

Department of Planning, Housing and Infrastructure

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Standard conditions of development consent

Agritourism conditions

August 2024

Contents

Purpose of document	4
Part A – Before the issue of a Construction Certificate.....	5
Part B – Before building work commences	7
Part C – Before the issue of an Occupation Certificate.....	8
Part D – Occupation and ongoing use	9

Purpose of document

The Department of Planning, Housing and Infrastructure is introducing a suite of reforms to deliver a better planning system for NSW. As part of these reforms, we are introducing a standard form for development consents and optional best-practice conditions that consent authorities can adopt for certain types of development.

This document provides a set of standard conditions for farm gate premises, farm experience premises and farm stay accommodation for use by consent authorities when issuing determinations.

Other standard conditions for residential development, mixed use, change of use, food and drink premises, demolition, and biodiversity credits can also be used where appropriate.

These conditions do not cover every issue that may require a condition of consent. Council may need to develop additional bespoke conditions for certain development applications. Further guidance on preparing conditions of consent can be found on the [department's website](#).

Some forms of agritourism may be integrated development; for example, farm stay accommodation on bushfire prone land. Integrated development requires approval under both the Environmental Planning and Assessment Act 1979 (the Act) and another NSW Act listed under section 4.46 of the Act.

Farm stay accommodation may require a Bush Fire Safety Authority (BFSA) under Section 100B of the Rural Fires Act 1997 (RF Act) from the NSW Rural Fire Service (RFS). Councils need to refer to the General Terms of Approval from referral agencies when preparing conditions of consent for integrated development.

Part A – Before the issue of a Construction Certificate

Applies to	Condition	Condition reason
Farm stay accommodation	Compliance with fire safety standards Before the issue of a construction certificate, the certifier must be satisfied the plans comply with the relevant requirements of the Short-Term Rental Accommodation Fire Safety Standard approved by the Planning Secretary.	To ensure a building for farm stay accommodation will meet the relevant fire safety standards
Farm stay accommodation Farm experience premises Farm gate premises	Utilities and services (off-grid) Before the issue of a construction certificate, written evidence must be provided to the principal certifier from a suitably qualified person, demonstrating the following facilities can be installed, and include relevant requirements for each facility: <DELETE AS REQUIRED> a) Electricity b) Water c) Gas d) Communications	To ensure relevant utility and service providers' requirements are provided to the certifier
Farm stay accommodation Farm experience premises Farm gate premises	Utilities and services (off-grid) - Sewerage Before the issue of a construction certificate, approval under section 68 of the <i>Local Government Act 1993</i> for an on-site sewerage management system must be obtained from council and a copy of the approval be provided to the principal certifier.	To ensure compliance with section 68 of the <i>Local Government Act 1993</i>

Applies to	Condition	Condition reason
Farm experience premises Farm gate premises	Bush fire attack level design and construction Before the issue of a construction certificate, detailed plans must be submitted to the certifier that demonstrate compliance with the <INSERT BAL> BAL construction standards in the following: a) Australian Standard AS3959-2009 ‘Construction of buildings in bush fire-prone area’, and b) ‘Planning for Bush Fire Protection 2019’ issued by the NSW Rural Fire Service.	To ensure the building is suitably constructed for potential bush fire attack
Farm stay accommodation Farm experience premises Farm gate premises	Car parking details Before the issue of the relevant construction certificate, written evidence prepared by a suitably qualified engineer must be obtained that demonstrates, to the certifier’s satisfaction, the plans for parking facilities comply with the relevant parts of AS 2890.1 Parking Facilities – Off-Street Carparking and <INSERT PART(S), SECTION(S) OR CLAUSE(S)> of council’s relevant development control plan (in force as at the date of determination of this consent) and include: <DELETE AS REQUIRED> a) use of permeable materials suitable for 2WD vehicles in all weather b) landscaping within the parking area c) signage and traffic calming features.	To ensure parking facilities are designed in accordance with the Australian Standard and Council’s DCP

Part B – Before building work commences

Applies to	Condition	Condition reason
Farm stay accommodation Farm experience premises Farm gate premises	Protection of adjoining areas Before work commences, a temporary hoarding or temporary construction site fence must be erected around the work site perimeter and must be kept in place until after the work is completed.	To protect land uses and amenity and ensure safety on an operating farm

Part C – Before the issue of an Occupation Certificate

Applies to	Condition	Condition reason
Farm stay accommodation	Compliance with fire safety standards Before the issue of an occupation certificate, the building must comply with the relevant provisions of the Short-Term Rental Accommodation Fire Safety Standard approved by the Planning Secretary.	To ensure the building meets the relevant fire safety standards
Farm stay accommodation Farm experience premises Farm gate premises	Bush fire attack level certification Before the issue of an occupation certificate, the certifier must be satisfied that the structure is constructed to <INSERT BAL> BAL construction standards in the following: a) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area', and b) 'Planning for Bush Fire Protection 2019' issued by the NSW Rural Fire Service.	To ensure the building is suitably constructed for potential bush fire attack
Farm stay accommodation Farm experience premises Farm gate premises	Biosecurity management plan Before the issue of an occupation certificate, a biosecurity management plan must be prepared in accordance with the Department of Primary Industries' requirements and provided to the certifier. A copy of the biosecurity management plan must be kept on the premises.	To protect the commercial farm, and neighbouring farms from potential biosecurity impacts from visitors and guests

Part D – Occupation and ongoing use

Applies to	Condition	Condition reason
Farm stay accommodation Farm experience premises Farm gate premises	Bush fire emergency management and evacuation During ongoing use of the premises, the bush fire emergency management and evacuation plan is to be kept updated and a copy of the updated plan <PROVIDED TO COUNCIL OR KEPT ON SITE> . The procedures and measures in the plan must be complied with.	To ensure the safety of guests and visitors to a farm on bush fire prone land
Farm stay accommodation Farm experience premises Farm gate premises	Ongoing management plan During ongoing use of the premises: a) the approved ongoing management plan is to be kept updated and a copy provided to the council b) the relevant procedures and measures in the plan, including any specific procedures listed in the biosecurity plan and any emergency evacuation plans, must be notified to guests and visitors, including any updated procedures and measures c) the procedures and measures in the plan must be complied with d) on-going management plan to be kept on premises at all times.	To ensure procedures and measures for managing the premises or accommodation are maintained and notified to visitors and guests
Farm stay accommodation Farm experience premises Farm gate premises	Signage During ongoing use of the premises, signage for parking, way finding and warnings must be in place and maintained. During ongoing use of the premises, an evacuation diagram displaying the following information must be located in a prominent position at or near the <PREMISES OR ACCOMMODATION> — a) directions to facilitate the safe evacuation of people from the site, b) contact details for emergency	To ensure visitors and guests are informed of where they are on the property, and where they can or cannot go, including in an emergency

Applies to	Condition	Condition reason
	services, including for a bush fire, flood or other natural disaster.	
Farm stay accommodation	Farm stay accommodation management requirements During ongoing use of the accommodation, the principal owner or a delegated representative must maintain a list of guests staying at the accommodation and the dates of their stay, and provide the owners' or representative's contact details to the guests.	To ensure the visitors and guests can access help or information when needed
Farm stay accommodation Farm experience premises Farm gate premises	Parking areas to be kept clear During ongoing use of the premises, visitor car parking spaces must not be used for the storage of caravans, campervans, camper trailers, motorhomes or any other materials or goods.	To ensure visitor and guest safety and the local amenity is maintained
Farm stay accommodation Farm experience premises Farm gate premises	Waste management for ongoing use During ongoing use of the premises, all waste must be separated, stored and disposed of in accordance with the approved waste management plan. In addition: a) Organic waste must be disposed of by compost or <INSERT DETAILS> During ongoing use, the on-site disposal of organic waste must not have an adverse impact on the use of adjoining land.	To ensure the lawful and sustainable disposal of waste
Farm stay accommodation	Guest capacity During ongoing use of the accommodation, no more than <INSERT NUMBER> guests may occupy the accommodation at any one time. This includes no more than: <DELETE AS REQUIRED> <INSERT NUMBER> guests over the age of 12 per bedroom, and <INSERT NUMBER> guests over the age of 12 in a building or manufactured home with no bedrooms, and	To limit impacts on the local environment and protect the amenity of neighbouring properties

Applies to	Condition	Condition reason																											
	<INSERT NUMBER> guests in caravans, campervans, tents and other temporary shelters.																												
Farm stay accommodation	Length of stay During ongoing use of the accommodation, a guest must not stay at the accommodation for more than <INSERT NUMBER> consecutive days.	To limit impacts on the local environment and neighbouring properties																											
Farm experience premises Farm gate premises	Visitor capacity During ongoing use of the premises, there must be no more than <INSERT NUMBER> visitors at the premises at any one time.	To limit impacts on the local environment and protect the amenity of neighbouring properties																											
Farm experience premises Farm gate premises	Operating hours During ongoing use of the premises, the premises may be operated only during the hours below. <table border="1"> <thead> <tr> <th></th><th>From</th><th>To</th></tr> </thead> <tbody> <tr><td>Monday</td><td></td><td></td></tr> <tr><td>Tuesday</td><td></td><td></td></tr> <tr><td>Wednesday</td><td></td><td></td></tr> <tr><td>Thursday</td><td></td><td></td></tr> <tr><td>Friday</td><td></td><td></td></tr> <tr><td>Saturday</td><td></td><td></td></tr> <tr><td>Sunday</td><td></td><td></td></tr> <tr><td>Public holidays</td><td></td><td></td></tr> </tbody> </table> Despite the above operating hours, premises that involve amplified noise may operate a maximum of <INSERT NUMBER> days each year after <INSERT TIME> pm.		From	To	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday			Public holidays			To protect the amenity of the local area
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