

# Setting up an agritourism business

A guide to planning approvals

September 2023



# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Image on front cover: Couple feeding the sheep at Iris Lodge Alapacas, Jiliby. Credit: Destination NSW

Image on left: After the Fire. Credit: Iestyn Taylor

Artwork (left) by Nikita Ridgeway.



# Contents

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What is agritourism?	4
Introduction	5
Starting an agritourism business	7
1.1 What you need to consider	8
1.2 Caring for your community	10
1.3 Agritourism and the planning system	12
1.4 Other approvals	18
1.5 Business advice	21
Planning requirements by land use	22
2.1 Farm stay accommodation	23
2.2 Farm gate premises	35
2.3 Farm experience premises	42
2.4 Roadside stalls	49
2.5 Signage	51
2.6 Multiple agritourism activities	52
Activities and their planning terms	53
Agritourism checklist	54

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Disclaimer: This guideline provides general information about the planning system and requirements under other legislation to help farmers set up an agritourism business. You should refer to the relevant legislation to obtain the full requirements that apply. You should also seek advice from relevant government authorities, a planning consultant, other relevant specialist or a legal adviser for specific information about your property and proposed development.

# What is agritourism?

Many people today want to know where their food, fibre and other products come from and experience the process firsthand.

Agritourism is a tourism-related experience or product that connects people to agricultural products, people or places through farm visits or stays. It allows you to showcase what's unique about your region, offers you another source of income, and gives people more reasons to visit rural and regional NSW.

As a farmer, you can diversify and add value to your agricultural business, while maintaining primary production as the principal use of your land.

Agritourism businesses range from farm stays, retail and dining to events, tours and education.

Visitor experiences don't have to be complicated. Guests might decide they want to see a cow up close, meet a chicken or watch a pig take a nap. Some may want to see how and where food is grown, taste a freshly picked carrot or see how plants are farmed for floristry.

Farms can also provide visually striking backdrops within unique landscapes or buildings, helping people to create lifelong memories.

All these activities will influence how people understand farms and food, and how they value farming – while also helping to create a sustainable source of extra income.





Credit: Destination NSW

# Introduction

This guide is for anyone opening –or thinking about –an agritourism offering as part of their agricultural business.

Most agritourism businesses will operate within a rural setting. By understanding and working with the rural character of your farm and the local area, you'll get the most out of your agritourism development, while also protecting the land and surrounding areas as much as possible.

There are 2 sections within the guide.

## **Starting an agritourism business**

Section 1 is essential for anyone thinking about starting an agritourism business. It covers what you need to consider from the outset –not just practical business ideas like location and design, but what you need to know about agritourism in the planning system and other approvals you may need.

## **Specific planning requirements**

Section 2 goes into more detail about the specific planning requirements that apply to different types of agritourism businesses.

## Agritourism activities

Different agritourism businesses offer different activities. The type of activities your business might offer then influences how your business will be referred to in the planning system.

### Farm stays

Visitors who stay overnight on a farm will understand and engage with the land in greater depth than on shorter visits. Accommodation can include a farm stay cabin or using the land as a camping or glamping area. You can transform unused assets such as workers' cottages or sheds into rural accommodation or build new accommodation to help diversify your income.

Farm stays are called 'farm stay accommodation' in the planning system.

Related development not covered by this guide

- Bed and breakfast accommodation
- Short-term rental accommodation

### Retail, dining and education

You can sell your farm produce and products on site through a shopfront or cellar door with produce tastings, roadside stalls or farmgate sales, cooking classes or through self-picking experiences.

This could include products that come from value-adding processes – for example, if you are a dairy farmer whose primary production is milk, you might also produce and sell cheese products. If you are a fruit farmer, you may use produce for jams.

These production processes not only help to diversify your business; they also allow you to extract value from your produce.

You might want to provide information or education about a farm's produce or offer workshops.

While showcasing your farm, produce and the local area, you will have direct contact with visitors and may be able to create opportunities to hire new staff.

Marketing your produce through these alternative channels can create business opportunities or capture a margin that may otherwise be lost. You will gather valuable feedback from your consumers and create connections with other tourism businesses in your region.

Activities that provide an interaction with and sale of farm products are called 'farm gate premises' in the planning system.

'Roadside stalls' – covered in this guide – also involve produce sales, but are a separate type of commercial development in the planning system.

## Events and tours

You might want to provide small-scale and low-impact tourist and recreational experiences such as:

- tours
- functions
- field days
- demonstrations of best-practice farming methods and innovations
- environmental restoration and management programs
- horse riding
- animal interactions
- weddings, events and conferences
- school visits
- activities such as wellness pastimes, and arts and craft.

Rural events, especially weddings, have a far-reaching supply chain beyond just the hiring of a venue that can add to the rural economy. This includes:

- accommodation services
- event services (such as photographers, stylists and transport)
- catering
- supporting services (gift shops or child minding)
- facilities services (party hire, mobile toilet hire).

These types of activities on a farm are called 'farm experience premises' in the planning system.



Credit: Destination NSW

# 1 Starting an agritourism business



# 1.1 What you need to consider

## Location

Begin by thinking about what people are most likely to enjoy on your farm and the right location for the business.

Aim to locate activities or accommodation to take the best advantage of the views and features of your property and views to the surrounding area. Think about how visitors can experience farming and the working landscape to connect them to the culture and story of the place.

The location of buildings, structures, parking and activities can enhance the character of your farm, give visitors shade and enable safe access to buildings and facilities. When you're thinking about these assets, also make sure your proposed activities supplement your day-to-day farming operations and do not affect them negatively.

Consider how your development will look in the landscape, how it will relate to neighbouring land uses and how you could locate it so visitors are not exposed to hazards. Agritourism activities should be set away from property boundaries to avoid effects to or from neighbours, such as the smell of chicken sheds, spray-drift from cropping or the noise of cattle feedlots.

Credit: Destination NSW

## Environmentally sensitive areas

Some of the most attractive tourism destinations sit within the most sensitive environments, such as near rivers, creeks, wetlands and mountain areas. While we want more people to enjoy these places, we need to remember there are environmental risks from tourism. For example:

- noise, litter, lighting and uncontrolled domestic pets can drive out and injure wild creatures and disturb farm animals
- walking and riding can wear out paths and damage riparian areas
- intensive climbing and mountain biking can erode rock faces and, with modern equipment, destroy their natural condition
- clearing deadwood and tree hollows for firewood can lead to habitat loss
- existing farming practices can be upset by campfires, dogs and competition for labour.

The existing rural character and environmental value of the countryside must be protected, as should the biodiversity values that make these areas unique, functional and safe.

Consider these impacts when deciding on the types of activities you want to offer and where they should be located on your property. More information is provided in Section 1.3 about land that cannot be used for certain activities under the planning system.





## Design

Design your agritourism business to fit with the character of your farm, the natural landscape and the broader area. This might involve re-using buildings like old sheds to create an authentic experience and character and provide a memorable space.

### Character and branding

Many regions use branding to connect different agritourism businesses under a common theme. Consider how the branding of your business and styling of your property can build on and complement these themes.

Many councils have a tourism or economic development officer. It may help to chat to your council about the region's branding, and how to be consistent with its promotional program or themes.

If there's no existing branding, look at the character of the place, what makes it special, and how new or modified buildings or activities might enhance this character and provide a memorable experience.

### Landscaping

Visitors will experience the landscape from the front gate. Design for an attractive and welcoming entry area and the path of the entry drive. Consider how more landscaping can protect and enhance natural features and mature trees.

Use landscaping to direct the views away from parts of your property that you don't want visitors to access and instead towards aspects they will enjoy.

Depending on the development, you may need to formally seek permission to remove or prune a tree or other vegetation and you may need to comply with related conditions. To find out what kind of permission you need, contact the local council.

## Access

Ensuring people with disability have access to your agritourism activities includes more people and could also provide a key opportunity for your business.

Commonwealth legislation and standards require every business owner to consider accessibility for everyone and equal access where it is safe to do so. This may require you to provide features such as disability parking, entry ramps or toilets with additional space, and clearances around entry doors.

Speak with your council or a registered certifier to determine specific requirements that may apply to your property.

## Traffic

Most guests will arrive by car. Think about how traffic will turn in and out of your land and any potential road safety risks. If safe access is not available from the driveway, you may need to apply to the council for a new or upgraded driveway.

The road to your property needs to be safe and in good condition for tourists. Narrow or steep rural roads may not be safe for visitors who are unfamiliar with the area.

Consider safe areas for car parking and pedestrians for roadside stalls. Parking on the property is safer than on the side of the road.

Preparing a traffic plan will assist to identify how vehicle movements will be managed and may be required for a development proposal to be assessed. A traffic plan should mark out how vehicles will enter and exit the site, and if there is enough:

- visibility to and from the entry and exit points
- separation between visitors and workers or farming activities and equipment
- parking facilities, including parking for people with disabilities.

Any work on a road requires council or Transport for NSW approval – get in touch with your council for more information. Work on Crown roads also requires approval from the Crown Lands team in the Department of Planning and Environment.

## Signage

Adequate signage in advance of entries and exits will ensure drivers can make early decisions and stop safely at your business.

Keep any advertising signs simple and proportionate to the scale of the development. Avoid detrimentally affecting the streetscape, farming operations or road corridor.

There are planning approval pathways for agritourism signage. Check with your council about the local planning requirements for signage before erecting any on your property or within any road reserve area.

# 1.2 Caring for your community

Introducing new activities on your farm can affect your neighbours and the broader community, as well as your daily farming operations.

## Neighbouring land uses

Agritourism businesses must only supplement and be secondary to the agricultural use of the land. They must not detract from it or become the more dominant activity. Similarly, any new business must respect how neighbouring property owners use their land so that they can keep doing so.

Some agritourism activities – such as those that create a lot of noise or traffic – will have greater effects than others. You must make every effort to run your businesses in a way that works with surrounding land uses, which will often be various types of agriculture or areas that contain natural features such as rivers, mountains and native wildlife.

Talking to your neighbours while you are planning your business and its location could identify issues you will need to address.

The NSW Government's [Right to Farm Policy](#) promotes farmers' rights to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. Consider the policy when planning where you'll locate new buildings or activities, how the business will operate, or how you can make sure visitors do not trespass onto neighbouring properties or cause nuisance, damage or safety issues.

Providing information to your guests and visitors about what they should expect where agritourism activities are located close to farming operations, either on your property or on nearby farms, will also help minimise complaints and conflicts. Consider any impacts complaints may have on neighbours before committing to setting up an agritourism business.

## Odour and noise

Some agritourism businesses could generate odour that has negative effects. Alternatively, they could be located somewhere that is affected by odour from a neighbouring area. Having an odour and/or dust assessment prepared will show how the proposed development can be located, designed and/or managed to avoid or lessen those impacts.

Noise can travel further in regional and rural areas. Aim to:

- minimise noise at the source
- situate the agritourism business away from areas where it will affect people
- place a barrier between the noise source and the neighbours or communities who will hear it
- limit your opening hours, or
- use a combination of these measures.

If you have concerns about potential noise and odour impacts your business might generate, seek professional advice.

## Biosecurity

Practising good biosecurity means taking action to protect your property, your farming operations and the surrounding environment from the negative effects of pests, diseases, weeds and contaminants. Legislation is in place to reduce the risk of transmission of harmful biological or biochemical substances between crops and livestock.

Agritourism businesses can be high biosecurity risks if visitors can unknowingly carry infectious agents on clothes and shoes. The same applies to organisms that can spread when visitors pet, feed and handle animals.

We recommend developing a biosecurity management plan. This will identify the risks on the farm and prioritise the relevant biosecurity practices to protect you, your produce and the natural environment.

Find out more about [biosecurity management plans](#).



Credit: Destination NSW

## Hazards and risks

You'll need to protect yourself, visitors and workers from the potential risks from bush fire, flooding, other natural hazards or the hazards associated with being on a farm and in a rural location.

### Begin with these resources

- NSW Rural Fire Service: [Bush fire survival plan](#)
- NSW State Emergency Service: [Rural Properties FloodSafe Guide](#)
- SafeWork NSW: [Safety must haves, agriculture safety information and resources, farm safety assessment tool](#) to guide farmers through their safety obligations and the toolkit for small business [Easy to Do Work Health and Safety](#)

Consider also the potential for contamination on your property from past agricultural practices, such as sheep and cattle dips. Any remediation of a site needs to occur in accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021*, the [Managing Land Contamination Planning Guidelines](#) and [any other relevant guidelines](#) issued by the Environment Protection Authority. Visit the [Environment Protection Authority's website](#) for more information about contaminated land.

Section 1.3 provides more detail about how hazards and risks are addressed under the planning system.

## Visitor safety

To ensure the safety of visitors to your property, you should:

- locate agritourism activities away from high-risk areas and prevent unauthorised access
- do a risk assessment and establish safety measures – such as delineated pathways, adequate fencing and 'no-go zones' – to protect vulnerable visitors, such as children, from particular parts of the farm such as dams
- prepare bush fire and flood safety plans
- prepare an emergency management plan that details risks, what happens if an emergency happens, when the property needs to be evacuated and safe routes to the nearest highway or town
- close the premises if any bush fire or flood warnings are in place, including if the warning applies to evacuation routes
- plan how you will manage agritourism activities during drought
- give your visitors information such as an induction on farm rules to ensure they are aware of their surroundings and can safely navigate areas of the farm.

## Contractor safety

Remember to check for hazards such as asbestos, old electrical wiring, lead paint or other contaminants before engaging contractors and starting work. There are obligations under work health and safety laws that relate to high-risk construction work, movement of powered mobile plant and asbestos.

# 1.3 Agritourism and the planning system

## Seeking planning approval

The NSW planning system allows:

- farm stay accommodation
- farm gate premises (which include cellar door premises)
- farm experience premises
- roadside stalls on farms.

The system sets out general requirements that apply to these types of development.

Refer to Part 2 of this guide for specific requirements for each of these uses.

**Figure 1:** How different land uses fit within the planning system

**FARM STAY ACCOMMODATION** is a type of **tourist and visitor accommodation** under the planning system.

### Tourist and visitor accommodation

#### Farm stay accommodation

A building or place on a commercial farm and ancillary to the farm



Includes cabins, tents, existing or new building, caravans, campervans, other moveable dwellings

**FARM GATE PREMISES** and **FARM EXPERIENCE PREMISES** are types of **agritourism**. **Agritourism** is a type of **agriculture** under the planning system.

### Agriculture

#### Agritourism

##### Farm experience premises

A building or place on a commercial farm and ancillary to the farm



Examples: Weddings, farm tours, horse riding

##### Farm gate premises

A building or place on a commercial farm and ancillary to the farm\*



Examples: Tastings, workshops, cellar door premises

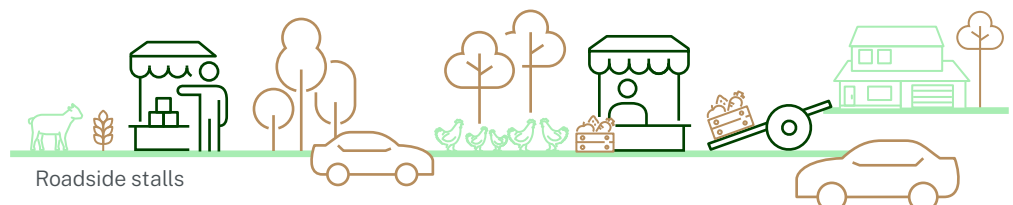
\*Does not include animal processing

**ROADSIDE STALLS** are a type of **retail premises**. **Retail premises** are a type of **commercial premises** under the planning system.

### Commercial premises

#### Retail premises

##### Roadside stall



Roadside stalls



Credit: Destination NSW

## Land-use zones

You can only establish an agritourism business if it is permitted in the land-use zone that applies to your land.

You can find out what is permitted in the zone that applies to your land by contacting your local council, or [searching your local environmental plan](#) under 'Environmental planning instruments' and referring to the land-use table. Look for terms such as 'agriculture', 'agritourism', 'farm stay accommodation', 'farm gate premises', 'farm experience premises', 'cellar door premises' or 'roadside stalls'.

Find out the zoning of your land by referring to the relevant zoning map on the [NSW Planning Portal](#).

If your proposed business is considered 'exempt development' (explained below), you can establish it in certain zones without planning or building approval.

## Land requirements

Farm stay accommodation, farm gate premises and farm experience premises need to meet certain land requirements. The land must be a commercial farm on which agriculture is undertaken - this must be on land:

- categorised as farmland by your council, or
- a primary production business under Commonwealth tax legislation, or part of a primary production business.

The farm cannot be a hobby or recreational farm.

Similarly, cellar door premises must be on land that has a commercial vineyard.

These requirements help to retain primary production such as agriculture or aquaculture as the primary use of the land.

Learn more about primary production businesses from the [Australian Taxation Office](#).

Because of seasonal issues, natural disasters or events outside of a farmer's control, farms do not always constantly produce goods. If you've temporarily ceased primary production operations because of a natural disaster, you can still seek approval to do agritourism.

You may find that your agritourism business idea does not meet the land requirements - for example, you may not have a commercial farm. In these circumstances, there may be other types of land uses available for the zoning of your land that you could employ, such as bed and breakfast accommodation.

Seek advice from a planning consultant or your council to find out the uses permitted on your land.

## Approval pathways

There are different types of planning approvals depending on the type of agritourism development you want to establish.

**Exempt development** is minor and low-impact development that does not need planning or building approval if it meets specified development standards and general requirements. This is a simple way of starting a small business without any planning or building approvals.

**Complying development** is straightforward development that usually involves building work. The development must comply with specified development standards and general requirements. In most cases, a complying development certificate (a combined planning and building approval) can be issued by the council or a registered certifier more quickly than obtaining development consent. They will advise you about the information you need to provide.

You will also need to appoint the council or a registered certifier as the principal certifier if you are doing building work. [View the list of registered certifiers.](#)

**Development applications** are needed if your development does not meet the requirements for exempt and complying development.

Your council will consider your development application on its merits. It will also consider the requirements under any relevant local environmental plan and development control plan that applies to the development. General information is available in [Your guide to the DA process](#). Speak to your council before lodging a development application to understand all the requirements.

Once your development application has been approved, you will also need to get a construction certificate and appoint a principal certifier before any building work can begin. [Find out what you need to do to start work.](#)

## Information on the planning rules

The rules for exempt and complying development, and for development applications, are governed by various pieces of legislation and planning instruments.

You may need to refer to the legislation or environmental planning instruments. Your council should be able to help you with this, or you may decide to hire the services of a planning consultant.

Find out more about planning pathways on our [website](#).

### Tip

Exempt development provisions enable you to establish a small-scale agritourism activity.

Complying development provisions enable you to build, extend or modify structures that can provide for agritourism activities.

The development application pathway can be used where exempt and complying development are not available.

For questions about the exempt and complying development provisions:

- call the Codes Hotline on 1300 420 596 (select option 2)
- email the Codes team at [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

Credit: Destination NSW



Figure 2: Planning approval pathways

<p><b>NO APPROVAL NEEDED</b> <b>Exempt development</b></p> <ul style="list-style-type: none"> <li>• Low-impact development that does not need planning or building approval</li> <li>• Quicker and low-cost way to start an agritourism business</li> </ul>	<p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• Change the use of a rural workers' dwelling to farm stay accommodation</li> <li>• Install tents or caravans</li> <li>• Construct 'glamping' platforms</li> <li>• Pick-your-own produce</li> <li>• Farm tours</li> </ul>	<p><b>Things to note</b></p> <ul style="list-style-type: none"> <li>• Good for small-scale agritourism ventures</li> <li>• Must comply with the specified development standards</li> <li>• Allows agritourism uses and some minor building work</li> <li>• Certain land exclusions apply</li> </ul>
<p><b>FAST-TRACK APPROVAL</b> <b>Complying development</b></p> <ul style="list-style-type: none"> <li>• A combined planning and construction approval for straightforward development, usually where building work is involved</li> <li>• Determined by the council or a registered certifier</li> <li>• Complying development certificate (CDC) issued in as little as 20 days</li> </ul>	<p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• Construction of new buildings, alterations or additions to existing buildings for farm stay accommodation, farm experience premises or farm gate premises</li> <li>• Change the use of existing farm buildings for one of the above development types</li> </ul>	<p><b>Things to note</b></p> <ul style="list-style-type: none"> <li>• Must comply with the specified development standards and conditions</li> <li>• Certain land exclusions apply</li> <li>• Neighbour notification may be required</li> </ul>
<p><b>DEVELOPMENT APPLICATION REQUIRED</b> <b>Local development</b></p> <ul style="list-style-type: none"> <li>• Standard approval pathway if the proposal goes beyond the development standards for exempt or complying development</li> <li>• Council will assess the merits of the proposal and impose conditions to manage impacts</li> </ul>	<p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• Construction of new buildings, change of use or alterations or additions to existing buildings for farm stay accommodation, farm experience premises or farm gate premises where one or more of the exempt or complying development standards cannot be satisfied</li> </ul>	<p><b>Things to note</b></p> <ul style="list-style-type: none"> <li>• Some councils provide a 'pre-DA' service so you can understand the requirements</li> <li>• Neighbour notification usually required</li> </ul>

## Excluded land

Exempt and complying development cannot be undertaken on certain sensitive land. For farm stay accommodation, farm gate premises and farm experience premises, this includes land that is:

- declared to be a special area under the *Water NSW Act 2014*
- significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*
- in a floodway area within the meaning of the *Floodplain Development Manual*.

### When exempt development cannot be used

In addition, farm stay accommodation, farm gate premises and farm experience premises cannot be carried out as exempt development on land:

- declared as an area of outstanding biodiversity value or declared critical habitat
- that is or is part of a wilderness area
- that is or on which there is an item listed on the State Heritage Register, or that is subject to an interim heritage order
- in a special area in the Hunter (see the [Agritourism and Farm Stay Accommodation Exempt and Complying Development Land Map](#)).

Visit the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#), also known as the Codes SEPP, for details, including a [list of excluded land](#).

Visit the NSW Planning Portal for more information [on exempt development](#).

### When complying development cannot be used

Complying development does not apply to land that is:

- critical habitat or part of a wilderness area
- identified on an acid sulfate soils map as being Class 1 or Class 2
- identified as being within an ecologically sensitive area or environmentally sensitive land, as set out in planning instruments such as a local environmental plan
- other sensitive land.

The Codes SEPP includes a [detailed list of areas where complying development cannot be carried out](#).

Visit the NSW Planning Portal for more information [about complying development](#).

## Unsewered land

Farm stay accommodation, farm gate premises or farm experience premises also cannot be carried out as complying development on:

- unsewered land in the Sydney Drinking Water Catchment if the development will increase the number of bedrooms on the site or result in a site disturbance area of more than 250 m<sup>2</sup>
- land in any other drinking water catchment identified in an environmental planning instrument.

Speak to your council to find out if you are in a drinking catchment and about lodging a development application.

### Bush fire-prone land

Complying development cannot be carried out on land in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ). You can, however, undertake complying development on any part of your property that is not in bush fire attack level-40 or the flame zone, if it meets the relevant requirements and development standards.

You can [check if you are on bush fire-prone land](#) on the NSW Rural Fire Service website. Your council or a bush fire consultant can tell you if you are in bush fire attack level-40 or the flame zone, which may attract a fee.

### Farm stay accommodation

A special restriction on farm stay accommodation under the *Rural Fires Act 1997* means that it cannot be considered complying development if it is on bush fire-prone land.

You can choose exempt development for minor types of farm stay accommodation on bush fire-prone land if you get a bush fire safety authority, which is issued by the NSW Rural Fire Service under the *Rural Fires Act 1997*. [Visit the NSW Rural Fire Service website](#) to find out more. The types of farm stay accommodation you can do as exempt development are explained in the next section.

For development applications on bush fire-prone land, your council will assess your proposal and may refer it to the NSW Rural Fire Service.

Refer to the Department of Planning and Environment's Planning circular PS 21-010 for more information about [development on bush fire-prone land](#).

### Landowner's consent

If you don't own the land on which you wish to do agritourism, you will need to get the consent of the landowner. This includes the Crown if your development will involve any Crown land. For Crown land, the proposed development will also need to be consistent with the terms of the Crown lease.



## Development standards

Development must meet certain requirements in the planning system. Development standards make sure agritourism activities do not dominate or overtake primary production activities or affect neighbours, the natural environment, waterways or the amenity of the local area.

These standards set out:

- the number of visitors you can have on your farm
- the days and hours of operation for activities
- the size and height of buildings
- the number of buildings and structures
- parking requirements
- how to dispose of waste

and many other matters.

### Where to find the relevant development standards

**Table 1:** Approval pathway and the relevant standards

Approval pathway	Development standards
Exempt development	Part 2 of the Codes SEPP
Complying development	Part 9 of the Codes SEPP
Development application	Local environmental plans Development control plans

### Building Code of Australia

Development that involves building work must also comply with the relevant requirements of the Building Code of Australia (BCA).

For exempt development, the development must comply with the deemed-to-satisfy provisions of the BCA. To better understand these and other provisions, read the [fact sheet about complying with the Building Code of Australia](#). More detailed information is available on the [Australian Building Codes Board's website](#).

If there are no relevant deemed-to-satisfy provisions, you need to ensure the development is structurally adequate—and if you're changing the use of an existing building, the works must ensure the building still meets the requirements of the Building Code of Australia.

If you're using complying development or submitting a development application, the registered certifier or the council will make sure any building work complies with the Building Code of Australia.

## Conditions on your approval

If your proposal is approved under complying development or a development application, a range of conditions will apply to how the work must be carried out and how you must manage the ongoing operations of the agritourism business.

The conditions that apply to complying development certificates under the Agritourism and Farm Stay Accommodation Code are in [Schedule 11](#) of the Codes SEPP. Your council may also impose conditions on a development consent.

## Building work

Building work should be done by licensed contractors who must work safely and comply with safety laws for construction, refurbishment or demolition. [NSW Fair Trading](#) and [SafeWork NSW](#) can provide more information.

# 1.4 Other approvals

There are other matters to consider when deciding if you will undertake an agritourism development, and while operating a business, including other approvals you may need.

## Waste management

The requirements for the disposal and recycling of solid waste are addressed in development standards or conditions that apply to your development. Depending on the size of your proposal, you may need to prepare a waste management plan.

Many onsite sewerage systems in rural properties are old, poorly serviced or only designed for the existing house or workers' accommodation. Inappropriate use or disposal of wastewater and solid (sludge, sewage and compost) products can present health risks, odours, noise and pests.

You may need to install, upgrade or operate an onsite sewerage management system to cater for the additional people on your farm and to dispose of trade waste. Trade waste includes wastewater from a business that enters a sewage system other than sewage of domestic nature. This includes any water used for cleaning or to prepare food and wash dishes.

A wastewater contractor or plumber can advise on the operating capacity and functioning of your system and its suitability for any new waste your proposed business would generate.

You'll need council approval under the *Local Government Act 1993* to install, build or alter systems or drains and disposal areas connected to them. Find out more about these [section 68 approvals](#). You will also need council approval for any trade waste discharge to the council's sewage system.

Contact your council about the approvals you need and any inspection or maintenance requirements.

## Private water supply

Connections to town water supplies aren't always possible in rural areas, which means you may need a private water supply. If you need such a supply for your agritourism idea, contact your council to understand the approvals required.

You need a water access licence to take water from rivers, lakes and aquifers in NSW. The Department of Customer Service provides more information about [water licensing](#).

If you're using a private water supply to provide drinking water or prepare food for others, you have a responsibility to make sure the water will not harm people. The Food Standards Code requires food businesses to use drinkable water for activities on food premises. If there is no access to public water supplies, you must be able to show that the water is safe. Refer to the NSW Food Authority's [guidelines for the use of non-potable water](#).

NSW Health recommends regularly testing the quality of drinking water against the Australian Drinking Water Guideline. Visit NSW Health for more information about [private water supplies and quality assurance](#).

## Utilities

Get in touch with your council or other relevant authorities if you need to connect new or re-used buildings to electricity, gas or water.

## Food safety

All food businesses must comply with the relevant food safety standards under the *Food Act 2003*. This applies to food premises, fixtures, fittings, equipment and food transport vehicles. You cannot start operations until you meet the standards. Visit Service NSW for more information about [food safety requirements](#).

Food retailers must register with the council and food wholesalers with the NSW Food Authority. Visit Service NSW for more information about [notifying the relevant authority about a food business](#).

## Liquor licence

You will need a liquor licence if you intend to sell or serve alcohol, including for tastings. Visit [Liquor and Gaming NSW](#) to find out more about liquor licences.

Credit: Destination NSW

## Insurance

You may need insurance for your agritourism activities that is different from the kind necessary for the agricultural part of your business. In some cases, insurance may be a legal or contractual requirement, depending on your agritourism activities. Consider if the types of activities you wish to offer may affect the cost and availability of insurance.

You may wish to engage an insurance broker to find insurance products that meet your needs. An insurance broker can help you assess the risks within your business and understand what insurance you may need. They can also provide ongoing advice and help you if you need to make a claim.

## New and upgraded driveways

You will need council approval to construct a new driveway or upgrade an existing one:

- development consent for the driveway
- approval under the *Roads Act 1993* for any work between the edge of the road and your property boundary.

Some driveways can be done as exempt development and do not need development consent (see Section 2).



# Wildlife and their habitats

You need to consider the protection of wildlife and their habitats. You may need a threatened species licence, which is a class of biodiversity conservation licence under the *Biodiversity Conservation Act 2016*, if the development may:

- harm an animal or plant that is a threatened species or part of a threatened ecological community
- damage the habitat of a threatened species or threatened ecological community
- damage a declared area of outstanding biodiversity value.

Find out more about [threatened species licences](#).

If wildlife causes serious conflict that poses a legitimate threat to life or property, or will cause economic hardship, there are more [guidelines and licences for property owners](#).

## Trees and vegetation

The removal or pruning of a tree or other vegetation may require a permit, approval or development consent under *State Environmental Planning Policy (Biodiversity and Conservation) 2021* or other legislation.

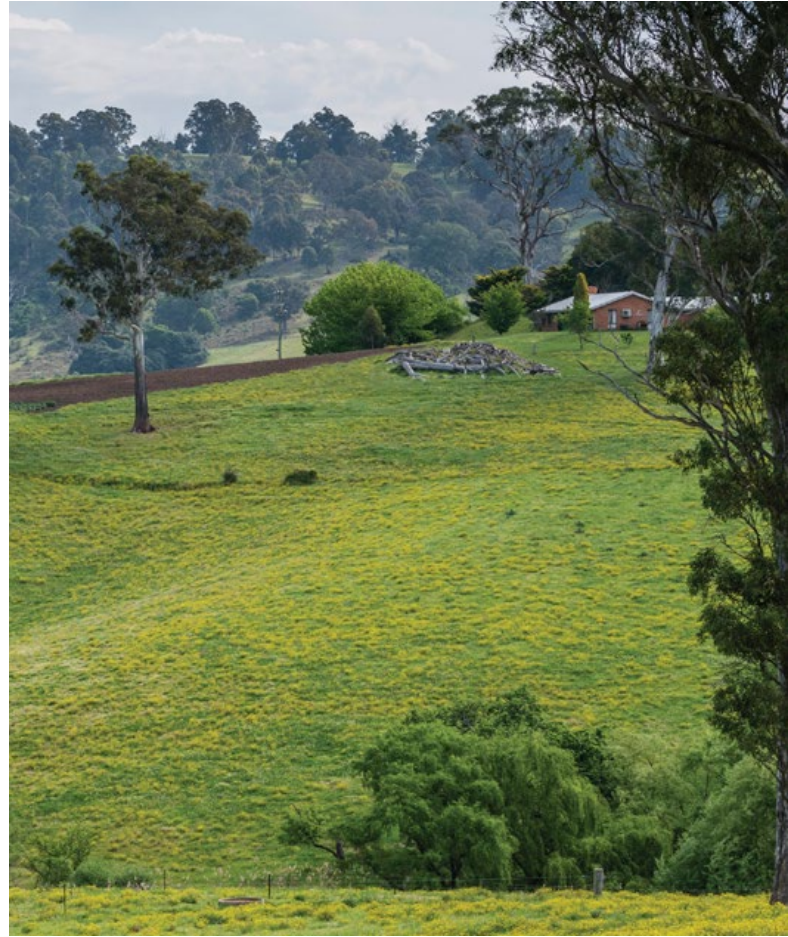
For exempt development, the removal or pruning must be carried out in accordance with the permit, approval or development consent. For complying development, the permit, approval or development consent must be obtained before a complying development certificate is issued and the permit, approval or development consent must be complied with.

## Other approvals for camping

You may need council approval under the *Local Government Act 1993* to install tents, caravans, manufactured homes or other moveable dwellings (on wheels or not).

You don't need approval to install up to 2 caravans, campervans or tents if they are not occupied for more than 2 consecutive days and more than 60 days in a 12-month period. You also don't need an approval if your council's local approval policy allows installation of tents, caravans and other moveable dwellings without one.

Your council can advise whether you need an approval. Visit the [NSW Planning Portal website](#) for more information about this approval.



## Day-to-day operations

You will have already looked at or developed several plans for your business. These and other operational matters should be pulled together into a single management plan that includes:

- measures to lessen negative environmental and amenity impacts
- measures to:
  - ensure only the approved number of visitors come to the site each day
  - manage pedestrian traffic
  - ensure visitors do not access restricted areas
- measures to protect human life and property during bush fires and floods, such as bush fire and flood safety plans
- procedures for closing the premises, such as when bush fire and flood warnings are in place, and notifying visitors about closures
- evacuation measures in the event of natural disasters, and access for emergency vehicles
- how to manage the business and water resources during drought
- how all vehicles will access and leave the premises
- procedures for receiving and managing complaints.

# 1.5 Business advice

If you're looking to start or expand an agritourism business on your farm, consider:

- the NSW Government's [business support services](#) including the Service NSW Business Concierge and Business Connect
- subscribing to Destination NSW's [NSW First Program](#), which helps visitor economy stakeholders develop, promote and sell their visitor experiences
- connecting with your [Destination Network](#), which works with visitor economy stakeholders to guide and support the sustainable management and development of the visitor economy in their assigned region

- the NSW Small Business Commission, which can help resolve common business issues and offers a cost-effective [mediation service](#) to help solve many types of disputes.

Another source of advice is to talk to farmers who are already operating agritourism businesses about their experiences and useful tips.

**Figure 3:** Matters to consider as you are planning an agritourism business.

## Location and design

- Am I in a sensitive area?
- What are the nearby uses?
- Does my design complement the farm and surrounding area?
- How do I ensure access?
- How do I manage traffic?

## Other approvals

- How do I manage waste?
- Do I need a private water supply?
- Do I comply with food safety and liquor requirements?
- What other approvals do I need?
- What insurance do I need?
- Where can I go for business advice?



## Planning approvals

- What development can I do in the land use zone?
- What approval pathway do I use?
- Do I have landowner's consent?
- Do I meet the development standards?

## Community

- Will odours or noise be generated?
- What signage will I use?
- Are there any hazards and risks?
- How do I manage biosecurity?

# 2

## Planning requirements by land use

This section gives the definitions and requirements for each type of agritourism development under the planning system. It also gives the development standards you must meet if you use the exempt development or complying development pathways.

For larger developments that go beyond these standards, talk to your council about lodging a development application.



# 2.1 Farm stay accommodation

Farm stay accommodation is a building or place on a commercial farm that is ancillary to the farm. It gives paying guests of the farm temporary accommodation, including in buildings or moveable dwellings.

The full definition is available in [the dictionary to Standard Instrument –Principal Local Environmental Plan 2006](#) and is replicated in the local environmental plan for your area.

## Farm stay accommodation location

For new buildings and alterations and additions to existing buildings or manufactured homes as complying development, the farm stay accommodation must be located on:

- the same lot as a lawfully erected dwelling house, or
- a lot that meets at least the minimum size permitted under the relevant local environmental plan.

This makes it easier for you to preserve farmland for farming activities.

This location requirement does not apply to the following types of ‘moveable dwellings’ under exempt development:

- tents
- glamping platforms
- caravans
- campervans and camper trailers.

The requirement may also apply to development applications under the local environmental plan that applies in your area.

## Exempt development

### Changing dwellings to farm stay accommodation

If you’re changing the use of:

- an existing house
- a secondary dwelling (granny flat)
- a rural workers dwelling
- another type of residential accommodation
- a manufactured home

to farm stay accommodation, this is exempt development. It does not require planning or building approval if the development meets the general requirements and development standards. You can also change the use of a farm stay accommodation back to the type of residential accommodation it was previously as exempt development.

Using your land for the above types of ‘moveable dwellings’ –or building platforms or decks for glamping or BBQ shelters –is also exempt development.

### Land-use zones

All these types of development can be done in the following zones:

- RU1 Primary Production
- RU2 Rural Landscape\*
- RU4 Primary Production Small Lots
- other zones where agriculture (excluding aquaculture), agritourism, extensive agriculture, intensive livestock agriculture or intensive plant agriculture is permitted with consent or without consent under a local environmental plan.

\*Land in the RU2 zone under the *Bathurst Regional Local Environmental Plan 2014* is excluded from exempt development under the [Codes SEPP](#).

## Development standards for using dwellings as farm stay accommodation

To change the use of residential accommodation or a manufactured home to farm stay accommodation as exempt development, you will need to meet the standards in Table 2.

**Table 2:** Development standards for farm stay accommodation under exempt development

Type of standard	Development standard
<b>Current use</b>	Building or manufactured home that was lawfully built or installed, with any development meeting the conditions of the most recent applicable development consent
<b>Number of buildings</b>	Maximum 6
<b>Number of guests</b>	<ul style="list-style-type: none"> <li>• Maximum 2 guests (not including guests under 12 years) for each building/ manufactured home without bedrooms, or</li> <li>• Maximum 2 guests (not including guests under 12 years) for each bedroom</li> </ul>
<b>Length of stay</b>	Maximum 21 consecutive days for each stay
<b>Building fire safety</b>	Buildings must comply with the <a href="#">Short-term Rental Accommodation Fire Safety Standard</a> and with any relevant requirements of the Building Code of Australia
<b>Bush fire and flooding safety</b>	<ul style="list-style-type: none"> <li>• Place an evacuation diagram in a prominent position on the site with: <ul style="list-style-type: none"> <li>– directions for the safe evacuation of people</li> <li>– contact details for emergency services, including for a bush fire, flood or other natural disaster</li> </ul> </li> <li>• The development must not be in a floodway area</li> <li>• For bush fire-prone land, a bush fire safety authority is required under the <i>Rural Fires Act 1997</i></li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
<b>Parking</b>	Car parking spaces must be on the property
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Waste must be disposed of using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> </ul>





Credit: Destination NSW

**Figure 4:** The conversion of a rural workers dwelling to farm stay accommodation.



## Changing farm stay accommodation back to residential accommodation

If you're using the exempt development pathway to change a farm stay accommodation building back to the residential accommodation it was previously, then the:

- previous use must have been residential accommodation and lawful
- change of use must be to the same type of residential accommodation as the previous use
- development must meet all conditions of consent for the most recent development consent that applies to the landholding.

## Development standards for camping, glamping and caravanning as farm stay accommodation

You will need to meet the standards in Table 3 to use land for camping, glamping and caravanning as farm stay accommodation under exempt development.

**Table 3: Development standards for camping as farm stay accommodation under exempt development**

Type of standard	Development standard
Landholding size	Minimum 15 ha
Number of moveable dwellings	Maximum 6 campervans, caravans or similar moveable dwellings, not including tents, annexes or similar portable and lightweight temporary shelters
Height	Maximum 4.5 m
Number of guests	Maximum 20 guests at any one time
Length of stay	Maximum 21 consecutive days for each stay
Communal amenities or facilities	Uses a maximum 25 m <sup>2</sup> of gross floor area in an existing building
Setbacks	<ul style="list-style-type: none"> <li>• Minimum 6 m from buildings and other structures on the property (except from tents and similar temporary shelters)</li> <li>• Minimum 50 m from property boundary or from waterways</li> <li>• Minimum 250 m from neighbouring dwelling</li> <li>• Minimum 250 m from property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, mines, extractive industries, rail lines, rural industries</li> </ul>
Bush fire and flooding safety	<ul style="list-style-type: none"> <li>• Place an evacuation diagram in a prominent position on the site with: <ul style="list-style-type: none"> <li>– directions for the safe evacuation of people</li> <li>– contact details for emergency services, including for a bush fire, flood or other natural disaster</li> </ul> </li> <li>• Development must not be in a floodway area</li> <li>• For bush fire-prone land, a bush fire safety authority is required under the <i>Rural Fires Act 1997</i></li> </ul>
Access to the premises	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Waste	<ul style="list-style-type: none"> <li>• Waste must be disposed of using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> <li>• If there are no toilet facilities on the landholding as part of communal amenities or facilities, each moveable dwelling must contain a human waste storage facility (toilet)</li> <li>• Human waste storage facilities must be emptied using a sewage reticulation system or a system approved by the council</li> </ul>
Other approvals	Approval of the council may be required. Refer to Other approvals for camping in Section 1.4 for more information.

Figure 5: Setbacks for camping as exempt development

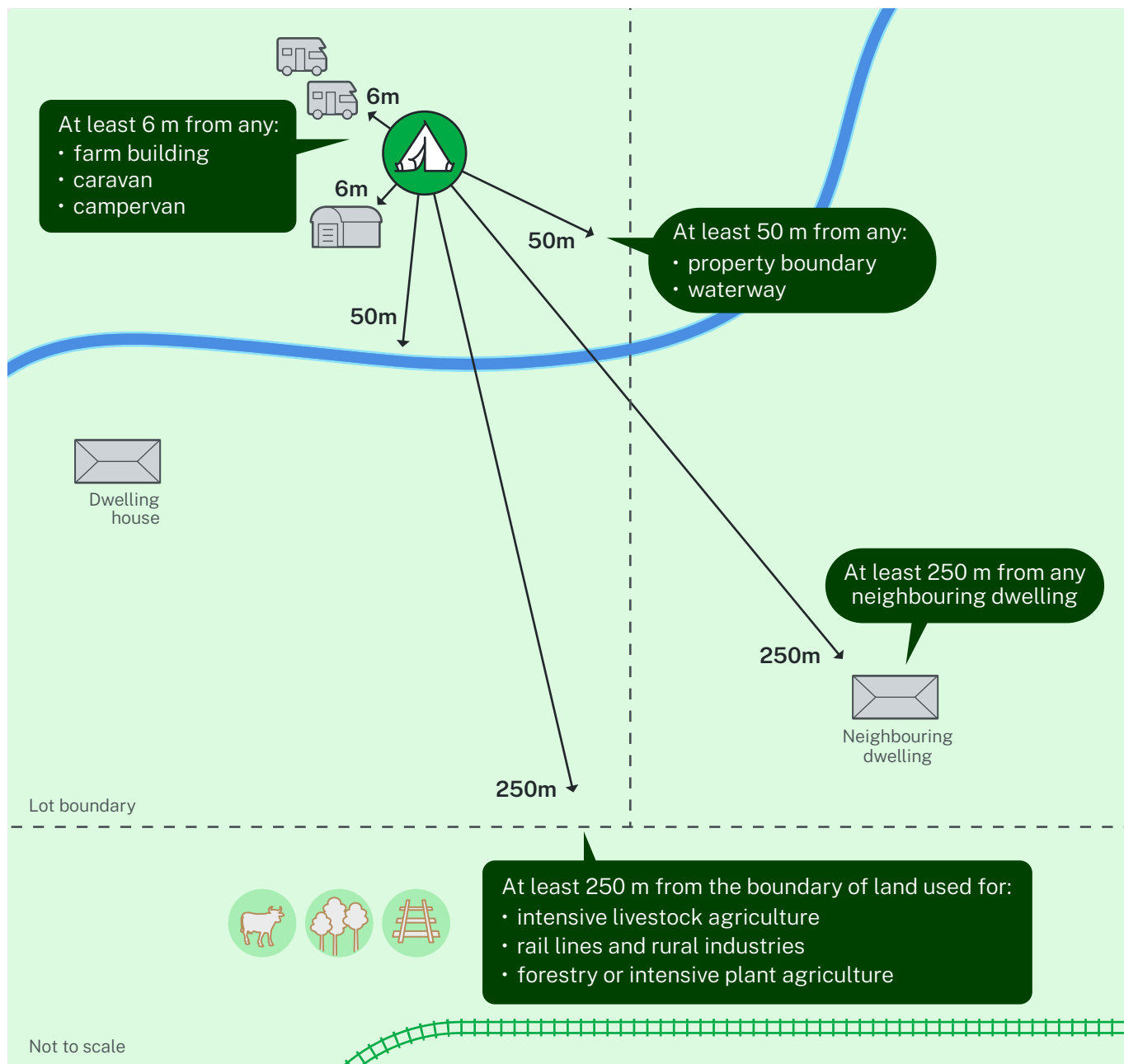


Diagram shows setbacks only, and not full extent of requirements for exempt development

## Development standards for building, installing or replacing a deck, slab or other platform

To construct, install or replace a deck, slab or other platform as exempt development, whether roofed or not:

- which will be used to prepare, cook or serve food in connection with farmstay accommodation, or
- on which a tent, caravan or campervan or a shelter for cooking or serving food is to be installed

you must meet the standards in Table 4.

## Other types of development possible under exempt development

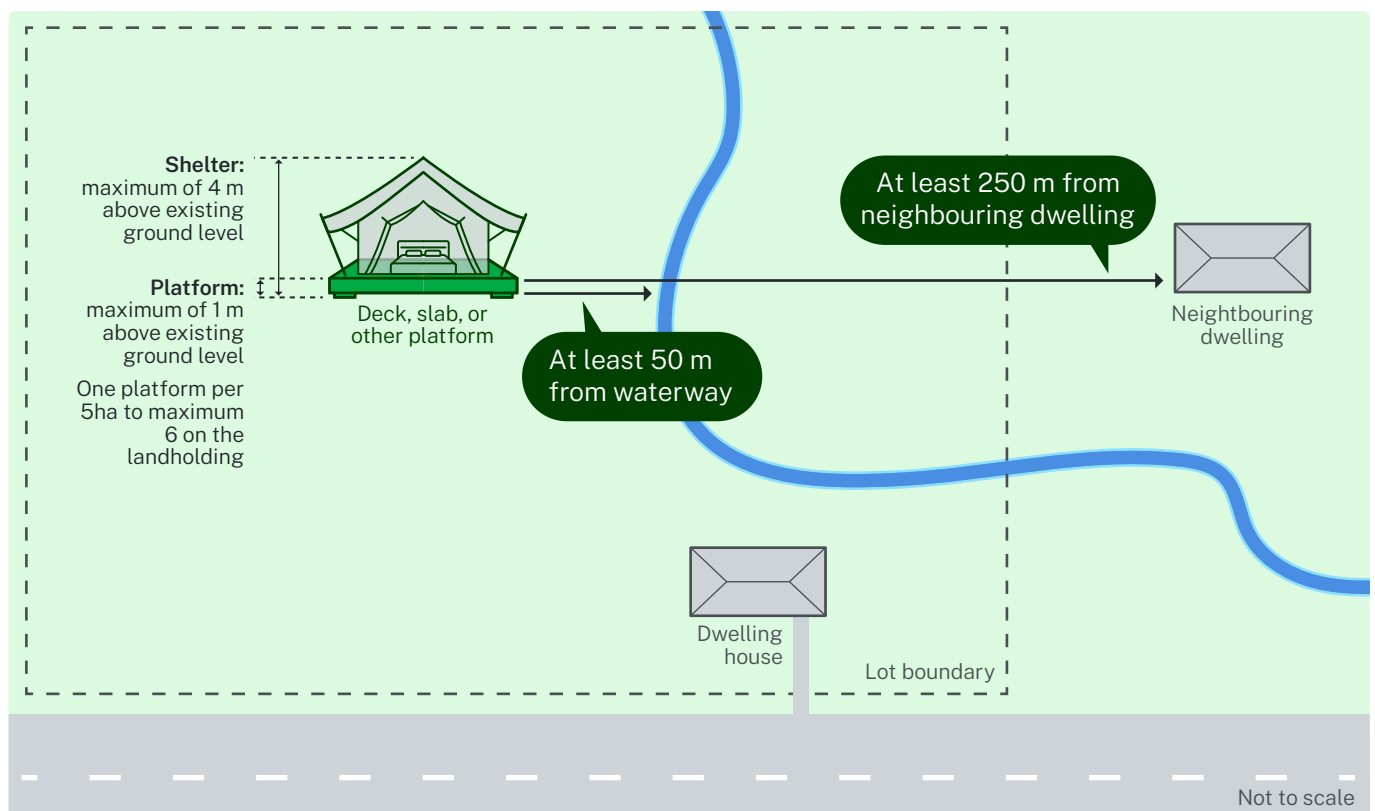
There are other types of development that can be done as exempt development. These can be used for farm stay accommodation if they meet the specified development standards. For example:

- [minor external building alterations](#)
- [minor internal building alterations](#)
- [constructing a pathway or paving](#)
- [constructing a driveway](#)
- erecting a sign (see Section 2.5 below).

**Table 4:** Development standards for decks, slabs or other platforms under exempt development

Type of standard	Development standard
<b>Number of platforms</b>	<ul style="list-style-type: none"> <li>• Maximum one platform for each 5 ha</li> <li>• Maximum 6 platforms for each landholding</li> </ul>
<b>Area</b>	Maximum 25 m <sup>2</sup> for each platform and for a shelter on the platform
<b>Height</b>	<ul style="list-style-type: none"> <li>• Maximum 1 m above the existing ground level for platform</li> <li>• Maximum 4 m above existing ground level for a shelter on the platform</li> </ul>
<b>Setback</b>	<ul style="list-style-type: none"> <li>• Minimum 50 m from property boundary or a waterway</li> <li>• Minimum 250 m from neighbouring dwellings</li> <li>• Minimum 250 m from property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, mines, extractive industries, rail lines, rural industries</li> </ul>

**Figure 6:** Some of the development standards for decks, slabs and other platforms as exempt development.



## Complying development

Under the complying development pathway, you can:

- change the use of an existing building that is not residential accommodation to farm stay accommodation
- change the use of the farm stay accommodation back to the previous use of the building
- construct a new building for farm stay accommodation
- modify, alter or extend an existing building or manufactured home for farm stay accommodation

if you meet the following requirements.

### Land-use zones

Farm stay accommodation can be done as complying development where 'farm stay accommodation' or 'tourist and visitor accommodation'\* is permitted with consent in the following zones:

- RU1 Primary Production
- RU2 Rural Landscape\*\*
- RU4 Primary Production Small Lots

\*Farm stay accommodation must not be specifically prohibited in the zone.

\*\*Land in the RU2 zone under the *Bathurst Regional Local Environmental Plan 2014* is excluded from complying development under the [Codes SEPP](#).

## Development standards for using an existing building as farm stay accommodation

You must meet the development standards in Table 5 to change the use of an existing building to farm stay accommodation as complying development.

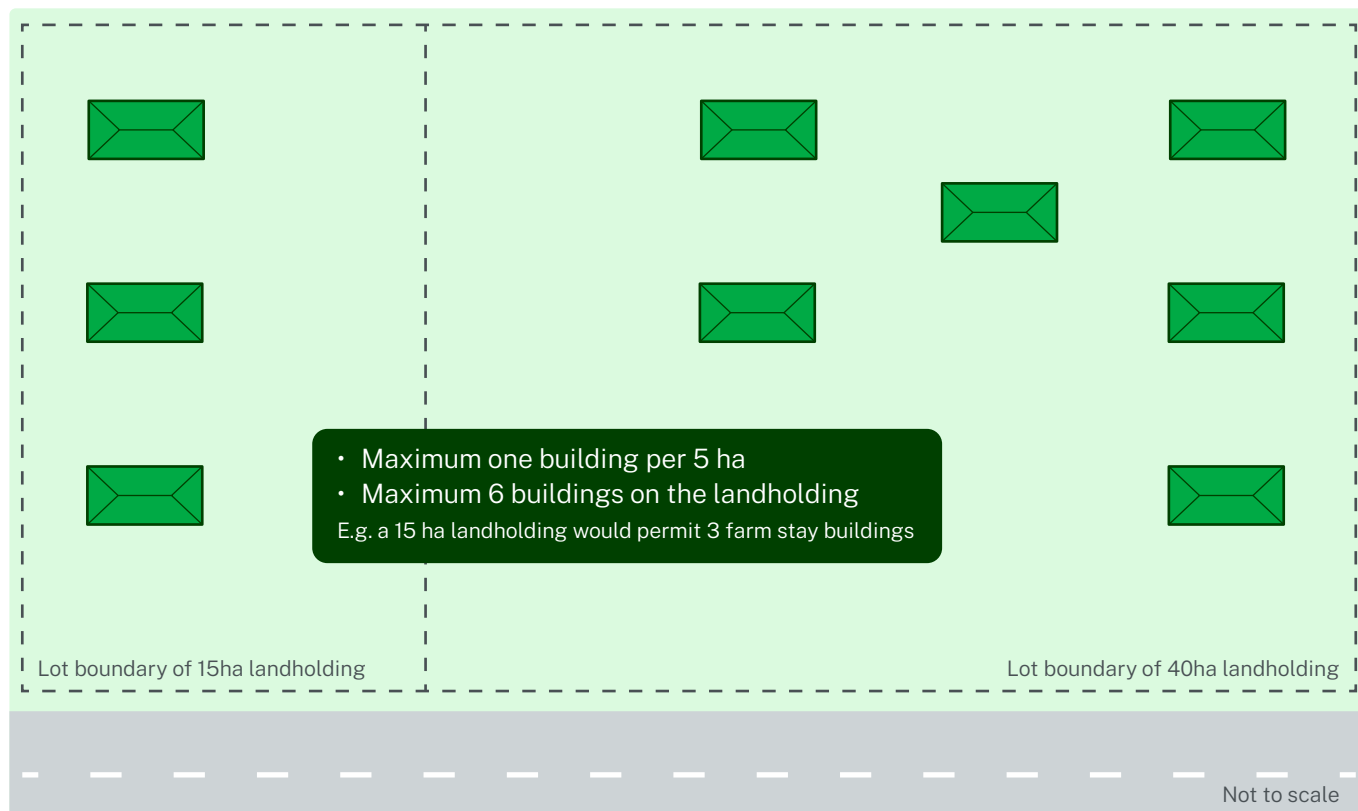
The existing building cannot be residential accommodation or a manufactured home, as this type of change of use is exempt development.

**Table 5:** Development standards for changing existing buildings to farm stay accommodation under complying development

Type of standard	Development standard
<b>Current use</b>	The current use of the building must be a lawful use and the development must meet all conditions of the most recent development consent that applies to the landholding
<b>Number of buildings</b>	<ul style="list-style-type: none"> <li>• Maximum one building for each 5 ha</li> <li>• Maximum 6 buildings on the landholding</li> </ul>
<b>Number of guests</b>	<ul style="list-style-type: none"> <li>• Maximum 2 guests over 12 years for each building or dwelling without bedrooms, or</li> <li>• Maximum 2 guests over 12 years for each bedroom</li> </ul>
<b>Length of stay</b>	Maximum 21 consecutive days for each stay
<b>Gross floor area</b>	Maximum 60 m <sup>2</sup> for the part of the building used for farm stay accommodation
<b>Bush fire safety</b>	Farm stay accommodation cannot be done on bush fire-prone land as complying development under the <i>Rural Fires Act 1997</i>
<b>Flood-prone land</b>	Development on a flood control lot must comply with the requirements in <a href="#">clause 9.2</a> of the Codes SEPP

Type of standard	Development standard
Setbacks	<ul style="list-style-type: none"> <li>• Minimum 250 m from neighbouring dwellings</li> <li>• Minimum 250 m from the property boundary of land used for intensive livestock agriculture, forestry, mines, extractive industries, rail lines, rural industries</li> </ul>
Access to the premises	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Waste	<ul style="list-style-type: none"> <li>• Waste must be disposed of using a sewage reticulation system, a system approved by the council or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> <li>• A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding or a system of sewage management for which the approval of the council has been obtained</li> </ul>
Development near Siding Spring Observatory	Development in the Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire local government areas must comply with <a href="#">clause 9.3</a> of the Codes SEPP for outside lighting
Development in the Hunter	Development cannot be carried out in areas identified on the <a href="#">Agritourism and Farm Stay Accommodation Exempt and Complying Development Land Map</a>

Figure 7: Maximum number of buildings on a landholding for farm stay accommodation.





Credit: Destination NSW

## Development standards for changing farm stay accommodation back to its previous use

If you're changing a farm stay accommodation building back to the previous use, you can use the complying development pathway. This pathway is for buildings other than buildings that were

previously residential accommodation. Exempt development can be used to change the use of farm stay accommodation back to residential accommodation (as explained above).

Table 6 summarises the development standards you must meet to change the use of a farm stay accommodation back to the previous lawful use of the building as complying development.

**Table 6:** Development standards for changing farm stay accommodation back to its previous use under complying development

Type of standard	Development standard
Previous use	The previous use must have been lawful and the development must meet all conditions of the most recent development consent that applies to the landholding
Bush fire safety	The development must not be development to which <a href="#">section 100B(1)</a> of the <i>Rural Fires Act 1997</i> applies
Development in the Hunter	The development cannot be carried out in areas identified on the <a href="#">Agritourism and Farm Stay Accommodation Exempt and Complying Development Land Map</a>
Access to the premises	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property

## Development standards for constructing a new building or modifying an existing one for farm stay accommodation

If you want to erect a new building or to alter or add to an existing building or manufactured home for farm stay accommodation as complying development, you must meet the standards in Table 7.

Table 7: Development standards for erecting a new building or adding to an existing building or manufactured home for farm stay accommodation under complying development

Type of standard	Development standard
Landholding size	Minimum 15 ha
Location	<ul style="list-style-type: none"> <li>On the same lot as your home or a lot that is at least the minimum lot size permitted under the relevant environmental planning instrument</li> <li>On land that is 20 m below a ridgeline of a hill, the highest point of a building or manufactured home within 100 m of a ridgeline must be at least 5 m below the ridgeline. Figure 8 illustrates this requirement.</li> </ul>
Building height	<ul style="list-style-type: none"> <li>Maximum 4.5 m for new buildings and for additions and alterations to an existing building or manufactured home. Figure 9 illustrates this requirement.</li> <li>Development must not increase the height of an existing building or manufactured home with a height of at least 4.5 m before the alterations or additions</li> </ul>
Gross floor area	<ul style="list-style-type: none"> <li>Maximum 60 m<sup>2</sup> for a new building or for part of an existing building or manufactured home</li> <li>Maximum 25 m<sup>2</sup> of a building or part of a building to provide communal amenities or facilities</li> </ul>
Number of buildings	<ul style="list-style-type: none"> <li>Maximum one building for each 5 ha</li> <li>Maximum 6 buildings on the landholding</li> </ul>
Number of guests	<ul style="list-style-type: none"> <li>Maximum 2 guests over 12 years for each building or dwelling without bedrooms, or</li> <li>Maximum 2 guests over 12 years for each bedroom</li> </ul>
Length of stay	Maximum 21 consecutive days for each stay
Land near an aerodrome or airport	Development on land within 2 km of an aerodrome or airport must comply with <a href="#">clause 9.13(c)</a> of the Codes SEPP
Setbacks	<ul style="list-style-type: none"> <li>Minimum 6 m (for new buildings and external alterations or additions to an existing building or manufactured home) from other buildings or moveable dwellings on the property</li> <li>Minimum 50 m (for new buildings and external alterations or additions to an existing building or manufactured home) from a property boundary</li> <li>Minimum 50 m (for new buildings and external alterations or additions to an existing building or manufactured home) from waterways</li> <li>Minimum 250 m from neighbouring dwellings</li> <li>Minimum 250 m from the property boundary from intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries</li> </ul>
Earth works	Associated earthworks, retaining walls or structural supports must comply with <a href="#">clause 3D.61</a> of the Codes SEPP
Bush fire safety	Farm stay accommodation cannot be done on bush fire-prone land as complying development under the <i>Rural Fires Act 1997</i>
Building fire safety	Buildings must comply with the relevant requirements of the <a href="#">Short-term Rental Accommodation Fire Safety Standard</a> and with the relevant requirements of the Building Code of Australia



Type of standard	Development standard
Flood-prone land	Development on a flood control lot must comply with <a href="#">clause 9.2</a> of the Codes SEPP
Access to the premises	<ul style="list-style-type: none"> <li>Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Waste	<ul style="list-style-type: none"> <li>Waste must be disposed of using a sewage reticulation system, a system approved by the council or at a waste or resource management facility</li> <li>Onsite waste disposal must not negatively affect adjoining land</li> <li>A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding or a system of sewage management for which the approval of the council has been obtained</li> </ul>
Development near Siding Spring Observatory	Development in the Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire local government areas must comply with <a href="#">clause 9.3</a> of the Codes SEPP for outside lighting
Development in the Hunter	Development cannot be carried out in areas identified on the <a href="#">Agritourism and Farm Stay Accommodation Exempt and Complying Development Land Map</a>

Figure 8: Location of a new building under complying development in relation to ridgelines.

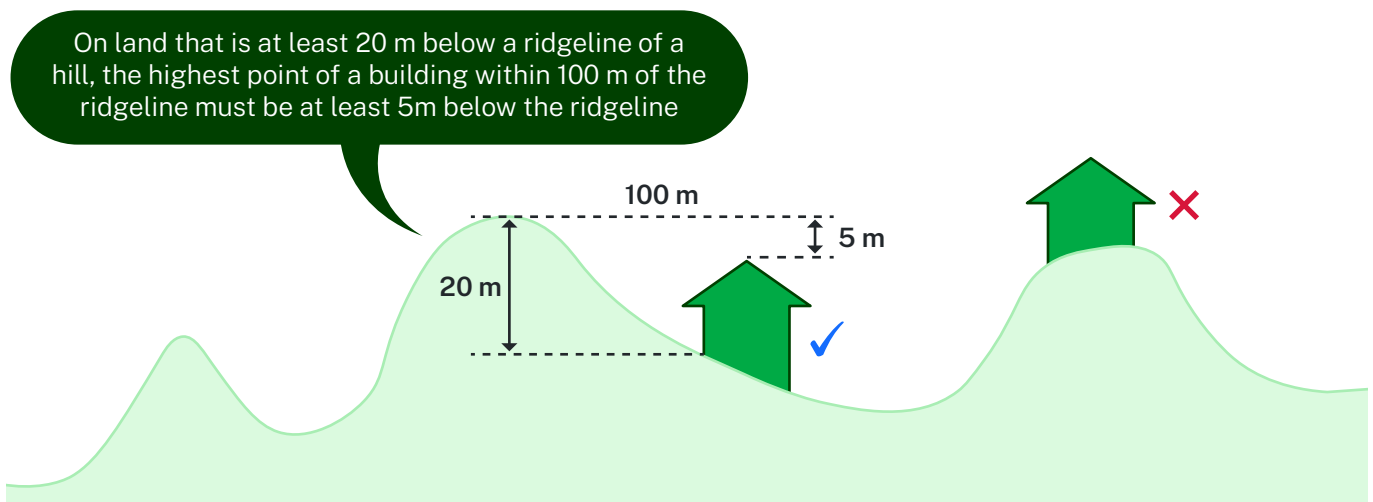
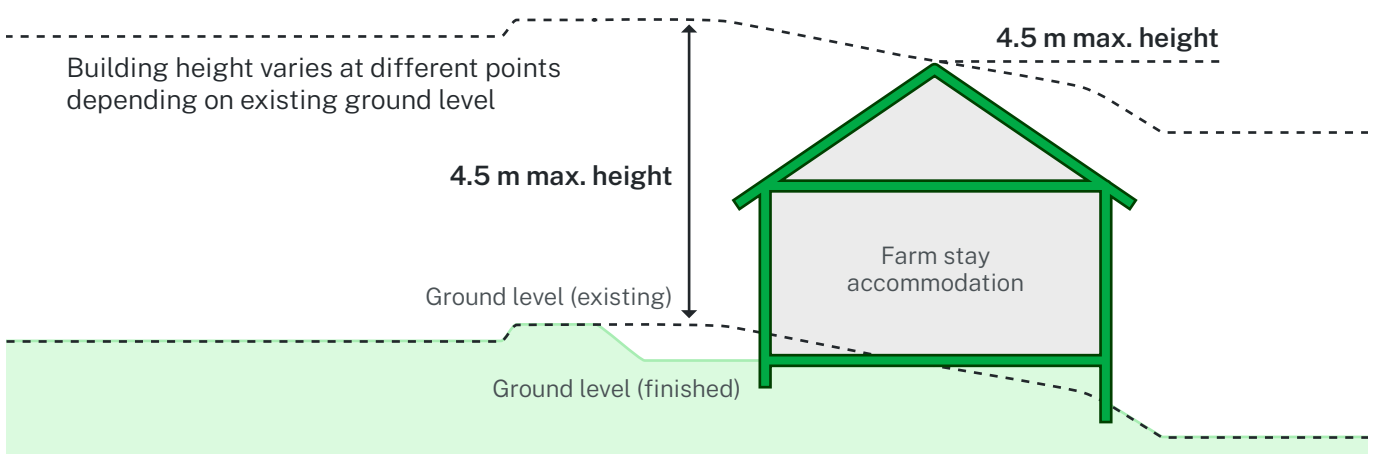


Figure 9: Maximum height of a new farm stay accommodation building.



## Example 1 – Change of use of an existing building

Minh wants to re-use his farm workers cottage on his commercial vineyard as farm stay accommodation during the off-season. The vineyard is zoned RU4. The cottage is 100 m<sup>2</sup>, self-contained and was lawfully approved under a development application.

He can re-purpose the building as farm stay accommodation for part of the year and revert the cottage back to a farm workers cottage under exempt development, so long as it meets the previously approved development consent conditions and the proposal complies with all the relevant development standards.



Credit: Smith & Tzannes

## Example 2 – Camping and caravans

Michelle's 4,000 ha sheep farm has a great location for caravans, campervans and tents in its north-eastern corner. This spot is 50 m from a creek, not on bush fire-prone land and well separated from her livestock. Michelle has provided a small BBQ area and covered seating.

While Michelle does not need development approval to allow up to 6 caravans and campervans on her farm (if she can comply with all the relevant development standards), she may need a section 68 approval under the *Local Government Act 1993* from her council to have more than 2 caravans on the land.



## Example 3 – Cabins

Lachlan owns a 500 ha goat farm that is zoned RU2. He would like to build cabins on the other side of the hill to his home. He can apply to build a maximum of 6 cabins for farm stay accommodation under complying development on a property of his size.



Credit: Destination NSW

# 2.2 Farm gate premises

The planning system defines farm gate premises as a building or place on a commercial farm that is ancillary to the farm. On a commercial basis, it provides visitors with products mostly from the farm, or with services or activities related to the products. The products can be supplemented by others from other farms in the region. This can include:

- processing, packaging and sale of the products, but not the processing of animals
- commercially preparing and serving food and drink to people for their enjoyment on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided
- tastings or workshops
- providing information or education related to the products.

The full definition is available in the [dictionary](#) to *Standard Instrument – Principal Local Environmental Plan 2006* and is replicated in the local environmental plan for your area.

## Cellar door premises

Farm gate premises includes cellar door premises, which are specifically defined as a building or place used to sell wine by retail that is on land with a commercial vineyard. Most of the wine on sale must be produced in a winery on that land or produced mostly from grapes grown in the surrounding area.

The full definition is available in the [dictionary](#) to *Standard Instrument – Principal Local Environmental Plan 2006* and is replicated in the local environmental plan for your area. You do not need to comply with the definition for farm gate premises but must comply with the definition for cellar door premises to seek approval for this land use.

Credit: Destination NSW



# Exempt development

## Development standards for using land or existing buildings for farm gate premises

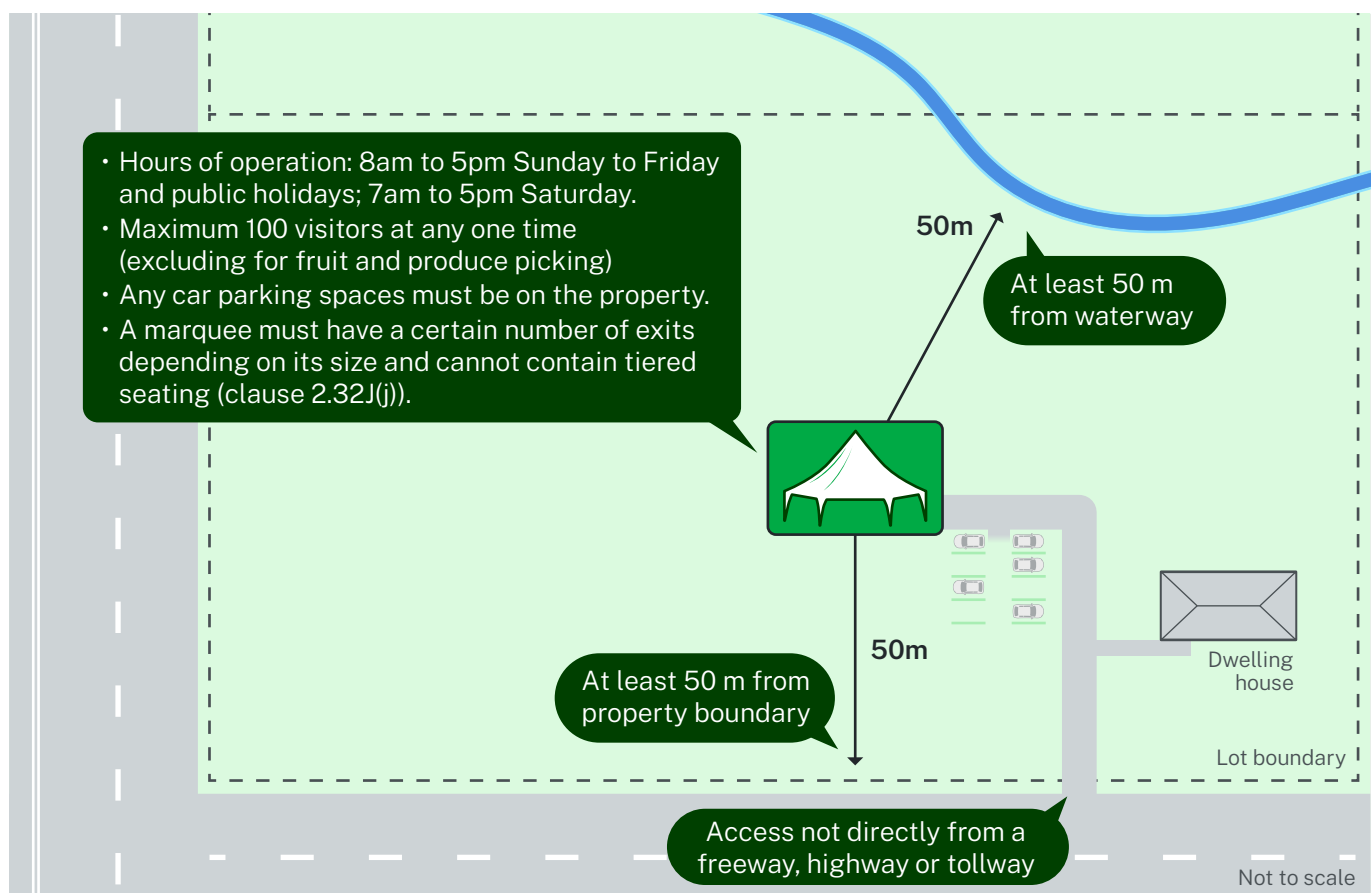
You can use your land or existing buildings and structures on the farm for farm gate premises under exempt development if you can meet the standards in Table 8.

Table 8: Development standards for farm gate premises under exempt development

Type of standard	Development standard
Where development is permitted	<p>Land zoned:</p> <ul style="list-style-type: none"> <li>• RU1 Primary Production</li> <li>• RU2 Rural Landscape*</li> <li>• RU4 Primary Production Small Lots</li> <li>• other zones where agriculture (except aquaculture), agritourism, extensive agriculture, intensive livestock agriculture or intensive plant agriculture is permitted with consent or without consent</li> </ul> <p>*Land in the RU2 zone under the <i>Bathurst Regional Local Environmental Plan 2014</i> is excluded from exempt development under the <a href="#">Codes SEPP</a>.</p>
Type of building	The new use must not change the existing classification of the building under the Building Code of Australia except between class 5 (office buildings for professional and/or commercial purposes) and class 6 (shops, restaurants and cafés)
Gross floor area	<ul style="list-style-type: none"> <li>• Maximum 200 m<sup>2</sup> of the gross floor area of an existing building</li> <li>• Maximum 500 m<sup>2</sup> for all buildings used for farm gate premises and farm experience premises</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>• Minimum 50 m from the property boundary (for buildings)</li> <li>• Minimum 50 m from waterways (for buildings)</li> <li>• Minimum 250 m from neighbouring dwellings</li> <li>• Minimum 250 m from the property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries, rural industries</li> </ul>
Hours of operation	<ul style="list-style-type: none"> <li>• 8 am to 5 pm Sunday to Friday and public holidays</li> <li>• 7 am to 5 pm Saturday</li> </ul>
Number of visitors	<ul style="list-style-type: none"> <li>• Maximum 100 visitors at one time (excluding for fruit and produce picking*)</li> <li>• Maximum 100 visitors at one time for all farm gate premises and farm experience premises (excluding for fruit and produce picking, tours, horse riding tours and school groups)</li> </ul> <p>*Fruit and produce picking is defined in the Codes SEPP to mean picking, gathering, selecting or otherwise harvesting fruit, vegetables and other agricultural products from the farm by a visitor, for purchase by the visitor.</p>
Temporary tents or marquees	Must comply with relevant clauses of the Codes SEPP – specified in clause <a href="#">2.32J(j)</a> .
Bush fire and flooding safety	<ul style="list-style-type: none"> <li>• Place an evacuation diagram in a prominent position on the site with: <ul style="list-style-type: none"> <li>– directions for the safe evacuation of people</li> <li>– contact details for emergency services, including for a bush fire, flood or other natural disaster</li> </ul> </li> <li>• The development must not be in a floodway area</li> </ul>

Type of standard	Development standard
Access to the premises	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Waste	<ul style="list-style-type: none"> <li>• Waste must be disposed of using a sewage reticulation system, a system approved by the council or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> <li>• A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding, or a system of sewage management for which the approval of the council has been obtained</li> </ul>

Figure 10: Some of the development standards for farm gate premises as exempt development.



## Other types of development possible under exempt development

Other types of development that can follow the exempt development pathway, if they meet the specified development standards, include:

- [selling food and drinks from a food truck, van or cart](#)
- [constructing or installing a gazebo](#)
- [erecting a shed](#)
- [constructing a pathway or paving](#)
- [constructing a driveway](#)
- erecting a sign (see Section 2.5 below).
- [minor external building alterations](#)
- [minor internal building alterations](#)

## Complying development

Under complying development, you can:

- change the use of an existing building to farm gate premises
- construct a new building for farm gate premises
- modify or extend an existing building for farm gate premises

if you meet the following requirements.

### Land-use zones

Complying development can occur where ‘farm gate premises’, ‘agritourism’ or ‘agriculture’ are permitted with consent in the following zones:

- RU1 Primary Production
- RU2 Rural Landscape\*
- RU4 Primary Production Small Lots

\*Land in the RU2 zone under the *Bathurst Regional Local Environmental Plan 2014* is excluded from complying development under the [Codes SEPP](#)

### Development standards for changing an existing building to farm gate premises

Table 9 summarises the development standards to change the use of an existing building to farm gate premises as complying development.

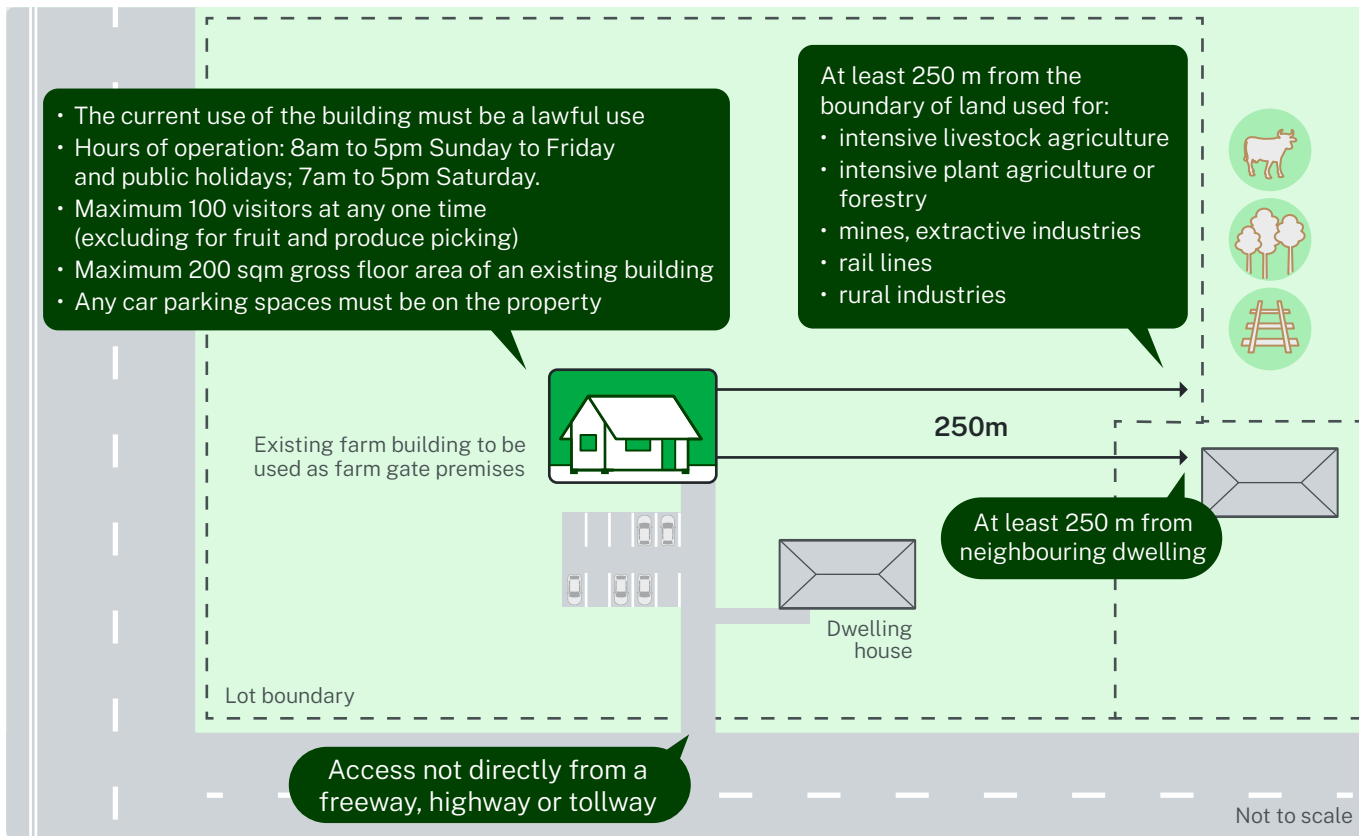
### Fire safety

If you are looking to re-use an existing building for an agritourism use, you may need to install more fire safety services—for example, smoke alarms and fire extinguishers. The council or registered certifier can advise you.

**Table 9:** Development standards for changing the use of an existing building to farm gate premises under complying development

Type of standard	Development standard
<b>Current use</b>	The current use of the building must be a lawful use
<b>Location</b>	On land that is at least 20 m below a ridgeline of a hill, the highest point of a building within 100 m of the ridgeline must be at least 5 m below the ridgeline
<b>Gross floor area</b>	<ul style="list-style-type: none"> <li>• Maximum 200 m<sup>2</sup> of the gross floor area of an existing building</li> <li>• Maximum 500 m<sup>2</sup> for all buildings used for farm gate premises and farm experience premises on the landholding</li> </ul>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>• Minimum 250 m from neighbouring dwellings</li> <li>• Minimum 250 m from the property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries, rural industries</li> </ul>
<b>Flood-prone land</b>	Development on a flood control lot must comply with <a href="#">clause 9.2</a> of the Codes SEPP
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>• 8 am to 5 pm Sunday to Friday and public holidays</li> <li>• 7 am to 5 pm Saturdays</li> </ul>
<b>Number of visitors</b>	<ul style="list-style-type: none"> <li>• Maximum 100 visitors at any one time (excluding for fruit and produce picking)</li> <li>• Maximum 100 visitors at any one time on the landholding for all farm gate premises and farm experience premises (excluding for fruit and produce picking, farm tours, horse riding tours and school groups)</li> </ul>
<b>Access to the premises</b>	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad’s <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
<b>Parking</b>	Car parking spaces must be on the property
<b>Development near Siding Spring Observatory</b>	Development in the Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire local government areas must comply with <a href="#">clause 9.3</a> of the Codes SEPP for outside lighting
<b>Waste</b>	<ul style="list-style-type: none"> <li>• Waste must be disposed of using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> <li>• A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding, or a system of sewage management for which the approval of the council has been obtained</li> </ul>

**Figure 11:** Some of the development standards for changing the use of an existing building to farm gate premises as complying development.



### Development standards for erecting a new building or changing an existing one for farm gate premises

Table 10 summarises the development standards you must meet to erect a new building, or to alter or add to an existing building, for farm gate premises as complying development.

**Table 10:** Development standards to erect a new building or alter one for farm gate premises under complying development

Type of standard	Development standard
<b>Current use</b>	The current use of the building must be a lawful use
<b>Location</b>	On land that is at least 20 m below a ridgeline of a hill, the highest point of a building within 100 m of the ridgeline must be at least 5 m below the ridgeline
<b>Building height</b>	<ul style="list-style-type: none"> <li>• For landholdings up to 10 ha: <ul style="list-style-type: none"> <li>– maximum 7 m for new buildings</li> <li>– maximum 7 m for additions and alterations to an existing building</li> <li>– an existing building of at least 7 m must not increase in height</li> </ul> </li> <li>• For landholdings greater than 10 ha: <ul style="list-style-type: none"> <li>– maximum 10 m for new buildings</li> <li>– maximum 10 m for additions and alterations to an existing building</li> <li>– an existing building of at least 10 m must not increase in height</li> </ul> </li> <li>• Exception – If the land is identified in an environmental planning instrument as ‘Land with scenic and landscape values’ or mapped as being in a ‘Scenic protection area’, the maximum height of a new or existing building is 7 m.</li> </ul>

Type of standard	Development standard
Gross floor area	<ul style="list-style-type: none"> <li>• Maximum 200 m<sup>2</sup> of the gross floor area of an existing building</li> <li>• Maximum 500 m<sup>2</sup> for all buildings used for farm gate premises and farm experience premises</li> </ul>
Setbacks	<ul style="list-style-type: none"> <li>• Minimum 6 m (for new buildings or external alterations or additions to an existing building) from other buildings on the property</li> <li>• Minimum 50 m (for new buildings or external alterations or additions to an existing building) from a property boundary</li> <li>• Minimum 50 m (for new buildings or external alterations or additions to an existing building) from waterways</li> <li>• Minimum 250 m from neighbouring dwellings</li> <li>• Minimum 250 m from the property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries, rural industries</li> </ul>
Flood-prone land	Development on a flood control lot must comply with the requirements in <a href="#">clause 9.2</a> of the Codes SEPP
Hours of operation	<ul style="list-style-type: none"> <li>• 8 am to 5 pm Sunday to Friday and public holidays</li> <li>• 7 am to 5 pm Saturdays</li> </ul>
Number of visitors	<ul style="list-style-type: none"> <li>• Maximum 100 visitors at any one time (excluding for fruit and produce picking)</li> <li>• Maximum 100 visitors at any one time on the landholding for all farm gate premises and farm experience premises (excluding for fruit and produce picking, tours, horse riding tours and school groups)</li> </ul>
Building works	Associated earthworks, retaining walls or structural supports must comply with <a href="#">clause 3D.61</a> of the Codes SEPP
Access to the premises	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Land near an aerodrome or airport	Development on land within 2 km of an aerodrome or airport must comply with <a href="#">clause 9.7(a)</a> of the Codes SEPP
Development near Siding Spring Observatory	Development in the Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire local government areas must comply with <a href="#">clause 9.3</a> of the Codes SEPP for outside lighting
Waste	<ul style="list-style-type: none"> <li>• Waste must be disposed using a sewage reticulation system, a system approved by the council or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> <li>• A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding, or a system of sewage management for which the approval of the council has been obtained</li> </ul>



### Example 1 – Produce sales

Dana has an apple orchard on land zoned RU2 that supplies wholesale fruit to supermarkets. She also sells a few buckets of apples from a small roadside cart. As business from the roadside stall has grown, Dana wants to open a shop in an old farm storage shed. After speaking to her council, Dana learns that as the shed is under 200 m<sup>2</sup>, she can apply to change the use of the shed to ‘farm gate premises’ through complying development.



### Example 2 – Hobby farm

Greg owns 15 ha of land zoned as rural, which has alpacas, horses and a petting zoo. As Greg’s farm is not a commercial one, he cannot set up an agritourism business. There may be other land uses available to him under the council’s local environmental plan.



Credit: Destination NSW

### Example 3 – New small restaurant

Chantel and Jamel would like to open a 200 m<sup>2</sup> restaurant serving food and wine sourced mostly from their farm and other farms in the surrounding valley. Their landholding is zoned RU4 under the council’s local environmental plan.

They expect around 150 visitors for lunch sittings and there is existing driveway directly off a highway. Some neighbours’ dwellings are less than 200 m from the proposed restaurant.

Chantel and Jamel would need to lodge a development application, as they cannot meet several development standards for exempt or complying development.



Credit: Destination NSW

# 2.3 Farm experience premises

The planning system defines farm experience premises as a building or place on a commercial farm that is ancillary to the farm that gives visitors small-scale and low-impact tourist or recreational activities on a commercial basis. It includes:

- horse riding
- farm tours
- functions and conferences
- farm field days.

Farm experience premises can also include:

- creative skills or cultural workshops
- events such as weddings
- yoga
- photography
- astronomy classes.

Motor sports are not included.

The full definition is available in the [dictionary to Standard Instrument – Principal Local Environmental Plan 2006](#) and is replicated in the local environmental plan for your area.

## Exempt development

Under exempt development, you can use your land or existing buildings and structures on the farm for farm experience premises.

### Development standards to use land or an existing building for farm experience premises

Table 11 summarises the development standards you must meet to use land, or an existing building, for farm experience premises as exempt development.



Credit: Destination NSW

**Table 11:** Development standards for using land or an existing building for farm experience premises under exempt development

Type of standard	Development standard
Where development is permitted	<p>Land zoned:</p> <ul style="list-style-type: none"> <li>• RU1 Primary Production</li> <li>• RU2 Rural Landscape*</li> <li>• RU4 Primary Production Small Lots</li> <li>• other zones where agriculture (except aquaculture), agritourism, extensive agriculture, intensive livestock agriculture or intensive plant agriculture is permitted with consent or without consent</li> </ul> <p>*Land in the RU2 zone under the <i>Bathurst Regional Local Environmental Plan 2014</i> is excluded from exempt development under the <a href="#">Codes SEPP</a>.</p>

Type of standard	Development standard
<b>Type of building</b>	<ul style="list-style-type: none"> <li>The development must not involve the erection of a new building</li> <li>The use must not change the existing classification of the building under the Building Code of Australia except between class 5 (office buildings for professional and/or commercial purposes) and class 6 (shops, restaurants and cafés)</li> </ul>
<b>Gross floor area</b>	<ul style="list-style-type: none"> <li>Maximum 200 m<sup>2</sup> of the gross floor area of an existing building</li> <li>Maximum 500 m<sup>2</sup> for all buildings used for farm gate premises and farm experience premises on the landholding</li> </ul>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>Minimum 50 m (for buildings) from a property boundary</li> <li>Minimum 50 m (for buildings) from waterways</li> <li>Minimum 250 m from neighbouring dwellings</li> <li>Minimum 1 km from residential accommodation or a building, including a stable, stock yard, or poultry shed, used to house animals on neighbouring land if there is amplified noise</li> <li>Minimum 250 m from the property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries, rural industries</li> </ul>
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>8 am to 6 pm Sunday to Thursday and public holidays</li> <li>8 am to midnight Friday and Saturday</li> <li>Maximum 4 days each year on Friday or Saturday after 6 pm if there is amplified noise</li> </ul>
<b>Number of visitors</b>	<ul style="list-style-type: none"> <li>Maximum 50 visitors at any one time on the landholding (excluding for farm tours, horse riding tours and school groups) for up to 52 days a year</li> <li>Maximum 100 visitors at any one time on the landholding for all farm gate premises and farm experience premises (excluding for fruit and produce picking, farm tours, horse riding tours and school groups)</li> </ul>
<b>Notice to neighbours</b>	At least one week's notice before the premises opens to visitors, including the location, date and opening hours
<b>Bush fire and flooding safety</b>	<ul style="list-style-type: none"> <li>Place an evacuation diagram in a prominent position on the site with: <ul style="list-style-type: none"> <li>directions for the safe evacuation of people</li> <li>contact details for emergency services, including for a bush fire, flood or other natural disaster</li> </ul> </li> <li>The development must not be in a floodway area</li> </ul>
<b>Temporary tents and marquees</b>	Tents and marquees must comply with relevant clauses of the Codes SEPP – specified in <a href="#">clause 2.32J(j)</a> .
<b>Access to the premises</b>	<ul style="list-style-type: none"> <li>Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
<b>Parking</b>	Car parking spaces must be on the property
<b>Waste</b>	<ul style="list-style-type: none"> <li>Waste must be disposed using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>Onsite waste disposal must not negatively affect adjoining land</li> <li>A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding or a system of sewage management for which the approval of the council has been obtained</li> </ul>

## Other types of development possible under exempt development

Other development that can follow the exempt development pathway, if they meet the specified development standards, include:

- [minor external building alterations](#)
- [minor internal building alterations](#)
- [constructing or installing a gazebo](#)
- [constructing a pathway or paving](#)
- [constructing a driveway](#)
- erecting a sign (see Section 2.5 below).

## Complying development

Using the complying development pathway, you can:

- change the use of an existing building to farm experience premises
- construct a new building for farm experience premises
- modify or extend an existing building for farm experience premises

if you meet the following requirements.

## Land-use zones

Complying development can only be done where 'farm experience premises', 'agritourism' or 'agriculture' are permitted with consent in the following land use zones:

- RU1 Primary Production
- RU2 Rural Landscape\*
- RU4 Primary Production Small Lots.

\*Land in the RU2 zone under the *Bathurst Regional Local Environmental Plan 2014* is excluded from complying development under the [Codes SEPP](#).

## Development standards to change the use of an existing building to farm experience premises

Table 12 summarises the development standards you must meet to change the use of an existing building to farm experience premises as complying development.

## Fire safety

If you are looking to re-use an existing building for an agritourism use, you may need to install more fire safety services- for example, smoke alarms and fire extinguishers. The council or registered certifier can advise you.

**Table 12:** Development standards to change an existing building to farm experience premises under complying development

Type of standard	Development standard
<b>Current use</b>	The current use of the building must be a lawful use
<b>Location</b>	On land that is at least 20 m below a ridgeline of a hill, the highest point of a building within 100 m of the ridgeline must be at least 5 m below the ridgeline
<b>Gross floor area</b>	<ul style="list-style-type: none"> <li>• Maximum 200 m<sup>2</sup> of the gross floor area of an existing building</li> <li>• Maximum 500 m<sup>2</sup> for all buildings used for farm gate premises and farm experience premises on the landholding</li> </ul>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>• Minimum 250 m from neighbouring dwelling</li> <li>• Minimum 1 km setback from residential accommodation or a building, including a stable, stock yard, or poultry shed, used to house animals on neighbouring land if there is amplified noise</li> <li>• Minimum 250 m from the property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries, rural industries</li> </ul>
<b>Flood-prone land</b>	Development on a flood control lot must comply with <a href="#">clause 9.2</a> of the Codes SEPP
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>• 8 am to 6 pm Sunday to Thursday and public holidays</li> <li>• 8 am to midnight Friday and Saturday</li> <li>• Maximum 4 days each year on Friday or Saturday after 6 pm if there is amplified noise</li> </ul>

Type of standard	Development standard
Number of visitors	<ul style="list-style-type: none"> <li>• Maximum 50 visitors at any one time on the landholding (excluding for farm tours, horse riding tours and school groups) for up to 52 days a year</li> <li>• Maximum 100 visitors at any one time on the landholding for all farm gate premises and farm experience premises (excluding for fruit and produce picking, farm tours, horse riding tours and school groups)</li> </ul>
Notice to neighbours	At least one week's notice before the premises opens to visitors, including the location, date and opening hours
Access to the premises	<ul style="list-style-type: none"> <li>• Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Development near Siding Spring Observatory	Development in the Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire local government areas must comply with <a href="#">clause 9.3</a> of the Codes SEPP for outside lighting
Waste	<ul style="list-style-type: none"> <li>• Waste must be disposed using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> <li>• A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding, or a system of sewage management for which the approval of the council has been obtained</li> </ul>



## Development standards to construct a new building, or modify or extend an existing building

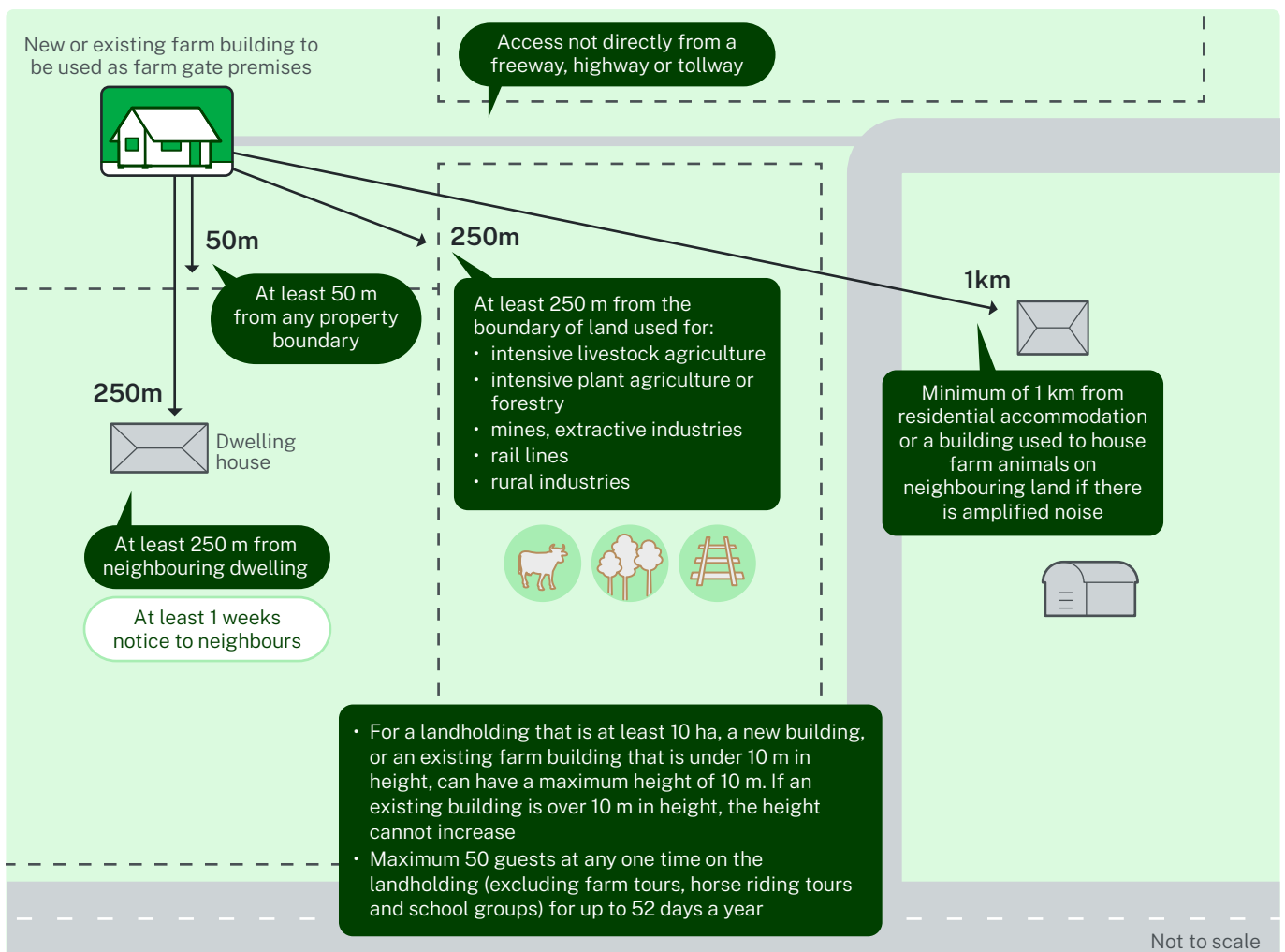
Table 13 summarises the development standards that you must meet to construct a new building, or modify or extend an existing building, for farm experience premises under complying development.

**Table 13:** Development standards to construct a new building or modify an existing one for farm experience premises under complying development

Type of standard	Development standard
<b>Current use</b>	The current use of the building must be a lawful use
<b>Location</b>	On land that is at least 20 m below a ridgeline of a hill, the highest point of a building within 100 m of the ridgeline must be at least 5 m below the ridgeline
<b>Building height</b>	<p>For landholdings up to 10 ha:</p> <ul style="list-style-type: none"> <li>• maximum 7 m for new buildings</li> <li>• maximum 7 m for additions and alterations to an existing building</li> <li>• an existing building of at least 7 m in height must not increase</li> </ul> <p>For landholdings greater than 10 ha:</p> <ul style="list-style-type: none"> <li>• maximum 10 m for new buildings</li> <li>• maximum 10 m for additions and alterations to an existing building</li> <li>• an existing building of at least 10 m in height must not increase</li> </ul> <p>Exception – If the land is identified in an environmental planning instrument as ‘Land with scenic and landscape values’ or mapped as being in a ‘Scenic protection area’, the maximum height of a new building or an existing one that is altered or added to is 7 m</p>
<b>Gross floor area</b>	<ul style="list-style-type: none"> <li>• Maximum 200 m<sup>2</sup> of the gross floor area of an existing building</li> <li>• Maximum 500 m<sup>2</sup> for all buildings used for farm gate premises and farm experience premises on the landholding</li> </ul>
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>• Minimum 6 m (for new buildings or external alterations or additions to an existing building) from other structures on the property</li> <li>• Minimum 50 m (for new buildings or external alterations or additions to an existing building) from a property boundary</li> <li>• Minimum 50 m (for new buildings or external alterations or additions to an existing building) from waterways</li> <li>• Minimum 250 m from neighbouring dwellings</li> <li>• Minimum 1 km setback from residential accommodation or a building, including a stable, stock yard, or poultry shed, used to house animals on neighbouring land if there is amplified noise</li> <li>• Minimum 250 m from the property boundary of land used for intensive plant agriculture, intensive livestock agriculture, forestry, rail lines, mines, extractive industries, rural industries</li> </ul>
<b>Flood-prone land</b>	Development on a flood control lot must comply with <a href="#">clause 9.2</a> of the Codes SEPP
<b>Hours of operation</b>	<ul style="list-style-type: none"> <li>• 8 am to 6 pm Sunday to Thursday and public holidays</li> <li>• 8 am to midnight Friday and Saturday</li> <li>• Maximum 4 days per year on Friday or Saturday after 6 pm if there is amplified noise</li> </ul>
<b>Number of visitors</b>	<ul style="list-style-type: none"> <li>• Maximum 50 guests at any one time on the landholding (excluding for farm tours, horse riding tours and school groups) for up to 52 days a year</li> <li>• Maximum 100 visitors at any one time on the landholding for all farm gate premises and farm experience premises (excluding for fruit and produce picking, farm tours, horse riding tours and school groups)</li> </ul>

Type of standard	Development standard
Notice to neighbours	At least one week's notice before the premises opens to visitors, including the location, date and opening hours.
Building works	Associated earthworks, retaining walls or structural supports must comply with <a href="#">clause 3D.61</a> of the Codes SEPP
Access to the premises	<ul style="list-style-type: none"> <li>Access for cars or people must not be directly from a freeway, highway or tollway</li> <li>Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	Car parking spaces must be on the property
Land near an aerodrome or airport	Development on land within 2 km of an aerodrome or airport must comply with <a href="#">clause 9.7(a)</a> of the Codes SEPP
Development near Siding Spring Observatory	Development carried out in the Coonamble, Dubbo Regional, Gilgandra or Warrumbungle Shire local government areas must comply with <a href="#">clause 9.3</a> of the Codes SEPP for outside lighting
Waste	<ul style="list-style-type: none"> <li>Waste must be disposed using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>Onsite waste disposal must not negatively affect adjoining land</li> <li>A human waste storage facility on the landholding must be emptied using a sewage reticulation system connected to the landholding, or a system of sewage management for which the approval of the council has been obtained</li> </ul>

**Figure 12:** Some of the development standards for constructing a new building or altering or adding to an existing building for farm experience premises as complying development.



## Example 1 – Workshops

Sandy's farm sits within picturesque rolling hills where she grows canola for oil production. Sandy wants to hold workshops on landscape photography in an outbuilding on her property during the day and workshops on astronomical photography in the evenings. As Sandy's farmland is zoned RU2 and is a primary production business under the *Income Tax Assessment Act 1997* (Cth), she can apply for a complying development certificate to host these sessions as 'farm experience premises'.



## Example 2 – Cow milking and guided tours

Raj owns a 400 ha dairy farm which is zoned RU1. He would like to run guided tours of his property and invite groups of about 30 people to experience milking the cows. Raj could do these activities as farm experience premises under exempt development if he complies with the development standards and general requirements.



## Example 3 – Hosting weddings

José wants to host weddings for up to 50 guests on his 200 ha vineyard that is zoned RU4. The proposal would involve building a deck 0.3 m high and 25 m<sup>2</sup> in an existing clearing, more than 250 m away from the nearest property boundary. There is no residential accommodation within a 1-km radius, and he does not propose to permit amplified music. If José complies with relevant development standards and general requirements, he could carry out his proposal as exempt development.

Over time, José's agritourism business has done well and he would now like to convert an existing 150 m<sup>2</sup> farm storage shed to host weddings. Changing the use of the farm building could be done as complying development if José complies with all relevant development standards.



All images this page: Destination NSW



## 2.4 Roadside stalls

The planning system defines a roadside stall as a place or temporary structure used to sell agricultural produce and/or hand-crafted goods produced from the property or an adjacent property. The erection or installation of a roadside stall is exempt development if you meet the development standards summarised in Table 14.

If you cannot meet the development standards for exempt development, you can lodge a development application with the local council. Clause 5.4(8) of the local environmental plan for your area specifies the floor area for roadside stalls under a development application. There may be other requirements for roadside stalls in the council's development control plan.

### Example – Sales from small cart

Daphne runs a commercial flower and culinary herb farm on land zoned RU4. She wants to sell a range of fresh and dried flowers and herbs to passing traffic from a small cart on the side of the entrance driveway, just inside her property boundary.

Daphne could begin her proposed agritourism venture as exempt development if she can comply with the relevant development standards and general requirements.

Credit: Destination NSW



Table 14: Development standards for roadside stalls under exempt development

Type of standard	Development standard
Where development is permitted	<ul style="list-style-type: none"> <li>• Land zoned:               <ul style="list-style-type: none"> <li>– RU1 Primary Production</li> <li>– RU2 Rural Landscape*</li> <li>– RU4 Primary Production Small Lots</li> </ul> </li> <li>• Development is not permitted adjacent to a freeway, highway or tollway</li> </ul> <p>*Land in the RU2 zone under the <i>Bathurst Regional Local Environmental Plan 2014</i> is excluded from exempt development under the <a href="#">Codes SEPP</a></p>
Number of stalls	One roadside stall on a privately owned landholding
Gross floor area	Maximum 9 m <sup>2</sup>
Bush fire and flooding safety	<ul style="list-style-type: none"> <li>• Minimum 6 m separation from residential accommodation on bush fire-prone land</li> <li>• Place an evacuation diagram in a prominent position on the site with:               <ul style="list-style-type: none"> <li>– directions for the safe evacuation of people</li> <li>– contact details for emergency services, including for a bush fire, flood or other natural disaster.</li> </ul> </li> <li>• The development must not be in a floodway area</li> </ul>
Access to the premises	<ul style="list-style-type: none"> <li>• Any driveway or other vehicle access point to a public road must have a clear sight distance for vehicles leaving the premises of at least 300 m or comply with Table 5.5 of Austroad's <a href="#">Guide to Road Design Part 3 Geometric Design</a></li> <li>• Vehicles must be able to enter and exit the property in a forward direction</li> </ul>
Parking	<p>Onsite parking must be within the property boundary. It may be on a road verge if:</p> <ul style="list-style-type: none"> <li>• the verge has a maximum average gradient 1:20</li> <li>• there is no vegetation</li> <li>• the parking spaces are at least 3 m from the road</li> <li>• the verge is adjacent to a road with a maximum speed limit of 60 km/hr</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• Waste must be disposed using a sewage reticulation system, a system approved by the council, or at a waste or resource management facility</li> <li>• Onsite waste disposal must not negatively affect adjoining land</li> </ul>

Other types of development listed in [Part 2](#) of the Codes SEPP could also be used for agritourism—for example, erecting a marquee for a roadside stall.

# 2.5 Signage

You can build or install a sign that identifies farm stay accommodation, farm experience premises, farm gate premises and/or roadside stalls as exempt development if:

- there are no more than 2 signs facing the road and no more than one illuminated sign
- the sign is on the same landholding as the business and not attached to a heritage building
- the sign is no more than 2 m above the ground level and no bigger than 2 m<sup>2</sup>
- the sign accords with the Australian Standards:
  - AS/NZS 1170.0: 2002, Structural design actions, Part 0: General principles
  - AS/NZS 1170.2: 2021, Structural design actions, Part 2: Wind actions.

## Illuminated signs

Any illuminated sign must conceal or integrate its means of illumination within its frame. It cannot be animated, flashing or moving and must comply with AS/NZS 4282:2019, Control of the obtrusive effects of outdoor lighting.

If the sign is for a roadside stall, it can only be illuminated during opening hours.

For other agritourism types, it can only be illuminated between 7 am and 10 pm each day.



Credit: Destination NSW

## 2.6 Multiple agritourism activities

You can operate more than one agritourism activity on your farm, such as a cellar door premises and farm stay accommodation.

To do so as exempt or complying development, you must comply with the development standards that apply to both types of activities.

Some development standards for exempt and complying development apply to multiple types of development. For example, the number of visitors to all farm gate premises and farm experience premises is capped at 100 visitors on the landholding at any one time (excluding for fruit and produce picking, farm tours, horse riding tours and school groups).

If you can't comply with these standards, you could lodge a development application for both types of development with the council.

Credit: Destination NSW



# Activities and their planning terms

**Table 15:** Activities covered by this guide and their planning system terms

Activity	Planning system term
Camping	Farm stay accommodation
Caravanning	Farm stay accommodation
Cellar door premises	Farm gate premises
Conferences	Farm experience premises
Dining	Farm gate premises
Education (about farm products)	Farm gate premises
Events	Farm experience premises
Farm field days	Farm experience premises
Farm stays	Farm stay accommodation
Functions	Farm experience premises
Horse riding	Farm experience premises
Interest classes	Farm experience premises
Pick-your-own produce	Farm gate premises
Retail	Farm gate premises
Roadside stalls	Retail premises
School visits	Farm experience premises
Tastings	Farm gate premises
Tours	Farm experience premises

# Agritourism checklist

## Consider

- Location
- Design
- Access
- Traffic
- Signage
- Neighbouring land uses
- Odour and noise
- Biosecurity
- Hazards and risks
- Business advice

## Meet planning requirements

- Commercial farm
- Ancillary use of the farm
- Land-use zones
- Excluded land
- Landowner's consent
- Development standards
- Obtain relevant planning and building approvals
- Conditions of approval
- Requirements by land use:
  - Farm stay accommodation
  - Farm gate premises
  - Farm experience premises
  - Roadside stalls
  - Signage
  - Multiple agritourism activities

## Seek other approvals

- Bush fire safety
- Waste management
- Private water supply
- Utility connections
- Food safety
- Liquor licence
- Insurance
- Driveways – new and upgraded
- Wildlife and habitats
- Trees and vegetation
- Camping

## Planning and Environment

Postal address:  
Department of Planning  
and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Street address:  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

