

NEW SOUTH WALES
**RIGHT TO FARM
POLICY**
SUMMARY

NSW Department of Primary Industries



Introduction

The NSW Government recognises the value of agriculture for growing food and fibre for domestic and international markets and is concerned about the potential loss or impaired use of agricultural land. Agriculture is important to local, regional, and state economies and communities.

Addressing land use conflicts that arise from lawful agricultural practices is an issue of shared obligations. Farmers, neighbours, land developers, new land buyers and state and local government all have a significant role to play.

The NSW Government will strive to increase certainty for existing agricultural use and promote innovation and investment in agriculture by:

- identifying and facilitating access to resources on which agriculture depends
- supporting the retention of critical industry mass and access to services, infrastructure, processing facilities and markets.

The NSW Government will plan for land use near agriculture that minimises conflicts and where possible enables future growth and adaption, while providing for other industries to co-exist where compatible.

NSW Right to Farm policy

The NSW Government has developed a comprehensive, state-wide approach to deal with the issue of right to farm.

The Right to Farm policy brings together a collection of actions including:

- » reinforcing rights and responsibilities
- » establishing a baseline and ongoing monitoring and evaluation of land use conflicts
- » strengthening land use planning
- » ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts
- » improving education and awareness on management of land use conflicts
- » considering potential future legislative options, should additional Government intervention be required.

Land use conflict

Land use conflict occurs when there is disagreement or dispute as to the use of land – the activities of one land user might be perceived to, or actually does, infringe upon the rights, values or amenity of another.

In rural areas, land use conflicts can occur when agriculture is deemed to impact on residential use, but conflicts can also arise when other land users impact on farmers, and also between different agricultural industries.

People who want to live in rural and agriculture areas need to understand that land is used for productive purposes, such as agriculture. The reality is that normal farming practices can have impacts on neighbours ranging from residual noise, light, dust and other impacts.

In some local government areas, complaints occur frequently – some areas on a weekly basis. Land use conflict can be a considerable issue for local government, and creates uncertainty for farm businesses, as it can increase costs and exert pressure on some farmers to relocate or leave the industry

The NSW Government supports primary producers in their right to farm to the extent of what is lawful. This means compliance with the legislation and regulations that govern, for example, land uses, uses of chemicals, intensity and timing of lights and noise and management of odours. The suite of rules applies equally to all land users, including rural lifestyle land owners who, like farmers, have obligations in relation to management of weeds, pests and other biosecurity risks.

Summary

Reinforcing rights and responsibilities

- » The NSW Government will implement this Right to Farm policy to support farmers in exercising their right to farm.
- » The NSW Government will work with agricultural industries in NSW to support their efforts in establishing and maintaining best practice and minimising land use conflicts.
- » 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 neighbour practices.

Establishing a baseline and ongoing monitoring and evaluation

- » 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.

Strengthening land use planning

- » 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.
- » 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.

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

- » 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.
- » 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, including any recommendations regarding the Right to Farm policy.

Improving education and awareness

- » 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.

Considering the need for legislative options, should additional Government intervention be required.

- » The NSW Government will maintain its links with other jurisdictions to exchange information about developments in right to farm policy and legislation.
- » The NSW Government will report on the implementation of this policy on an annual basis.
- » 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.

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