

The Taskforce considered the State Environmental Planning Policy (Rural Lands) 2008 and their interpretations and concerns are noted below.

We particularly draw attention to the following:

1. We are disappointed that clause 9 (2)(3)&(4) rule out averaging as a tool in subdivision
2. We consider Clause 10 (3) could be the key clause of the SEPP and its interpretation in future legal cases will be crucial to the impact on our members
3. NSW Farmers Association seeks to be a party to any identification of State significant agricultural land under Part 4 Clause 12
4. NSW Farmers Association is concerned that there is NOT only one panel established for the whole State [Part 5 cl15(2)]
5. NSW Farmers Association seeks to be a member/s of any Panel/s established to ensure agricultural specific expertise is represented
6. We are hopeful that interpretation in the Planning Circular will permit off farm income to be taken into account when determining "economic sustainability"
7. We are **MOST** concerned that the following rural landholders are not covered by the SEPP:
 - i. Gosford,
 - ii. Wyong,
 - iii. Sydney Basin.

A priority issues for the Association is:

- **Establishing planning processes and instruments that protect agricultural enterprises from complaints from neighbours.**

The Association is pleased that the Rural SEPP acknowledges landuse conflict issues in general terms and requires assessment to consider how new developments will 'avoid or minimise' conflicts created by new developments. As noted above, however, the SEPP does not apply in the Sydney Basin, nor does it offer clear and practical processes and tools for implementing the policy.

When land is subdivided in rural areas the new inhabitants have expectations about noise, dust and smells that are inconsistent with the agricultural area they have moved into. Current legislation allows these new neighbours to complain to the Environmental Protection Authority with the onus on the farmer to demonstrate why they should not cease or change their activity. Local Government may also impose conditions that directly or indirectly limit production. Needless to say, this is both vexatious and expensive for the farmer and typically results in the farmer having to abandon productive activity. This is why many producers have shifted their operations west of the Divide and/or away from major population centres, despite the significant transportation and logistical costs of doing so. The Association has been informed by major producers that they would reinvest in peri-urban areas, including the Sydney Basin, if the government were able to provide security in this regard.

The desirability of retaining intensive production of fresh food close to major markets will be increased by the introduction of an Emissions Trading Scheme and resulting increases in transportation costs.

In this regard, consideration could be given to:

- A new agricultural zoning for peri-urban areas that explicitly permits normal agricultural activities and establishes rights to emit noise, dust and smells within agreed and responsible limits.
- Amendments to the Protection of Environment Operations Act that limit the ability of residential landholders proximate to farms to make complaints relating to normal agricultural activities.

The Association has no fixed views on the exact solution in this regard, but believes that a process of dialogue between the Association and the Departments of Planning and Primary Industries could help identify practical solutions.