

# RIGHT TO FARM- AGRICULTURAL LAND USE SURVEY

## STAGE 1 REPORT

Prepared for NSW Department of Primary Industries

**UTS:IPPG**  
INSTITUTE FOR PUBLIC POLICY AND GOVERNANCE

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## Executive Summary

The University of Technology Sydney (UTS) and the NSW Department of Primary Industries (NSW DPI) are investigating the type and extent of agricultural land use conflict across NSW, how councils are managing this conflict, and how councils can best be supported in conflict management.

The research will be completed in three stages:

- > Stage 1 (2016) – Preliminary council interviews and benchmarking survey
- > Stage 2 (2017) – Follow up survey and in-depth case studies
- > Stage 3 (2018) – Final survey.

This report presents the findings from Stage 1.

### Background

NSW Department of Primary Industries (NSW DPI) launched the *Right to Farm Policy* in 2015. The policy is a comprehensive, state-wide approach to deal with the issues of ‘right to farm’ - defined as a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users.

The project undertaken by UTS will advance the purpose of the *Right to Farm Policy* and assist NSW DPI in supporting local councils in managing and responding to agricultural land use conflict.

### Type and extent of complaints

Of the 50 NSW local councils that responded to the survey (a 40% response rate), all but three respondents reported that council received complaints regarding agricultural land use conflict. Over a third of council respondents (38%) reported receiving between 1-2 complaints a month and slightly less than a third (31%) reported 3 or more a month. There was seasonality in complaints in some local council areas, with respondents indicating that more complaints were received during periods of high agricultural activity (November to February).

The survey results suggest that the number of complaints received over the last 5 years has stayed about the same for the majority of local councils. Complaints have reportedly increased in a small percentage of councils (12.5%), and decreased in 7.5% of councils.

Overall, respondents from council areas with a high proportion of agricultural land use (greater than 50%) reported receiving fewer complaints per month and were more likely to think that the number of complaints had stayed about the same over the last 5 years. This result may be due to less residential pressure in these council areas compared to their more developed counterparts.

The survey highlighted issues with complaints recording in local councils. A lack of digital records and the limited capacity of complaints databases prevent reporting and analysis on the number of agricultural land use complaints that local councils receive.

The most common types of complaints reportedly received by councils are about:

- > Escape of livestock onto public land or residential property
- > Legally compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.)
- > Non-compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.).

Respondents indicated that poultry farming and broad acre cropping cause the highest number of complaints, with odour, dust and noise the primary concerns.

The sub-division of agricultural properties and encroachment of residential development into agricultural areas - coupled with the attitudes and limited tolerance/appreciation of agricultural practices in new residents – were considered key drivers of conflict/complaints by respondents.

### ***Impact of complaints on agricultural activity***

Although almost all local councils reportedly received complaints relating to agricultural land use, there was no clear evidence that this was reducing agricultural activity overall. Some council respondents suggested that complaints were driving agricultural practices out of the area, however the majority did not think it was having a significant impact.

### ***Approaches to managing land use conflict***

Councils employ a range of planning mechanisms, response strategies and education/engagement initiatives to manage agricultural land use conflict. Most councils reportedly manage land use conflict at a strategic planning (67.5%) and development approval level (84.6%), with around one third of councils also adopting non-legislative consultative methods. The types of mechanisms identified by survey respondents include:

- > Response actions such as consultation with land holders and compliance enforcement if necessary
- > Planning mechanisms such as land use strategies with specified agricultural zoning and buffer requirements to minimise potential conflict
- > Engagement and education including liaison with agricultural industry groups, providing information to new residents on agricultural living and engaging with developers, land holders and neighbours prior to implementation of new agricultural or non-agricultural development.

Respondents viewed strategic planning and development approval mechanisms as effective for managing agricultural land use conflict. Councils that used engagement and education approaches also found these to be effective, but only to a small degree.

However, respondents perceived education and engagement approaches as potentially effective to reduce land use conflict by increasing awareness amongst the community. This 'softer' approach was slightly preferred over legislative options.

### ***NSW DPI initiatives and support***

Respondents varied in their level of awareness and use of the initiatives and support offered by NSW DPI. Around half the local councils were reportedly aware of the resources on the NSW DPI website and used these to assist with land use planning and managing conflict. Over 50% of councils also reportedly engaged with the NSW DPI Agricultural Land Use Planning team.

Respondents indicated that councils found the support and resources provided by NSW DPI useful. Suggestions from respondents for how NSW DPI could better provide support include:

- > Higher level of consultation with local councils to assist with policy/planning/strategy development and to inform councils of available resources – potentially including workshops on managing agricultural conflict
- > Provide clarity and consistency on approach to managing agricultural land use conflict and protection of agricultural land across State government
- > Further guidance on planning and technical issues such as minimum farm size, rural subdivision standards, zoning, buffer requirements and compliance standards
- > Provision of resources that council can use for community education and engagement.



# 1 Introduction

The University of Technology Sydney (UTS) has been engaged by the NSW Department of Primary Industries (NSW DPI) to conduct important research into agricultural land use conflict across NSW. The research investigates the type and extent of agricultural land use conflict, how councils are managing this conflict, and how councils can best be supported in conflict management.

The projects objectives are:

1. Identify the baseline quantity, type and source of complaints made to rural local councils regarding agricultural activities and trends overtime (Note: complaints may relate to the impact of agricultural land use on other members of the community, or the impact of other land uses on agriculture)
2. Ascertain level of knowledge that these councils have about information and support provided by NSW Government
3. Give councils the opportunity to recommend strategies to address agricultural land use conflict
4. Identify progress in implementing the right to farm policy.

The research will be delivered in three stages over a two year period.

- > Stage 1 (2016) – Preliminary council interviews and benchmarking survey
- > Stage 2 (2017) – Follow up survey and in-depth case studies
- > Stage 3 (2018) – Final survey.

This report presents the findings from Stage 1 of the project.

## 1.1 Background

Between 2007-08 and 2009-10, the proportion of land used for agriculture business in Australia decreased by 4%<sup>1</sup>. Land use conflict has anecdotally been identified as a potential cause of agricultural land use decline. To reduce the pressure on agricultural land and help address land use conflict, NSW Department of Primary Industries (NSW DPI) launched the *Right to Farm Policy* in 2015. The *Right to Farm Policy* is a comprehensive, state-wide approach to deal with the issues of 'right to farm' - defined as a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users. The project undertaken by UTS will advance the purpose of the *Right to Farm Policy* and assist NSW DPI in supporting local councils in managing and responding to agricultural land use conflict.

The *Right to Farm Policy* includes 12 actions to address land use conflict under the six themes of:

1. Reinforcing rights and responsibilities
2. Establishing a baseline and ongoing monitoring and evaluation
3. Strengthening land use planning
4. Ensuring current reviews of environmental planning instruments include consideration of options to ensure best land use outcomes and to reduce conflicts

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<sup>1</sup> According to data from the Australian Bureau of Statistics (<http://www.abs.gov.au/ausstats/abs@.nsf/Products/4627.0~2009-10~Main+Features~Land+use+and+agricultural+activity?OpenDocument>)

5. Improving education and awareness
6. Considering the need for legislative options, should additional Government intervention be required.

This project addresses three of the 12 actions under themes 2, 3 and 5. The three actions are:

- > *Action 4: The NSW Government will work with local government and other stakeholders to identify and monitor nuisance complaints related to farming in relevant local government areas;*
- > *Action 6: The NSW Government will work with local councils to identify any additional measures required to assist their efforts in best practice land use planning to address land use conflict issues; and*
- > *Action 9: The NSW Government will enhance its current engagement with local government, and in consultation with other stakeholders, support councils proactive management and education on land use conflict issues that arise from lawful farming practices.*

## 1.2 Structure of this report

The findings from the preliminary council interviews and benchmarking survey for Stage 1 of the project are presented in this report. The report is structured as follows:

- > **Section 1** – Introduction to the project including aims of the research and background information
- > **Section 2** – An overview of Stage 1 methodology
- > **Section 3** – The type and extent of complaints relating to agricultural land use conflict received by local councils
- > **Section 4** – Approaches to managing agricultural land use conflict including:
  - Current approaches used by councils
  - Awareness of support provided by NSW DPI
  - Suggested strategies for improved management of agricultural land use conflict and preferred options for NSW DPI support.
- > **Section 5** – Summary of key findings.

## 2 Methodology

Stage 1 of the project:

- > Identifies level, source and type of complaints
- > Ascertains level of knowledge councils have of NSW government support and initiatives
- > Identifies councils' strategies to address agricultural land use conflict and suggestions for NSW DPI.

The methodology for Stage 1 includes semi-structured interviews with eight rural and regional local councils in NSW, and a baseline survey of local councils across NSW.

### 2.1 The interviews

The purpose of the interviews was to gain detailed insights into agricultural land use conflict in regional and remote areas of NSW and identify key themes to inform the development of the survey. We used a semi-structured interview methodology which involved asking broad, open ended questions. These are outlined in the interview guide presented in appendix A. The open-ended approach allowed themes to emerge over the course of the interview. This approach also allowed respondents to express thoughts in their own words that assisted with wordsmithing the survey.

Interviews were conducted with representatives from the following local council areas:

- > Bathurst Regional
- > Tweed Shire
- > Maitland City
- > Bega Valley Shire
- > Tamworth Regional
- > Hawkesbury City
- > Wollondilly Shire
- > Cobar Shire.

These councils were selected to capture the diversity in NSW rural local councils, including areas that likely have high land-use conflict and those that likely have minimal land-use conflict. We also included both inland and coastal local councils with a range of agricultural practices.

Interviews were conducted over the phone with individuals or, where possible, with groups of up to four staff members with representatives from:

- > Compliance
- > Land-use planning
- > Environmental health
- > Customer relations.

Interviews were recorded and analysed using a coding template.

## 2.2 The survey

The findings from the interviews were used to develop the survey instrument (see appendix B). The purpose of the survey was to collect baseline data on:

- > The extent and type of complaints relating to agricultural land use received by regional and rural councils in NSW
- > Current strategies, policies or methods used by council to manage agricultural land use conflict and preferred approach to improving management of agricultural land use conflict
- > Awareness of the support and initiatives provided by NSW DPI.

UTS hosted the survey on our online platform and we emailed the link to 124 local councils across NSW. Three reminder emails were sent to prompt council respondents. Additional strategies to increase response rate included:

- > A note in the LGNSW newsletter
- > Further reminders to local councils from NSW DPI.

The survey was sent to the land use planning departments within council. We requested one collective response from each local council and we encouraged respondents to consult with other departments and personnel to complete the survey (e.g. compliance, environmental health etc.). However, we cannot be certain that all survey questions were answered by the most appropriate person in council. This should be kept in mind when interpreting the results.

### 2.2.1 The respondents

Of the 124 local councils that were asked to undertake the survey, 50 provided a response (equivalent to a 40% response rate). Not all councils answered all of the survey questions and approximately 10 respondents dropped out of the survey part way through. The number of respondents for each question is provided on the corresponding graph.

The timing of the survey corresponded to a period of reform in NSW local councils which may explain why some councils did not respond to the survey this year. In addition, the roles and responsibilities of different departments within councils varies between jurisdictions. As such, it may have been unclear as to whom was best placed within council to submit a response. Mitigation measures will be put in place for Stage two of the project to address these issues.

The local councils that responded to the survey are presented in table 1 and classified as urban fringe, urban regional, and rural and remote. The defining characteristics of these classifications are presented appendix C.

TABLE 1: LOCAL COUNCILS RESPONDENTS TO THE AGRICULTURAL LANDUSE SURVEY

Urban Fringe	Urban Regional	Rural and Remote
Fairfield	Bathurst Regional	Berrigan
Camden	Bega Valley	Bland
Hawkesbury	Cessnock	Blayney
Hills Shire	Clarence Valley	Cabonne
Liverpool	Coffs Harbour	Cobar
Wollondilly	Deniliquin	Cowra
Wyong	Eurobodalla	Dungog
	Great Lakes	Gloucester
	Greater Taree	Greater Hume Shire
	Griffith	Gunnedah
	Kempsey	Harden
	Maitland	Kyogle
	Mid-Western Regional	Leeton
	Orange	Lockhart
	Port Macquarie-Hastings	Nambucca
	Singleton	Narromine
	Tamworth Regional	Palerang
	Tweed	Snowy River
		Temora
		Tenterfield
		Upper Hunter Shire
		Upper Lachlan Shire
		Walgett
		Young

### 3 Type and extent of complaints

This section of the report presents the type and extent of complaints received by regional and rural councils in NSW that relate to agricultural land use as reported by respondents. It summarises the key findings from the interviews and the results of the survey.

*Please note:* The responses provided by councils may reflect respondent's estimation of number and type of complaints, or data recorded in a complaints database.

#### 3.1 Number of complaints

##### *The Interviews*

The findings from the interviews indicate that the number of complaints varies considerably between councils. Tweed Shire – an urban regional coastal area with a significant agricultural industry and increasing residential pressure – reportedly received multiple complaints per week. Interviewees from Bathurst – an inland urban regional local government area with agricultural industry and growing population – reported receiving approximately one complaint a month relating to agricultural land use.

Bega and Cobar interviewees indicated that the number of complaints was seasonal with more complaints during periods of high agricultural activity (e.g. harvest time).

The perception of whether complaints are increasing or decreasing differed between councils. Bathurst interviewees noted that complaints are increasing – approximately 25% increase in the last 5 years. A break-down in communication between community members and a general detachment of residents from their neighbours was proposed as one explanation for this trend.

Wollondilly staff suggested the number of complaints is decreasing – with complaints much more common 15-20 years ago. This was thought to be due to improved agricultural practices that minimise the impact on nearby residents (e.g. reduced odour).

##### *The Survey*

Figure 1 shows the average number of complaints per month received by local councils that relate to agricultural land use as reported by survey respondents. The majority of local councils received 1-2 per month, equivalent to 12-24 complaints per year. 31% of respondents indicated that their council received 3 or more complaints per month. Respondents that reported the highest average number of complaints per month were from Port Macquarie-Hastings, Cowra, Tamworth Regional, Gloucester and Great Lakes. The characteristics of these local government areas are presented in table 2

Only three local councils reported not receiving any complaints regarding agricultural land use – Gunnedah, Cobar and Tenterfield. Respondents from councils with over 50% of land used for agricultural activity reported receiving fewer complaints than those from council areas comprised of 20-50% agricultural land. 8% of respondents to this question were unable to estimate the number of complaints received by council regarding agricultural land use.

FIGURE 1: APPROXIMATELY HOW MANY COMPLAINTS REGARDING AGRICULTURAL LAND USE DOES COUNCIL RECEIVE ON AVERAGE PER MONTH? (N=26)

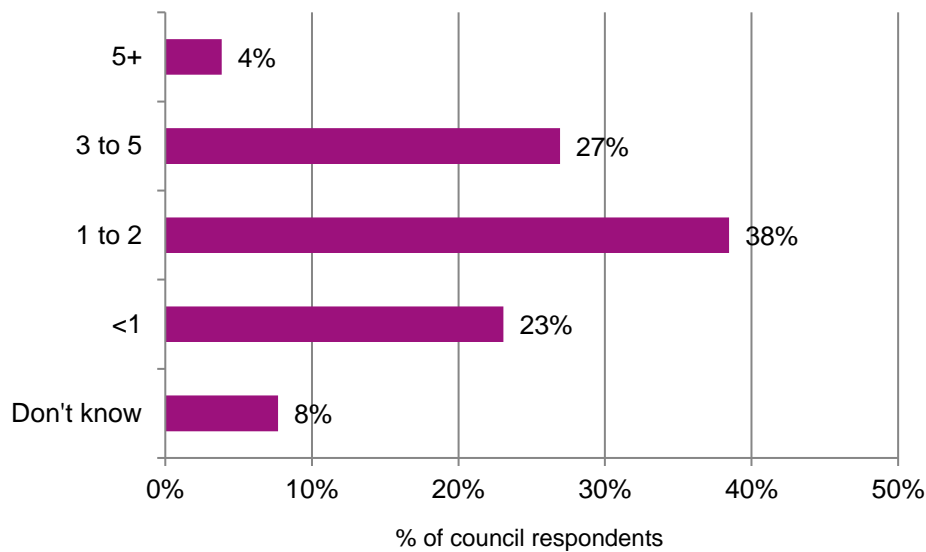
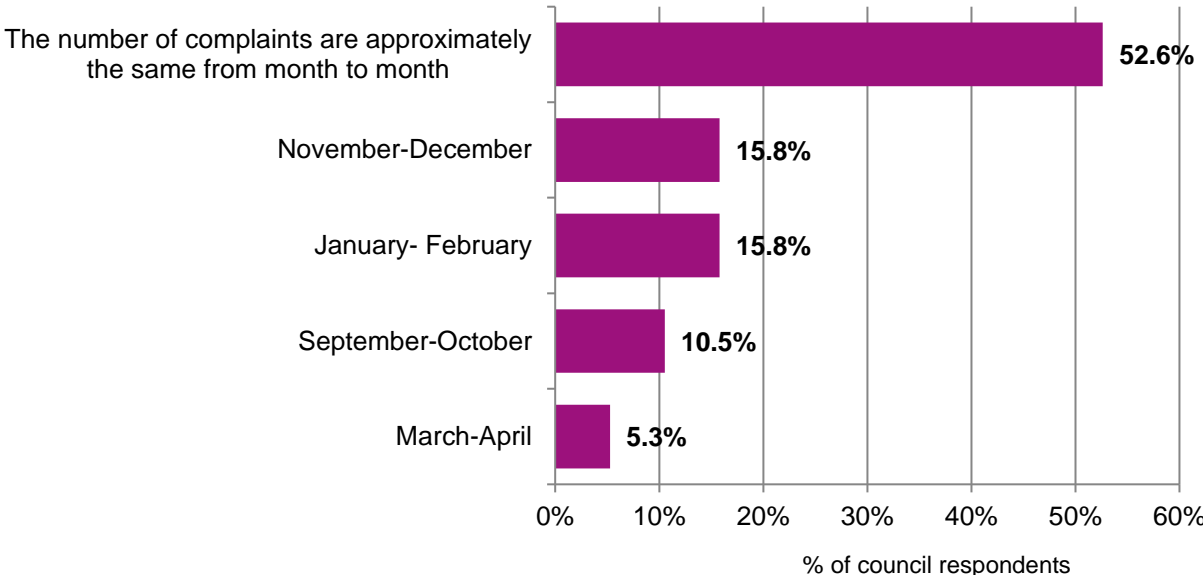


TABLE 2: CHARACTERISTICS OF COUNCILS THAT RECEIVE THE HIGHEST NUMBER OF COMPLAINTS

LGA with highest number of complaints	LGA classification	Primary agricultural practices	% land used for agriculture
<b>Port Macquarie-Hastings</b>	Urban regional	Cattle grazing – meat production Dairy Fruit or nut growers	Between 20%-40%
<b>Cowra</b>	Rural and remote	Sheep grazing Broad acre cropping Vegetable growers	Unknown
<b>Tamworth Regional</b>	Urban regional	Poultry Cattle grazing – meat production Broad acre cropping	About half
<b>Gloucester</b>	Rural and remote	Dairy Cattle grazing – meat production	Between 20%-40%
<b>Great Lakes</b>	Urban regional	Dairy Poultry Nurseries	About half

Approximately half of the local councils reportedly received a consistent number of complaints per month over the year (figure 2). The remainder of respondents noted seasonality in complaints, with more complaints received in November- February.

FIGURE 2: WHAT MONTHS OF THE YEAR DOES COUNCIL RECIEVE THE MOST COMPLAINTS? (N=38)

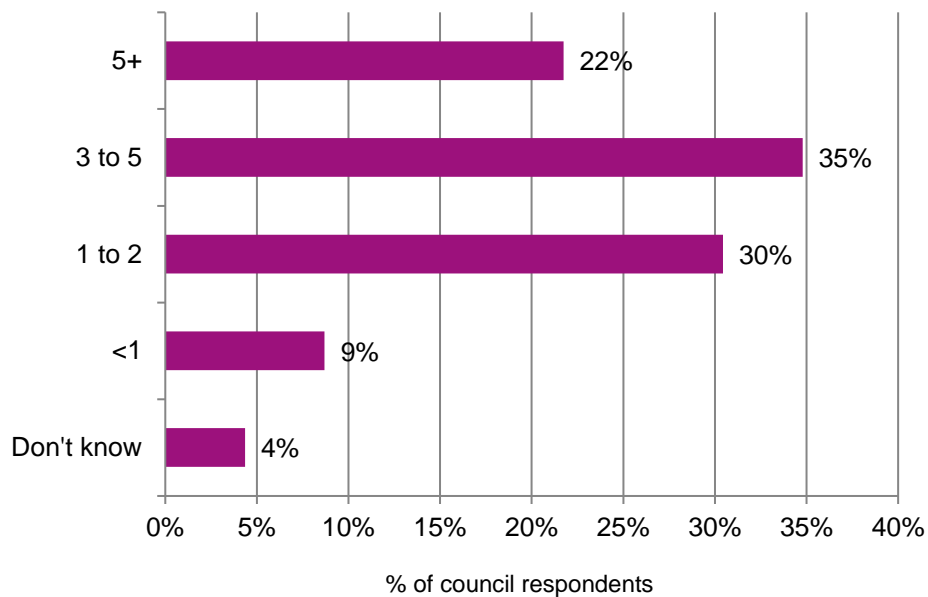


The survey results indicate that most councils received a maximum of 3 to 5 complaints per month (figure 3). The councils that reportedly received over 5 complaints a month at peak times include:

- > Greater Hume Shire
- > Clarence Valley
- > Berrigan
- > Gloucester
- > Wollondilly
- > Port Macquarie-Hastings.



FIGURE 3: APPROXIMATELY HOW MANY COMPLAINTS REGARDING AGRICULTURAL LAND USE CONFLICT DOES COUNCIL RECEIVE AT MAXIMUM PER MONTH? (N=23)

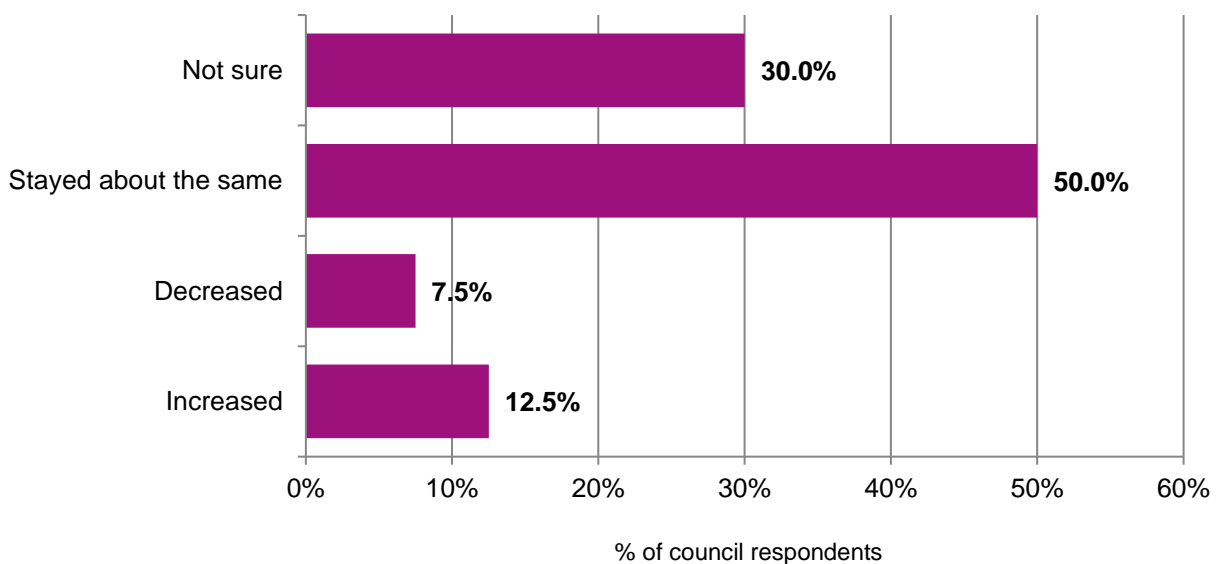


The majority of respondent felt that the number of complaints received by council had stayed about the same over the last 5 years (figure 4). The council areas that reported an increase in the number of complaints were:

- > Bega Valley
- > Great Lakes
- > Coffs Harbour
- > Hawkesbury
- > Walgett.

Respondents from councils with a high proportion of agricultural land (greater than 50%) were more likely to think that complaints had stayed the same.

FIGURE 4: IN THE LAST 5 YEARS, DO YOU THINK AGRICULTURAL LAND USE COMPLAINTS HAVE... (N=40)



### **A note on response rate**

There were a high number of non-responses or ‘don’t know’ responses to the survey questions about the number of complaints. Only half of the local councils that undertook the survey specified the number of complaints that they received per month. This result highlights inconsistencies in how complaints are recorded in local councils. One survey respondent noted: “*This is not registered so it is difficult to provide estimates here or for related questions below*”

#### Complaints recording process

Ability to track the number of complaints relating to agricultural land use conflict is dependent on the process and systems used by local councils to record complaints. Local council customer service staff are generally the recipients of complaints and forward them through to an appropriate staff member to respond. The recording process for the complaints differs between councils.

In the survey, we asked councils whether they record complaints in a database. Approximately half of the local councils (51.8%) do record the complaint in a database – a Customer Request Management (CRM) system or something similar. The remaining councils (48.2%) do not use a database. This lack of record keeping is likely to explain the relatively low response rate to survey questions about the number of complaints.

The findings from the interviews indicate that the capacity to report on agricultural land use conflict is also somewhat limited. Interviewees noted that reporting on trends in number and type of complaints that relate specifically to agricultural land use conflict (as opposed to complaints in general) was not commonly done. Reasons for this included:

- > Limitations of the complaints recording system (either an electronic database wasn’t used or it was not able to provide this analysis)
- > Limited resources
- > Different reporting priorities – (e.g. time to respond to complaints may be more of a priority for council reporting than type and extent).

The different approaches to recording and reporting on complaints in local councils presents a challenge for accurately monitoring the type and extent of complaints that relate to agricultural land use conflict.

## **3.2 Type and source of complaints**

### **The Interviews**

Interviewees suggested that the majority of complaints regarding agricultural land use are from residents located near agricultural activity. *New* residents were thought to be the most likely to complain (i.e. those who had moved into the area from a more urban location) due to a lack of familiarity or acceptance of the realities of rural living.

The complaints were reportedly about:

- > Odour
- > Dust
- > Noise
- > Traffic issues
- > Early morning activity
- > Bird scarers.

Some complaints also occurred due to the impact of residential development and activity on agricultural practices. A Maitland Shire interviewee commented that development near agriculture was causing complaints from farmers. The increase in hard surfaces was perceived to impact hydrology and water run-off, though the Maitland Shire respondent noted that there was no hard data on this. Other complaints from agricultural land users included noise from rural residents (motorbikes etc.), dog's attacking or pestering livestock, illegal removal of trees and the spread of weeds from poorly managed properties onto agricultural land.

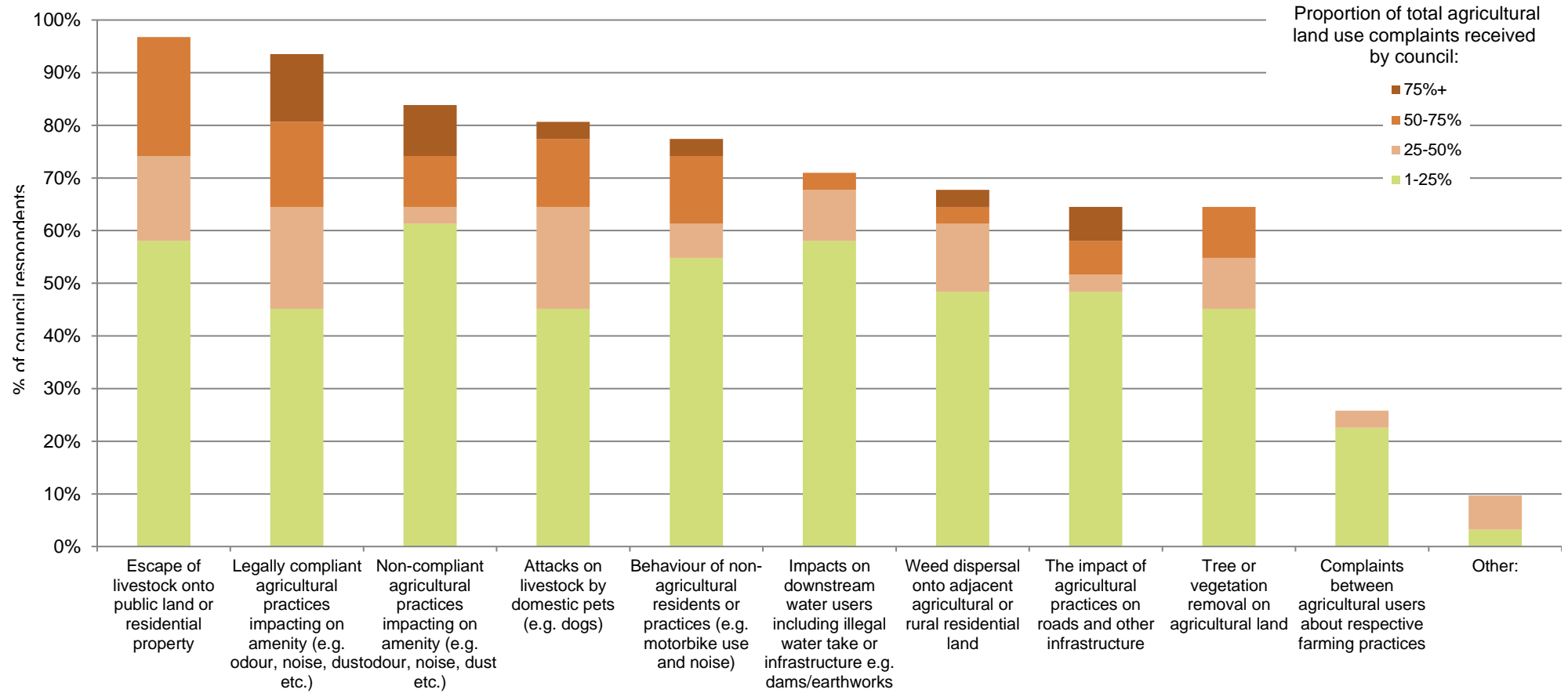
### **The Survey**

We asked local councils what types of complaints they received regarding agricultural land use and what *proportion* of complaints are about these issues (figure 5). Almost all councils received complaints about escape of livestock onto public land or residential property. Most councils also received complaints about legally compliant and non-compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.).

Amenity complaints regarding legally compliant practices are those about odour, noise, visual obstruction or other issues from practices that are compliant with zoning and development approval criteria. For example, council may receive complaints about odour from a poultry farm, however the farmer may be meeting compliance standards for odour management. Non-compliant practices are those that exceed compliance standards or are not within the approved practices for the land zone.

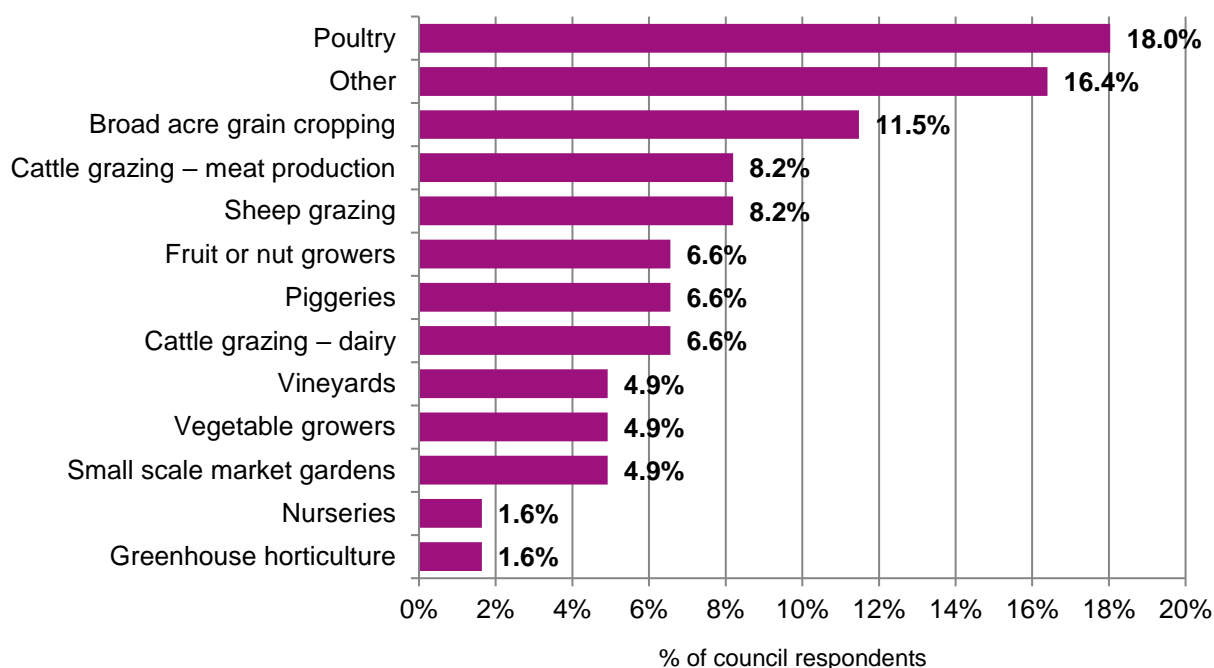
The survey results indicate that complaints regarding legally compliant agricultural practices make up a considerable proportion of the complaints received by local councils. Almost 95% of respondents reported that council had received this type of complaint, with 13% indicating that these made up over 75% of all complaints regarding agricultural land use. Almost 85% of respondents reported receiving complaints regarding non-compliant practices. These were perceived to make up the majority of complaints (75%+) by 10 % of respondents.

FIGURE 5: OVERALL, WHAT PROPORTION OF COMPLAINTS MADE TO COUNCIL ARE ABOUT THE FOLLOWING TYPES OF ISSUES? (N=37)



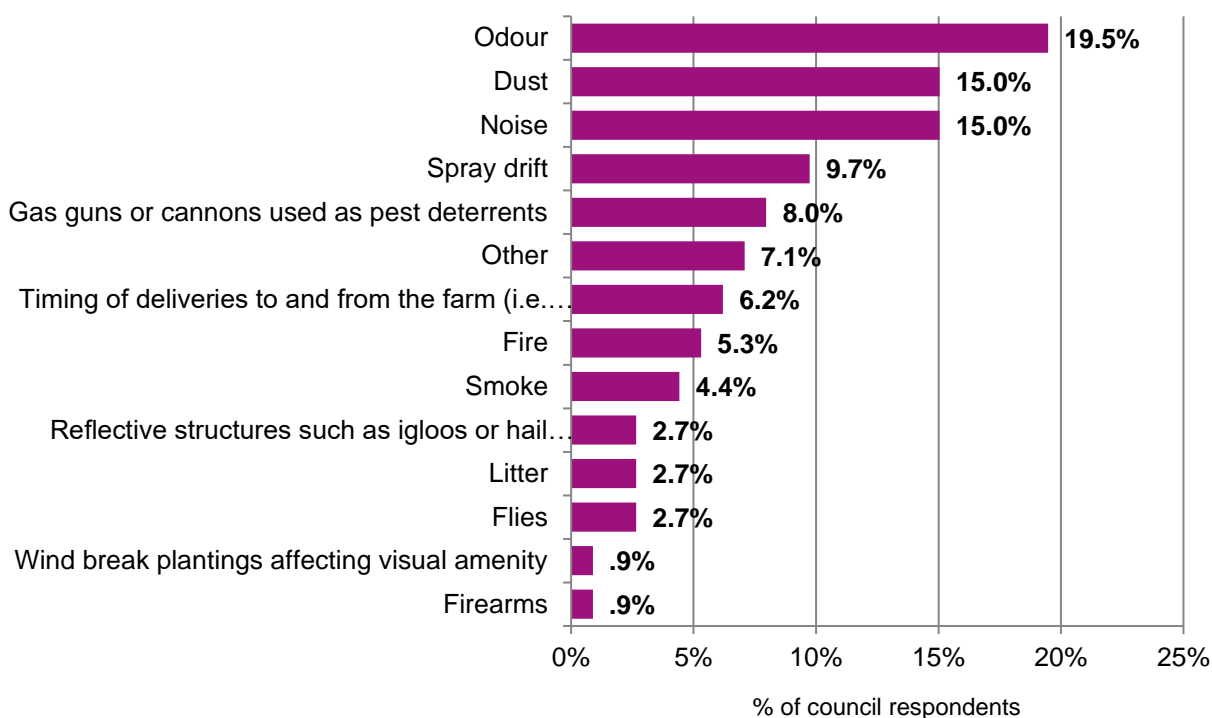
For councils that received complaints regarding compliant and non-compliant agricultural activity, the complaints were most commonly about poultry farms (figure 6). We provided respondents an option to specify 'Other' practices that councils receive complaints about. The other practices identified included animal boarding and breeding (n= 1), rice irrigation (n= 1), abattoirs (n=1), hobby farms (n=1), grain storage (n=1) and goat farming (n=1). Broad acre grain cropping was also a significant source of complaints.

FIGURE 6: WHAT TYPES OF AGRICULTURAL PRACTICES ATTRACT THE MOST COMPLAINTS IN YOUR AREA? (N=31)



The most common complaint from agricultural practices was odour, with dust and noise the second most common (figure 7). In this iteration of the survey, we were unable to attribute complaint type (i.e. odour, dust, noise etc.) to the agricultural practice. This will be explored in Stage two of the project.

FIGURE 7: SPECIFICALLY, WHAT ARE THE COMPLAINTS REGARDING AGRICULTURAL PRACTICES ABOUT? (N=31)



The councils that reportedly received a high proportion (greater than 50%) of complaints about compliant and non-compliant agricultural practices are presented in table 3.

TABLE 3: COUNCIL AREAS THAT RECEIVE A HIGH PROPORTION OF COMPLAINTS ABOUT COMPLIANT AND NON-COMPLIANT AGRICULTURAL ACTIVITY

	Council area	Key characteristics
<b>Legally compliant agricultural activity</b>	Clarence Valley	<ul style="list-style-type: none"> <li>&gt; Urban Regional</li> <li>&gt; Greater than 80% agricultural land</li> <li>&gt; Primary agricultural activity:                             <ol style="list-style-type: none"> <li>1. Broad acre cropping</li> <li>2. Cattle grazing – meat production</li> <li>3. Goat keeping</li> </ol> </li> </ul>
	Wyong	<ul style="list-style-type: none"> <li>&gt; Urban Fringe</li> <li>&gt; Less than 20% agricultural land</li> <li>&gt; Primary agricultural activity:                             <ol style="list-style-type: none"> <li>1. Greenhouse horticulture</li> <li>2. Fruit or nut growers</li> <li>3. Poultry</li> </ol> </li> </ul>
	Fairfield	<ul style="list-style-type: none"> <li>&gt; Urban Fringe</li> </ul>

Council area	Key characteristics
	<ul style="list-style-type: none"> <li>&gt; Less than 20% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Small acre market garden</li> <li>2. Greenhouse horticulture</li> <li>3. Vegetable growers</li> </ol> </li> </ul>
Great Lakes	<ul style="list-style-type: none"> <li>&gt; Urban Regional</li> <li>&gt; About 50% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Dairy</li> <li>2. Poultry</li> <li>3. Nurseries</li> </ol> </li> </ul>
Cowra	<ul style="list-style-type: none"> <li>&gt; Rural and Remote</li> <li>&gt; Unknown % agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Sheep grazing</li> <li>2. Broad acre cropping</li> <li>3. Vegetable growers</li> </ol> </li> </ul>
Cabonne	<ul style="list-style-type: none"> <li>&gt; Rural and Remote</li> <li>&gt; Greater than 80% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Broad acre cropping</li> <li>2. Sheep grazing</li> <li>3. Cattle grazing – meat production</li> </ol> </li> </ul>
Upper Lachlan Shire	<ul style="list-style-type: none"> <li>&gt; Rural and Remote</li> <li>&gt; Between 60%-80% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Sheep grazing</li> <li>2. Cattle grazing – meat production</li> <li>3. Broad acre cropping</li> </ol> </li> </ul>
Bland	<ul style="list-style-type: none"> <li>&gt; Rural and Remote</li> <li>&gt; Unknown % agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Broad acre cropping</li> <li>2. Sheep grazing</li> </ol> </li> </ul>

	Council area	Key characteristics
	Orange	<ul style="list-style-type: none"> <li>&gt; Urban Regional</li> <li>&gt; Between 20%-40% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Vineyards</li> <li>2. Fruit and nut growing</li> <li>3. Cattle grazing – meat production</li> </ol> </li> </ul>
<b>Non-compliant agricultural activity</b>	Gloucester	<ul style="list-style-type: none"> <li>&gt; Rural and Remote</li> <li>&gt; Between 60%-80% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Dairy</li> <li>2. Cattle grazing – meat production</li> </ol> </li> </ul>
	Wyong	<ul style="list-style-type: none"> <li>&gt; Urban Fringe</li> <li>&gt; Less than 20% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Greenhouse horticulture</li> <li>2. Fruit or nut growers</li> <li>3. Poultry</li> </ol> </li> </ul>
	Fairfield	<ul style="list-style-type: none"> <li>&gt; Urban Fringe</li> <li>&gt; Less than 20% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Small scale market garden</li> <li>2. Greenhouse horticulture</li> <li>3. Vegetable growers</li> </ol> </li> </ul>
	Coffs Harbour	<ul style="list-style-type: none"> <li>&gt; Urban Regional</li> <li>&gt; Less than 20% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Fruit or nut growers</li> <li>2. Greenhouse horticulture</li> <li>3. Small scale market garden</li> </ol> </li> </ul>
	Camden	<ul style="list-style-type: none"> <li>&gt; Urban Fringe</li> <li>&gt; About 50% agricultural land</li> <li>&gt; Primary agricultural activity:               <ol style="list-style-type: none"> <li>1. Small scale market garden</li> </ol> </li> </ul>



Council area	Key characteristics
	<ol style="list-style-type: none"> <li>2. Poultry</li> <li>3. Dairy</li> </ol>
Upper Lachlan Shire	<ul style="list-style-type: none"> <li>&gt; Rural and Remote</li> <li>&gt; Between 60%-80% agricultural land</li> <li>&gt; Primary agricultural activity: <ol style="list-style-type: none"> <li>1. Sheep grazing</li> <li>2. Cattle grazing – meat production</li> <li>3. Broad acre cropping</li> </ol> </li> </ul>

### 3.3 Perceived drivers of conflict

#### *The Interviews*

We asked local council interviewees to identify the main drivers of agricultural land use conflict. The following themes emerged from the interviews:

- > The encroachment of residential properties into agricultural areas – increasing residential pressure in agricultural areas is occurring due to increased development to cater for a growing population.
- > Previous planning instruments that permitted the subdivision of large agricultural properties into smaller lots - this permission has been removed, but the legacy continues. There is pressure from rural land owners to continue to permit sub-divisions as it is perceived as a 'right' and part of their retirement plan.
- > Shift of agriculture out of areas that are being urbanised – Residential pressures are pushing agricultural out of some council areas into neighbouring jurisdictions. New agricultural developments are impacting on existing residents.
- > Less tolerance in the community in general – Neighbours are less connected and more likely to complain to councils than contact the neighbour themselves.
- > Poor land management practices – improvements to agricultural practices are considered highly effective at reducing impact on residential properties. Failure to adopt improved agricultural practices or non-compliance with regulation causes conflict.
- > New residents' unrealistic expectations of rural living – residents may move from more urban areas with expectations of a 'peaceful rural lifestyle'. However, odour, noise and dust are a reality of agricultural practices and a consequence of living in a rural area.

#### *The Survey*

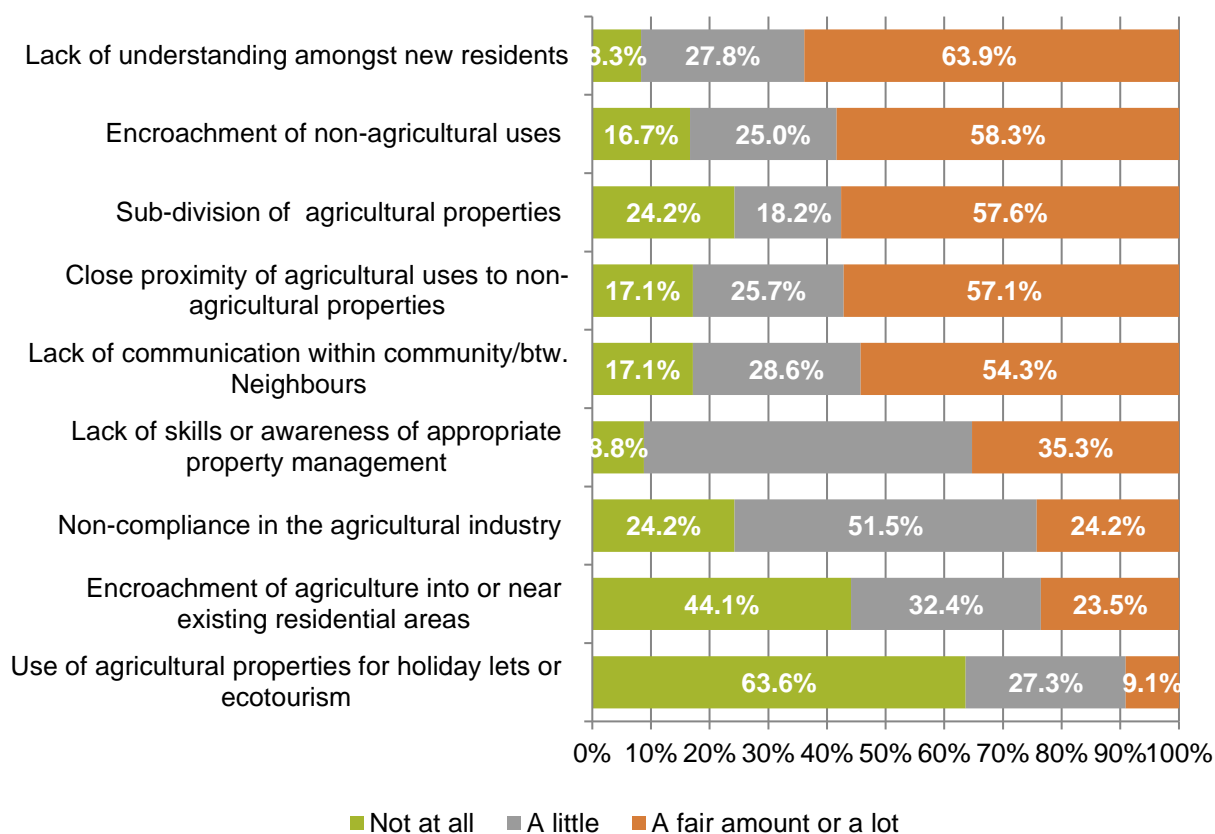
We asked survey respondents what factors were driving agricultural land use conflict in their area. Almost 64% identified lack of understanding amongst new residents of the realities of agricultural living as contributing a fair amount or a lot to agricultural land use conflict (figure 8).

Respondents also perceived the encroachment of non- agricultural land uses (e.g. residential development) into agricultural areas as a key contributor. Respondents from councils with between 20%-50% of land allocated to agricultural use were more likely to be concerned with

encroachment than those from council areas with a greater proportion of agricultural land. Factors that relate to residential encroachment (i.e. sub-division of agricultural properties and close proximity) were also perceived to be key drivers of conflict. Subdivision was a particular concern for respondents from council areas with 0-40% agricultural land use where the primary agricultural activity is greenhouses, horse studs and vineyards.

Lack of skills or awareness of appropriate property management and non-compliance of the agricultural industry were perceived as additional drivers of complaints. However, respondents felt they only contribute to conflict 'a little'. Respondents from council areas with a higher proportion of agricultural land were more likely to think that lack of skills or awareness contributes a fair amount or a lot to conflict.

FIGURE 8: OVERALL, HOW MUCH WOULD YOU SAY EACH OF THE FOLLOWING FACTORS DRIVE AGRICULTURAL LAND USE CONFLICT IN YOUR AREA? (N=35)



### 3.4 Impact of conflict on agriculture

#### The Interviews

As discussed in the background to this project, land use conflict has anecdotally been identified as a potential cause of agricultural land use decline. We investigated this issue and asked local councils their views on whether conflict and complaints are impacting on agricultural practices in their area. Tweed Shire interviewees indicated that conflict was driving agriculture out of the council area, contributing to an overall transition away from agriculture in the region. Hawkesbury City Council noted that there was a gradual and increasing erosion of agricultural capacity in the council area, and Maitland cited anecdotal evidence that conflict is reducing the extent of agricultural practices. Wollondilly interviewees provided a specific example where a

farmer moved out of the council area due to the complaints received about their agricultural practices.

The Tamworth Regional Council interviewee noted that the true impact of conflict on agriculture was difficult to measure. Complaints from existing agricultural practices were not perceived as an accurate measure as the potential for conflict prevented agricultural development from being implemented in the first place.

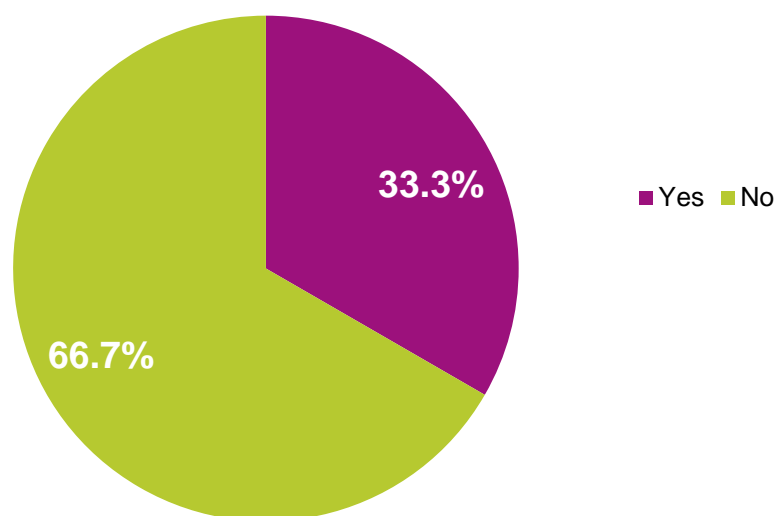
Other council interviewees (Bega, Bathurst and Cobar) commented that, although complaints and conflict occur, it was unlikely that this was resulting in reduced agriculture in the council area.

### **The Survey**

The majority of respondents did not think that land use conflict was reducing agriculture in their council area (figure 9). Those that did think conflict was reducing agriculture were from urban regional or urban fringe councils (with the exception of Bland), including

- > Liverpool
- > Fairfield
- > Camden
- > Cessnock
- > Wollondilly
- > Hawkesbury
- > Orange
- > Great Lakes
- > Tweed.

FIGURE 9: DO YOU THINK LAND USE CONFLICT IS REDUCING AGRICULTURE IN YOUR COUNCIL AREA? (N=40)



Of the councils that selected 'yes', the majority (64%) indicated that land use conflict was reducing agriculture 'a fair amount'. Approximately 36% thought that conflict did not contribute a lot to reducing agriculture. No respondents thought conflict contributed 'quite a lot' to reducing agriculture.

### 3.5 Key findings

Most survey respondents from regional and rural NSW local councils involved in this project received complaints regarding agricultural land use conflict. However, lack of digital records and limited capacity of complaints databases prevent reporting and analysis on the number of complaints that local councils receive.

Our results indicate that the majority received between 1-2 complaints a month and that this varies between council areas. Some local councils (e.g. Clarence Valley, Gloucester, Berrigan, and Wollondilly) received over 10 complaints a month during periods of high agricultural activity (November- February).

Overall, council areas with a high proportion of agricultural land use (greater than 50%) reportedly received fewer complaints per month. Respondents from these council areas were also more likely to think complaints had stayed about the same over the last 5 years. This result may be due to less residential pressure in these council areas compared to their more developed counterparts.

According to survey respondents, the most common types of complaints relate to:

- > Escape of livestock onto public land or residential property
- > Legally compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.)
- > Non-compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.).

Poultry farming and broad acre cropping cause the highest number of complaints, with odour, dust and noise the primary concerns.

A close interface between residential and agricultural land uses, coupled with the attitudes and knowledge of new residents, were perceived as key drivers of conflict/complaints. Specifically, respondents identified key drivers as:

- > Lack of understanding of the realities of rural living amongst new residents
- > Sub-division of agricultural properties and the legacy of previous planning instruments
- > Encroachment of non-agricultural uses into existing agricultural areas
- > Close proximity of agricultural uses to non-agricultural properties
- > Lack of communication within the community and between neighbours.

Although almost all local councils reportedly received complaints relating to agricultural land use, there was not strong evidence that this was reducing agricultural activity overall. Some council respondents suggested that complaints were driving agricultural practices out of the area, however the majority did not think it was having a significant impact.

## 4 Approaches to managing land use conflict

This section of the report provides insights into the current approaches used by local councils to manage agricultural land use conflict and their awareness of the support provided by NSW DPI. The section concludes with suggested improvements identified by local councils to better manage land use conflict and the support that could be offered by NSW DPI.

### 4.1 Current strategies used by councils

#### *The Interviews*

The eight councils interviewed for this project identified a range of mechanisms used to manage agricultural land use conflict.

#### Response

In response to complaints regarding agricultural land use, councils conduct a follow up phone call and site visit to establish the validity of the complaint and identify potential solutions. The interviewees commented that, if there is a genuine concern, council staff talk to the land owner first to try to resolve the issue. If this approach is not successful, more formal mechanisms to deal with compliance issues are employed (i.e. formal letter, fines etc. if necessary).

Interviewees emphasised that if the activity is within the compliance guidelines, council does not take any action against the land holder. In these circumstances, council contacts the complainant to explain that the activity is acceptable within an agricultural area. Some councils have a clear position on the response to complaints due to compliant and non-compliant activity. Cobar, for example, has an over-arching enforcement policy that gives both council and the community clear guidelines on how complaints are managed and under what circumstance they are escalated – this includes all complaints not just those relating to agricultural land use.

#### Planning instruments

Each of the eight councils has land-use strategies with zoning for agricultural activity, rural living and residential development. These, in addition to State Environmental Planning Policies (SEPPS), provide the direction for Local Environmental Plans (LEPs) and Development Approvals (DAs) that dictate that type of activity and compliance requirements for a given land parcel.

Some councils have specific policies or strategies that outline their position on agricultural activity in the region. For example, Tweed Shire is currently preparing a Rural Land Strategy, to develop a strategy for the future of rural land in the Tweed. Bathurst Regional Council has both a Regional and Urban Strategy.

The specific mechanisms within the planning instruments to reduce agricultural land use conflict identified by interviewees include:

- > Buffer zones to limit the impact of agricultural practices on residents and vice versa
- > Provision to ensure agriculture remains primary use of property (e.g. not converted to ecotourism or homestays)
- > Positive covenant on titles for new developments that dictates whoever lives there cannot complain about odour or dust from the nearby agriculture
- > At DA level, consider potential conflict when providing approval.

### Education, advocacy and consultation

Councils also employ 'softer' mechanisms to reduce land use conflict. This includes education of new residents, promotion of the benefits of agriculture and consultation with agricultural industry groups. The specific mechanisms identified by the interviewees include:

- > Access to a free mediator
- > Educate and support residents to improve land management that may be impacting on agricultural areas
- > Provide a rural living handbook to new residents and landholders to let them know what to expect from rural living
- > Hawkesbury harvest to promote local produce and to increase awareness and relatability to food producers
- > Close connection to the industry - Rural industries liaison committee to consider strategies to put in place
- > New land ownership - council attaches a document outlining the kinds of things that happen in a rural environment and what new residents can expect – increase awareness – outlines council's stance that where practices are compliant, council will not take any action on complaints.

### **The Survey**

From the survey responses, the majority of local councils use planning mechanisms, either at the strategic planning or development approval level, to manage land use conflict. About one third of respondents indicated that council uses other response or 'softer' approaches including community education and engagement.

The types of strategies listed by respondents in the survey are summarised in table 4. The complete list of comments from the survey is presented in appendix D.

TABLE 4: APPROACHES AND STRATEGIES USED BY COUNCILS TO MANAGE LAND USE CONFLICT (N=39)

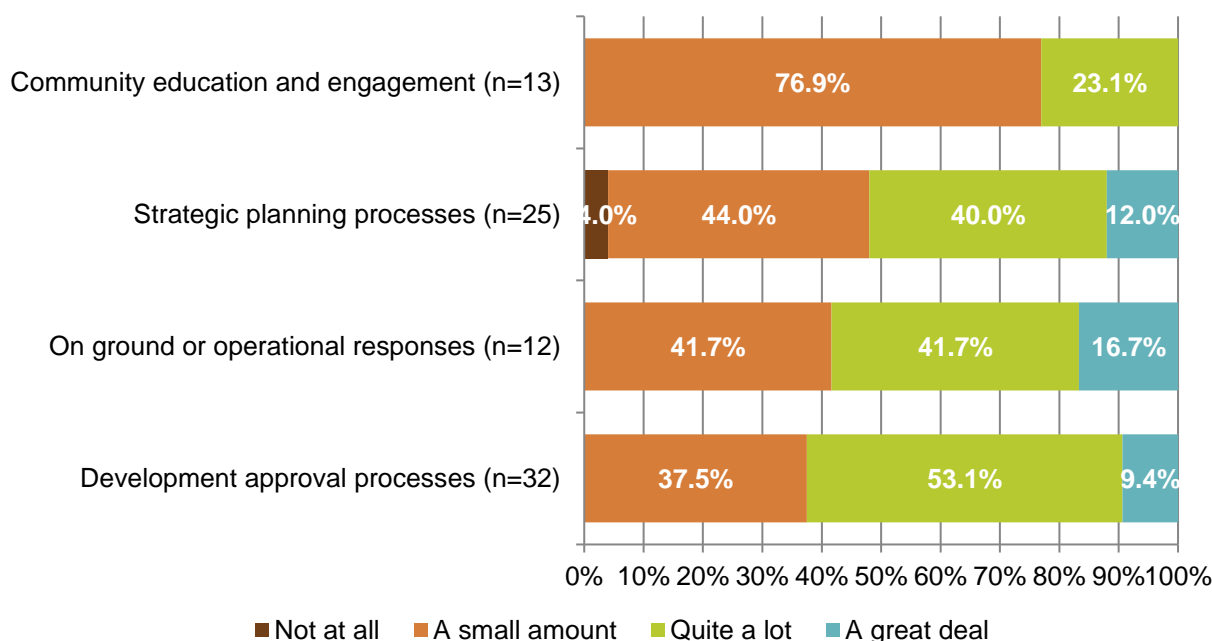
Approach to managing land use conflict	Strategies used
<b>Strategic Planning (67.5%)</b>	<ul style="list-style-type: none"><li>&gt; Identification and avoidance of development of prime agricultural land</li><li>&gt; Zoning and buffers</li><li>&gt; Right to farm policy circulated with planning certificates</li><li>&gt; Rural land strategy</li><li>&gt; Growth management strategy</li><li>&gt; Rural settlement strategy</li><li>&gt; Council policies recognising the importance of agricultural</li></ul>

Approach to managing land use conflict	Strategies used
	<ul style="list-style-type: none"> <li>practices</li> <li>&gt; Minimum lot size for land zoned for agriculture/primary production</li> </ul>
<b>Development Approval (84.6%)</b>	<ul style="list-style-type: none"> <li>&gt; Compliance conditions on agricultural practices (noise, odour, dust, hours of operation etc.)</li> <li>&gt; Consideration of potential land use conflict when assessing a DA</li> <li>&gt; Development Control Plans</li> <li>&gt; Maximising buffers</li> <li>&gt; Land Use Conflict Risk Assessment</li> </ul>
<b>Other strategies (35.9%)</b>	<ul style="list-style-type: none"> <li>&gt; Inform land owners of their obligations and the rights of others to legitimate and lawful use of land.</li> <li>&gt; Complaints response process</li> <li>&gt; Compliance officers and policies</li> <li>&gt; Conflict resolution and mediation</li> <li>&gt; Weeds inspection program</li> </ul>
<b>Community education/engagement (33.3%)</b>	<ul style="list-style-type: none"> <li>&gt; Community engagement strategy</li> <li>&gt; Forum for poultry farmers and their neighbours</li> <li>&gt; Ongoing engagement with agricultural producers in regard to improving land practices</li> <li>&gt; Informal consultation</li> <li>&gt; Media and public education</li> <li>&gt; Rural living handbook</li> <li>&gt; Community awareness guides</li> </ul>

Over 50% of respondents from local councils that manage land use conflict through on ground or operational responses, development approval and strategic planning consider these mechanisms effective (either a great deal or quite a lot) (figure 10). A small proportion of councils did not think strategic planning was an effective mechanism.

Respondents from councils that use community education and engagement mechanisms found these to be effective for managing land use conflict, but only to a small degree.

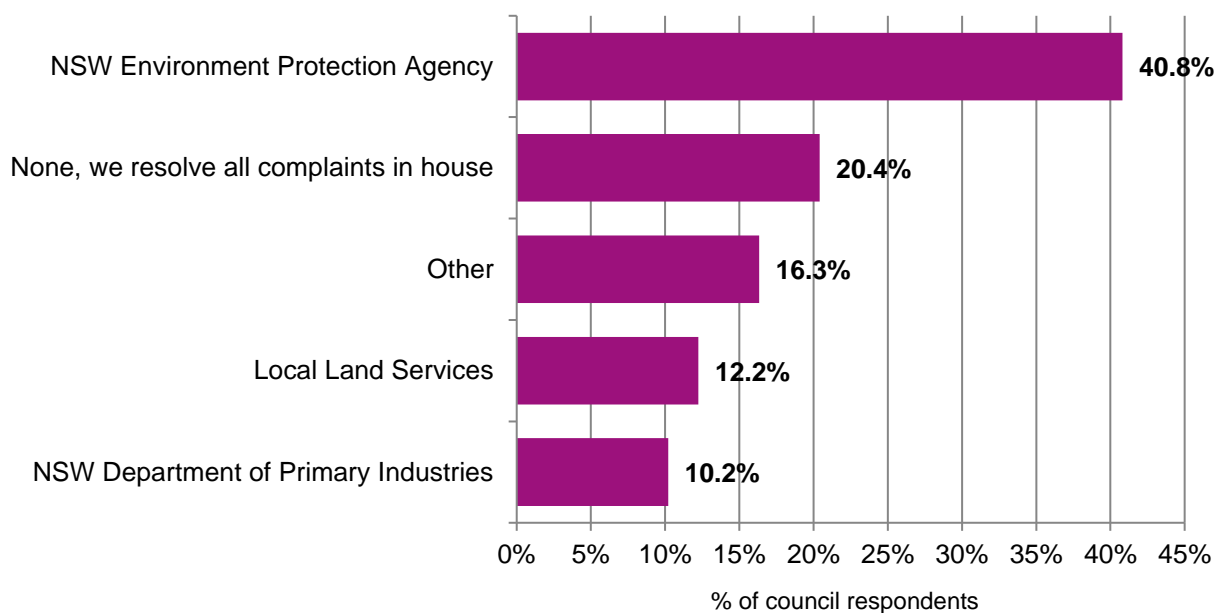
FIGURE 10: OVERALL, HOW EFFECTIVE DO YOU THINK THE STRATEGIES USED BY COUNCIL ARE AT MANAGING LAND USE CONFLICT?



#### 4.1.1 Complaints referral

In the survey, we asked local councils where they referred complaints. Responses indicate that most local councils refer complaints on to the NSW EPA (figure 11). Only 10% forward complaints to NSW DPI, while 20% do not refer complaints on to any other agencies. Councils also contact police, RSPCA, the rural fire service and the NSW Office of Water to refer complaints.

FIGURE 11: WHICH (IF ANY) OF THE FOLLOWING AGENCIES DOES COUNCIL REFER COMPLAINTS ON TO? (N=35)





## 4.2 Awareness of support by NSW DPI

### The Interviews

Most councils that took part in the interviews had a good understanding of the support provided by NSW DPI. Only Cobar and Tamworth reported that they have limited knowledge of the support and guidelines NSW DPI offered.

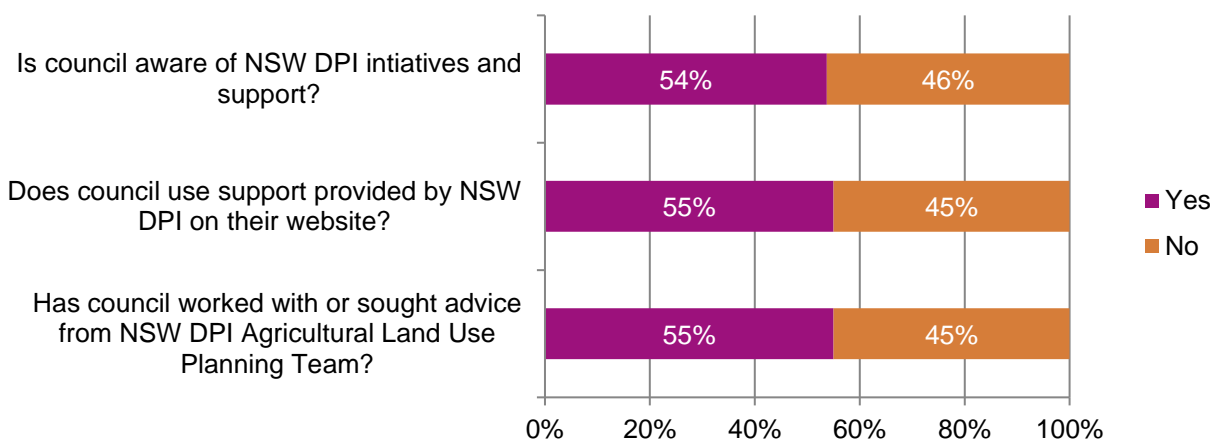
The information resources, Development Approvals and Control Plans, as well as guidance on subdivisions are used by Tweed Shire, Bega and Hawkesbury. Wollondilly and Bathurst have engaged directly with NSW DPI Agricultural Land Use Planning teams. Bathurst noted that the NSW DPI team provided assistance during the development of council's previous land use strategy and hoped that this support would be provided to develop the new strategy.

Tweed Shire found the 'Living in rural areas: A handbook for managing land use conflict issues on the NSW North Coast' particularly useful. Maitland City also used the handbook, but noted it would be useful to have something specific to the mid-coast region.

### The survey

The survey indicates that just over half of councils are aware of the initiative and support provided by NSW DPI (53.7%), have used the support provided (55%) and have worked with the NSW DPI Land Use Planning team (55%) (figure 12).

FIGURE 12: AWARENESS AND USE OF NSW DPI INITIATIVES AND SUPPORT (N=41)



The support and initiatives that local councils were aware of include:

- > Living and Working in Rural Areas - A handbook for managing land use conflict issues on the NSW North Coast
- > Agricultural mapping
- > Best practice guidelines on reducing land use conflict
- > Right to Farm Policy
- > DPI website (unspecified)
- > Guidance/support/advice with respect to farming practices
- > Land Use Conflict Risk Assessment Guides
- > This survey and other research
- > Referral process during the preparation of LEPs and Development Assessment process.

Though we did not directly ask councils about their awareness of the Right to Farm Policy, these results indicate that some councils do know of the policy. One respondent noted concern with the engagement of councils during the development of the policy, commenting;

*“Council was not actively engaged in developing this Policy document, nor was it made aware of when it was first released. The Policy appears to have been prepared in relative isolation without consultation with planning practitioners having to prepare local strategic plans and environmental planning instruments, or assess real development applications. There appears to have been little consideration given to the planning legislative framework either - having greater consideration of these issues in updated S117 Ministerial Directions for LEPs would have potentially been a more effective approach.”*

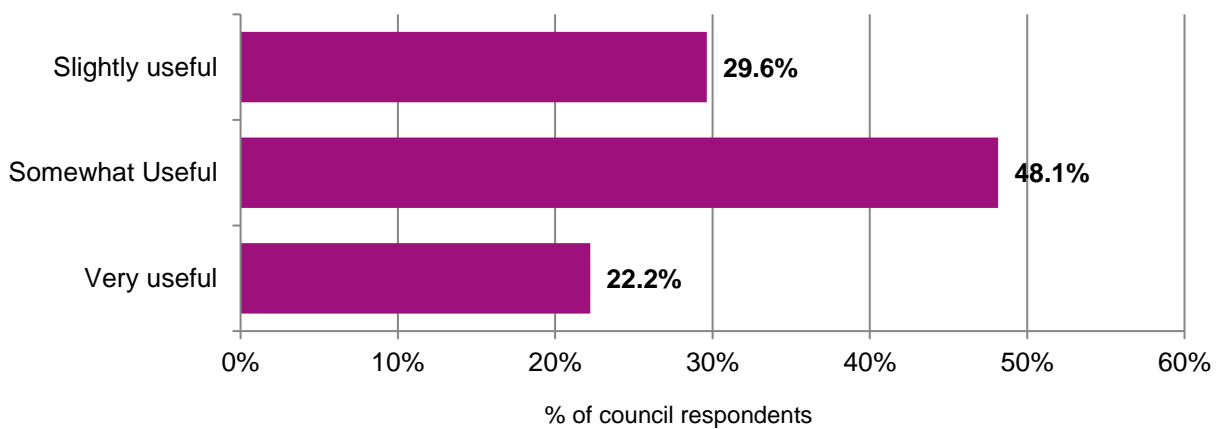
The resources used by councils include:

- > Agricultural mapping and statistics
- > Engagement with the DPI team
- > Development assessment, strategic planning and environmental projects
- > DPI have been involved in a local initiative to develop a strategy for the identification of good agricultural land and the use of mapping to establish trigger maps and assessment criteria for the assessment of additional housing and protection of agricultural land
- > General information in regard to specific development proposals
- > Information on climate change, acid sulphate soils and managing land use conflicts
- > Land Use Conflict Risk Assessment Guides
- > Best practice guidelines for agriculture e.g. dairies and piggeries.
- > LUCRA Farmland mapping
- > Previous access to poultry officer and environmental officer
- > Referral of planning proposals to DPI-Ag for comment/review - seeking advice to manage land use conflict
- > Legislation and Policies
- > Use of fact sheets and information to direct persons making initial enquiries e.g. Poultry fact sheets and free range piggery fact sheets get used frequently.

The complete list of comments from councils regarding awareness and use of resources is provided in appendix D.

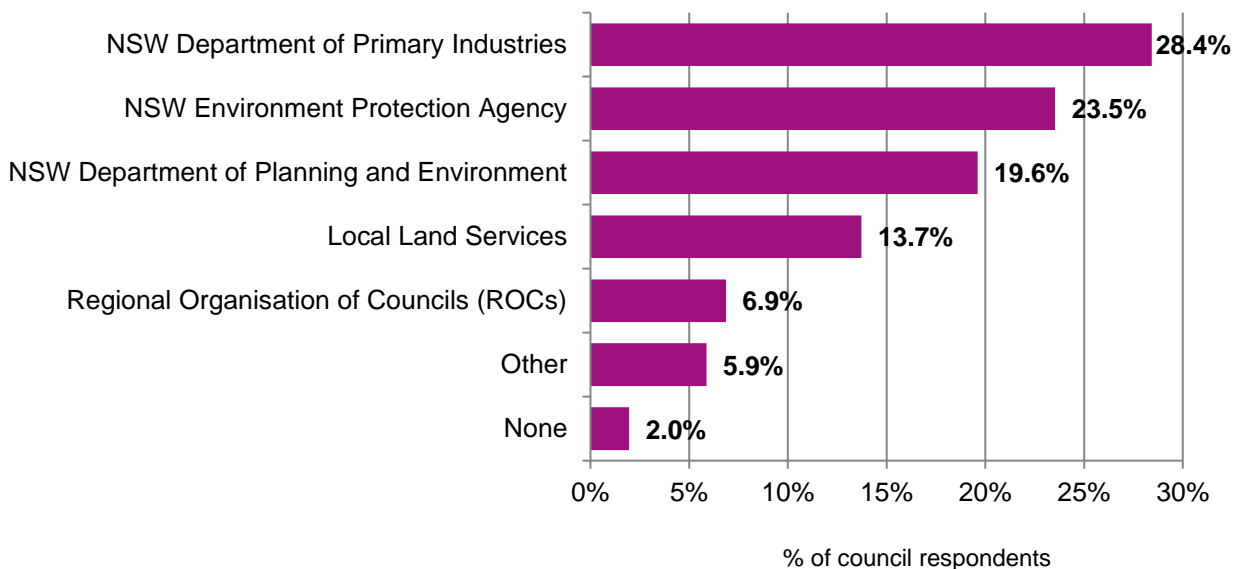
All council respondents that used NSW DPI's initiatives and support found them useful to some degree. Over 50% found the initiatives and support somewhat useful or very useful (figure 13).

FIGURE 13: OVERALL, HOW USEFUL DID COUNCIL FIND THE INITIATIVES OR SUPPORT PROVIDED BY NSW DPI? (N=28)



We asked survey respondents who they contacted for support and guidance to manage agricultural land use conflict (figure 14). NSW DPI was the main agency contacted by councils for assistance.

FIGURE 14: WHICH OF THE FOLLOWING AGENCIES HAS COUNCIL CONTACTED OR USED SUPPORT/GUIDANCE FROM TO MANAGE LAND USE CONFLICT? (N=38)



### 4.3 Suggested strategies and approaches from councils

#### *The Interviews*

Interviewees identified some suggested strategies and approaches that would better manage land use conflict. These include regulatory changes, governance approaches and softer strategies. The key themes from the interviews are:

- > Stronger leadership and political will from state and federal governments to promote and protect agricultural land
- > Remove dwelling entitlements – subdivision of land and encroachment of new residents into agricultural areas are perceived as key drivers of conflict. Removing or further restricting dwelling entitlements on existing agricultural properties may help address this issue

- > Guidance and measures in place to better define appropriate buffer size
- > Stronger evidence base to support the importance of agriculture to NSW – better mapping and data collection to establish a robust understanding of the extent of agricultural activity and the outcomes (e.g. economic impact)
- > Education of new residents and the broader community on the importance of agriculture and realities of rural living – interviewees noted that promoting local food produce may be one way to increase appreciation of agriculture in the broader community.
- > Education and skill upgrade of agricultural practitioners
- > Engagement with developers, property owners and neighbours prior to new developments to work to minimise potential conflict
- > Improvements to complaints management – this is led by local councils and often reactive. Councils have limited resources to dedicate to complaints management.

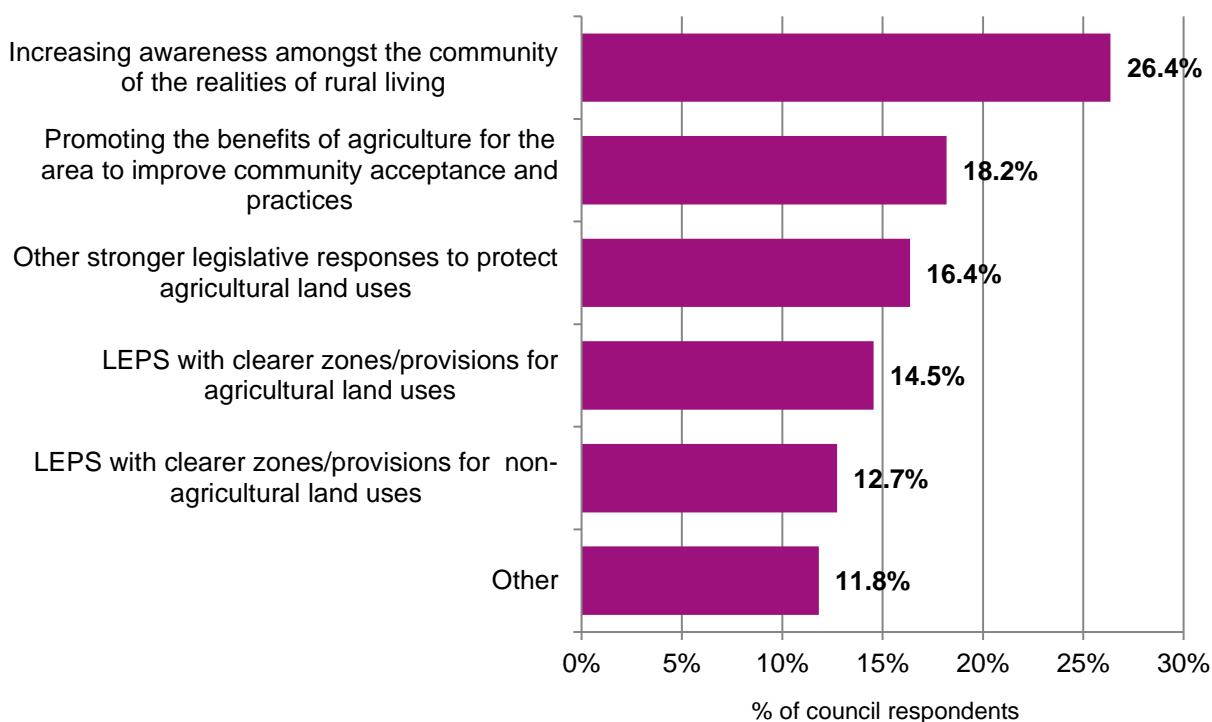
The interviewees provided some suggestions for how NSW DPI could better support local councils to manage land use conflict. Suggestions relate to the overall role of NSW DPI, plus the resources or initiatives that may be useful (note: these suggestions reflect council's comments and are not necessarily indicative of actions that are appropriate for NSW DPI):

- > Greater weight in decision making and a standardisation of approaches to managing agricultural land use conflict across NSW
- > Technical assistance (potentially including funding) to help address issues that may be causing conflict (e.g. managing dairy farm waste, weed management)
- > Support and resources for an education program that local councils can roll out for the community or new residents - potentially a pamphlet and land use map to attach to contract or first rates notice
- > Workshops or education program for local councils to increase capacity to better manage land use conflict strategically and on-ground resolutions (note: there is a strong preference for these to occur locally, rather than Sydney based)
- > Provide guidelines for appropriate buffer size
- > Increase in lot size for State significant agricultural land
- > Role in data collection, including the extent of agriculture and the economic benefit
- > Changes to the industrial noise policy to either exclude agriculture or have provisions that are better suited to the agricultural context
- > A similar document to the Living and Working in Rural Areas - A handbook for managing land use conflict issues on the NSW North Coast that is tailored to other areas.

### **The Survey**

We asked survey respondents what would be most effective for reducing land use conflict. Council respondents had a slight preference for 'softer' options of increasing community awareness of the realities of rural living and promoting the benefits of agriculture over more legislative mechanisms (figure 15).

FIGURE 15: WHAT DO YOU THINK WOULD BE MOST EFFECTIVE FOR REDUCING LAND USE CONFLICT IN YOUR COUNCIL AREA? (N=37)



We gave respondents with the opportunity to provide suggestions for additional support and initiatives that NSW DPI may offer. Only 16 councils chose to provide a response. Their suggestions are:

- > A higher level of consultation between Councils and the regional officers of the Department of Planning to properly integrate agricultural land uses within the scope of consideration of - social, environmental and economic - matters as required under S117 Ministerial Directions for rezoning and S79C considerations for development applications
- > Advice was sought during the preparation of the current LEP. Further investigations not undertaken with DPI as complaints/issues are dealt with on an as needs basis
- > Advise of resource updates more regularly to Council
- > Briefing of the extent of resource available with a realistic commitment to servicing levels for councils
- > Clarify provisions about when animals contained for feeding can be done without consent and when consent is required. The provision from LLS for drought lot feeding conflicts with provisions from planning for feedlots. This situation is unacceptable for Council, residents and operators. Certainty is needed in what regulatory requirements are necessary
- > Clear policy position on minor `intensive agricultural enterprises - like extensive with some supplementary feeding
- > Commentary on minimum farm size and rural subdivision standards
- > Does DPI offer pre-lodgement consultation for developers intending to establish any intensive form of agriculture? Council is often the first port of call for persons interested in developing more intense forms of agriculture and it would be beneficial if there was a service provided to help with applicants in preparation of their DA`s prior to lodging with Council

- > Educating the community
- > Field days on site at time of year when conflict likely to occur to inform community
- > More proactive legislation to protect existing agricultural activities in Sydney Basin e.g. SEPP
- > Policy reflecting compliance with POEO and best farm practice. Policy to address issue of growth centres and existing agricultural properties (e.g. incentives to relocate) - especially in fragmented areas
- > Strong and consistent advice / methodology in relation to determining buffer requirements associated with protecting the agricultural resource
- > The role of extension officers used to be most helpful as they were incredibly well informed in their areas of expertise. Getting harder to find that real time experience
- > Was unaware of DPI assistance in this matter, will make use of website
- > Website material would be helpful for residents.

#### 4.4 Key findings

Local councils currently employ a range of mechanisms to manage agricultural land use conflict. Most councils manage land use conflict at a strategic planning and development approval level, with around one third of councils also adopting 'softer' consultative methods. The current mechanisms include:

- > Response actions such as consultation with land holders and compliance enforcement if necessary
- > Planning mechanisms such as land use strategies with specified agricultural zoning and buffer requirements to minimise potential conflict
- > Engagement and education including liaison with agricultural industry groups, providing information to new residents on agricultural living and engaging with developers, land holders and neighbours prior to implementation of new agricultural or non-agricultural development.

The majority of survey respondents find strategic planning and development approval mechanisms effective for managing agricultural land use conflict. Those councils that use engagement and education approaches found this to be effective, but only to a small degree. However, when asked what mechanisms would be most effective for reducing land use conflict, respondents favoured 'increasing awareness amongst the community' over legislative options. This suggests that improving education and engagement initiatives may be a preferred option for better managing agricultural land use conflict.

As reported by respondents, local councils varied in their level of awareness and use of the initiatives and support offered by NSW DPI. Around half the local councils were aware of the resources on the NSW DPI website and used these to assist with land use planning and managing conflict. Over 50% of councils had also engaged with the NSW DPI Agricultural Land Use Planning team.

Those councils that had made use of NSW DPI support and resources generally found these useful. However, there were some suggestions for how NSW DPI could better support local councils to manage agricultural land use conflicts. These are:

- > Higher level of consultation with local councils to assist with policy/planning/strategy development and to inform them of available resources – potentially including workshops on managing agricultural conflict

- > Provide clarity and consistency on approach to managing agricultural land use conflict and protection of agricultural land across State government
- > Further guidance on planning and technical issues such as minimum farm size, rural subdivision standards, zoning, buffer requirements and compliance standards
- > Resources that council can use for community education and engagement.

## 5 Summary of key findings

Key findings	
<p><b>Number of complaints</b></p> <p><i>Note: Number may be from respondents perspective or complaints records</i></p>	<ul style="list-style-type: none"> <li>&gt; Most common number of complaints = 1-2 per month</li> <li>&gt; 31% of council respondents receive 3 or more a month</li> <li>&gt; The number of complaints have remained the same over the last 5 years in most local councils</li> <li>&gt; Council areas with greater than 50% agricultural land use receive fewer complaints per month and are more likely to think complaints had stayed about the same over the last 5 years.</li> </ul>
<p><b>Types of complaints</b></p>	<ul style="list-style-type: none"> <li>&gt; Most commonly received complaints across councils:               <ul style="list-style-type: none"> <li>&gt; Escape of livestock onto public land or residential property</li> <li>&gt; Legally compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.)</li> <li>&gt; Non-compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc.).</li> </ul> </li> <li>&gt; Poultry farming and broad acre cropping cause the highest number of complaints, with odour, dust and noise the primary concerns.</li> </ul>
<p><b>Complaints referral</b></p>	<ul style="list-style-type: none"> <li>&gt; Approximately 41% of local councils referred complaints on to the NSW EPA</li> <li>&gt; 10% forwarded complaints to NSW DPI</li> <li>&gt; 20% did not refer complaints on to any other agencies.</li> </ul>
<p><b>Drivers of complaints</b></p>	<p>Key drivers identified by councils are:</p> <ul style="list-style-type: none"> <li>&gt; Lack of understanding of the realities of rural living amongst new residents</li> <li>&gt; Sub-division of agricultural properties and the legacy of previous planning instruments</li> <li>&gt; Encroachment of non-agricultural uses into existing agricultural areas</li> <li>&gt; Close proximity of agricultural uses to non-agricultural properties</li> <li>&gt; Lack of communication within the community and between neighbours.</li> </ul>
<p><b>Impact of conflict on agriculture activities</b></p>	<ul style="list-style-type: none"> <li>&gt; No clear evidence that conflict or complaints are reducing agriculture</li> <li>&gt; Only 33% of councils think conflict is reducing on agriculture</li> <li>&gt; The true impact of conflict on agriculture is difficult to measure – potential conflict may be preventing agricultural development. This is</li> </ul>



## Key findings

not captured by number of complaints as a measure of conflict.

### Current strategies to manage land use conflict

- > Response actions
  - Consultation with land holders/complainants
  - Compliance enforcement if necessary
- > Planning mechanisms including strategic planning (67%) and development approvals (85%)
  - Land use strategies with specified agricultural zoning and buffer requirements
- > Engagement and education approaches (33%)
  - Liaison with agricultural industry groups
  - Information to new residents on agricultural living
  - Engaging with developers, land holders and neighbours prior to implementation of new agricultural or non-agricultural development

### NSW DPI initiatives and support

- > Just over 50% of councils
  - Are aware of the resources on the NSW DPI website
  - Use these to assist with land use planning and managing conflict
  - Have engaged with the NSW DPI Agricultural Land Use Planning team.
- > Councils found the initiatives and support useful – 22.2% found them very useful
- > NSW DPI was the most common agency that councils contacted for assistance with managing land use conflict

### Suggested strategies and improvements

- > Councils have a slight preference for non-legislative approaches as effective strategies for managing land use conflict, specifically;
  - Increasing community awareness of the realities of rural living
  - Promoting the benefits of agriculture over more legislative mechanisms as effective for managing land use conflict
- > Ways in which NSW DPI could better support the management of land use conflict identified by councils include:
  - Higher level of consultation with local councils to assist with policy/planning/strategy development and to inform them of available resources – potentially including workshops on managing agricultural conflict
  - Provide clarity and consistency on approach to managing agricultural land use conflict and protection of agricultural land across State government
  - Further guidance on planning and technical issues such as minimum farm size, rural subdivision standards, zoning, buffer requirements and compliance standards
  - Provision of resources that council can use for community education and engagement



# Appendix A. Interview discussion guide

## **Introduction:**

Hi ..... My name is ..... and I'm calling from the Institute for Public Policy and Governance at the University of Technology Sydney.

*Note: We will already have been in contact with respondents to arrange an interview time and will have outlined the purpose of the project and their involvement. We will summarise this again for them here.*

Just to reiterate the purpose of the project, we are conducting research for NSW DPI to understand how best NSW DPI can support local councils prevent or manage land-use conflict that arises from agricultural practices.

We are talking to a number of local councils about:

- > their experience with land-use conflict,
- > the types of complaints they receive, who these are from and how they are recorded,
- > suggestions council may have for how best to address land-use conflict, and
- > council's current awareness of the guidelines and support provided by NSW DPI.

The findings from the interviews will be used to develop a survey instrument on land-use conflict which we will send around in early June.

The interview should take no longer than 30 mins - are you ok to proceed now? Can I confirm that each of you has read and signed the ethics information and consent form?

*Note: make sure the respondent has signed the ethics agreement prior to starting the interview. They can email it through after the interview, but they have to have signed it at this point.*

## **Mechanism for recording complaints**

To start off with, if you get complaints relating to agricultural practices or land use, which section of council receives these? Note that this may include complaints from other residents about agricultural practices, or from farmers about the impact of other land uses or residents.

How are complaints currently recorded? (*prompt for the way data is stored, the information that is collected and what happens to this information*)

Are there any improvements you would like to see in the complaints recoding process? (*i.e. data that isn't being collected, but they think should be?*)

## **Type, extent and origin of complaints**

Is land-use conflict a concern for your council area? Why? (*A broad question to get them thinking about land use conflict*)

How frequently do you receive complaints?

What are the complaints about?

Who are the complaints generally from?

## **Managing land-use conflict**

What strategies does council currently use to address or manage land-use conflict?

Are council aware of the support or guidelines provided by NSW DPI such as ... (*Note: we will need a list of these from NSW DPI*)

Do you have any ideas or suggestion for other strategies or methods that would help prevent and manage land-use conflict?

How might council use the support provided by NSW DPI to inform their future practices regarding land-use conflict management?

### **Conclusion**

Thank you for taking the time to have a chat with me today. Following the completion of the interviews, we will develop a survey instrument to collect baseline, quantitative data on land use conflict. We will send this to you in early June. Please do not hesitate to contact myself (*Liana*) if you have any questions regarding the research.

## Appendix B. Survey instrument

### Introduction

The University of Technology Sydney (UTS) and NSW Department of Primary Industries (NSW DPI) are conducting important research into agricultural land use conflict across NSW. The research is investigating the type and extent of agricultural land use conflict, how councils are managing this conflict, and how councils can best be supported in conflict management.

**Agricultural land use conflict refers to a disagreement or dispute over the use of agricultural land. Conflict may result when the activities of one land owner are perceived to, or actually, impact upon the rights, values or amenity of another person.**

This survey is the second stage of the project. The first stage involved interviews with eight local councils. This survey follows up on the themes that emerged from the interviews.

We ask that one survey be completed per council. We encourage you to consult with other council staff members to complete the survey. You may save your answers and return to the survey to complete it at a later date. To do this, you will need to enable cookies on your internet browser (e.g. Internet Explorer, Firefox, Chrome). You must use the same computer and browser to return to the survey.

**The responses you provide may be reported publicly. These responses will be reported in a way that ensures you are not in any way identified.**

If you have any questions or concerns about the research please contact: Dr Liana Wortley, Research Officer, UTS:CLG at [liana.wortley@uts.edu.au](mailto:liana.wortley@uts.edu.au)

### About Council

**To begin with, we want to ask you a few questions about your council.**

Q1. What is the name of the council where you work?

- |  |  |   |
|--|--|---|
| <input type="radio"/> Albury (C)                 | <input type="radio"/> Glen Innes Severn (A)  | <input type="radio"/> Narromine (A)               |
| <input type="radio"/> Armidale Dumaresq (A)      | <input type="radio"/> Gloucester (A)         | <input type="radio"/> Oberon (A)                  |
| <input type="radio"/> Ballina (A)                | <input type="radio"/> Gosford (C)            | <input type="radio"/> Orange (C)                  |
| <input type="radio"/> Balranald (A)              | <input type="radio"/> Goulburn Mulwaree (A)  | <input type="radio"/> Palerang (A)                |
| <input type="radio"/> Bathurst Regional (A)      | <input type="radio"/> Great Lakes (A)        | <input type="radio"/> Parkes (A)                  |
| <input type="radio"/> Bega Valley (A)            | <input type="radio"/> Greater Hume Shire (A) | <input type="radio"/> Penrith (C)                 |
| <input type="radio"/> Bellingen (A)              | <input type="radio"/> Greater Taree (C)      | <input type="radio"/> Port Macquarie-Hastings (C) |
| <input type="radio"/> Berrigan (A)               | <input type="radio"/> Griffith (C)           | <input type="radio"/> Port Stevens (C)            |
| <input type="radio"/> Blacktown (C)              | <input type="radio"/> Gundagai (A)           | <input type="radio"/> Queanbeyan (C)              |
| <input type="radio"/> Bland (A)                  | <input type="radio"/> Gunnedah (A)           | <input type="radio"/> Richmond Valley (A)         |
| <input type="radio"/> Blayney (A)                | <input type="radio"/> Guyra (A)              | <input type="radio"/> Shellharbour (C)            |
| <input type="radio"/> Blue Mountains (C)         | <input type="radio"/> Gwydir (A)             | <input type="radio"/> Shoalhaven (C)              |
| <input type="radio"/> Bogan (A)                  | <input type="radio"/> Harden (A)             | <input type="radio"/> Singleton (A)               |
| <input type="radio"/> Bombala (A)                | <input type="radio"/> Hawkesbury (C)         | <input type="radio"/> Snowy River (A)             |
| <input type="radio"/> Boorowa (A)                | <input type="radio"/> Hay (A)                | <input type="radio"/> Tamworth Regional (A)       |
| <input type="radio"/> Bourke (A)                 | <input type="radio"/> Hills Shire (C)        | <input type="radio"/> Temora (A)                  |
| <input type="radio"/> Brewarrina (A)             | <input type="radio"/> Hornsby (A)            | <input type="radio"/> Tenterfield (A)             |
| <input type="radio"/> Broken Hill City Council © | <input type="radio"/> Inverell (A)           | <input type="radio"/> Tumbarumba (A)              |
| <input type="radio"/> Cabonne (A)                | <input type="radio"/> Jerilderie (A)         | <input type="radio"/> Tumut Shire (A)             |
| <input type="radio"/> Camden (A)                 | <input type="radio"/> Junee (A)              | <input type="radio"/> Tweed (A)                   |
| <input type="radio"/> Campbelltown (C)           | <input type="radio"/> Kempsey (A)            | <input type="radio"/> Upper Hunter Shire (A)      |
| <input type="radio"/> Carrathool (A)             | <input type="radio"/> Kiama (A)              | <input type="radio"/> Upper Lachlan Shire (A)     |
| <input type="radio"/> Central Darling (A)        | <input type="radio"/> Ku-ring-gai (A)        | <input type="radio"/> Uralla (A)                  |
| <input type="radio"/> Cessnock (C)               | <input type="radio"/> Kyogle (A)             | <input type="radio"/> Urana (A)                   |
| <input type="radio"/> Clarence Valley (A)        | <input type="radio"/> Lachlan (A)            | <input type="radio"/> Wagga Wagga (C)             |
| <input type="radio"/> Cobar (A)                  | <input type="radio"/> Lake Macquarie (C)     | <input type="radio"/> Wakool (A)                  |
| <input type="radio"/> Coffs Harbour (C)          |  |   |

- |  |  |   |
|--|--|---|
| <input type="radio"/> Conargo (A)      | <input type="radio"/> Leeton (A)               | <input type="radio"/> Walcha (A)              |
| <input type="radio"/> Coolamon (A)     | <input type="radio"/> Lismore (C)              | <input type="radio"/> Walgett (A)             |
| <input type="radio"/> Cooma-Monaro (A) | <input type="radio"/> Lithgow (C)              | <input type="radio"/> Warren (A)              |
| <input type="radio"/> Coonamble (A)    | <input type="radio"/> Liverpool (C)            | <input type="radio"/> Warringah (A)           |
| <input type="radio"/> Cootamundra (A)  | <input type="radio"/> Liverpool Plains (A)     | <input type="radio"/> Warrumbungle Shire (A)  |
| <input type="radio"/> Corowa Shire (A) | <input type="radio"/> Lockhart (A)             | <input type="radio"/> Weddin (A)              |
| <input type="radio"/> Cowra (A)        | <input type="radio"/> Maitland (C)             | <input type="radio"/> Wellington (A)          |
| <input type="radio"/> Deniliquin (A)   | <input type="radio"/> Mid-Western Regional (A) | <input type="radio"/> Wentworth (A)           |
| <input type="radio"/> Dubbo (C)        | <input type="radio"/> Moree Plains (A)         | <input type="radio"/> Wingecarribee (A)       |
| <input type="radio"/> Dungog (A)       | <input type="radio"/> Murray (A)               | <input type="radio"/> Wollondilly (A)         |
| <input type="radio"/> Eurobodalla (A)  | <input type="radio"/> Murrumbidgee (A)         | <input type="radio"/> Wollongong (C)          |
| <input type="radio"/> Fairfield (C)    | <input type="radio"/> Muswellbrook (A)         | <input type="radio"/> Wyong (A)               |
| <input type="radio"/> Forbes (A)       | <input type="radio"/> Nambucca (A)             | <input type="radio"/> Yass Valley (A)         |
| <input type="radio"/> Gilgandra (A)    | <input type="radio"/> Narrabri (A)             | <input type="radio"/> Young (A)               |
| <input type="radio"/> Glen Innes (A)   | <input type="radio"/> Narrandera (A)           | <input type="radio"/> Other (please specify): |

Q3. Approximately, what percentage of the land in your local government area is currently used for agricultural practices? (SR)

- A. Greater than 80%
- B. Between 60%-80%
- C. About half
- D. Between 20%-40%
- E. Less than 20%
- F. Unknown

Q2. What are the main types of agricultural uses undertaken in your council area? Please select all options that are relevant and order them from most (1) to least common agricultural use in your area.

- A. Sheep grazing
- B. Cattle grazing – meat production
- C. Cattle grazing – dairy
- D. Poultry
- E. Piggeries
- F. Broad acre cropping
- G. Small scale market gardens
- H. Greenhouse horticulture
- I. Fruit or nut growers
- J. Vegetable growers
- K. Flower growers
- L. Nurseries
- M. Sugarcane
- N. Horse studs/equestrian
- O. Vineyards
- P. Other (please specify)
- Q. There are no agricultural uses in our area (Thank and close)

>

### Complaints

**This section asks about your council's experience with complaints about agricultural land use**

Q5. Has your council ever received complaints regarding agricultural land use? This can include agriculture impacting on other land uses, and other land uses impacting on agricultural uses

- A. Yes
- B. No (Go to Q13)

Q10. Are complaints recorded in a database?

- A. Yes
  - a. Please specify which database:
- B. No

Q6b. In the last 5 years, do you think agricultural land use complaints have: (SR)

- A. Increased
- B. Decreased
- C. Stayed about the same
- D. Not sure

>

Q6. Approximately how many complaints regarding agricultural land use does council receive:

- A. On average per month? (*Provide box to specify*)
- B. At maximum per month? (*Provide box to specify*)
- C. At minimum per month? (*Provide box to specify*)

Q6a. What months of the year does council receive the most complaints? (MR)

- A. January- February
- B. March-April
- C. May-June
- D. July-August
- E. September-October
- F. November-December

Q7. Overall, what proportion of agricultural land use complaints made to council are about the following types of issues:

	0%	1-25%	25-50%	50-75%	75%+
Legally compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc)		Ask Q7a,b	Ask Q7a,b	Ask Q7a,b	Ask Q7a,b
Non-compliant agricultural practices impacting on amenity (e.g. odour, noise, dust etc)		Ask Q7a,b	Ask Q7a,b	Ask Q7a,b	Ask Q7a,b
Complaints between agricultural users about respective farming practices					
The impact of agricultural practices on roads and other infrastructure					
Weed dispersal onto adjacent agricultural or rural residential land					
Tree or vegetation					

removal on agricultural land					
Behaviour of non-agricultural residents or practices (e.g. motorbike use and noise)					
Impacts on downstream water users including illegal water take or infrastructure e.g. dams/earthworks					
Escape of livestock onto public land or residential property					
Attacks on livestock by domestic pets (e.g. dogs)					
Other (please specify)					

Q7b. What types of agricultural practices attract the most complaints in your area? (Multiple responses possible)

- A. Sheep grazing
- B. Cattle grazing – meat production
- C. Cattle grazing – dairy
- D. Poultry
- E. Piggeries
- F. Broad acre grain cropping
- G. Small scale market gardens
- H. Greenhouse horticulture
- I. Fruit or nut growers
- J. Vegetable growers
- K. Flower growers
- L. Nurseries
- M. Sugarcane
- N. Horse studs
- O. Vineyards
- P. Other (please specify)

Q7a. Specifically, what are the complaints regarding agricultural practices about? Please select all that are relevant and order them from most (1) to least common

- 1. Odour
- 2. Noise
- 3. Dust
- 4. Spray drift
- 5. Lights
- 6. Firearms
- 7. Fire
- 8. Flies
- 9. Litter
- 10. Smoke
- 11. Reflective structures such as igloos or hail netting



- 12. Gas guns or cannons used as pest deterrents
- 13. Wind break plantings affecting visual amenity
- 14. Timing of deliveries to and from the farm (i.e. night or early morning)
- 15. Other (please specify)

Q8. Which (if any) of the following agencies does council refer complaints on to? (MR)

- A. NSW Department of Planning and Environment
- B. Local Land Services
- C. NSW Environment Protection Agency
- D. Regional Organisation of Councils (ROCs)
- E. NSW Department of Primary Industries
- F. Other (please specify)
- G. None, we resolve all complaints in house (SR)

Q13. Overall, how much would you say each of the following factors drive agricultural land use conflict in your area?

	Not at all	A little	A fair amount	A lot
Non-compliance in the agricultural industry with relevant legislation and consent conditions and/or best practice				
Encroachment of non-agricultural uses into existing agricultural areas				
Sub-division of agricultural properties				
Lack of communication within the community and between neighbours				
Lack of understanding amongst new residents of the realities of living in an agricultural area and agricultural practices				
Lack of skills or awareness of appropriate property management in agricultural areas amongst residents (e.g. weed control)				
Use of agricultural properties for holiday lets or ecotourism				
Encroachment of agriculture into or near existing residential areas				

Close proximity of agricultural uses to non-agricultural properties				
Other (please specify)				

**Current approaches to managing land use conflict**

Q14. Does council currently employ strategies to manage land use conflict at a strategic planning level?

- A. Yes (Ask Q14a, Q17c)
- B. No

Q14a What strategies does council currently employ to manage land use conflict at a strategic planning level? [OPEN]

Q15. Does council currently employ strategies to manage land use conflict at the development approval level?

- A. Yes (Ask Q15a, Q17c)
- B. No

Q15a What strategies does council currently employ to manage land use conflict at the development approval level? [OPEN]

Q16. Does council currently employ any other strategies at the response or operational level to manage land use conflict in their communities?

- A. Yes (Ask Q16a, Q17c)
- B. No

Q16 a What other strategies does council currently employ at the response or operational level to manage land use conflict in their communities? [OPEN]

Q17. Does council use any community education or engagement strategies to help prevent land use conflict?

- A. Yes (Ask Q17a, Q17c)
- B. No

Q17a . What community education or engagement strategies does council use to help prevent land use conflict? [OPEN]

Q17c Overall, how effective do you think the strategies used by council are at managing land use conflict?

	Not at all	A small amount	Quite a lot	A great deal
Strategic planning processes				
Development approval processes				
On ground or operational responses				
Community education and engagement				

Q18. What do you think would be most effective for reducing land use conflict in your council area?  
(Multiple responses possible)

- A. Local Environmental Plans with clearer zones and provisions for agricultural land uses
- B. Local Environmental Plans with clearer zones and provisions for non-agricultural land uses
- C. Other stronger legislative responses to protect agricultural land uses
- D. Increasing awareness amongst the community of the realities of rural living
- E. Promoting the benefits of agriculture for the area to improve community acceptance of practices
- F. Other (please specify)

Q26. Do you think land use conflict is reducing agriculture in your council area?

- A. Yes (Ask 19)
- B. No

Q19. To what extent do you think land use conflict is reducing agriculture in your Council area? (SR)

- A. Not a lot
- B. A fair amount
- C. Quite a lot

**NSW Department of Primary Industries**

Q24. Which of the following agencies has council contacted or used support/guidance from to manage agricultural land use conflict? (MR)

- A. NSW Department of Planning and Environment
- B. Local Land Services
- C. NSW Environment Protection Agency
- D. Regional Organisation of Councils (ROCs)
- E. NSW Department of Primary Industries
- F. Other (please specify)
- G. None

Q20. Is council *aware* of any initiatives or support offered by the NSW Department of Primary Industries to support management of agricultural land use conflict?

- A. Yes (ASK Q20a)
- B. No

Q20a. Please list the initiatives and support that you are aware of

[OPEN]

**The NSW Department of Primary Industries (DPI) has a number of initiatives to provide information and support to local councils manage land use conflict. These include information on its website on the following matters:**

- A. Development Assessment**
- B. Strategic Planning**
- C. Legislation and Policies**
- D. Agricultural Mapping**
- E. Agricultural Statistics**

**F. Frequently Asked Questions and Further Reading**

**DPI also has the Agricultural Land Use Planning team including Agricultural Resource Management Officers who work with councils and provide advice.**

Q21. Does your Council currently *use* any of the support provided by NSW DPI on their website?

- A. Yes (Ask Q21a)
- B. No (skip to Q23)

Q21a. Please list the initiatives and support your council currently uses

[OPEN]

Q25. Has your council worked with or sought advice from the NSW DPI Agricultural Land Use Planning team?

- A. Yes
- B. No

Q22 Overall, how useful did Council find the initiatives or support provided by NSW DPI?

Very useful (Ask Q22a)	Somewhat Useful (Ask Q22a)	Slightly useful	Not at all useful (Ask Q22b)

Q22a. Please specify why you found these useful [OPEN]

Q22b. Please specify why you found these not at all useful [OPEN]

Q23. Please provide any suggestion for additional initiatives or support NSW DPI could provide to help councils manage agricultural land use conflict.[OPEN]

Thank you for completing the survey

CLOSE

## Appendix C. Australian classifications of local governments

Step 1	Step 2	Step 3	Identifiers	Category
<b>URBAN (U)</b>	<b>Capital City (CC)</b>			UCC
Population more than 20 000	<b>Metropolitan Developed (D)</b> Part of an urban centre of more than 1 000 000 or population density more than 600/sq km	Small (S) Medium (M) Large (L) Very Large (V)	up to 30 000 30 001–70 000 70 001–120 000 more than 120 000	UDS UDM UDL UDV
OR				
Population density more than 30 persons per sq km	<b>Regional Towns/City (R)</b> Part of an urban centre with population less than 1 000 000 and predominantly urban in nature	Small (S) Medium (M) Large (L) Very Large (V)	up to 30 000 30 001–70 000 70 001–120 000 more than 120 000	URS URM URL URV
OR				
90 per cent or more of LGA population is urban	<b>Fringe (F)</b> A developing LGA on the margin of a developed or regional urban centre	Small (S) Medium (M) Large (L) Very Large (V)	up to 30 000 30 001–70 000 70 001–120 000 more than 120 000	UFS UFM UFL UFV
<b>RURAL (R)</b>				
An LGA with population less than 20 000	<b>Significant Growth (SG)</b> Average annual population growth more than 3 per cent, population more than 5 000 and not remote	Not applicable		RSG
AND				
Population density less than 30 persons per sq km	<b>Agricultural (A)</b>	Small (S) Medium (M) Large (L) Very Large (V)	up to 2 000 2 001–5 000 5 001–10 000 10 001–20 000	RAS RAM RAL RAV
AND				
Less than 90 per cent of LGA population is urban	<b>Remote (T)</b>	Extra Small (X) Small (S) Medium (M) Large (L)	up to 400 401–1 000 1 001–3 000 3 001–20 000	RTX RTS RTM RTL

## Appendix D. Strategies currently used by council – survey comments

Approach to managing land use conflict	Strategies currently used
<p><b>Strategic Planning (67.5%)</b></p>	<ul style="list-style-type: none"> <li>&gt; Assessment and avoidance of prime agricultural areas, establishment of appropriate buffers and development consent conditions to manage potential conflicts.</li> <li>&gt; careful use of zoning and permissibly tables.</li> <li>&gt; COuncil adopted a Right to Farm Policy in 2016 and has lobbied state and federal government over the past 4 years. Right to Farm info supplied as a fact sheet issued with all rural zoned 149 certificates</li> <li>&gt; Council has a right to farm policy in place which is circulated with planning certificates. Impacts of agriculture considered when LEP amendments are being considered.</li> <li>&gt; Council is in the process of preparing a rural land strategy for the northern areas of the CCC. This has not yet been implemented</li> <li>&gt; Council`s LEP provides clearly established provisions for the separation of incompatible landuses, and development of the Rural Land Strategy when complete will establish a framework to minimise conflict between owners land adjoining rural zoned land</li> <li>&gt; DCP - Chapter C.4 Land Use Conflict and Buffer Zones DCP - Chapter E.3: Vineyards District</li> <li>&gt; Development Control Plan has buffer specifications in it</li> <li>&gt; Development controls</li> <li>&gt; Developmetn Control Plan Growth Management Strategy Compliance Policy</li> <li>&gt; Ensuring buffers are achieved or maintained in Zoning land for residential use. Not allowing uses in rural areas that have high potential to generate land use conflict.</li> <li>&gt; Following best practice in strategic planning - distancing inappropriate zonings from one another, communicating with Govt agencies for feedback during strategic planning processes. You cannot rezone now unless you have a strategy to back up recommendations - this is governed by Dept Planning &amp; Env.</li> <li>&gt; Land use buffers are included between urban zones and rural zones. Council adopts a rural settlement strategy to guide new development to existing village locations or planned rural residential estates. Rural Living Guide is available that outlines responsibilities for rural residential residents. Specific Development Control plan provisions to guide the location of new Housing</li> <li>&gt; LEP, landuse strategy</li> <li>&gt; LEPs DCPs</li> <li>&gt; Limiting new large lot residential development to land away from broad acre agricultural use</li> <li>&gt; Location of rural zonings to residential zones and Council policies that recognise the importance of aricultural practices.</li> <li>&gt; Minimum lot size of 200 hectares for land zoned RU1 Primary Production in LEP</li> <li>&gt; Preparation of LEP/DCP provisions</li> </ul>

- > Provisions in LEP 1. Minimum area standard of 200ha for erection of a dwelling in RU1 Primary Production Zone (covers about 85% of Shire 2. No concessional area standards or existing holding provisions for rural lots 3. Provisions that manage intensive agricultural industries eg. feedlots
- > Recent adoption of Rural Lands Strategy containing recommendations about minimising land use conflict - to be implemented over coming years.
- > Rural Land Strategy identified potential urban release areas - proximity to intensive agriculture (e.g. poultry sheds/farms at Stroud) identified as significant restriction. On-going consideration for rezoning, subdivision and residential development applications. Buffers identified in development control plan and Council policies in lieu of consistent and clear State requirements.
- > Rural Lands Study, considering of land uses during development of LEP
- > Strategy Plan identifies importance of agriculture to this area
- > Structure planning & precinct planning
- > The DCP which accompanied the previous Snowy River Rural LEP 2007 had strategies and required aimed at reducing conflict and education of responsibilities etc. Some on this is now transferred into the DCP 2013 and standard instrument LEP to a lesser extent.

**Development Approval (84.6%)**

- > Advisory noted on development consents
- > Assessment of Development Applications Development Control Plans
- > Buffer distances on dwellings in rural areas
- > Compliance conditions are drafted and relevant reports are requested from the applicants ie (noise and odour)
- > Conditions of consent to manage dust, noise, hours of operation
- > conditions of consent, best practice design
- > Consideration of Draft and adopted State planning strategies and State Environmental Planning Policies
- > consideration of potential land use conflict as part of development assessment
- > DA assessment would consider the likely impact but the interpretation of this and the level of guidance is more subjective unless clear guidelines are established
- > DCP
- > DCP has controls to limit impact on existing Ag uses
- > DCP principles for buffer areas and boundary setbacks between dwelling and rural activity
- > DCPs & policies
- > Development control plan controls - eg spray drift
- > Development Control Plan includes provisions to avoid land use conflict, including minimum buffer distances.
- > establishment of appropriate buffers and development consent conditions to manage potential conflicts.
- > Implementation of Development Control Standards by conditioning in the determination of intensive agriculture proposals and designated developments that are permissible with consent in rural zones.

- > Implementation of development controls
- > Implementation of LEP/DCP provisions and conditioning approach
- > Land Use Conflict Risk Assessment - as prescribed by DPI
- > Land Use Planning - Development Control Plans for land use separation. Minimum lot sizes for dwelling entitlement to maintain agricultural land and prevent fragmentation.
- > Matters considered during development assessment, including management techniques for noise, dust, odour etc.
- > mediation and consultation prior to assessment imposition of conditions at delegation level
- > On-going consideration for rezoning, subdivision and residential development applications. Buffers identified in development control plan and Council policies in lieu of consistent and clear State requirements.
- > Request odour reports to address poultry odour. Apply conditions relating to pollution
- > Restrict minimum size of land parcel to permit a residential dwelling (1000ha)
- > Setbacks to boundaries. Landscaping requirements. Specific Development Control plan provisions to guide the location of new Housing
- > Suitable conditions applied
- > Through conditions of Development Consent as established through DCPs (Above)
- > use of the document "Living and Working in Rural Areas" Handbook
- > Weeds certificate demonstrating no weed issues prior to subdivision Requirement for legal and practice access to ensure no future access issues. Rural Land SEPP

**Other strategies (35.9%)**

- > Assist to improve people's understanding of their obligations and the rights of others to legitimate and lawful use of land.
- > Complaints process
- > Compliance officers
- > Compliance Policy
- > Council policies on dealing with complaints regarding various issues.
- > Dealing with complaints as they occur
- > Development of the Rural Land Strategy will establish both a policy framework and direct actions to manage planning and development of rural land, with landuse conflict a key consideration.
- > Economic Dev. Strategy
- > Education via rangers - particularly around dogs
- > Log complaints in Customer Request System, conflict resolution with land owners to resolve complaints.
- > mediation during compliance investigation
- > Staff liaise with complainants and landowners. Monitor and record issues raised and follow up with regulatory action where required.
- > Weeds inspection programs based on the threat and can be somewhat reactive if necessary.



**Community education/engagement  
(33.3%)**

- > Community Engagement Strategy
- > Council policy
- > Council regularly engages with the community at all level, and within the strategic planning unit a strong focus on engaging the community in the establishment of concepts and final outcomes is a priority.
- > Forum for Poultry farmers and their neighbours Information on section 149 Planning Certificates Notice to purchasers of Rural Land
- > In combination with Local Land Services, considerable on-going engagement with agricultural producers regarding improve land management and practices - through catchment management, land-care programs, riparian zone restoration programs. Limited engagement opportunities with potential purchasers of recently subdivided or developed land near intensive agriculture - except through Duty Planner (general planning enquiry) services provided by Council.
- > informal consultation
- > Local newspaper
- > Media and public education
- > Rangers spend a lot of time educating residents. We also hand out the rural living handbook
- > Rural Living Handbook Advisory notes with development consent
- > Rural Living Handbook - describes new owners responsibilities in living in a rural residential/ rural environment.
- > supports LLS and similar agency in development and community awareness of guides for rural landowner info

## Appendix E. Awareness and use of NSW DPI initiatives and support – survey comments

Survey question	Responses
<p><b>Please list the initiatives and support that you are aware of</b></p>	<ul style="list-style-type: none"> <li>&gt; \"Living and Working in Rural Areas - A handbook for managing land use conflict issues on the NSW North Coast\"</li> <li>&gt; Ag mapping</li> <li>&gt; Best practice guidelines on reducing land use conflict, DPI.</li> <li>&gt; Development of the right to farm policy.</li> <li>&gt; DPI website</li> <li>&gt; Guidance/support/advice with respect to farming practices</li> <li>&gt; Land Use Conflict Risk Assessment Guides</li> <li>&gt; Land Use Conflict Risk Assessment Protocol Farmland Mapping Report</li> <li>&gt; Living in rural areas publication</li> <li>&gt; only the Right to Farm Policy. However, Council was not actively engaged in developing this Policy document, nor was it made aware of when it was first released. The Policy appears to have been prepared in relative isolation without consultation with planning practitioners having to prepare local strategic plans and environmental planning instruments, or assess real development applications. There appears to have been little consideration given to the planning legislative framework either - having greater consideration of these issues in updated S117 Ministerial Directions for LEPs would have potentially been a more effective approach.</li> <li>&gt; Primarily in relation to this survey and related research</li> <li>&gt; Publications on website for reference</li> <li>&gt; Referral process during the preparation of LEPs and development assessment process</li> <li>&gt; Relevant guidelines for agricultural practices (eg. turf farming, poultry) as well as guidelines for managing land use conflict</li> <li>&gt; Research and publication of results. Production of farm planning and other guidelines.</li> <li>&gt; Right to Farm Policy</li> <li>&gt; State policy on Right to Farm introduced in 2016</li> <li>&gt; Survey of important agricultural land in Lower Hunter 2013. HCCREMS Biodiversity data NSW DPI Living and Working in Rural Areas: A handbook for managing land use conflict on the NSW North Coast EPA Contaminated Agricultural Land information CSIRO Regional Patterns of Erosion and Sediment and Nutrient Transport in the Goulburn and Broken River catchments, Victoria 2003</li> </ul>
<p><b>Please list the initiatives and support your council currently uses</b></p>	<ul style="list-style-type: none"> <li>&gt; ag mapping and statistics</li> <li>&gt; Agricultural mapping and statistics are used in strategic planning, particularly in development of Rural Lands Strategy.</li> <li>&gt; Agricultural mapping for LEP revision</li> </ul>

- > As per list
- > Contacted DPI for advice.
- > Development Assessment
- > Development assessment, strategic planning and environmental projects
- > DPI have been involved in a local initiative to develop a strategy for the identification of good agricultural land and the use of mapping to establish trigger maps and assessment criteria for the assessment of additional housing and protection of agricultural land
- > General information in regard to specific development proposals
- > Information on climate change, acid sulphate soils and managing land use conflicts
- > Land Use Conflict Risk Assessment Guides
- > Land use planning advice. Best practice guidelines for agriculture eg. dairies and piggeries.
- > LUCRA Farmland mapping
- > mapping, policy, stats, FAQs, specific enquires direct to DPI officers
- > Previous access to poultry officer and environmental officer
- > Referral of planning proposals to DPI-Ag for comment/review - seeking advice to manage land use conflict
- > Strategic Planning Legislation and Policies
- > Use of fact sheets and information to direct persons making initial enquiries eg. Poultry fact sheets and free range piggery fact sheets get used frequently
- > While the information is relevant, the planning framework requires Council to consult directly with the agency via referrals for relevant rezoning applications and development applications anyway. In this regard, Council would rely on the written advice provided on a specific application, rather than individual planning officers doing their own independent research using this information.



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