



Maintaining land for agricultural industries

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AUTHORISED BY Principal Director, Industry Development Agriculture & Forestry

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Purpose

To guide the planning system in providing certainty and security for agricultural enterprises over the long term and to enable those enterprises to respond to future market, policy, technology and environmental changes. Key elements are;

- land with the best combination of soil, climate, topography and water for agricultural production is a limited resource in New South Wales and should be maintained for future generations;
- agricultural land should not be alienated directly through lands being used for non-agricultural purposes and indirectly by incompatible developments on adjacent land restricting routine agricultural practices; and
- agricultural industries are a fundamental asset to the state of NSW as they provide a long term means of providing employment, raw materials and fresh safe secure food while supporting regional communities.

Scope

This policy document provides direction to Industry and Investment staff and guidance to planning authorities and communities in developing and implementing environmental planning instruments relevant to agriculture or rural communities. These instruments include State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans and Development Control Plans developed under the *Environmental Planning and Assessment Act, 1979*.

Policy

1. *Environmental planning instruments should be structured to;*
 - a. promote the continued use of agricultural land for commercial agricultural purposes, where that form of land use is sustainable in the long term;
 - b. avoid land use conflicts;
 - c. protect natural resources used by agriculture;
 - d. protect other values associated with agricultural land that are of importance to local communities, such as heritage and visual amenity;
 - e. provide for a diversity of agriculture enterprises, including specialised agricultural developments, through strategically planned locations to enhance the scope for agricultural investment in rural areas; and
 - f. allow for value adding and integration of agricultural industries into regional economies.
2. *Conversion of land*

The conversion of land used by agricultural enterprises to other uses should only take place where fully justified in the strategic planning context. Considerations include;

- all alternative sites and options for non agricultural developments;
- any decisions to convert agricultural land of high value to regional and state agricultural industries should be a last option; and
- the impact of non agricultural developments on agricultural business and infrastructure reliant on the surrounding agriculture production.

It is recognised that changing community needs and aspirations may require a change in the use of agricultural land. Once land is converted to other uses, especially to residential or industrial uses, it is most unlikely to return to agricultural production. Since these decisions cannot be practically reversed, the long term social and economic costs and benefits (including intergenerational equity), need to be evaluated before a decision is made (i.e. triple bottom line or people, planet, profit assessment).

The objective is not to prevent or discourage other land uses, but rather through planning ensure that land resources are efficiently allocated so as to maximise total benefit to the community. To achieve this goal, planning authorities should develop planning strategies for rural and agricultural industries when they develop strategies for other land uses. The determination of the economic, environmental and social contributions from agricultural land uses can be undertaken preferably through an agricultural industry study or regional rural land use study with emphasis on the major agricultural industries.

Where a change in land use appears to be desirable, any changes to environmental planning instruments should only be made after open and informed consultation with the community. Spot rezonings and other ad hoc approaches to planning are undesirable. Changes should be implemented in a way that minimises the impact on existing agricultural enterprises, such as by phasing in the change and providing buffers between agricultural and non-agricultural properties.

3. *Minimum size of holdings for dwelling entitlement*

Criteria in environmental planning instruments to determine the minimum size of holdings necessary for a dwelling entitlement in rural areas needs to be based on sustainable productive agriculture.

Setting the minimum area necessary for a building entitlement is a commonly used tool to influence residential land uses in agricultural zones. The objective is to reduce opportunities for conflict between residential development and commercial agricultural enterprises by minimising residential uses that are not directly associated with commercial farms.

The minimum area for a dwelling entitlement and other provisions in Environmental Planning Instruments to regulate subdivisions should take into account:

- a. the agricultural productivity and suitability of the land in question;
- b. the nature and requirements of agricultural industries in the area being considered;
- c. the risk of creating land use conflict;
- d. the current distribution of property sizes and the agricultural industry they support;
- e. the trends in the size of properties engaged in agriculture; and
- f. cumulative impacts eg gradual subdivision of agriculture becomes rural residential zone.

4. *Minimising land use conflict*

Councils should also consider other approaches to achieving the goal of minimising conflict in agricultural production zones so that farms can operate without unnecessary restrictions. An explanation of strategies to minimise or prevent land use conflict is found in *Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast*.

Guidelines are available to assist consent authorities assess agricultural development proposals. These Primefacts cover a wide variety of topics. Please see "other related documents" below.

Procedures

1. NSW Department of Primary Industries (Agriculture) is not a consent authority for Agricultural issues. Local Government is the consent authority.
2. NSW Department of Primary Industries (Agriculture) where appropriate will provide input into planning decisions of a strategic nature which affect agriculture. Specific technical advice may be provided for intensive animal development applications.
3. NSW Department of Primary Industries (Agriculture) will continue to provide information, guidelines and tools to inform state and local government and the community about the value and needs of agriculture.

Roles and responsibilities

- Land use planning advice is provided by NSW DPI Regional Services Land Use.

Delegations

- No specific delegations.

Legislation

- Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy (Rural Lands), 2008

Related policies

- Policy for Sustainable Agriculture in New South Wales 1998.

Other related documents

- Development Application and Assessment guidelines
 - Agricultural Issues for Extractive Industries on Rural Lands
 - Agricultural issues for landfill developments
 - Farm subdivision assessment guideline
 - Guidelines for the development of controlled environment horticulture
 - Infrastructure proposals on rural lands
 - Issues for community title in agricultural areas
 - Livestock flood refuge mounds
 - NSW meat chicken farming guidelines
 - Planning for horse establishments
 - Preparing a development application for intensive agriculture in NSW
 - Rabbit farming: Planning and development control guidelines
 - Rural workers dwellings
 - Some precautions when buying rural land
- Strategic planning
 - 'Living and working in rural areas' - handbook
 - 'Living and working in rural areas' - brochure
 - Minimum lot size methodology
 - Agricultural land classification
 - Strategic plan for sustainable agriculture in the Sydney region
 - Understanding the social context of land-use in the Boorowa catchment
 - Agricultural land classification study - Taree shire
 - Agricultural land classification study - Walgett shire

Definitions

- See Standard Instrument (LEP) Order for definitions.

Superseded documents

This policy replaces:

- Policy for protection of agricultural land (2004)

Revision history

Version	Date issued	Notes	By
1	20/05/2011		Manager RPD

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