



AGRITOURISM

Background

Agritourism is a form of tourism that connects people to produce or experiences on a farm. The NSW State Government introduced reforms in December 2022 that allow small-scale agritourism activities to occur on commercial farms without planning approval (exempt development) or through a fast-tracked approval process (complying development). These activities include:

- **Farm gate premises** – which involves visitors interacting with produce from a farm, including through fruit picking, sales, tastings, workshops and cafes/restaurants
- **Farm experience premises** – which involves visitors engaging in farm experiences, such as tours, horse riding, weddings, functions, retreats and other events
- **Farm stay accommodation** – used to provide temporary accommodation to paying guests on the farm in buildings or moveable dwellings
- **Roadside stalls** – a temporary structure for the retail sale of agricultural produce and/or hand-crafted goods



Council's planning controls

Council's Local Environmental Plan (LEP) has been updated so that agritourism is now permissible with consent in the RU1 Primary Production and RU2 Rural Landscape zones. This means that where a proposal does not meet the criteria for exempt or complying development, applicants can lodge a development application (DA) with Council instead.

Council has created a Rural and Nature-Based Tourism DCP chapter that provides controls to help guide agritourism use in the local area, so that commercial farms have increased flexibility to pursue agritourism opportunities while ensuring that rural amenity is protected. The controls include setting the allowable number of farm stay accommodation structures, the number of people allowed at farm experience and farm gate premises, hour of operation restrictions, and the number of events that can be held each year.

The DCP contains several additional controls that relate to location and siting; vegetation and landscaping; sewage, water and waste; traffic, access and parking; and hazards. The full DCP chapter is available to view on Council's website at:

www.lismore.nsw.gov.au/Building-planning/Strategic-planning/Our-LEPs-and-DCPs#section-2

COMPARISON OF KEY CONTROLS

Use	Exempt Development	Complying Development	Development Application
Farm stay accommodation	<p>Up to 20 guests in tents, caravans and campervans</p> <p>Can use up to 60m² of an existing residential accommodation or manufactured home</p> <p>Minimum landholding of 15ha</p> <p>21-day stay limit</p>	<p>Up to 20 guests in max 6 buildings (only 1 per 5ha)</p> <p>Max 60m² gross floor area (GFA) for new buildings</p> <p>Minimum landholding of 15ha</p> <p>21-day stay limit</p>	<p>Up to 6 buildings (only 1 per 5ha) with max two bedrooms in each</p> <p>Max 60m² GFA, and max 15m² external floor area</p> <p>Guest can only stay up to 90 days per year</p>
Farm gate premises	<p>100 visitors, unless for fruit and produce picking</p> <p>8am-5pm Sunday-Friday and public holidays 7am-5pm Saturday</p> <p>Use up to 200m² of an existing building</p>	<p>100 visitors, unless for fruit and produce picking</p> <p>8am-5pm Sunday-Friday and public holidays 7am-5pm Saturday</p> <p>Up to 200m² for each building, with a combined max of 500m² for all farm gate premises and farm experience premises.</p>	<p>100 visitors</p> <p>8am-6pm Sunday and public holidays 7am-6pm Monday-Saturday</p> <p>Up to 300m² for each building</p>
Farm experience premises	<p>50 visitors (excluding school visits, farm tours and horse riding), with total of 100 visitors for all farm gate premises and farm experience premises</p> <p>Max 52 days per year – only four events with amplified sound after 6pm</p> <p>8am-6pm Sunday-Thursday and public holidays 8am-midnight Friday-Saturday</p> <p>Up to 200m² of an existing building</p>	<p>50 visitors (excluding school visits, farm tours and horse riding), with total of 100 visitors for all farm gate premises and farm experience premises</p> <p>Max 52 days per year – only four events with amplified sound after 6pm</p> <p>8am-6pm Sunday-Thursday and public holidays 8am-midnight Friday-Saturday</p> <p>Up to 200m² for each building, with a combined max of 500m² for all farm gate premises and farm experience premises.</p>	<p>100 visitors</p> <p>Max 35 days per year</p> <p>8am-6pm Sunday-Thursday and public holidays 8am-11pm Friday-Saturday</p> <p>Amplified music is to be limited to no later than 10pm. Guests must be off-site no later than 11pm.</p> <p>Up to 300m² for each building</p>
Roadside stalls	Max 9m ² footprint	N/A	Max 15m ² footprint

The full list of controls that apply to exempt or complying development can be found on the [Legislation NSW website](#).