

Issue

NSW Farmers' Association believes that Government land use planning decisions must involve genuine and effective consultation while adequately taking into account the impact on the environment, surrounding dwellers and the future earning capacity of farmers. Farmers and Government need to better manage this issue as subdivision, rural residential development and the intensification of agriculture will increase land use conflict over time.

Background

- The key debate among farmers regarding agricultural land use conflict has several fronts;
 1. Many farmers wish to retain the ability to subdivide their agricultural land to provide a potential income source if required. Drought, declining agricultural terms of trade and rising land prices have provided an added incentive in this regard.
 2. Other farmers conversely believe that agricultural land should not be unduly fragmented by subdivision as this reduces the amount of productive land available for agriculture, increases the potential for land use conflict while increasing the price of agricultural land making it more difficult for farmers to gain economies of scale.
- In general, farmers universally believe that their businesses and on-farm activities are becoming increasingly impacted by Government regulation including vexatious and other complaints from neighbours as a result of poor Local Government land use planning decisions. While previously, land use conflict was most prevalent in the Sydney basin, it is now occurring throughout NSW.
- Planning legislation in NSW is governed by the *Environmental Planning and Assessment Act 1979*. This Act sets out the state, regional and local environmental plans to guide planning and development decisions. Planning in agricultural regions is generally covered by Local Environmental Plans (LEP) within which Local Councils use zoning and development regulations to control how land is used.
- Poor Local Government decisions relating to subdivisions/ housing developments are frequently made on adjacent land to farming enterprises causing avoidable costs to Local Council and farmers. Further, some Council's are using LEP's and/ or Development Control Plans to deter particular farming development occurring in their region under the guise of preventing land use conflict.
- The State Government has recently developed a Standardised LEP in which all NSW Local Government's must use as a template to amend their LEP's within the next 2-5 years. The Standardised LEP aims to impose a common set of provisions, zones and definitions across all NSW LEP's but will provide flexibility for Local Governments to determine for example minimum lot sizes. The draft document had serious negative implications for farmers through restrictions on land use and the prohibition or imposition of development consent requirements for undertaking previously considered routine agricultural development activity. It also included native vegetation type provisions which would have also reduced the productive potential and market value of agricultural land particularly given that Councils can impose stronger LEP provisions than the Native Vegetation Act.
- Association lobbying has removed much of these negative agricultural provisions. However Local Governments should now be the focus to ensure that LEP's best meet farmers' requirements.

What the Association is seeking

- Sensible land use planning instruments which prevent land use conflict whilst preserving farmers right to undertake routine agricultural development activities. This can be achieved through extensive and genuine consultation among stakeholders.
- Mandatory S149 certificate clauses issued to prospective buyers of adjoining land which state warnings about the possible impacts of agricultural enterprises.
- The implementation of positive planning tools such as;
 - a. Reciprocal rights obligations ie where buffer zones that apply to new agricultural developments are also applied to new residential developments thereby preventing land use conflict.
 - b. Transferable development rights, ie where development rights are transferred from low density areas to high density areas.
- The formation of community consultation groups prior to the public release of LEP's to ensure that extensive and genuine consultation among stakeholders occurs.