



New South Wales

State Environmental Planning Policy Amendment (Agritourism) 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Agritourism) 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Agritourism) 2023*.

2 Commencement

This policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

4 Maps

The maps adopted by *State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 3 are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this policy.

5 Savings

- (1) A development application made but not finally determined before the commencement of this policy must be determined as if this policy had not commenced.
- (2) This section does not apply to the amendments made to the following policies by Schedule 3—
 - (a) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*,
 - (b) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*,
 - (c) *State Environmental Planning Policy (Housing) 2021*,
 - (d) *State Environmental Planning Policy (Precincts—Central River City) 2021*,
 - (e) *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*,
 - (f) *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

Schedule 1 Amendment of local environmental plans— standard instrument

[1] Amendment of maximum gross floor area of roadside stalls

Omit “8” from the following local environmental plans, clause 5.4(8)—

Ballina Local Environmental Plan 2012
Bayside Local Environmental Plan 2021
Bellingen Local Environmental Plan 2010
Blacktown Local Environmental Plan 2015
Burwood Local Environmental Plan 2012
Canada Bay Local Environmental Plan 2013
Cooma-Monaro Local Environmental Plan 2013
Cumberland Local Environmental Plan 2021
Fairfield Local Environmental Plan 2013
Georges River Local Environmental Plan 2021
Gundagai Local Environmental Plan 2011
Hunters Hill Local Environmental Plan 2012
Kyogle Local Environmental Plan 2012
Lane Cove Local Environmental Plan 2009
Manly Local Environmental Plan 2013
Mosman Local Environmental Plan 2012
North Sydney Local Environmental Plan 2013
Ryde Local Environmental Plan 2014
Strathfield Local Environmental Plan 2012
Sutherland Shire Local Environmental Plan 2015
Sydney Local Environmental Plan 2012
Sydney Local Environmental Plan (Harold Park) 2011
Temora Local Environmental Plan 2010
Upper Lachlan Local Environmental Plan 2010
Warren Local Environmental Plan 2012
Willoughby Local Environmental Plan 2012
Woollahra Local Environmental Plan 2014
Yass Valley Local Environmental Plan 2013
Yass Valley Local Environmental Plan (Parkwood) 2020

Insert instead “9”.

[2] Optional farm stay accommodation provision for standard local environmental plans

Omit clause 5.24 from the following local environmental plans—

Central Coast Local Environmental Plan 2022
Shoalhaven Local Environmental Plan (Jerberra Estate) 2014
Warrumbungle Local Environmental Plan 2013

Insert instead clause 5.24 from the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[3] Optional farm gate premises provision for standard local environmental plans

Omit clause 5.25 from the following local environmental plans—

Ballina Local Environmental Plan 2012

Hay Local Environmental Plan 2011

Wingecarribee Local Environmental Plan 2010

Insert instead clause 5.25 from the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[4] Optional farm stay accommodation and farm gate premises provisions for standard local environmental plans

Omit clauses 5.24 and 5.25 from the following local environmental plans—

Albury Local Environmental Plan 2010

Armidale Regional Local Environmental Plan 2012

Bega Valley Local Environmental Plan 2013

Bland Local Environmental Plan 2011

Blue Mountains Local Environmental Plan 2015

Bogan Local Environmental Plan 2011

Bourke Local Environmental Plan 2012

Cobar Local Environmental Plan 2012

Coffs Harbour Local Environmental Plan 2013

Coolamon Local Environmental Plan 2011

Coonamble Local Environmental Plan 2011

Cowra Local Environmental Plan 2012

Dungog Local Environmental Plan 2014

Eurobodalla Local Environmental Plan 2012

Forbes Local Environmental Plan 2013

Gilgandra Local Environmental Plan 2011

Gloucester Local Environmental Plan 2010

Goulburn Mulwaree Local Environmental Plan 2009

Great Lakes Local Environmental Plan 2014

Greater Hume Local Environmental Plan 2012

Greater Taree Local Environmental Plan 2010

Griffith Local Environmental Plan 2014

Gunnedah Local Environmental Plan 2012

Gwydir Local Environmental Plan 2013

Hilltops Local Environmental Plan 2022

Junee Local Environmental Plan 2012

Kempsey Local Environmental Plan 2013

Kiama Local Environmental Plan 2011

Kyogle Local Environmental Plan 2012

Lachlan Local Environmental Plan 2013

Lake Macquarie Local Environmental Plan 2014

Lismore Local Environmental Plan 2012

Lithgow Local Environmental Plan 2014

Liverpool Plains Local Environmental Plan 2011

Murray Local Environmental Plan 2011
Muswellbrook Local Environmental Plan 2009
Narrabri Local Environmental Plan 2012
Narromine Local Environmental Plan 2011
Orange Local Environmental Plan 2011
Parkes Local Environmental Plan 2012
Port Macquarie-Hastings Local Environmental Plan 2011
Richmond Valley Local Environmental Plan 2012
Shellharbour Local Environmental Plan 2013
Shoalhaven Local Environmental Plan 2014
Singleton Local Environmental Plan 2013
Tamworth Regional Local Environmental Plan 2010
Temora Local Environmental Plan 2010
Upper Lachlan Local Environmental Plan 2010
Uralla Local Environmental Plan 2012
Wagga Wagga Local Environmental Plan 2010
Wakool Local Environmental Plan 2013
Walcha Local Environmental Plan 2012
Walgett Local Environmental Plan 2013
Warren Local Environmental Plan 2012
Weddin Local Environmental Plan 2011
Wollondilly Local Environmental Plan 2011

Insert instead clauses 5.24 and 5.25 from the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

Schedule 2 Amendment of local environmental plans—other consequential amendments

2.1 Albury Local Environmental Plan 2010

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU2, RU5, C3 and C4, item 3.

[2] Land Use Table, Zones C3 and C4, item 3

Insert “Farm stay accommodation;” in appropriate order.

[3] Land Use Table, Zones RU2, C3 and C4, item 3

Insert “Roadside stalls;” in appropriate order.

2.2 Armidale Regional Local Environmental Plan 2012

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU4, RU5, C3 and C4, item 3.

[2] Land Use Table, Zone RU5, item 4

Omit “Farm stay accommodation;”.

[3] Land Use Table, Zone C4, item 3

Insert “Farm stay accommodation;” in appropriate order.

2.3 Ballina Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.4 Bayside Local Environmental Plan 2021

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

2.5 Bega Valley Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU2, RU4, RU5, C2, C3 and C4, item 3.

2.6 Blacktown Local Environmental Plan 2015

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

2.7 Bland Local Environmental Plan 2011

Land Use Table

Omit “Farm stay accommodation;” from Zone C3, item 3.

2.8 Blayney Local Environmental Plan 2012

[1] Land Use Table, Zones RU1 and RU2, item 3

Insert “Agritourism;” in appropriate order.

[2] Clause 5.25

Omit the clause. Insert instead—

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure development is compatible with surrounding land uses and to minimise land use conflicts.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

2.9 Blue Mountains Local Environmental Plan 2015

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU2 and RU4, item 3.

2.10 Bogan Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.11 Bourke Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.12 Brewarrina Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.13 Broken Hill Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU2, item 3.

2.14 Cabonne Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.15 Camden Local Environmental Plan 2010

[1] Land Use Table, Zones RU2 and RU4, item 3

Insert “Agritourism;” in appropriate order.

[2] Clauses 5.24 and 5.25

Omit the clauses. Insert instead—

5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to minimise the impacts of development on surrounding rural or other sensitive land uses.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or
 - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.

- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
- (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the development, and
 - (e) the compatibility of the development with nearby land uses.

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
- (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to minimise the impacts of development on surrounding rural or other sensitive land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
- (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and

- (e) the compatibility of the development with nearby land uses.

2.16 Campbelltown Local Environmental Plan 2015

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU2, item 3.

2.17 Carrathool Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.18 Central Darling Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.19 Cessnock Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

2.20 Clarence Valley Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU2, item 3.

2.21 Cobar Local Environmental Plan 2012

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

[2] Land Use Table, Zone C3, item 3

Omit “Farm stay accommodation;”.

2.22 Conargo Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.23 Coolamon Local Environmental Plan 2011

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

[2] Land Use Table, Zone RU5, item 4

Insert “Farm stay accommodation;” and “Roadside stalls” in appropriate order.

2.24 Cootamundra Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU2 and RU4, item 3.

2.25 Corowa Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.26 Cowra Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.27 Deniliquin Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.28 Dubbo Regional Local Environmental Plan 2022

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.29 Dungog Local Environmental Plan 2014

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, R5 and C3, item 3.

[2] Land Use Table, Zone RU5, item 4

Omit “Farm stay accommodation;”.

2.30 Fairfield Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU2 and RU4, item 3.

2.31 Forbes Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.32 Gilgandra Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.33 Gloucester Local Environmental Plan 2010

[1] Land Use Table

Omit the matter relating to Zone RU3, item 4. Insert instead—

Agritourism; Any other development not specified in item 2 or 3

[2] Land Use Table, Zones RU5 and C3, item 3

Insert “Agritourism;” and “Roadside stalls;” in appropriate order.

2.34 Great Lakes Local Environmental Plan 2014

[1] Land Use Table

Insert “;” after “Aquaculture” in Zone RU3, item 3.

[2] Land Use Table, Zones RU5, C3 and C4, item 3

Insert “Agritourism;” in appropriate order.

2.35 Greater Hume Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.36 Greater Taree Local Environmental Plan 2010

[1] Land Use Table

Insert “Agritourism;” and “Farm stay accommodation;” in appropriate order in Zone RU5, item 3.

[2] Land Use Table, Zones C3 and C4, item 3

Insert the following in appropriate order, with appropriate punctuation—

Agritourism

Farm stay accommodation

Roadside stalls

2.37 Griffith Local Environmental Plan 2014

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU2, RU4 and C4, item 3.

2.38 Gunnedah Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone C3, item 3.

2.39 Guyra Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.40 Hawkesbury Local Environmental Plan 2012

[1] Land Use Table, Zones RU1 and RU4, item 3

Insert “Agritourism;” in appropriate order.

[2] Clauses 5.24 and 5.25

Omit the clauses. Insert instead—

5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to minimise adverse impacts on the amenity of the locality due to visual impacts, loss of character, noise or traffic generation,
 - (d) to ensure that development is suitable having regard to the characteristics and constraints of the land including biodiversity values, water quality and bush fire and flooding impacts,
 - (e) to ensure that development is compatible with surrounding land uses and to minimise land use conflicts.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or
 - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and

- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the development, and
- (e) the compatibility of the development with nearby land uses.

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to retain the value and character of rural lands within Hawkesbury,
 - (d) to foster and promote economic viability and diversity of rural land while retaining primary production on the land as the principal use,
 - (e) to ensure that the land has the environmental capability to accommodate the development,
 - (f) to minimise land use conflicts and adverse impacts on adjoining land or the locality.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

2.41 Hay Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.42 Hornsby Local Environmental Plan 2013

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU2, RU4 and C3, item 3.

[2] Clauses 5.24 and 5.25

Omit the clauses. Insert instead—

5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure that farm stay accommodation is sensitively located to minimise the risk to life and property from natural hazards including bush fire and flood risk.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or
 - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the development, and
 - (e) the compatibility of the development with nearby land uses.

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure that farm gate premises are sensitively located to minimise the risk to life and property from natural hazards including bush fire and flood risk.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

2.43 Inverell Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.44 Jerilderie Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.45 Junee Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.46 Kempsey Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.47 Kiama Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU2, item 3.

2.48 Kyogle Local Environmental Plan 2012

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU4 and RU5, item 3.

[2] Land Use Table, Zone RU5, item 4

Insert “Farm stay accommodation;” in appropriate order.

2.49 Lachlan Local Environmental Plan 2013

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

[2] Land Use Table, Zone R5, item 3

Insert “Agritourism;” and “Farm stay accommodation;” in appropriate order.

2.50 Lake Macquarie Local Environmental Plan 2014

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU2, RU4, C3 and C4, item 3.

2.51 Leeton Local Environmental Plan 2014

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.52 Lismore Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU2, item 3.

2.53 Lithgow Local Environmental Plan 2014

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU2, item 3.

2.54 Liverpool Local Environmental Plan 2008

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU2, item 3.

2.55 Liverpool Plains Local Environmental Plan 2011

[1] Land Use Table

Insert “Farm gate premises;” in appropriate order in Zone RU5, item 3.

[2] Land Use Table, Zone RU5, item 4

Insert “Agritourism;” in appropriate order.

[3] Land Use Table, Zone RU6, item 4

Insert “Agritourism;” in appropriate order.

[4] Land Use Table, Zone RU6, item 4

Insert “;” after “Pond-based aquaculture”.

[5] Land Use Table, Zone R5, item 3

Insert “Farm gate premises;” in appropriate order.

[6] Land Use Table, Zone C4, item 3

Insert “Agritourism;” in appropriate order.

2.56 Lockhart Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.57 Maitland Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.58 Mid-Western Regional Local Environmental Plan 2012

Clauses 5.24 and 5.25

Omit the clauses. Insert instead—

5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure buildings used for the purposes of farm stay accommodation are located so as not to adversely impact the principal use of the land for primary production.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or

- (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the development, and
 - (e) the compatibility of the development with nearby land uses.

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and

- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

2.59 Murray Local Environmental Plan 2011

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

[2] Land Use Table, Zone SP3, item 3

Insert “Agritourism;” and “Roadside stalls;” in appropriate order.

2.60 Murrumbidgee Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.61 Muswellbrook Local Environmental Plan 2009

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

[2] Land Use Table, Zone C3, item 3

Insert “Agritourism;” and “Roadside stalls;” in appropriate order.

2.62 Narrabri Local Environmental Plan 2012

[1] Land Use Table

Insert “Farm experience premises;” in appropriate order in Zone RU1, item 2.

[2] Land Use Table, Zones RU1, RU4 and RU5, item 3

Insert “Agritourism;” in appropriate order.

2.63 Narromine Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.64 Orange Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone C3, item 3.

2.65 Parkes Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.66 Queanbeyan-Palerang Regional Local Environmental Plan 2022

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU2 and C4, item 3.

[2] Land Use Table, Zone C3, item 3

Insert “Roadside stalls;” in appropriate order.

[3] Land Use Table, Zone C4, item 3

Insert “Farm stay accommodation;” in appropriate order.

[4] Clauses 5.24 and 5.25

Omit the clauses. Insert instead—

5.24 Farm stay accommodation

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure farm stay accommodation will not have an adverse impact on the amenity of surrounding land uses.
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or
 - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.
- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and

- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the development, and
- (e) the compatibility of the development with nearby land uses.

5.25 Farm gate premises

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses,
 - (c) to ensure farm gate premises will not have an adverse impact on the amenity of surrounding land uses.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

2.67 Randwick Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

2.68 Richmond Valley Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU5, item 3.

2.69 Shellharbour Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.70 Shoalhaven Local Environmental Plan 2014

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

[2] Land Use Table, Zone RE1

Omit the matter relating to item 4. Insert instead—

Agritourism; Any other development not specified in item 2 or 3

2.71 Singleton Local Environmental Plan 2013

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU2 and RU4, item 3.

[2] Land Use Table, Zone C4, item 3

Insert “Roadside stalls;” in appropriate order.

2.72 Snowy River Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.73 Temora Local Environmental Plan 2010

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU5, item 3.

2.74 The Hills Local Environmental Plan 2019

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU2, item 3.

2.75 Tweed Local Environmental Plan 2014

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU2, item 3.

2.76 Upper Hunter Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.77 Upper Lachlan Local Environmental Plan 2010

Land Use Table

Insert “Agritourism;” in appropriate order in Zones C2 and C3, item 3.

2.78 Uralla Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and RU4, item 3.

2.79 Wakool Local Environmental Plan 2013

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and C2, item 3.

[2] Land Use Table, Zone C2, item 3

Insert “Farm stay accommodation;” in appropriate order.

2.80 Walcha Local Environmental Plan 2012

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU4 and C4, item 3.

[2] Land Use Table, Zones RU5 and R5, item 3

Insert “Farm gate premises;” in appropriate order.

[3] Land Use Table, Zone R5, item 4

Insert “Agritourism;” in appropriate order.

2.81 Walgett Local Environmental Plan 2013

[1] Land Use Table

Insert “Farm experience premises;” in appropriate order in Zone RU1, item 2.

[2] Land Use Table, Zones RU1 and RU5, item 3

Insert “Agritourism;” in appropriate order.

2.82 Warren Local Environmental Plan 2012

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.83 Warringah Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU4, item 3.

2.84 Warrumbungle Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zone RU1, item 3.

2.85 Wentworth Local Environmental Plan 2011

[1] Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1 and C4, item 3.

[2] Land Use Table, Zone C3, item 4

Insert “Agritourism;” in appropriate order.

2.86 Wingecarribee Local Environmental Plan 2010

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU4, C3 and C4, item 3.

2.87 Wollondilly Local Environmental Plan 2011

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU4 and C4, item 3.

2.88 Wollongong Local Environmental Plan 2009

Schedule 1 Additional permitted uses

Insert at the end of the schedule, with appropriate clause numbering—

Use of certain land at Darkes Forest Road, Darkes Forest

- (1) This clause applies to the following land at Darkes Forest Road, Darkes Forest—
 - (a) Lot 56, DP 664571,
 - (b) Lot 66, DP 752054.
- (2) Development for the following purposes is permitted with development consent—
 - (a) farm experience premises,
 - (b) for Lot 66, DP 752054—farm gate premises.

2.89 Yass Valley Local Environmental Plan 2013

Land Use Table

Insert “Agritourism;” in appropriate order in Zones RU1, RU2 and RU4, item 3.

Schedule 3 Amendment of State environmental planning policies

3.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

- [1] **Sections 6.25(2)(b) and 6.27, Land Use Table, Zones 1–8, item 3 and Zone 9, item 4**
Omit “; Water recreation structures” wherever occurring.

Insert instead in appropriate order “Public water recreational facilities;”.

- [2] **Schedule 6 Dictionary for Chapter 6**

Omit the definition of *private swimming enclosure*.

Insert in alphabetical order—

private swimming enclosure means a net or other structure, other than a public water recreational facility, that is placed in the zoned waterway for the purposes of providing a protected swimming area and is not generally available for public use.

public water recreational facility means a waterfront structure primarily used for public recreation and may include a pier, wharf or boat launching ramp.

3.2 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

- [1] **Clause 1.5 Interpretation—general**

Insert in alphabetical order in clause 1.5(1)—

fruit and produce picking, by a visitor to farm gate premises, means picking, gathering, selecting or otherwise harvesting fruit, vegetables and other agricultural products from the farm for purchase by the visitor.

- [2] **Clauses 2.32H(1)(l) and 2.32J(i) and Schedule 11, clauses 23(2) and 28(2)**

Insert “fruit and produce picking,” before “farm tours” wherever occurring.

- [3] **Clause 2.32J(h) and Schedule 11, clause 28(1)**

Insert “, excluding visitors participating in fruit and produce picking,” after “visitors”.

- [4] **Clause 2.40G Development standards**

Omit “*Protection of the Environment (Operations) Act 1997*” from clause 2.40G(a)(i).

Insert instead “*Protection of the Environment Operations Act 1997*”.

- [5] **Clause 9.5 General development standards**

Omit clause 9.5(h).

- [6] **Schedule 6, clause 12, note, Schedule 8, clause 13, note, Schedule 10, clause 11, note and Schedule 11, clause 14, note**

Omit “*Heritage Act 1997*” wherever occurring. Insert instead “*Heritage Act 1977*”.

3.3 State Environmental Planning Policy (Housing) 2021

[1] Section 82 Definitions

Omit the definition of *gross floor area*. Insert instead—

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from another building, measured at a height of 1.4m above the floor—

- (a) excluding the following—
 - (i) columns, fin walls, sun control devices and elements, projections or works outside the general lines of the internal face of an external wall,
 - (ii) cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts,
 - (iii) car parking and internal access to the car parking,
 - (iv) space for the loading and unloading of goods, including access to the space,
 - (v) areas for common vertical circulation, including lifts and stairs,
 - (vi) storage, vehicular access, garbage and services within the basement,
 - (vii) for a residential care facility—floor space used for service activities provided by the facility within the basement,
 - (viii) terraces and balconies with outer walls less than 1.4m high,
 - (ix) voids above a floor at the level of a storey or storey above, and
- (b) for in-fill self-care housing—including car parking provided at ground level, other than for visitors, in excess of 1 per dwelling.

[2] Section 82(2)

Insert at the end of section 82—

- (2) The floor space ratio, and maximum permissible floor space ratio, of a building for this part must be calculated using gross floor area as defined for this part.

[3] Schedule 7A Savings and transitional provisions

Insert at the end of the schedule, with appropriate clause numbering—

State Environmental Planning Policy Amendment (Agritourism) 2023

The amendments made to this policy, section 82 by *State Environmental Planning Policy Amendment (Agritourism) 2023* apply to a development application made but not finally determined before the commencement of that policy.

3.4 State Environmental Planning Policy (Precincts—Central River City) 2021

[1] Part 3.3 Land Use—Environment Conservation and Recreation Zones

Re-number section 3.17, where secondly occurring, as section 3.18.

[2] Appendix 13 Marsden Park Industrial Precinct Plan

Insert after section 6.5—

6.6 Development of land within or adjacent to public transport corridor

- (1) Development consent must not be granted to development on land identified as “I” on the Land Zoning Map without the concurrence of Transport for NSW.
- (2) In deciding whether to grant concurrence, Transport for NSW must take into account the likely effect of the development on—
 - (a) the practicability and cost of carrying out public transport projects on the land in the future, and
 - (b) the structural integrity and safety of, and ability to operate, public transport projects on the land in the future, and
 - (c) the land acquisition costs and the costs of construction, operation and maintenance of public transport projects on the land in the future.

3.5 State Environmental Planning Policy (Precincts—Western Parkland City) 2021

[1] Section 3.10 Controls applying to growth centre precincts after finalisation of precinct planning

Insert at the end of Table 2—

Wilton Town Centre Precinct

Appendix 9

[2] Section 3.10, Table 3

Omit the matter relating to Wilton Town Centre Precinct.

[3] Section 3.28 Land to which Part applies

Omit “Appendices 4–8” from section 3.28(4). Insert instead “Appendices 4–10”.

3.6 State Environmental Planning Policy (Transport and Infrastructure) 2021

[1] Section 2.124A, heading

Omit “electricity supply authorities and public authorities”. Insert instead “generally”.

[2] Section 2.124A(1)

Omit “by or on behalf of an electricity supply authority or public authority”.

[3] Section 2.124A(2)

Omit the subsection.

[4] Section 2.159 Development permitted without consent

Insert after section 2.159(2)—

- (2A) Development for the purposes of the maintenance or replacement of existing water storage facilities may be carried out by or on behalf of a public authority without consent on any land.

[5] Section 2.159(3)

Omit “subsection (2)”. Insert instead “subsections (2) and (2A)”.