young and old about where our food comes from but more importantly to explain about healthy food and how it's produced. Our industry is under pressure to survive, big money from our city cousins is changing our environment, many parcels of land are purchased and not utilised, often neglected, and allowing pests and troublesome weeds to flourish, only using their rural status as a way to reduce their tax burden. From where I stand as a farmer, I need to be versatile to survive, using authenticity and knowledge to survive, being able to entertain, educate as many people as possible.

In summary, I commend the NSW Government on your work to support the resilience and recovery of regional communities through agritourism. As a farmer and property owner I strongly support the proposed amendments to the planning framework.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 3:14 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 15:14

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Berry 2535

### Submission

I am making this personal submission to support the recommendations contained in the Berry Forum Committee's Submission. The main concerns are that there are few safeguards to stop property owners holding large wedding or conference events. There are simply too many loopholes which would have an adverse effect on rural communities in coastal council areas.

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 11:57 AM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 11:57

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Blackheath 2785

### Submission

I own a property on the Shipley plateau near Blackheath, zoned both RU2 and E2. We welcome the proposed changes to the definition of farm stay accommodation as well as the changes for farm events and farm gate activities. Currently the definition of farm stay accommodation make it very difficult for us to get DA approval (due to the secondary business component). The changes to the farm gate activities will allow us to develop a low key retail space for our organic skin care business

[REDACTED] Currently the RU2 zone allows cellar doors but little else, so this would be very welcome. The Blue Mountains rely upon tourism but there are few attractions outside nature-based tourism. The popularity of Logan Brae orchards demonstrates the tourist demand for agritourism which we hope to contribute towards. In terms of allowing Councils to opt in to zone permissibility, it is hoped that any new provisions such as the exempt or complying standards would be applied to the RU2 zone in the Blue Mountains as this includes the Shipley plateau which was traditionally an apple and berry orchard area. It is also hoped that these provisions can be enacted promptly as any extended delay will delay the economic benefits that the changes will bring.

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 1:19 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 13:18

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Berry NSW 2535

### Submission

I do not support the planned changes to agriculture.

I support the recommendations made in the Berry Forum committee submission.

As a resident of Berry I have had to object to numerous DAs made to Shoalhaven City Council for the purpose of wedding centres / convention centres / tourist accommodation on land zoned as rural.

The attempts to circumvent existing planning regulations has been a major issue for our community. I am very concerned that these proposed changes to agriculture are going to create an onslaught of inappropriate development with little or no redress to oppose greedy developers that have no regard for the area / community.

I support farmers & believe land should be maximised for the purpose of sustainable food production.

[REDACTED]



I agree to the above statement  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 3:19 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 15:18

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Berry 2535

### Submission

I am making this personal submission to state that I support the recommendations contained in the Berry Forum Committee's Submission.

I feel there are inadequate safeguards to prevent property owners holding large wedding/ conferences which would have a detrimental effect on rural communities in coastal council areas.

**I agree to the above statement**  
Yes

# Farmgate

EIE review 19/04/21

The proposed planning changes need more careful consideration of their adverse impact on rural communities. In particular the negative effects and impacts of function centres, conference centre, restaurants and retail outlets in rural zones.

These activities should be prohibited in any location or zone with the following characteristics.

- 1) On Bush fire prone land or with access roads through bushfire prone land for more than 200M.
- 2) Dirt single lane roads. or Dead-end roads without alternate access.
- 3) Roads subject to Annual flooding.
- 4) Area where impacts to the road network will put the safety of permanent residents and inexperienced guests at risk due to unsafe roads without line marking, safety signage or safety crash barriers.
- 5) Located adjacent to areas of high aboriginal cultural significance.

All Function centre approvals that achieve compliance with the above criteria in appropriate zones should be required to comply with the following requirements.

- 1) Liquor and gaming NSW regulations regarding the serving of alcohol.
- 2) Be a minimum area of 100 Ha and within 2km of a major access road.
- 3) Traffic management and Impact Assessment confirming compliance with the prescriptive requirements.
- 4) Acoustic constraints that achieve 30dBA le90 on the applicant's boundaries which includes any public roads. These levels ensure that low frequency drum and base is not heard by neighbours and does not scare off wildlife or domesticated animals on neighbour's property.
- 5) All music to cease by 9pm on weeknights and 10pm on weekends.
- 6) All neighbours to be advised 1 month in advance of events so they can plan to avoid these events if required and be prepared for the problems associated with events in rural settings as highlighted by the NSW police.
- 7) No Adverse Impact regarding agricultural production, natural resources, native animals (EEC impacts), visual or scenic qualities, light spill, odour, traffic, dust and privacy
- 8) Require the owner of the function centre to operate and or own the minibuses and or buses to ensure clients are picked up and returned to their accommodation, public transport or car parking locations approved by council.
- 9) Acoustic certification of the function centres building envelope including Double airlock doors to all areas playing amplified music and double glazing.
- 10) No openable windows and air-conditioning to locations playing amplified music as per nightclubs in urban settings
- 11) Functions to be held inside approved venues, No music outside of venues.
- 12) Event management plan to be approved with a 6 monthly management audit statement uploaded to the planning consent detailing all events and compliance for the previous 6 months.
- 13) Non compliance to have standard system of fines with offenders to pay costs to address the effects on amenity of the neighbourhood, including the impacts of noise and traffic. Standard fines to be paid to neighbours not council for loss of amenity. i.e



if noise levels exceed 32dBALe90 at sensitive receivers. \$5000 per event infringement paid to each neighbour effected. If attendees do not use venue transport then a fine of \$500 per non accredited vehicle. Wedding parties rental accommodation to be bonded to ensure neighbours are compensated if disturbed by the after party held after the function centre has closed.

- 14) First 3 substantiated acoustic complaints received will result in the venues finishing hours of operation being reduced by 1 hr. Additional 2 complaints over 12 months will result in venue having to remain shut for 3 months. If no complaints over 12 months then the venue can operate at the hours of the original consent.

The negative impacts to the rural amenity and the loss of character in environmental protection zones is a serious problem and needs to be regulated. People do not choose to live in the country and scenic locations to have a function centre and its associated loud music every second weekend interrupting their quiet amenity. A function centre, wedding venue or conference centre should be located sufficiently far from existing neighbours' dwellings to provide an effective acoustic buffer zone. A minimum Prescriptive distance of 1000M to a sensitive receiver or an approved house site would be less open to manipulation by a developer's acoustic consultants.

This proposed legislation seems to be more appropriate for farms west of the Great Dividing Range, where tourism would bring tremendous benefit to some of the struggling country towns. Areas more than 3 hours' drive from Sydney also have less land pressures. In these areas the land is generally flatter with safer access roads providing good site lines. In these areas the farms are also a lot larger providing greater buffer distances between neighbours. A large proportion of the rural land close to Sydney and east of the great divide is in smaller parcels and has a much higher occupancy rate with higher grade access roads and smaller buffer zones between neighbours. In the areas west of the great divide a larger number of rural properties would achieve compliance with the above criteria.

A large portion of rural properties close to Sydney, Wollongong and Newcastle have already been sterilized into hobby farms to the detriment of primary production. Areas more than 3 hours' drive from these 3 cities have less land pressure and would be more suitable for these uses.

The changes proposed by the DPI will further entrench the practice of urban developers buying rural land not for operating primary production but for sub-division, business sub-division and the operation of non-rural businesses. You will note that a lot of rural land in these regions now gets moved and is not eaten by Herbivorous mammals. This trend will accelerate with these types of wholesale planning changes.

RU1 land should especially be reserved for Agriculture only and not repurposed by land developers who don't intend on using the land for producing food.

Approval pathways involving Private Certifiers are already having several serious consequences for the community. A number of practitioners have been prosecuted and delisted by the NSW Builder Commissioner David Chandelier and the Department of Fair Trading. These same certifiers are now spreading their services south facilitating illegal works in the Shoalhaven for Sydney developers. This practice will become widely prevalent in the



Shoalhaven and other Shires outside of Sydney if legislation and these exempt and PCA approval pathway are approved by the State government.

Approval and Compliance Anarchy would reign supreme in most locations within 3 hours drive of Sydney if this type of legislation was approved. I'm surprised that the state government is recommending this legislation and has failed to notify any of its residents or farmers in rural areas about their intentions to do so.

I believe the department of planning would be embarrassed to be presenting this document. Rob Stokes should consider resigning for allowing this document to be issued by the DPI without any thorough vigour of the associated impacts adequately assessed.

It is unclear under what jurisdiction the department of Primary Industries is making planning recommendations and preparing an EIE. It's similar to giving the keys of a car to a child. It appears that the real proponents of this proposal are Ministers Ayres and Tudehope on behalf of tourism operators and small business with very little input provided from real farmers.

Below is a more detailed review of the specific sections detailed in the recommendation.

## **Detailed Review of Agritourism and small-scale agriculture Development 13/04/21**

Below is a review of the proposed changes that we understand may be controversial. Although I'm sure if someone set up a small scale abattoir without the correct mitigation measures in place that neighbours could be considerably impacted.

The proposed amendments to the LEP and DCP's are interspersed and are very hard to follow. We could not find a draft of the clauses that the state government proposes to provide for destination weddings which is listed at the end of the document.

It's unclear why these wholesale planning changes are being presented by the DPI and not the NSW department of planning who would have a better understanding of their Intended Effect and how this relates to section 3.30 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The NSW Small Business Commission through Damien Tudehope and Stuart Ayres from the department of Jobs, Investment and tourism appears to be championing this proposal to drive growth. We don't believe the Intended impacts upon the environment have been properly assessed or intend to be assessed by the proposed approval pathways.

The representations made by developer advocacy groups like Destinations NSW and locally DSSS has not been made clear in this document. Within the document there appears to be a blurring of Farm Gate and Farm Event uses, definitions and subsequent building types that are allowed through the 3 approval pathways being exempt, complying and a merit-based assessment through the local council.

The interrelationship with clause 2.8 is addressed in one line on page 20 with no reference to how and where will this clause continue to operate. The interrelationship with the new definition of

Artisan Food and Drink is also unclear. Items below in italics I have been extracted from the EIE with crucial parts highlighted in bold.

*“Agritourism activities enable farmers to diversify their income from farming businesses while maintaining primary production on the land as the principal use.”*

*“The term Agri-tourism also covers farm-stay, camping and other on-farm accommodation, farm tours and activities, and events based on farms for their scenic quality, such as weddings.”*

It would appear from the above definition that any agricultural land in scenic locations would have its primary use changed over time to restaurants, function and conference centres with this higher income producing use dominating over a traditional agricultural use for which the land is currently zoned. We are not sure how scenic quality ties in with Agriculture but according to the DPI’s new definition it does so we assume this would also apply to farms which have both Ru1 and E1 zones within the same lot of land. We are unclear on how a hobby farm progresses to primary production status to qualify for these dispensations.

*“The changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses.”*

This appears to be one of the major Intended Effects of these proposed planning changes.

## **Farm Stay Accommodation:**

We don’t see any enforcement of compliance with the current definition, so we are unclear why the DPI is keen to uphold up this façade by changing the wording.

*“Current Definition (Standard Instrument LEP) ‘farm stay accommodation’ means a building or place that provides temporary or short-term accommodation to paying guests **on a working farm as a secondary business to primary production.**”*

*“replace these references with a requirement that **the existing principal use of the land must be the production of agricultural/primary production goods for commercial purposes** to ensure a farm stay supplements an **existing commercial farming business.**”*

This seems very similar to the planning approval progression for some Equine Education Centres. With this use meant to be the primary use but the secondary use as a function centre being the actual primary use. The same erosion of the primary use will happen under this legislation as council lacks resources to confirm that compliance has been satisfied.

Farm stay accommodation in rural zones in scenic locations achieves a higher return on land within 2 to 3 hours of capital cities and this land will now predominantly become Airbnb’s at the expense of land for primary production. We would have thought that this will over time change the character of these rural regions.

## **Farm Gate**

**Restaurants/Café’s/Shops/Function Centre – 3 buildings (200, 200 & 100 sqm)**

*“Farm gate activities are in keeping with the surrounding agricultural landscape, community and region. **These activities can also protect farming from encroachment by non-agricultural or conflicting uses** by strengthening the value of the agricultural activity itself.”*

We have strong reservations about this claim and would advocate that the opposite occurs.

#### ***“3.3.1.1 Proposed definition***

*It is proposed to introduce a new land use term in the Standard Instrument LEP Order for farm gate activities which includes:*

- a. the processing, packaging and sale of agricultural produce, or*
- b. a restaurant or café, or*
- c. facilities for the holding of tastings, workshops or providing information or education to visitors for agricultural produce grown on the farm or predominantly grown in the surrounding area. “*

*“The proposed definition will make it clear that the principal use of the land must be the production of agricultural goods for commercial purposes.*

***The proposed new term will also enable farm gate activities where the farm is currently not producing goods because of drought or similar events outside the landowner’s control.”***

*“The proposed amendments are underpinned by the principle of **no or low environmental impact**”*

*This claim of underpinning the principle of no or low environmental impact is not explained and is the only reference to environmental impact in the document. The lack of explanation in this area where most land use conflicts will occur is a significant omission and one that questions the validity of this document. It highlights that the DPI is out of its area of expertise when addressing planning considerations.*

With the aim to

*“reduce land use conflict by **providing clearer rules** and better managing environmental and social impacts”*

*“facilitate a simple and streamlined approach to gaining approval for uses supplementary to primary production”*

These supplementary uses will become the primary uses and will invalidate the current zones within LEP

When following through one approval pathway it appears within rural zones you will now have 2 options for a restaurant or conference centre under 500sqm being 2 buildings of 200sqm and one of 100sqm. This area of 500sqm ties in with the bushfire access requirements of Wingecarribee’s recent changes to the LEP for Function Centres with it being ok for access through or to bushfire prone land or up heavily wooded dead end roads if the facility is under 500sqm.

We don’t believe this was the intent of the RFS when they tried to prevent function centres from being located in these locations after the fires of last year.

The recommendation issued by wingecarribee’s council was modified by the state government when this pathway determination was actioned through the LEP. The reasons for this change to the recommendations made by the RFS have not been made clear by the state government.

The RFS needs to have a clear understanding on what is being proposed by this legislation to introduce large numbers of people onto local road networks into bushfire prone land with access through bushfire prone land.

Please provide evidence of the consultation with the RFS during the development of these proposed amendments and advise what modifications they have sought to these planning changes.

Please provide evidence of the consultation with the liquor licensing board and NSW police during the development of these proposed amendments and advise what modifications they have sought to these planning changes. With the uncontrolled serving of alcohol in remote rural locations accessed by rural roads to customers unfamiliar with the local dangers it appears to be a recipe for disaster.

Who will policing noise complaints in these rural areas away from urban centres and what acoustic goals will need to be achieved to ensure the quiet amenity particularly at night time that most farmers currently cherish will be preserved. Farmers are early to bed and early to rise. They do not generally listen to loud drum and base music in the late evening as currently proposed by the hours of operation of 11pm on weekdays and 12pm on weekends,

To qualify for these streamlined approval pathways for your restaurant or bar (wine tasting) you only have to ensure.

- 1) You include something grown on your land or nearby.
- 2) You don't have to use something that is grown on your land or close by because of other circumstances.

It appears you don't even need a herb garden for your restaurant to qualify under this definition. These adjustments to the LEP's bring conference centres and restaurants under the definition of Agri-tourism which is a subset of agriculture. Therefore it appears with these changes that a restaurant or conference centre will be classified as agriculture.

## **Farm Events/Weddings**

*"There are limited land use terms in the planning system that enable rural events. Applicants can rely on the definition in the Standard Instrument LEP Order for 'function centre' or use the temporary use of land clause in the Standard Instrument LEP Order (clause 2.8) to seek development consent."*

**Destination Weddings** : New term introduced for latter explanation in consultation questions.

*"It is proposed to introduce a new land use term 'farm events' into the Standard Instrument LEP Order to allow events, tours, functions and conferences on land used for agriculture."*

It appears you can also have 20 people camping on your land to attend any wedding or conference. As long as you have a *"Waste management system within the Sydney water catchment for complying developments to be under 250sqm."*

It appears if you have a shed already built you can change the use as an exempt development to a restaurant or conference centre. This will lead to facilities just like clause 2.8 that are not designed by an acoustic consultant to reduce the adverse impact of the noise they produce. Nothing in the document talk about impact on neighbours amenity or local road networks.

*Operating a wedding venue from "7.30 am to 12.00 am on Friday or Saturday" for 50 people 12 times a year or 30 people every weekend will not require consent.*

Could 50 people could be attending the wedding and then another 50 be attending the reception being run as a farmgate activity ?

The combinations are endless with compliance impossible to police. Currently Shoalhaven council has insufficient resources to manage their existing function centres operating with limited consents. They are currently unable to check compliance is achieved with number of the conditions of consent

In particular ones requiring the review of their annual management audit statements. This problem will be exponentially magnified by these proposed planning changes.

“Bush fire prone land: Apply existing complying development standards in the Codes SEPP for bush fire prone land to buildings used for farm activities or farm events as complying development.”

*“the development must not be a type that requires a bush fire safety authority under section 100B of the Rural Fires Act 1997 because it is on bushfire prone land”*

Not sure exactly this means as there is limited explanation in the document. We assume the RFS have been consulted and are happy with only these requirements being satisfied.

One approval pathway may be

- 1) You start with a wedding venue for 50 people approved as a complying development by your own PCA. This is the min amount that councils can specify in their LEP according to the EIE. A Waste management system within the Sydney water catchment for complying developments to be under 250sqm.
- 2) Apply to council for a da for a larger facility for 100-150 people after all your neighbours have turned to B&B's as accommodation for the wedding venue. No objections.

Everyone happy except those people that don't want to run Airbnb's and wedding venues on their rural land.



## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 6:18 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 18:18

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Bilpin NSW 2758

**Submission**  
Dear People

I agree with the intent of the changes.

However they look like they wont do whats intended in the Hawkesbury.

Hawkesbury has mostly bushfire effected areas. If your excluding bushfire effected areas , the changes wont help here. Farmstay already has rules in Planning for bushfire 2019. Bushfire effected areas could be included with a certificate of compliance for farm stay from a bushfire consultant.

The Bilpin Area has an increasing agri and eco tourism business happening.

There is great opportunity in the area. The problem is around working farms and the definitions. The orchards in the area that are still producing have fallen from 80 odd 25 years ago to currently only 7. These ones survive and boom on the tourist market as an add on. Without it they would close to.

The current unproductive properties should be able to have all these changes by including some farming activity rather than the entire property having to be used for agricultural purposes. The income from the accommodation would finance renewal of the farming activities.

The income from one farm stay accommodation can be \$70,000 PA. The gross income from the largest surviving farm from fruit is only \$600,000 PA. One or two farm stays can produce more income than an average farm.

I have 600 acres and have been in the tourist accommodation business for 20 years. The business I have contributes to all or some the income of 30 people in a small community.

I am across the current exempt and complying development and the LEPs but have only just seen these proposed changes. We are still recovering from bushfires so don't get the time to see and comment on these changes coming in. Bilpin has the Bilpin tourism alliance which is about 15 businesses that could make a submission with some more time.



**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 7:21 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 19:20

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
BERRY

### Submission

Response to Planning Amendments for Agriculture

I am the owner of rural land (RU2) in Berry, NSW and wish to respond to your ill-informed and underdeveloped plan to support the resilience and recovery of our regional communities by encouraging the growth of emerging industries that are supplementary to, or based on, agriculture.

Just last night I had the '(dis)pleasure' of being entertained by a party of over 20 unruly, drunken people "camping" on the adjacent rural property which is currently used as a farm stay/AirBnB.

How to you plan to supervise the limits? These are small 25 acres parcels, and yet we are still zoned Rural. Our boundaries are therefore close and noise travels easily onto neighbouring properties. Questions such as:

- Rural properties are on tank water and septic. How will sewerage be monitored without going into are waterways? What control

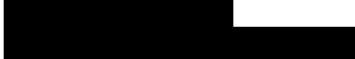


measures are in place?

- Who monitors numbers of tents each night, effluent, and rubbish?
- How does this support the sustainable recovery of resilient communities?

The elimination of Local Council involvement in this process is the simply an unsubstantiated thought-bubble. The removal of all planning safeguards (such as those for wedding venues and camping) would be harmful for rural communities in coastal council areas already thriving in the tourism upsurge post-COVID-19. Stringent controls around eligibility and significant limitation of exempt development are essential if benefits resulting from this proposal are to accrue to real farmers in targeted regional areas. However, if these critical issues are not resolved, the benefits for real farmers will be marginal at best. This leaves the door open to the profiteering of lifestyle farmers and greedy developers. The knock-on effects for long term rural property owners will be extremely detrimental. The 'proposed' changes seek to respond to natural disasters such as droughts and bushfires, as well as impacts from COVID-19. Only those truly eligible should be allowed to apply.

Yours faithfully



**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 7:35 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Submitted on Mon, 19/04/2021 - 19:35

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am submitting on behalf of my organisation

## Name

[REDACTED]  
[REDACTED]  
[REDACTED]

I would like my submission to remain confidential  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Tweed Heads

**Submission**  
16th April, 2021

[REDACTED]

Subject: NSW Government Agritourism and small-scale agriculture development.

To whom it may concern,

On behalf of The [REDACTED] I congratulate the NSW State Government for taking steps to introduce a state-wide simplification of the planning processes for agritourism developments that are found to have either no or low environmental impacts.

The Tweed's Destination Management Plan (2020-2030) confirms Agritourism as a priority to be harnessed for the region's benefit and continued prosperity. This is additionally a theme that allows destination management companies (such as [REDACTED]) to focus on dispersal so that the benefits of tourism are experienced throughout the region's many and varied communities.

[REDACTED] supports the Tweed Shire Council, including being committed to Council's Rural Land Strategy (2020-2036) and works proactively to promote a balance of innovation as well as the fostering of diversification for local landholders, whilst ensuring that developments are sustainable and benefit community values.

With regard to the State Government's drafted Agritourism amendments [REDACTED] supports the overriding themes that are prevalent in this policy with regard to creating a simplified, transparent process that is consistent throughout NSW. In saying this, [REDACTED] is conscious that a 'one size fits all' strategy is a complicated undertaking with differing needs across communities.

With regard to questions posed in part 4 of the document, [REDACTED] will leave detailed comment to those with technical skill sets such as Council Planning departments. Areas of note within the document I would make reference to include the following:

**Section 3 (Minimum Land Sizes):**

"The changes are not intended to enable hobby farmers or other recreational farmers to establish agritourism businesses." As the Tweed area has had a period of significant growth in land values in recent years, many traditional farm allotments fall into smaller land sizes (approximately 68% are below 10ha and only 15% of RU2 allotments are above the minimum size of 40ha. Our question would be as to if this definition is adequate and why a smaller allotment of high quality shouldn't be considered? We agree that protection of agricultural land is an important outcome, but as long as a metric to establish a suitable amount of production were taking place, wouldn't a size reduction be pertinent?

**Section 3 (Re: Setbacks):**

As an observation the setbacks proposed of between 250m to 1000m are likely to be manageable for larger allotments in isolated areas, but may be difficult for smaller allotments closer to coastal areas. It is also noted that these setbacks will likely contribute to significant costs to overheads such as connecting electricity.

In conclusion and as previously mentioned, the Tweed region has identified Agritourism as a tourism-based priority, as confirmed in the Tweed Regional Destination Management Plan (2020-30). [REDACTED] as the region's destination marketing organisation is supportive of the NSW Government looking to streamline agritourism approval processes and will undertake to work proactively with the State and the Tweed Shire Council for positive outcomes in the implementation of planning amendments.

I look forward to our team continuing to work with stakeholders.

Warm regards,

[REDACTED]

[REDACTED]

**I agree to the above statement**

Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 10:00 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 21:59

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I would like my submission to remain confidential  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Berry

### Submission

I support the the submission from the Berry Forum.

I agree with them that these proposals would be devastating for the Berry area. Most farms are on small holdings of 5 to 50 acres, so the holding of events or accommodation of large groups would generate considerable NOISE that travels further at night and bounces off hills and the escarpment. Just as there are concerns about AirBnb party houses disturbing neighbours in our region, events and accommodation on rural land would ensure that Fridays, Saturdays and Sundays, day and night, would be periods when neighbouring residents out of town would be subjected to loud music, amplified speeches and the noise of departing guests and vehicles. Whilst the guests at such functions would be enjoying their weekend in the country, the residents would experience disturbed sleep, disturbed downtime and the inability to entertain their own friends and family due to the constant noise. These proposals are grossly unfair!

**I agree to the above statement**  
Yes

## Anita Skinner

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Monday, 19 April 2021 11:24 PM  
**To:** Anita Skinner  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: Planning Amendments for Agriculture

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Mon, 19/04/2021 - 23:23

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am making a personal submission

## Name

[REDACTED]  
[REDACTED]

**I would like my submission to remain confidential**  
Yes

## Info

[REDACTED]

**Suburb/Town & Postcode**  
Bathurst, 2795

### Submission

My name is [REDACTED] and along with my partner, I own a property in central west NSW called [REDACTED]. For the past four years, we have been a part of the Hipcamp (formerly Youcamp) community, welcoming campers to our property, as a way of earning funds to put back into the property to facilitate, maintenance, upkeep and improvement that might otherwise be impossible. With this in mind I would like to respond to your proposed amendments to the laws surrounding Agritourism and small scale agriculture development.

Please find my response below, to the questions proposed, by number, as they pertain to our business/property.

2. In my opinion, farm stay accommodation should be permitted on land that benefits from a dwelling entitlement but also on land that doesn't, as this type of accommodation is not designed to be inhabited on a full time basis and as such does not breach the dwelling entitlement guidelines but would enable land holders on these non entitled properties to open their land up to campers and earn funds to maintain and upgrade their properties in ways that they may not have been able to otherwise; particularly where the property is not a commercial farm. Doing this would also benefit the outlying community by potentially bringing more tourists to the area.

3. For complying development, I do not agree that there should be a requirement that new buildings for farm stay accommodation should be located within 300 metres from the existing dwelling. If this requirement was to be brought into effect, this would

basically destroy our business. Our home is located at the top of a hill, on 254 acres (102.79 hectares). This is approximately 1km from the majority of our campsites which are found along the bank of the Macquarie river and in the adjoining paddock. These campsites are accessed via 4WD which is part of the allure of our property. We do have two sites located at the top of the property, that can be accessed by 2WD but even these are located further than 300 metres from our home. Plans are in the works to build a couple of cabins between the top of the property and the bottom in order to accommodate people who don't like to camp in the strictest sense and would prefer some creature comforts. This would be impossible, if your requirements were to come into place and the closeness of sites as per your recommendations would take away from the privacy that our guests have come to expect.

4. I believe that there should be different development standards for farm stay accommodation based on land size, location and the lay of the land. On properties that are cleared but not used intensively for agricultural purposes, I feel that there is more scope for development that does not negatively impact the natural environment . I would also like to see your department reconsider the proposal of capping the number of campers on a given property at one time at 20 as this would drastically undermine our capacity to accommodate our guests, particularly at busier times of year.

Our property encompasses 1km of river frontage and approximately 100 acres of cleared paddock land, allowing us to comfortably accommodate large groups without negatively impacting the land, neighbours, or separate groups of campers. With this in mind I don't feel that we, or others in similar positions should be penalised where it comes to numbers.

9. Destination weddings should be allowed in RU2 zones on an ongoing basis and in RU1 zones if the agricultural work done in this zone is seasonal, or affected by drought, flooding or the like, preventing agricultural pursuits from moving ahead.

**I agree to the above statement**

Yes