

NSW RIGHT TO FARM POLICY

Yearly Update 2016-17

May 2017

The NSW Department of Primary Industries (DPI) works to increase the value of primary industries and drive economic growth across NSW. To achieve this, DPI focuses on innovation that improves resilience and boosts productivity, sustainable use of and access to natural resources, mitigating and managing risks to community and maintaining industry confidence.

This growth is reliant on effective land use planning at the local, regional and State level that recognises the significance of agriculture and other primary industries, both in the context of current and future trends as well as the needs of the broader community. This includes providing certainty, confidence and consistency to support investment in new and existing industries and avoid the alienation, fragmentation and permanent loss of important primary industries resources.

The NSW Right to Farm Policy was launched in December 2015 and comprises 6 themes with 12 actions. The Policy supports farmers in operating their lawful businesses to minimise conflict or interference from other land users. This yearly update provides the opportunity for Government to review what has been achieved in the first year of operation and what the priorities are for the upcoming 12 months. It draws on the information obtained from surveys with councils, findings of the Legislative Council Inquiry into Regional Planning, and the experience of other jurisdictions in managing agricultural land use planning issues.

Key achievements – 2016

- The first round of data collection to identify and monitor nuisance complaints related to farming in relevant local government areas is complete and is now available on the departmental website. The surveys with council are designed to determine frequency, nature and types of agriculture land use conflict
- The policy is providing a sound basis for local government and farmers to work collaboratively to resolve land use conflict
- Agencies have worked together with increased impetus on ways to improve planning instruments and address inconsistencies and ambiguity to drive the Right to Farm Policy
- Regional Plans, under development by the Department of Planning & Environment, now have actions to map important agricultural land, reduce fragmentation and minimise land use conflict
- An interjurisdictional forum has been established to ensure that agricultural land use planning experts across Australia can share experiences and learnings.

Key priorities for 2017

- NSW Government agencies will continue to work collaboratively to implement the aims of the Right to Farm Policy, with a focus on engagement, communication and capacity building
- The Intensive Agricultural Consultative Committee (IACC)¹ and the Primary Industries Ministerial Advisory Committee (PIMAC)² will continue to play a role in advising government on identifying practices or policies that facilitate development or operate as barriers that need to be addressed

¹ IACC provides a forum for industry and government agents to focus on issues of concern to intensive agricultural industries. Its functions include identifying practices, policies, legislation or procedures that facilitate development or operate as barriers.

- The Government will work with the agricultural sector to improve the effectiveness of regulatory mechanisms including planning instruments and strategic planning tools such as Regional Plans
- The 2nd and 3rd stages of the right to farm agricultural land use survey will be undertaken, which will continue the surveying of councils and also include case studies to better understand nuisance complaints related to farming in relevant local government areas.

Right to Farm Policy Actions: status report

Right to Farm Policy Action	Progress in 2016	Priority in 2017
Reinforcing rights and responsibilities		
1. The NSW Government will implement this Right to Farm Policy to support farmers in exercising their right to farm.	The release of the Policy has provided a clear message about the Government's support for farming. Making this commitment assists in handling complaints but also allows the retention of the rights of legitimate complainants.	The Government will continue to promote the Right to Farm Policy and encourage councils to consider it when making decisions about how to manage land use conflicts that involve agriculture.
2. The NSW Government will work with agricultural industries in NSW to support their efforts in establishing and maintaining best practice and minimise land use conflicts.	The department has given presentations on the Policy at around 10 industry and other forums. It has also consulted with the Primary Industries Ministerial Advisory Council, the NSW Farmers' Association and established the Intensive Agriculture Consultative Committee (IACC). The department promotes best practice for new and upgrading developments when providing advice about development applications. It is also working collaboratively with other agencies to identify and progress actions that promote best practice management to industries and minimise land use conflicts, such as the Interagency Blueberry Working Group.	The Government will continue to liaise with key stakeholder (individuals and groups) and support their efforts to establish and maintain best practice. The Government will investigate the role of industry standards and codes of practice as a regulatory tool. The Government to work with IACC members to better clarify development application requirements for intensive livestock sectors.
3. The NSW Government will encourage and support all participants in rural industry to promote good agricultural practice, technological and practical developments of modern farming equipment and techniques and good	The Living and Working in Rural Areas handbook, has been promoted at every opportunity. The 'Precautions when buying rural land' factsheet was updated and is being used by Local Land Services staff and others for pre-purchase enquiries. The department played a key	Engagement with the real estate, conveyancing industry and local government to increase the knowledge of potential rural land purchasers will be a priority. DPI, via Tocal College offers training courses and publications will continue to promote sustainable agricultural practices.

² PIMAC provides a high level of advice to the Minister for Primary Industries on issues of importance to the primary industries sector as well as being responsible for overseeing the implementation of the Agricultural Industry Action Plan

neighbour practices.	role in facilitating the interaction between council and stakeholders and the preparation of the Good Neighbour Charter for Wollondilly Shire council	Local Land Services will continue to provide services and products to improve practices.
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Establishing a baseline and ongoing monitoring and evaluation

4. The NSW Government will work with local government and other stakeholders to identify and monitor nuisance complaints related to farming in relevant local government areas.	A reference group for this action has been established and comprises NSW Farmers' Association, Office of Local Government, Local Government NSW and DPI. A report from the first round of data collection has been prepared by the University of Technology, Sydney (UTS) and published on the department website.	Stage 2 of the right to farm agricultural land use survey will be conducted in 2017 and will be a follow up survey and in-depth case studies; of hot spot areas experiencing land use conflict; stage 3 in 2018 is the final survey. A report will be developed for each stage. Stages 2 and 3 will collect evidence and make recommendations about strategies and policy improvements which support local councils and agricultural industries.
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Strengthening land use planning

5. The NSW Government will develop a suite of Regional Plans that identify regional priorities for growth, including for primary industries, as well as providing direction on managing land use conflicts.	Regional Plans, developed by the Department of Planning & Environment (DPE) are in preparation or completed across the State. Draft and final Regional Plans now include a range of positive actions to map important agricultural land, reduce fragmentation of agricultural land and reduce land use conflict.	DPI will deliver a mapping program targeting areas under pressure from competing land uses. This information will support decision making by consent authorities such as councils.
6. The NSW Government will work with local councils to identify any additional measures required to assist their efforts in best practice land use planning to address land use conflict issues.	DPI worked with local government resolving land use conflict issues. Information from the data collection is also informing DPI of council needs and additional measures	The right to farm agricultural land use survey is using case studies to explore additional measures (such as increasing community awareness) in more detail to determine effective approaches. DPI will facilitate regional workshops with agricultural industries and councils to improve understanding about: the value of these industries, their planning needs and available information to guide development assessment. DPI will continue to provide advice to councils so that their strategic plans and development assessment supports agriculture and prevents conflict.

Ensuring current reviews of environmental planning instruments include consideration of options to ensure best land use outcomes and to reduce conflicts

7. The NSW Government will review current land use planning mechanisms and instruments, with the aim of delivering a planning policy framework that supports the management of current and future farming practices.	DPI has worked closely with the Department of Planning & Environment on consolidation and modernisation of State Environmental Planning Policies, focusing on those instruments with impacts on primary industries. An important objective is to improve terminology and key clauses to avoid ambiguity and standardise expression.	DPI will continue to work with DPE to improve terminology and key clauses in relevant planning instruments. DPI will finalise the protected cropping project to identify possible solutions to improve industry development opportunities and address land use conflict. This information will inform local and state planning policies. DPI will prepare guidelines for councils to assist them review and update their LEPs consistent with departmental policy.
8. The NSW Government will review the findings of the current Legislative Council Inquiry into regional planning processes in NSW which is due to report in 2016 and consider the recommendations	Government is considering the report of the Inquiry and will respond to the recommendations in mid-2017.	The NSW Government, in particular DPI and the Department of Planning & Environment, will consider in detail the report recommendations and determine their role in addressing "Right to Farm" issues along with the broader agenda of improving outcomes for primary production.

Improving education and awareness

9. The NSW Government will enhance its current engagement with local government, and in consultation with other stakeholders, support councils' proactive management and education on land use conflict issues that arise from lawful farming practices.	DPI worked with councils on strategic planning to avoid and/or minimise land use conflict risk, e.g. Rural Land Use Strategies, Growth Strategies. DPI facilitated a pork industry development assessment workshop for local councils in the Northern Rivers as a trial method for improving awareness of industry value, issues and best practice management.	DPI is awaiting the 2nd round of the agricultural land use survey to provide information about local government priorities for proactive management and education related to land use conflict. DPI will use social media to facilitate the sharing of knowledge and advise planners of current resources. DPI will develop a guideline on buffers (for both agricultural and residential developments) and other material to support local Government staff and intensive livestock industries to promote best management practices.
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Considering the need for legislative options, should additional Government intervention be required

10. The NSW Government will maintain its links with other jurisdictions	The NSW Government increased its knowledge through the establishment of an	DPI will continue to liaise with the network members to improve knowledge and
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to exchange information about developments in right to farm policy and legislation.	interjurisdictional network of agricultural land use planners. A face to face meeting held in September and a follow-up teleconference in November 2016. DPI has established an information sharing platform in support of the network.	understanding of legislative and other options to manage 'right to farm' issues. The network is likely to act as an 'expert panel' for the 2 year review of the Policy and subsequent steps.
11. The NSW Government will report on the implementation of this policy on an annual basis.	This report has been compiled to fulfil this action	A second report will be combined with the overall review of the policy. Once complete it will be made public.
12. The NSW Government will undertake a review after a period of two years of data collection or earlier if the evidence demonstrates the need. This review of the policy will consider other jurisdictions and overseas experiences, as well as the outcomes of the Legislative Council Inquiry and determine if legislative options are necessary.	DPI is preparing for the review of the policy and consideration of options for additional intervention (if the need arises) via the data collection project, consulting with interjurisdictional colleagues and learning from overseas experience	Use the various information sources and, in particular, focus on the data that will be available from the survey with councils, to determine what if any legislative response might be required.

More information

www.dpi.nsw.gov.au

For updates go to www.dpi.nsw.gov.au/factsheets

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