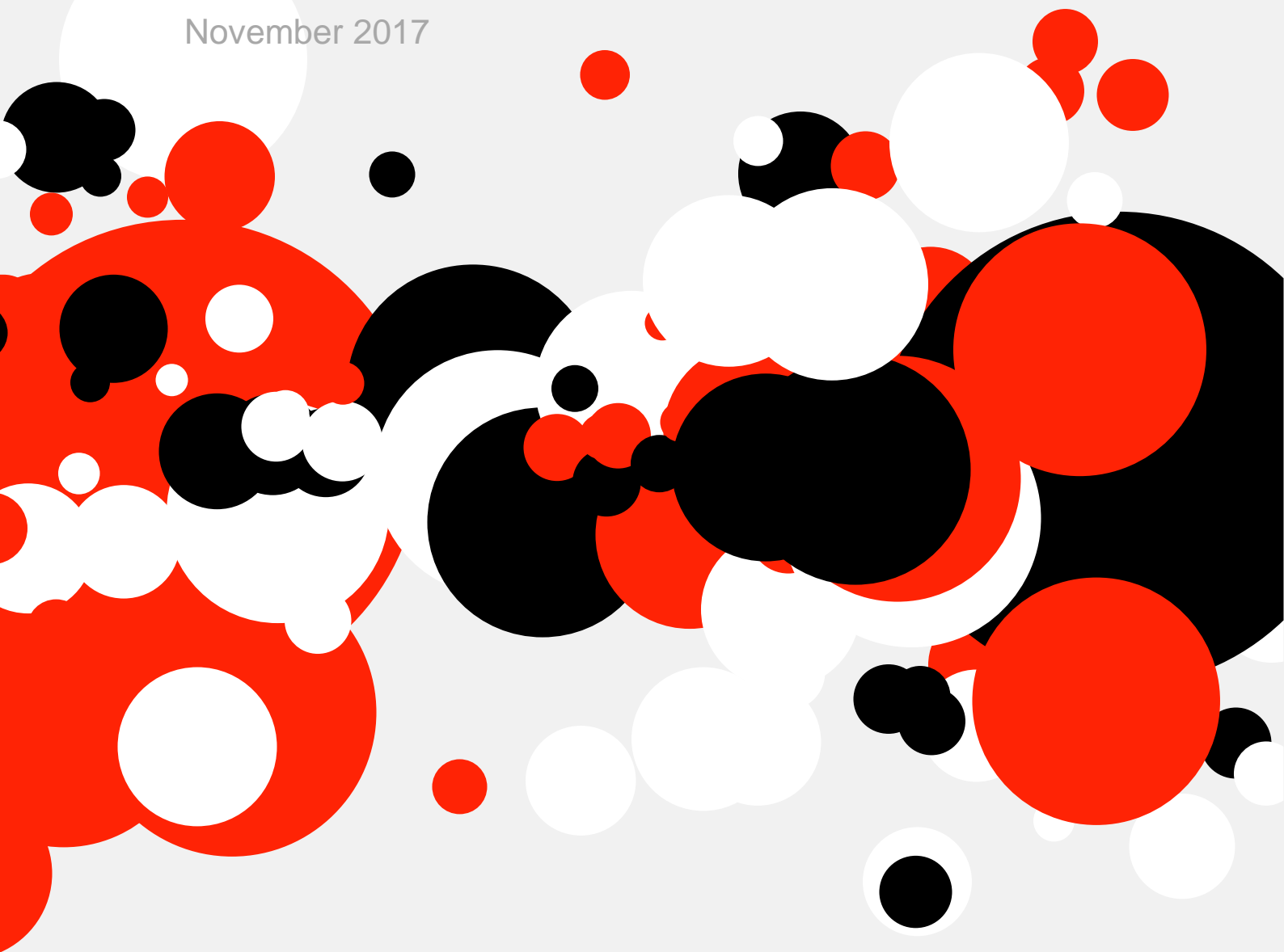



# Right to Farm Agricultural Land Use Survey

## Stage 2 - Report

Prepared for the NSW Department of Primary Industries  
November 2017





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# Executive summary

## 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 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 eight in-depth interviews with local governments
- Stage 3 (2018) – Final survey.

This 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.

This report presents the findings from Stage 2 survey which 58 local governments responded to (56% response rate), and findings from the eight in-depth interviews with local governments which were selected based on their patterns of agricultural land use conflict.

## Type and extent of complaints about agricultural practice

Just over 80 per cent of respondents in the Stage 2 survey reported that their local government has received complaints about agricultural land use. Over half (57%) reported receiving on average 1-2 complaints per month. Six local governments reported receiving on average at least five complaints per month.

The most common time for complaints to be received continues to be summer (November to February). Nine local governments reported receiving on average at least five complaints a month during these peak summer times. The patterns of complaints are variable. In some local government areas (LGAs), complaints are concentrated around a small number of agri-businesses and from a small number of complainants. In other LGAs, complaints are more widely distributed.

Complaints regarding compliant agricultural practices make up a considerable proportion of complaints received by local governments. In both Stage 1 and Stage 2 most respondents indicated that complaints about non-compliant agricultural activities make up the minority of the total agriculture-related complaints their local government received. Almost all local governments (96 per cent) reported receiving complaints about legally compliant activity, similar to Stage 1. However, in Stage 2 the percentage

of local governments reporting that at least half of their agricultural land use complaints are about legally compliant activities increased to 51 per cent from 29 per cent in Stage 1. This suggests that complaints about legally compliant agricultural practices are increasing.

Complaints continue to be most commonly received about poultry farms and piggeries. Livestock grazing and broad acre cropping also appear to be common sources of complaints. Odour (67%), noise (57%), dust (48%), spray drift (37%) and escaping livestock (30%) continue to be the most common triggers for complaints.

Respondents were asked what factors they believe are driving agricultural land use conflict in their area. The biggest factors reported in both the Stage 1 and Stage 2 surveys are:

- a lack of understanding amongst new residents of the realities of living in an agricultural area and of agricultural industry operation;
- lack of communication within the community and between neighbours;
- encroachment of non-agricultural uses into existing agricultural areas; and
- close proximity of agricultural uses to non-agricultural properties

Although half of local governments reported that complaints have been steady over the last five years, some of those interviewed are either seeing or expecting changes in the nature or volume of complaints. Local agriculture is diversifying with new industries emerging, or in some cases rapidly expanding, bringing different triggers for complaints. Urban expansion, and in one case expansion of intensive small lot horticulture, is also bringing residents in closer proximity to agricultural activities increasing the risk of complaints.

## Impact of complaints on agricultural activity

There is limited evidence from the survey or interviews that agricultural land use conflict is having an adverse impact on agriculture. Only one-third of respondents in both the Stage 1 and Stage 2 surveys reported that land use conflict is affecting local agriculture. However, of local governments that completed the survey in both years, nine reported in Stage 2 (44%) that land use conflict is impacting agriculture in their local government area compared to only three in Stage 1 (13%). However, three of the eight local governments interviewed are preparing for agriculture to be impacted in the future by anticipated increases in complaints. Two are in growth corridors with the expectation that additional development controls and improved farm management practices will be required to minimise conflict as buffer zones reduce. There are concerns that these will make smaller agricultural operations unviable or encourage large agri-businesses to invest elsewhere.

## Approaches to managing land use conflict

The Stage 2 survey revealed that most local governments continue to manage conflict at the development approval level (86%), with community education and engagement the least employed strategy (27%). There was a 15 per cent increase from Stage 1 in the percentage that indicated that their local government manages land use conflict at a strategic planning level (83% in Stage 2).

Respondents rated managing land use conflict at the development approval level as the most effective way they currently manage land use conflict although strategic planning, operational strategies and community engagement and education were also reported as effective.

The interviews suggested that local governments are reluctant to issue infringement notices in the event of a compliance breach. A number also said that ambiguity in current regulations can make it difficult to determine if a complaint is justified as a breach of compliance. The evidence required to support regulatory action is also a deterrent for some local governments to take such action. The preference appears to be for mediation between the parties in conflict.

Several of the local governments interviewed provided insights into how they are managing agricultural land use conflict at the strategic level. For example, Camden Council have developed a Rural Lands Strategy to protect rural lands and agriculture from expansion into per-urban areas surrounding Sydney. Wollondilly Shire Council are facing similar issues and are planning to confine the majority of urban growth to one town of their LGA. They are also working closely with the poultry industry, NSW Department of Primary Industries (NSW DPI) and the NSW Farmers Association to support farmers implement best practice farm and environmental management strategies and educate residents about the need for certain poultry industry activities that often attract complaints.

Coffs Harbour City Council are also working with the blueberry industry and NSW DPI to address emerging issues and the rapid expansion of that industry. The recently amalgamated Mid Coast Council is currently consolidating planning and development instruments from the former LGAs with a focus on protecting and developing the rural sector. The council is working closely with a number of NSW Government agencies to identify important agricultural lands and align their new local environmental plan and development control plan with regional and local economic strategies.

The NSW DPI continues to be the most common agency that local governments seek support from to manage land use conflict (86% in Stage 2 and 76% in Stage 1). Support is also commonly requested from the NSW Department of Planning and Environment (69%), NSW Environmental Protection Agency (60%) and Local Land Services (55%).

## NSW DPI initiatives and support

The vast majority of respondents to the Stage 2 survey (84%) are aware of the *Right to Farm Policy* but only half are aware of any of the actions within it. Only nine per cent are aware of all of the actions.

Of the 47 respondents that have heard of the *Right to Farm Policy*, 14 (28%) said that their local government has used it to inform decision making around agriculture in their local government area. The uses include:

- Background material for the preparation of the draft Rural Lands Strategy
- As a basis for developing and adopting their own Right to Farm Policy
- As part of broader rural area development strategies
- To provide internal advice on development proposals



- To develop land use policies that outline clear objectives of land use and to clarify acceptable standards and enforcement for non-compliant practices
- To educate residents that complain about compliant agricultural practices
- To educate councillors/developers wanting to develop adjacent to farm land

However, all but one of the local governments interviewed are not intimately familiar with the *Right to Farm Policy* and do not use it to support agriculture in their LGA. These local governments have a preference for tighter statewide planning and environmental regulations, or strategies developed with industry.

The Stage 2 survey suggests that there has been a drop in awareness amongst local governments about other NSW DPI initiatives and support to manage agricultural land use conflict (from 54% in Stage 1 to 20% in Stage 2). The reason for this is unclear.

Just over half of respondents in the Stage 1 and Stage 2 surveys reported that their local government has sought advice from the NSW DPI Agricultural Land Use Planning Team around the following:

- Development applications
- Development Control Plans, Local Environmental Plans and general planning strategies
- Local land use policies; or
- Guidelines on agricultural practices

All respondents who reported using NSW DPI's initiatives and support in either the Stage 1 or Stage 2 surveys found them useful to some degree. In the Stage 2 survey a higher percentage of respondents reported that the initiatives and support are somewhat useful or very useful compared to the Stage 1 survey (88% c.f. 70%).

The interviews highlighted how local governments are engaging NSW DPI, and other relevant agencies and industry bodies, in local initiatives aimed at strategically managing agricultural land use conflict. This is seen as important for the success of these initiatives.

## Suggested strategies and improvements

Respondents to the Stage 1 and Stage 2 surveys overwhelmingly believe that non-statutory approaches<sup>1</sup> will be effective for reducing agricultural land use conflict. Around three-quarters of respondents believe that increasing awareness amongst the community of the realities of rural living will make a difference. Only around 40 per cent believe that regulatory approaches and legislative controls will be effective.

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<sup>1</sup> Non-statutory approaches to managing agricultural land use conflict refer to approaches that are not based on legislation or regulation. Non-statutory approaches could include strategic policies and planning, mediation and public education.

# 1 Introduction

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 University of Technology Sydney, Institute for Public Policy and Governance (UTS:IPPG) has been engaged by the NSW Department of Primary Industries (NSW DPI) to conduct 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 local governments 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 eight in-depth interviews with local governments
- Stage 3 (2018) – Final survey.

This report presents the results from the Stage 2 Right to Farm Agricultural Land Use survey administered between May and July 2017, and the interviews with eight local governments. The results are presented as a time series with the responses from the Stage 1 survey administered in 2016 to enable comparison of any changes from 2016 to 2017. In both years only one survey was allowed per local government.

Respondents were asked to engage the relevant staff across their local government to ensure that the responses are accurate and representative of their local government's experiences with agricultural land use conflict.

Any changes over one year should be treated with caution and do not necessarily indicate the beginning of a trend. More certainty about changes since the implementation of the *Right to Farm Policy* could come at the completion of the Stage 3 survey in 2018.

This report follows a similar structure to the Stage 1 report as is organised as follows:

- 
- Details about the responding local governments (Section 2)
  - The type and extent of complaints reported (Section 3)
  - Approaches to manage land use conflict (Section 4)
  - Case studies of local governments' responses to agricultural land use conflict (Section 5)
  - Summary of key findings and next steps (Section 6)

## 2 Method

### 2.1 The survey

The survey for Stage 2 primarily contains the same items contained in the Stage 1 survey in order to collect comparable data over time. However, based on the findings from Stage 1 of the project some additional questions were added and other questions either deleted or consolidated. The final survey used for Stage 2 is presented at Appendix A.

The survey was administered using Qaltrics via a single email link to 104 local governments across NSW. Email addresses for most of these were provided by DPI to maximise the chance that the survey was completed by staff that manage agricultural land use conflict and complaints.

Four 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.

A single collective response was allowed from each local government and respondents were encouraged to consult with other departments and personnel to complete the survey (e.g. compliance, environmental health etc.). However, it cannot be guaranteed 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 The respondents

A total of 58 local governments responded to the Stage 2 survey, an increase from the 50 that responded to the Stage 1 survey. For Stage 2 this represents a 56 per cent response rate from the 104 local governments invited to participate. Using a chi-squared goodness of fit test, the final sample is representative of the sampling frame by local government classification.<sup>2</sup>

#### **A note on response rates for each question**

Throughout this report the denominator for response rates is shown as in figures as the number of local governments (i.e. 'n') that completed the relevant survey question. As not all respondents completed each question or the entire survey, this will vary for different questions and hence will vary for different figures and tables

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<sup>2</sup>  $\chi^2(2) = 2.022, p = .364$

**Table 1: Local governments that responded to Stage 2 survey**

Urban Fringe	Urban Regional	Rural and Remote
Camden	Albury	Balranald
Hills Shire	Armidale	Bellingen
	Ballina	Berrigan
	Bathurst	Bland
	Bega Valley	Blayney
	Broken Hill	Bourke
	Coffs Harbour	Cabonne
	Dubbo	Carrathool
	Edward River	Coolamon
	Eurobodalla	Cowra
	Goulburn-Mulwaree	Federation
	Kempsey	Forbes
	Kiama	Glen Innes Severn
	Lake Macquarie	Greater Hume
	Lismore	Gunnedah
	Lithgow	Gwydir
	Port Macquarie-Hastings	Hilltops
	Port Stephens	Inverell
	Richmond Valley	Kyogle
	Tamworth Regional	Leeton
	Tweed	Liverpool Plains
	Wagga Wagga	Lockhart
	Wingecarribee	Murray River
		Murrumbidgee
		Nambucca
		Narrabri
		Parkes
		Snowy Valleys
		Temora
		Tenterfield
		Upper Lachlan
		Wentworth
		Yass Valley

Twenty-four local governments completed both the Stage 1 and Stage 2 surveys although it is not possible to determine whether the same individuals completed both surveys. Fifty local governments responded to the Stage 1 survey (40% response rate). These were representative of the sampling frame by remoteness.<sup>3</sup>

<sup>3</sup>  $\chi^2(2) = 2.262, p = .323$

**Table 2: Local governments that responded to both the Stage 1 and Stage 2 surveys**

Urban Fringe	Urban Regional	Rural and Remote
Camden	Bathurst Bega Valley Coffs Harbour Edward River Eurobodalla Kempsey Port Macquarie-Hastings Tamworth Regional Tweed	Berrigan Bland Blayney Cabonne Cowra Greater Hume Gunnedah Kyogle Leeton Lockhart Nambucca Temora Tenterfield Upper Lachlan

**Table 3: Local governments that responded to the Stage 1 survey**

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

## 2.3 Interviews with local governments

Eight local governments were selected for in-depth interviews based on their responses to the survey and discussion with the project reference group. These are:

- Camden Council (Urban fringe)
- Wollondilly Shire Council (Urban fringe)
- Tamworth Regional Council (Urban regional)
- Coffs Harbour City Council (Urban regional)
- Mid Coast Council (Urban regional)
- Yass Valley Council (Rural and remote)
- Cabonne Shire Council (Rural and remote)
- Greater Hume Shire Council (Rural and remote)

The local governments selected all reported a high number of complaints relative to other local governments (greater than five per month on average over the year or greater than five per month during summer peak times). Agriculture is a major driver of the economy in all of the local government areas with major industries ranging from poultry (meat and eggs), intensive cattle grazing for meat production, fruit and greenhouse horticulture, cropping and vineyards.

In addition to intensive poultry and livestock farming, some of the local governments have concentrations of abattoirs and processing plants in their areas.

The main causes of complaints amongst the eight local governments were reported as:

- Odour
- Dust
- Noise
- Tree and vegetation removal
- Spray drift
- Contamination of waterways
- Escaping livestock

The interviews were conducted by telephone and included a range of staff involved in strategic and land use planning, environmental health and customer service.

The interviews for Stage 2 differ from those in Stage 1 in that local governments were primarily selected based on receiving a high number of complaints so the nature of complaints and responses could be interrogated in detail. In Stage 1 local governments were selected to be representative of non-metropolitan local governments in NSW. This was to gain a preliminary understanding of agricultural land use conflict to frame the rest of the research.

The Stage 2 interview guide is presented at Appendix B.

# 3 Type and extent of complaints about agricultural practice

## 3.1 Number of complaints

### The survey

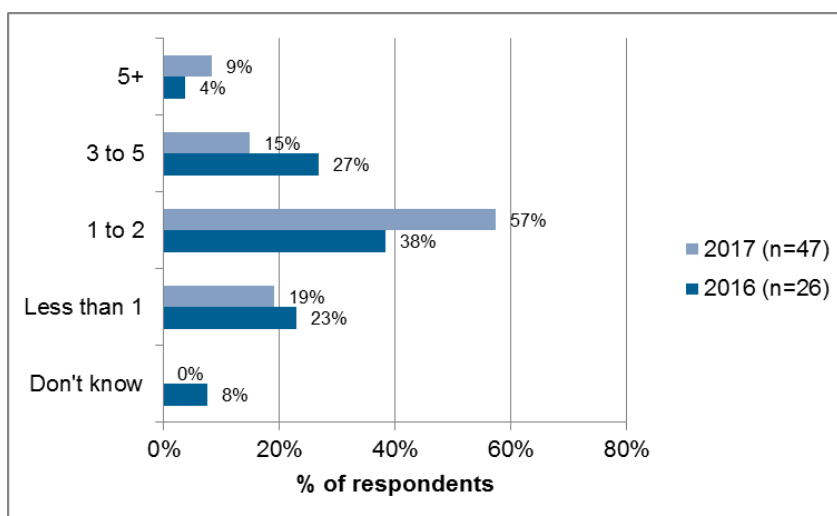
The proportion of Stage 2 respondents who indicated that their local government had ever received complaints about agricultural land use was 81 per cent compared to 93 per cent in Stage 1. This could reflect the broader reach of the Stage 2 survey and that a larger number of rural/remote councils responded compared to Stage 1.

Almost three quarters of Stage 2 respondents that reported receiving complaints (72%) indicated that complaints are recorded in a database, up from 51 per cent in Stage 1.

Figure 1 shows the average number of complaints regarding agricultural land use received per month by local councils in the 12 months preceding the Stage 1 (2016) and Stage 2 surveys (2017). Respondents to both surveys most commonly reported 1-2 complaints per month, equivalent to 12-24 per year (57 per cent in 2017 up from 38 per cent in 2016). The percentage of local governments reporting 3-5 complaints per month declined by 12 per cent in the Stage 2 survey. However, overall the reported number of complaints received per month did not significantly differ between Stage 1 and Stage 2.<sup>4</sup>

Table 4 presents the identity and characteristics of local governments that reported the highest average number of complaints per month in both surveys. Port Macquarie-Hastings was the only local government that reported more than 5 complaints on average per month in both surveys.

Figure 1: Approximately how many complaints regarding agricultural land use does council receive on average per month



<sup>4</sup> Mann-Whitney test:  $U = 516.5$ .  $p = .56$



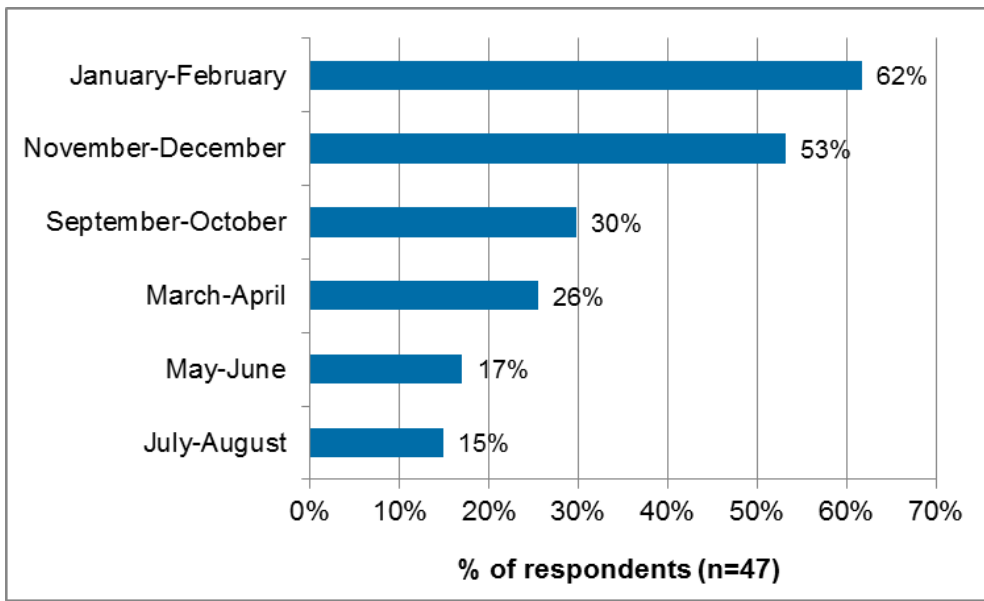
**Table 4: Characteristics of councils that receive the highest number of complaints<sup>a</sup>**

<b>LGAs with the highest number of complaints</b>	<b>LGA classification</b>	<b>Primary agricultural practices that attract complaints</b>
<b>2016</b>		
Port Macquarie-Hastings	Urban regional	Cattle grazing - meat production Dairy Fruit or nut growers
Cowra	Rural and remote	Sheep grazing Broad acre cropping Vegetable growers
Tamworth Regional	Urban regional	Poultry Cattle grazing - meat production Broad acre cropping
Gloucester	Rural and remote	Dairy Cattle grazing - meat production
Great Lakes	Urban regional	Dairy Poultry Nurseries
<b>2017</b>		
Port Macquarie-Hastings	Urban regional	Cattle grazing - meat production Poultry Piggeries Greenhouse horticulture Nurseries
Coffs Harbour	Urban regional	Greenhouse horticulture Blueberry growing
Camden	Urban fringe	Cattle grazing - meat production Poultry Small scale market gardens Greenhouse horticulture Vegetable growers Nurseries Horse studs
Yass Valley	Rural and remote	Vegetable growers Vineyards
Bega Valley	Rural and remote	Cattle grazing - meat production Poultry Piggeries
Bathurst	Urban regional	Broad acre cropping

<sup>a</sup> Based on local governments reporting at least five complaints on average per month

Figure 2 shows that in the Stage 2 survey, summer was reported as the peak time for receiving agricultural land use related complaints. This is consistent with the Stage 1 survey.

**Figure 2: What months of the year does council receive the most complaints**



The local governments that reported receiving at least five complaints a month during peak summer times are:

- Bathurst
- Bega Valley
- Camden
- Coffs Harbour
- Kyogle
- Lithgow
- Port Macquarie – Hastings
- Tamworth
- Yass Valley

Around half of respondents in the Stage 1 (50%) and Stage 2 (47%) surveys felt that the number of complaints received by their local government had stayed the same over the last five years. However, a number of local governments in both surveys reported an increase (Table 5). Also shown are local governments that reported a decrease over the last five years in the Stage 2 survey.

**Table 5: Local governments reporting an increase in agricultural land use complaints over the last five years**

<b>Stage 1</b>	<b>Stage 2</b>	<b><i>Decrease over the last 5 years</i></b>
Bega Valley	Ballina	Cabonne
Great Lakes	Bathurst	Cowra
Coffs Harbour	Bega Valley	Gwydir
Hawkesbury	Camden	Hills Shire
Walgett	Carrathool	Lake Macquarie
	Coffs Harbour	Snowy Valleys
	Dubbo	
	Edward River	
	Nambucca	
	Upper Lachlan	

### ***The interviews***

Although half of local governments reported in the online survey that complaints have been steady over the last five years, Wollondilly Shire, Camden and Coffs Harbour City Councils are either seeing or expecting changes in the nature or volume of complaints. Local agriculture is diversifying with new industries emerging, or in some cases rapidly expanding, bringing different triggers for complaints. Urban expansion, and in the Coffs Harbour area the expansion of intensive small lot horticulture, is also bringing residents in closer proximity to agricultural activities increasing the risk of complaints. In particular, interviewees from urban fringe and urban regional LGAs expressed concern about this expansion and the potential for future agricultural land use conflict.

## 3.2 The type and source of complaints

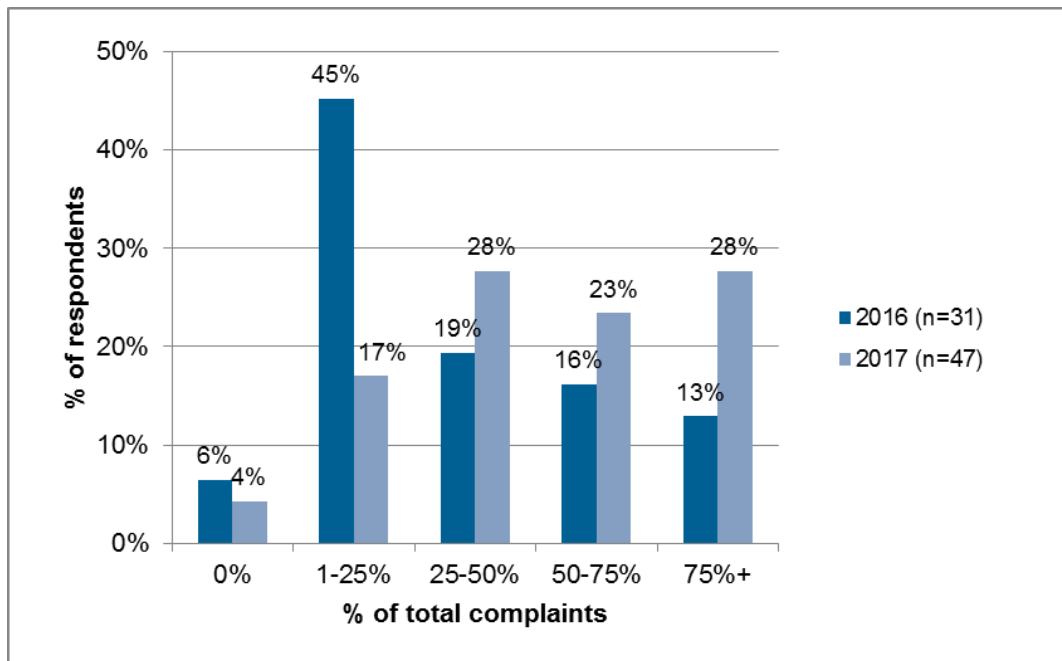
### *The survey*

The survey asked councils about the relative proportion of complaints they receive about compliant and non-compliant agricultural practices to understand the extent to which complaints about agriculture are legitimate.

Figure 3 shows that complaints regarding compliant agricultural practices make up a considerable proportion of complaints received by local governments. Compliant agricultural practices are those that are approved for the specific zoning of the land on which the practices occur. Non-compliant practices are those outside of or that exceed those that are approved.

In the Stage 1 survey 94 per cent of respondents reported receiving complaints about legally compliant activity. This was 96 per cent in the Stage 2 survey. However, in Stage 2 the percentage of local governments reporting that at least 50 per cent of their agricultural land use complaints are about legally compliant activities increased from 29 per cent in Stage 1 to 51 per cent. This suggests that complaints about legally compliant agricultural practices are increasing. This is difficult to confirm given the categorical response scale to the relevant question but was also suggested by all of the local governments interviewed.

**Figure 3: Local governments receiving complaints about legally compliant agricultural activities**



In both surveys all local governments reported receiving complaints about non-compliant agricultural practices. For the majority of local governments these made up less than half of all agricultural land use complaints (Figure 4) indicating that they receive most of their complaints about legally compliant activity.

**Figure 4: Local governments receiving complaints about non-compliant agricultural activities**

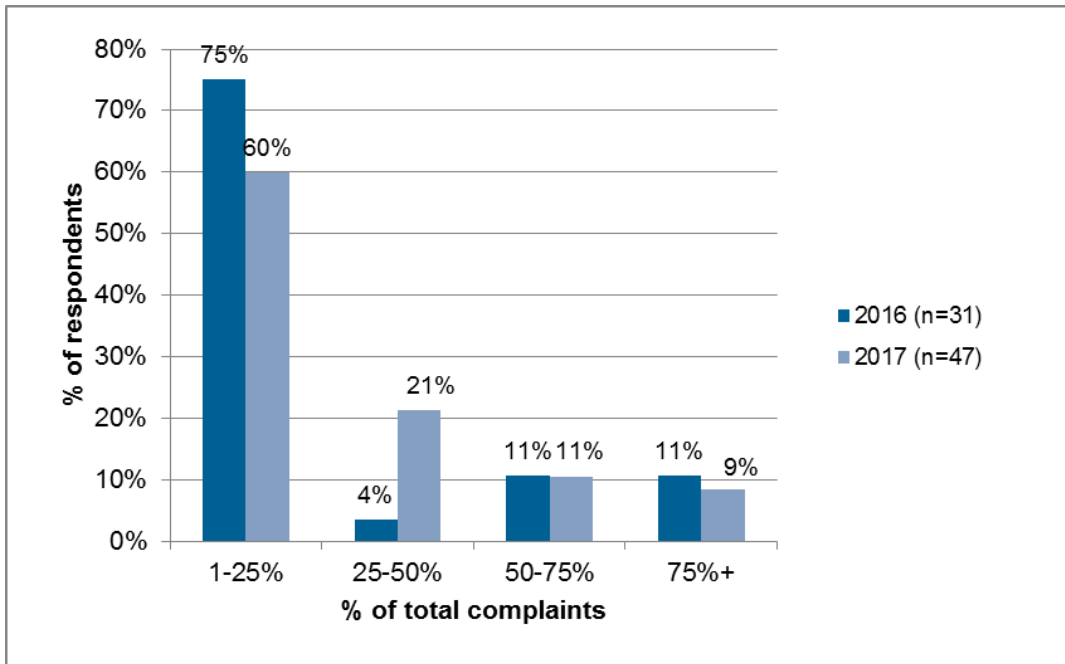
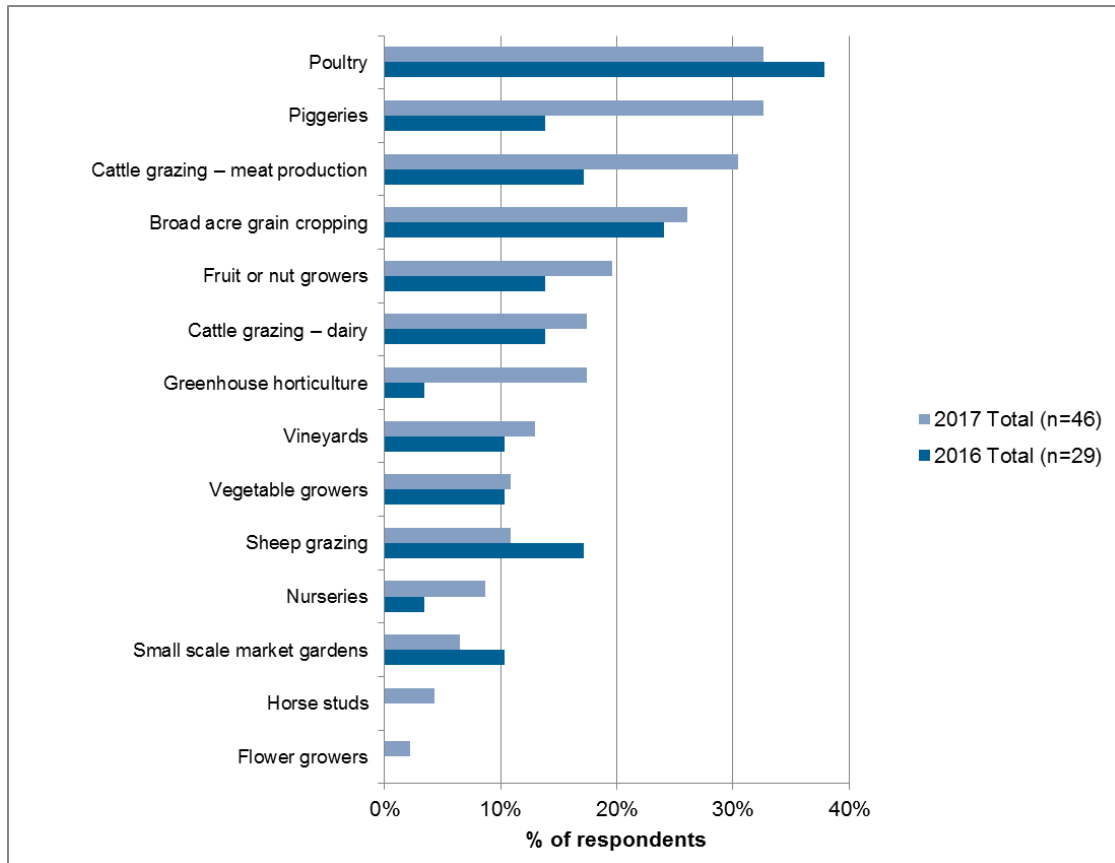


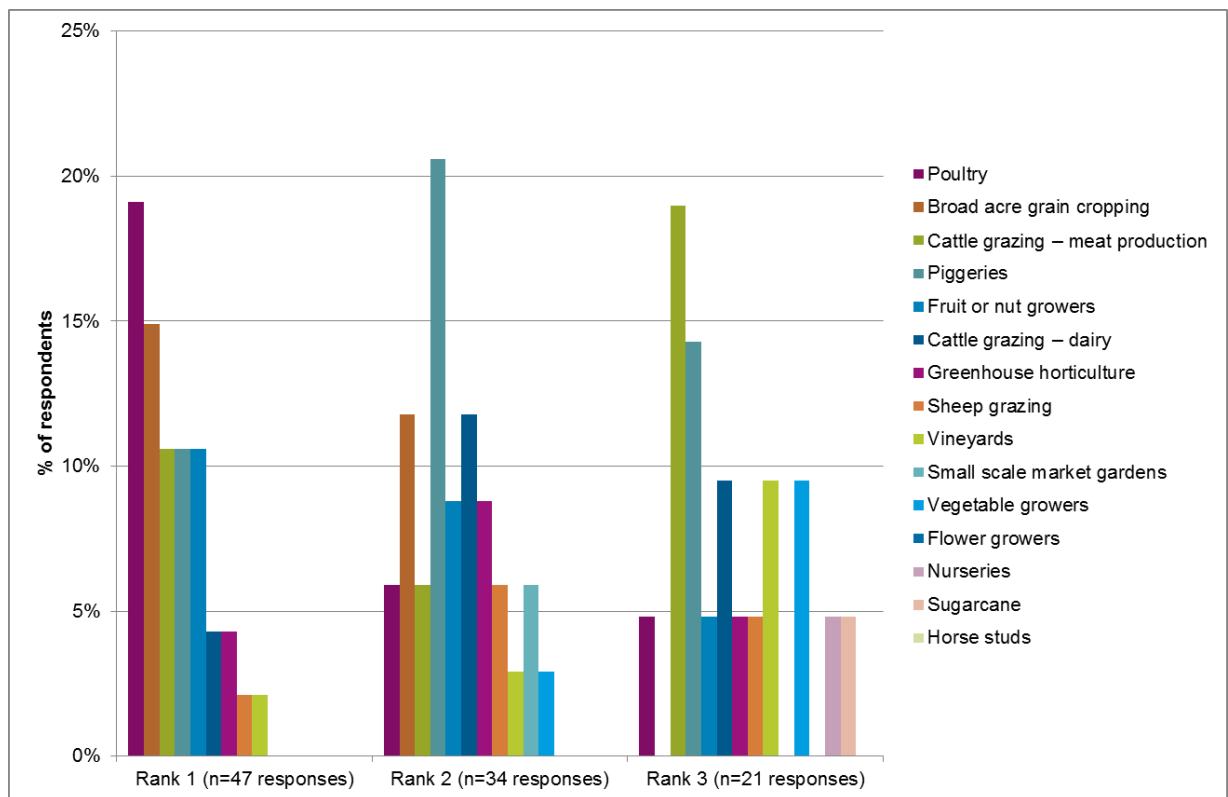
Figure 5 shows that the complaints received are most commonly about poultry farms in Stage 1. In the Stage 2 survey piggeries were the equal most commonly cited source of complaints along with poultry farms (33%). Livestock grazing and broad acre cropping were also commonly reported sources of complaints.

**Figure 5: What types of agricultural practices attract complaints**



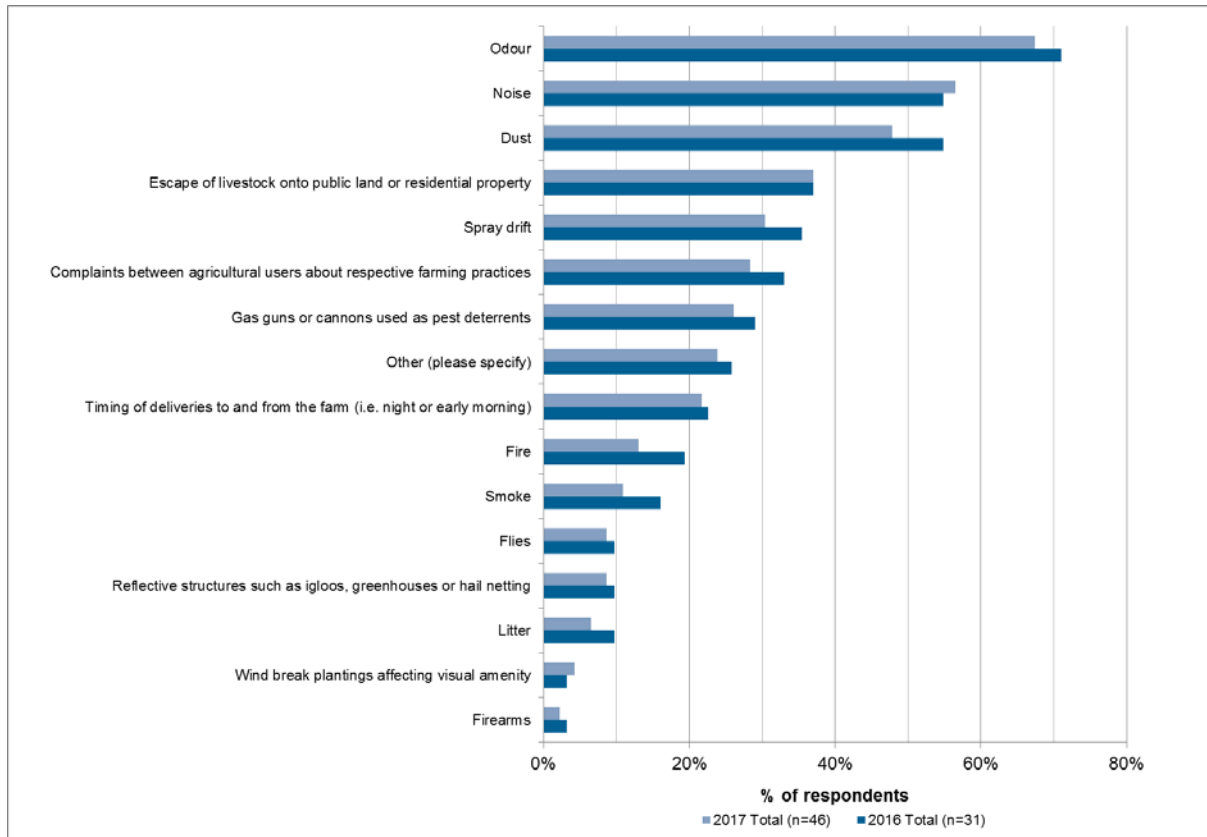
In the Stage 2 survey respondents were asked to order the industries complaints are received about from most to least common. Figure 6 shows that poultry is most commonly the industry that attracts the most complaints (19%) followed by broad acre grain cropping (15%), cattle grazing (11%), piggeries (11%) and fruit or nut growing (11%). Piggeries were most commonly ranked as the second (21%) or third (14%) most common industries that attract agricultural land use complaints to local governments. Cattle grazing was the most common industry ranked third (19%). Together this suggests that poultry, piggeries, cattle grazing (meat production) and broad acre cropping attract the most complaints.

**Figure 6: Agricultural industries attracting the most complaints**



Respondents were also asked about the agricultural practices that trigger complaints. Figure 7 shows that odour (67%), noise (57%), dust (48%), spray drift (37%) and escaping livestock (30%) continue to be the most common triggers for complaints. However, complaints are received for a very broad range of practices and issues.

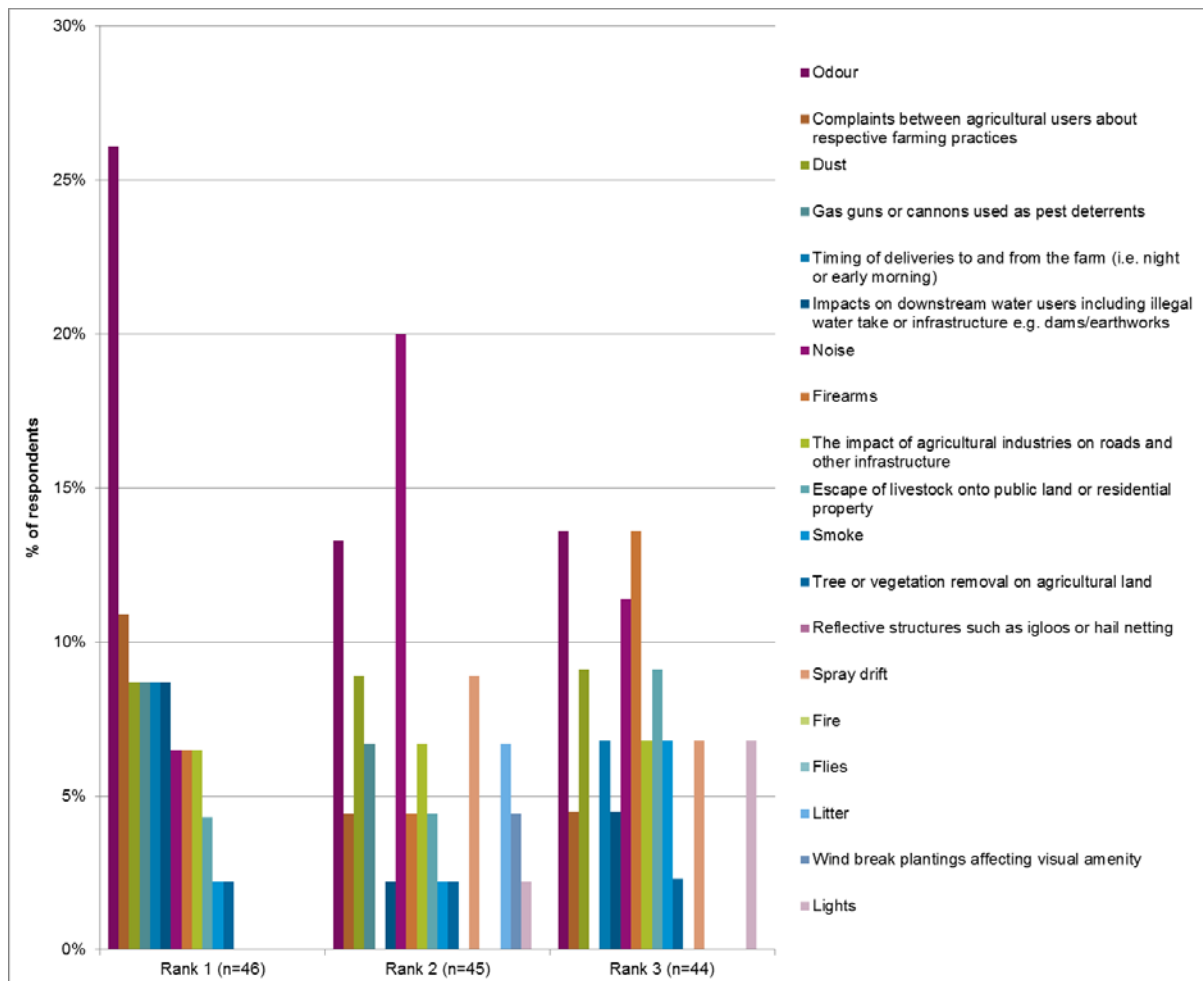
**Figure 7: What complaints about agricultural practices are about**





In the Stage 2 survey respondents were also asked to order triggers for complaints from most to least common. Figure 8 shows that odour (26%) and complaints between agricultural users about respective farming practices (11%) were most commonly ranked as attracting the most complaints. Dust and noise related complaints (including unspecified noise, the timing of deliveries and gas guns) also ranked highly. Noise most commonly ranked as the second most common trigger (20%). Odour was ranked second by 13% of respondents. Together this suggests that odour, dust and noise are the biggest triggers for complaints.

**Figure 8: Agricultural practices attracting the most complaints**



### **The interviews**

The eight local governments interviewed were asked about how widespread complaints are in their LGA. The urban fringe and urban regional local governments interviewed indicated that complaints come from a wide range of complainants and about a wide range of farms. However, those interviewed from rural and remote local governments indicated that repeated complaints are often made by a small number of complainants about isolated farms. In most cases these are nuisance complaints from disgruntled

neighbours about compliant agricultural activity, although repeated non-compliant activity from isolated farms was reported.

### 3.3 Perceived drivers of conflict

#### ***The survey***

Respondents were asked what factors they believe are driving agricultural land use conflict in their area. Figure 9 shows that the biggest factors reported in both the Stage 1 and Stage 2 surveys are:

- A lack of understanding amongst new residents of the realities of living in an agricultural area and of agricultural industry operation
- Lack of communication within the community and between neighbours
- Encroachment of non-agricultural uses into existing agricultural areas
- Close proximity of agricultural uses to non-agricultural properties

The sub-division of agricultural properties and lack of skills or awareness of appropriate property management were seen as less of an issue by Stage 2 survey respondents compared to Stage 1. Non-compliance in the agricultural industry rated marginally higher in Stage 2.

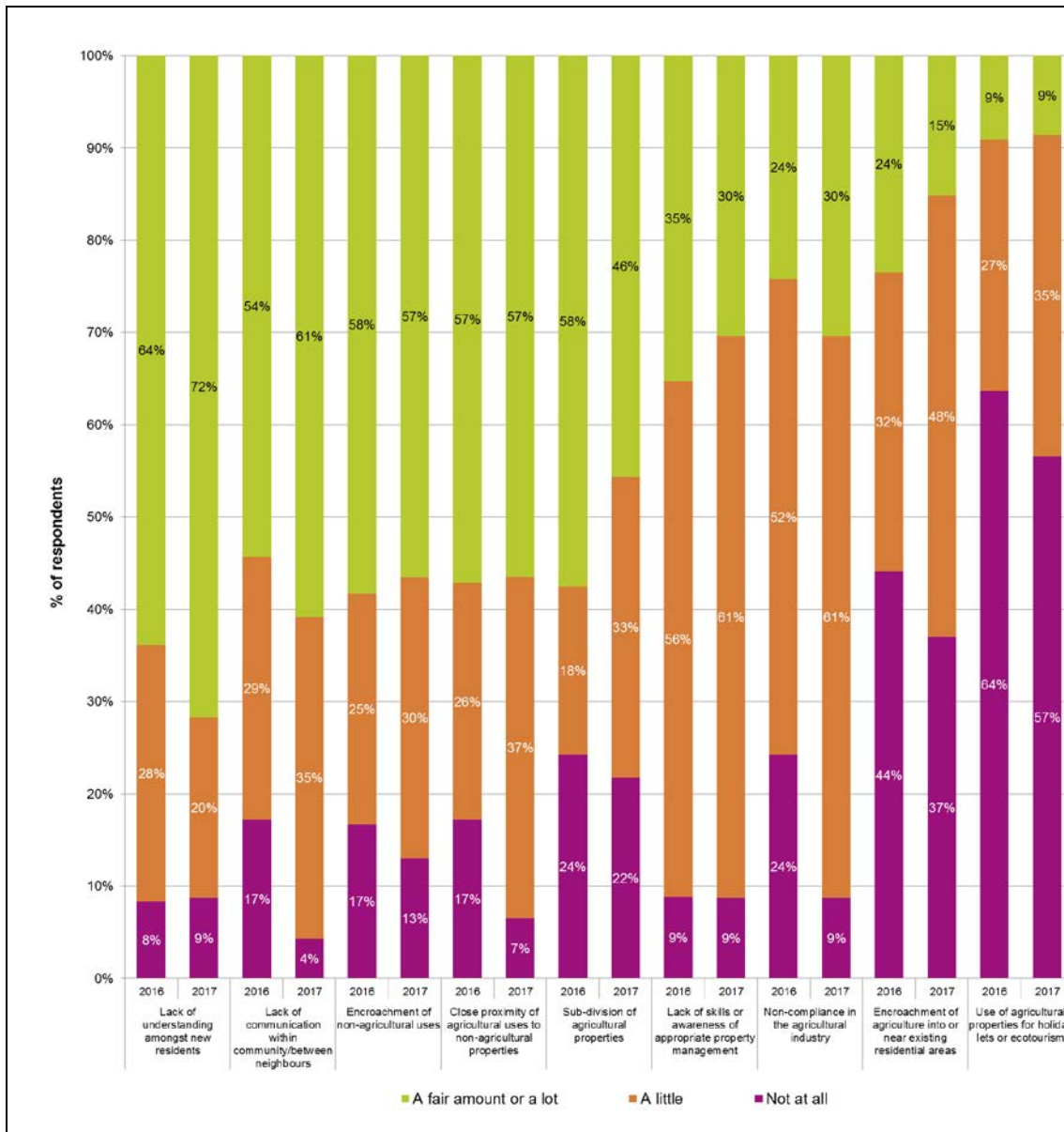
#### ***The interviews***

The above reasons were confirmed by the eight local governments interviewed. All but Coffs Harbour City Council cited urban or residential expansion as the underlying cause. Depending on the location, this either brings 'tree changers' or families seeking affordable housing into close proximity of agriculture without an understanding of the realities of rural living.

However, Coffs Harbour City Council cited the rapid expansion of small lot intensive horticulture as the issue in their LGA, with new operations encroaching existing rural-residential zones. In addition to increasing conflict with residents, this is having significant environmental impacts.

Although the survey did not indicate sub-division as a major current issue, two local governments interviewed, Camden and Wollondilly Shire Councils, are expecting future sub-division or reductions to minimum lot sizes to escalate conflict in the future. These are both within the NSW Government driven South West Sydney Growth Corridor which will bring rapid growth in their LGAs.

Figure 9: Drivers of agricultural land use conflict



n=35 in 2016 and n= 47 in 2017

### 3.4 The impact of conflict on agriculture

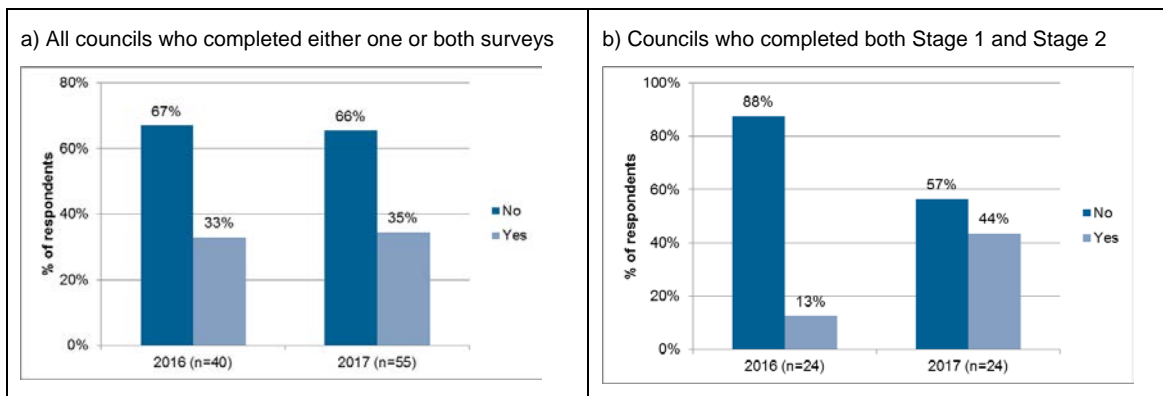
#### The survey

The survey asked local governments about the impact of agricultural land use complaints on agriculture in their LGA.

Two thirds of respondents in Stage 1 (67%) and 2 (66%) did not report that land use conflict is affecting agriculture in their LGA (Figure 10a). However, of local governments that completed the survey in both years, nine reported in Stage 2 (44%)

that land use conflict is impacting agriculture in their LGA compared to only three in Stage 1 (13%) (Figure 10b).

**Figure 10: Perceptions on whether agricultural land use conflict is impacting local agriculture**



Of the respondents who did report that land use conflict was affecting agriculture in their LGA, around one-third in both Stage 1 and Stage 2 indicated that it was reducing agriculture in their LGA by at least a 'fair amount'.

### ***The interviews***

In the interviews, only Camden and Wollondilly Shire Councils governments interviewed, both urban fringe, reported that agricultural land use conflict is having an impact on local agriculture. In both of these LGAs, urban development and the resource implications of improving farm management to avoid conflict has resulted in a small number of smaller poultry farms ceasing operation.

Cabonne Shire Council commented that evolving industry best practice and ongoing management by them are helping to minimise complaints. An example cited was the trend towards netting to protect from pests instead of noise deterrents in the wine and horticulture industries. Although this change is being driven by production benefits rather than complaints, it is nonetheless minimising conflict. However, in Coffs Harbour this move towards netting is impacting the visual appeal of the landscape and is an emerging source of complaints.

Camden, Wollondilly and Coffs Harbour City Councils commented that they are preparing for agriculture to be impacted in the future by anticipated increases in complaints. Camden and Wollondilly LGAs are in growth corridors with the expectation that additional development controls and improved farm management practices will be required to minimise conflict as buffer zones reduce. There are concerns that these will make smaller agricultural operations unviable or encourage large agri-businesses to invest elsewhere.

These local governments are exploring strategies to promote or support relocation of affected farms. Coffs Harbour LGA has experienced such rapid growth of horticulture in their LGA that the local government is exploring additional consent conditions for further agricultural development. While this will not impact existing operations, it could impact further expansion of the industry.

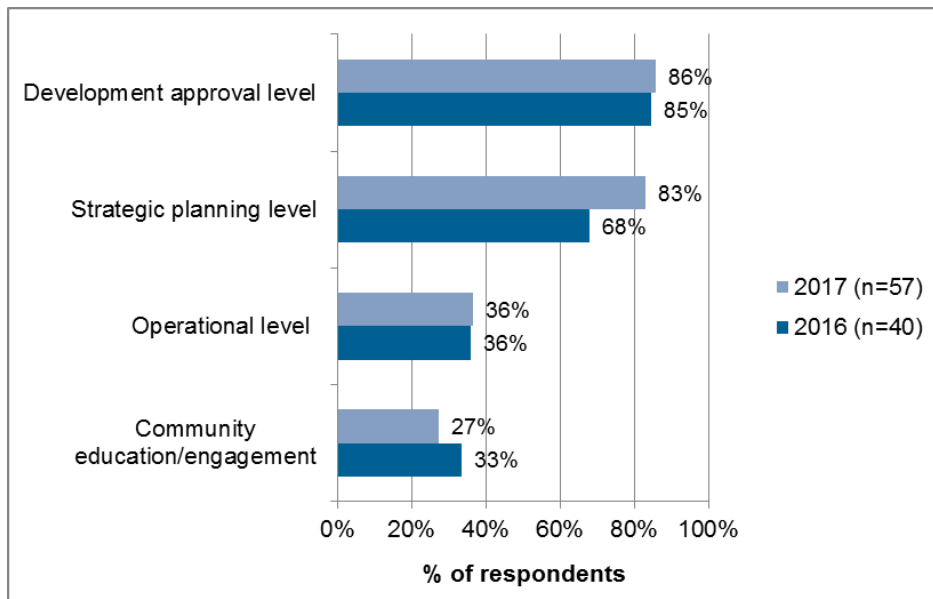
## 4 Approaches to manage land use conflict

### 4.1 Current strategies used by local governments

#### *The survey*

Respondents were asked whether their local government employs strategies to manage land use conflict. Figure 11 shows that most local governments continue to manage conflict at the development approval level, with community education and engagement the least employed strategy. There was a 15 per cent increase from Stage 1 in the percentage that indicated that their local government manages land use conflict at a strategic planning level.

Figure 11: Strategies used by local governments to manage agricultural land use conflict



#### *The interviews*

None of the eight local governments interviewed currently deliver substantial community education about compliant agricultural practice, although two use either the *NSW Right to Farm Policy* or their own Right to Farm Policy to publically state their support of compliant agricultural practice.

The local governments interviewed that receive a large number of complaints reported that resource constraints limit their ability to quickly investigate incidents. Furthermore, ambiguity in NSW State Government environmental and planning legislation make it difficult to enforce penalties for non-compliant activity. The preference appears to be to mediate between landowners unless there is a breach of environmental legislation.

All interviewed local governments reported that zoning and consent conditions in their Local Environmental Plans (LEPs) and Development Control Plans (DCP) are important for managing the interface between agricultural and residential developments. This also requires public consultation on major developments, adding a further safeguard against conflict. The example below highlights the approach one local government is taking to develop a new LEP and DCP to meet future planning needs.

#### **Mid Coast Council**

The council was formed in 2016 through an amalgamation of Gloucester Shire, Great Lakes Council and City of Greater Taree Council. Each had their own LEP and DCP with variable zoning and consent conditions for development. As part of the amalgamation, the council is currently working to consolidate plans from the former LGAs with a focus on protecting and developing the rural sector in the future. The new plans are being informed by a NSW Department of Premier and Cabinet led Regional Economic Development Strategy and a council-led Rural Opportunities and Land Use Strategy. The latter is being supported by a mapping project with NSW DPI to identify important agricultural lands, and will involve extensive stakeholder and community consultation. The project is also supported by NSW DPE.

Other local governments are taking a different but also strategic approach to managing future agricultural land use conflict.

#### **Camden Council**

Camden is part of the NSW DPEs South West Priority Growth Area to increase the supply of affordable housing in the Sydney region. This will reduce rural land in the LGA by 17 per cent which is anticipated to threaten agricultural industries, reduce buffer zones between agricultural and residential properties, and increase the risk of land use conflict. In response to this, the council commissioned a rural land study which has informed a recently endorsed Rural Land Strategy outlining key future planning principles to protect agriculture and scenic vistas in the LGA.

#### **Wollondilly Shire Council**

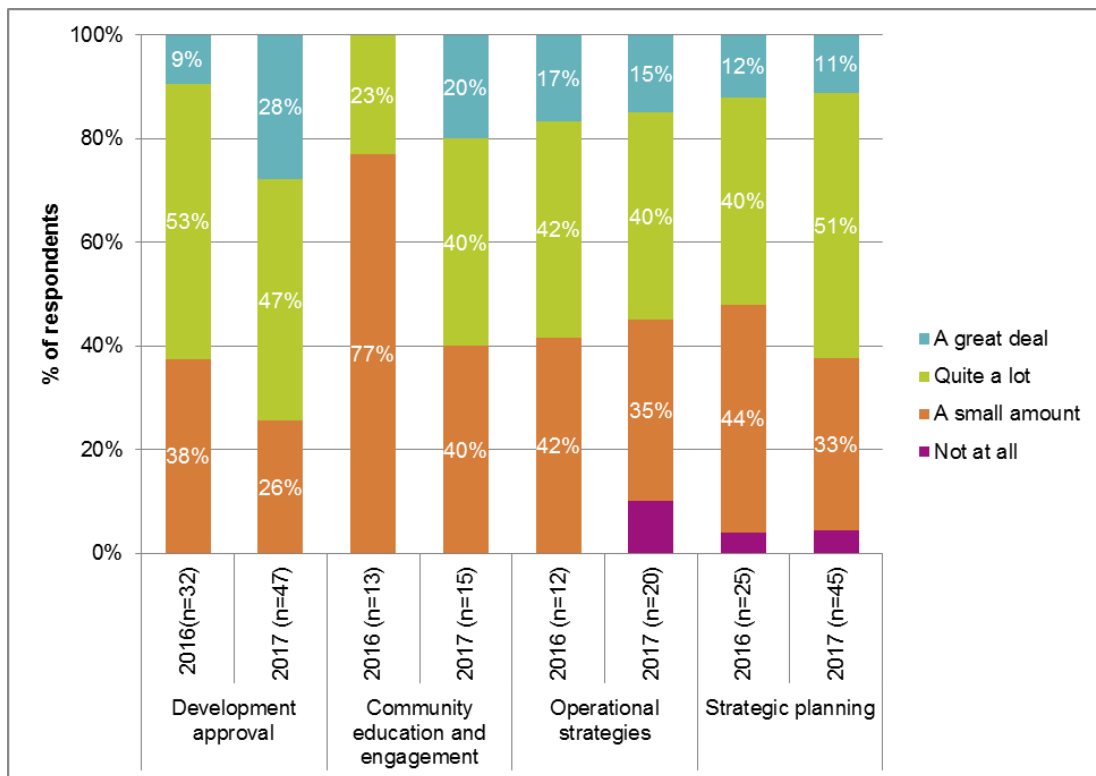
Wollondilly Shire Council is also taking a strategic approach to managing NSW DPE's plans for peri-urban growth. Wollondilly Council have planned to concentrate the majority of growth around one town in the LGA. They have pledged not to support significant urban growth anywhere else in the LGA. More details about these examples are presented in a case study in section 5 of this report. Council are also working closely with the poultry industry, the residential community, NSW DPI and the NSW Farmers Association. Together they have educated poultry farmers and developed voluntary Environmental Management Plans and a Good Neighbour Charter for the poultry industry. These clarify responsibilities for implementing best practice farm management and the animal welfare reasons behind certain triggers for complaints about the poultry industry, to mitigate any conflict.

## 4.2 The perceived effectiveness of current strategies used by local governments

### The survey

Stage 2 survey respondents were also asked to rate the effectiveness of the strategies their local government uses. Figure 12 shows that managing land use conflict at the development approval level is seen as the most effective way to currently manage land use conflict (75% for quite a lot and great deal) followed by strategic planning (62% for quite a lot and great deal). Although employed far less frequently, operational strategies and community education and engagement are also seen as effective.

Figure 12: Perceived effectiveness of strategies to manage land use conflict



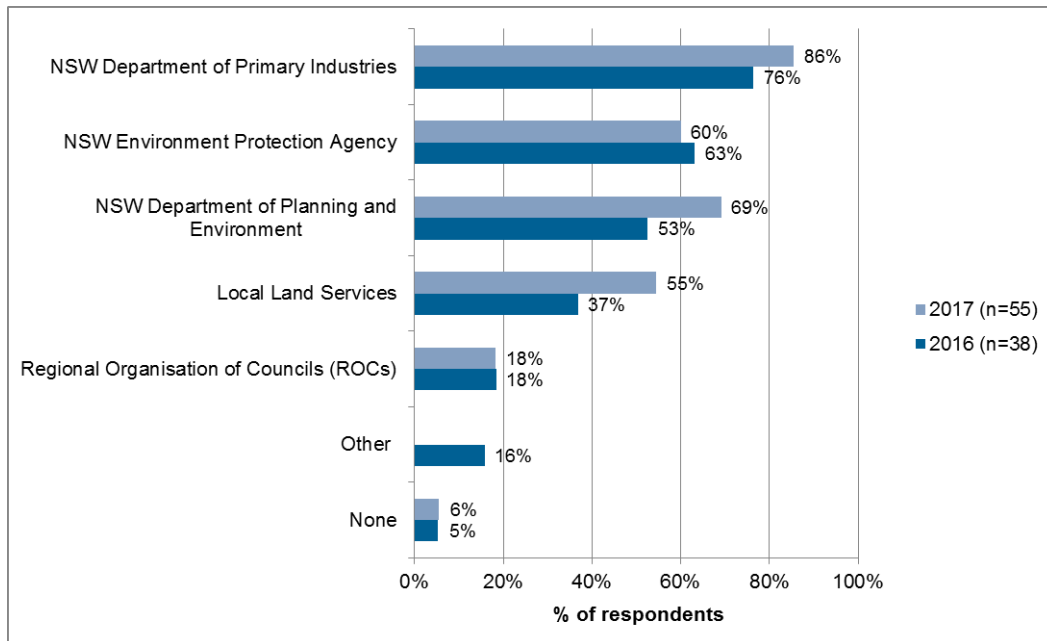
## 4.3 Support to manage land use conflict

### The survey

Local governments were also asked where they obtain guidance to manage agricultural land use conflict. NSW DPI was the most commonly reported source in both Stages 1 and 2. In 2017 councils also commonly sought guidance from NSW DPE as well as NSW EPA and LLS. In the Stage 1 survey, but not the Stage 2 survey, local

governments also reported seeking guidance from the Office of Environment and Heritage, Office of Water, Police, CSIRO and RSPCA.

**Figure 13: Agencies local governments seek support from to manage land use conflict**



### ***The interviews***

All eight local governments interviewed value the advice, resources and guidelines available from the NSW DPI and NSW EPA. This guidance primarily helps them understand compliant practice and best practice farm management, particularly around emerging industries. None of the local governments interviewed reported receiving significant operational support from NSW Government agencies to manage agricultural land use conflict, although NSW DPI and NSW DPE are supporting Camden and Mid-Coast Councils to develop strategies to manage current and potential land use conflict.

Four local governments commented that they would like greater consultation and collaboration from and between NSW DPE and NSW DPI on district planning. They commented that at present the limited apparent collaboration between state government agencies and their local governments is limiting synergies between state and local government policies and strategic planning. Their view is that improved collaboration would strengthen alignment between state and local government needs and strategic planning.

All but one of the local governments interviewed manage the majority of agricultural land use complaints themselves. Only Tamworth Regional Council reported referring most of the complaints they receive to the NSW EPA. This is because most complaints and breaches relate to EPA licenced poultry farms and ancillary industries which dominate the local agricultural economy.



## 4.4 Awareness and use of the Right to Farm Policy

### **The survey**

In the Stage 2 survey respondents were asked about their awareness and use of the Right to Farm Policy. This was not asked in the Stage 1 survey. Table 6 shows that 84 per cent of respondents are aware of the policy but only 49 per cent are aware of any of the actions within. Only nine per cent appear intimately familiar with the policy.

**Table 6: Awareness of Right to Farm Policy**

	% (n=55)
I have never heard of the Right to Farm Policy	16%
I am aware of the Policy but not the actions within	35%
I am aware of the Policy and some of the actions	40%
I am aware of the Policy and all of the actions within	9%

Of the 47 respondents that have heard of the *Right to Farm Policy*, 14 (28%) said that their local government has used it to inform decision making around agriculture in their LGA.

Open-ended responses by these 14 indicated that they have used the policy for:

- Background material for the preparation of the draft Rural Lands Strategy
- As a basis for developing and adopting their own Right to Farm Policy
- As part of broader rural area development strategies
- To provide internal advice on development proposals
- To develop land use policies that outline clear objectives of land use and to clarify acceptable standards and enforcement for non-compliant practices
- To educate residents that complain about compliant agricultural practices
- To educate councillors/developers wanting to develop adjacent to farm land

### **The interviews**

The interviews also did not indicate widespread knowledge of the actions within the *Right to Farm Policy*. Only Cabonne Shire Council reported being intimately aware of the Policy, using it to frame community engagement around agricultural land use conflict and reinforce their position.

Six of the remaining local governments reported being indifferent about the *Right to Farm Policy* and its usefulness. For these local governments, legislation and guidelines are operationally seen as more useful than a statewide policy. They commented that more supportive legislation and planning regulations would better help them manage land use conflict. One interviewee commented that the in absence of clear actions and

responsibilities for local governments and state government agencies, the *Right to Farm Policy* has had no impact for their local government.

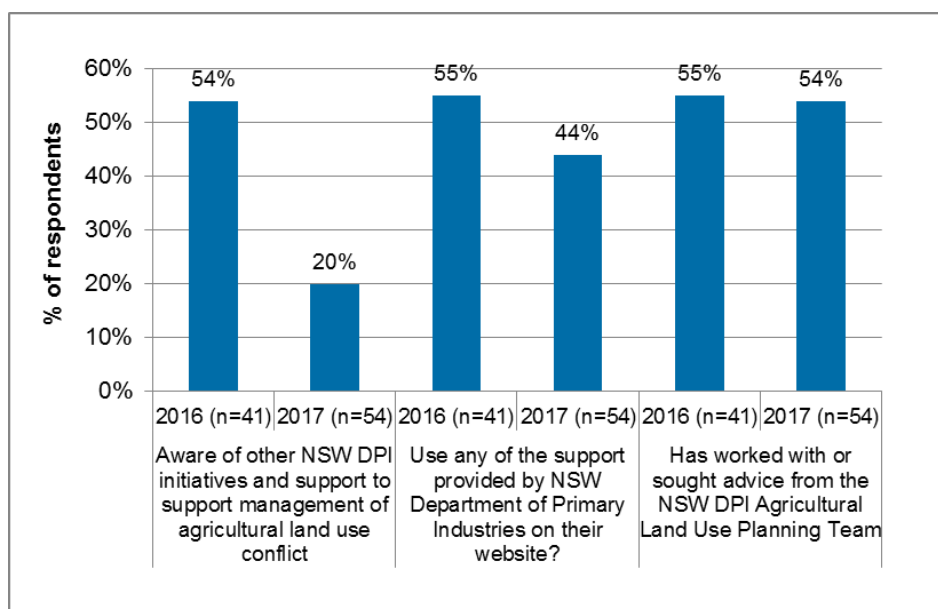
Camden Council commented that referencing the *Right to Farm Policy* in their strategic plans for rural land use has helped communicate to their communities that their plans align with state government priorities. This has helped legitimise the direction they are taking.

However, one local government commented that the *Right to Farm* policy has been counterproductive for the issues they are facing in their LGA around emerging intensive horticulture industries. The position taken by NSW DPI in the policy is seen as limiting support from DPI to address agricultural encroachment into rural-residential zones that is creating substantial conflict in their community.

#### 4.5 Awareness of other support offered by NSW DPI

The Stage 2 survey suggests that awareness of other NSW DPI initiatives and support to manage agricultural land use conflict has dropped amongst local governments, from 54 per cent in Stage 1 to 20 per cent in Stage 2. Of the 24 local governments that responded to both the Stage 1 and Stage 2 surveys, this percentage also fell from 50 per cent in Stage 1 to 17 per cent in Stage 2. The percentages were more consistent for the use of support provided on the NSW DPI website or seeking advice from the NSW DPI Agricultural Land Use Planning Team.

**Figure 14: Awareness and use of other NSW DPI initiatives and support**



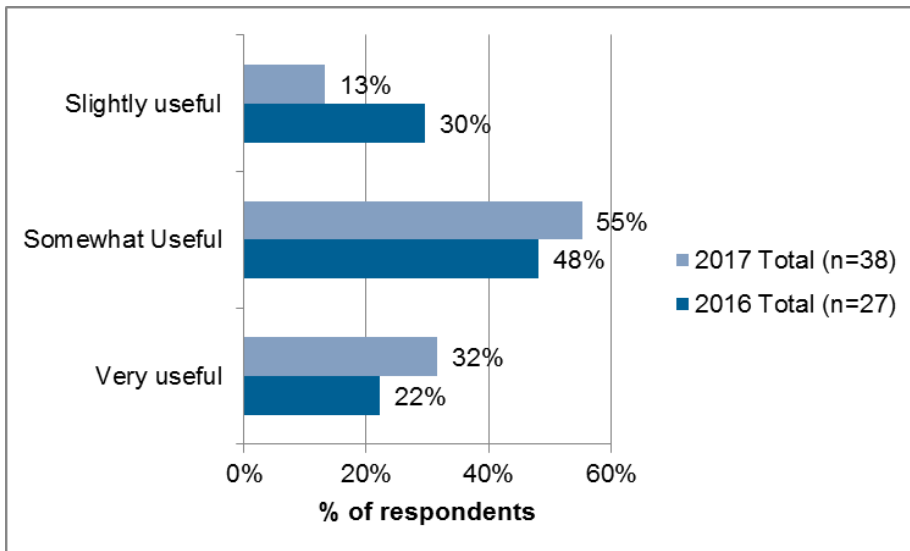
Local governments that have sought advice from the NSW DPI Agricultural Land Use Planning Team were asked to indicate what for. Table 7 shows the coded responses from the 29 local governments that indicated seeking advice in the Stage 2 survey.

**Table 7: Advice sought from NSW DPI Agricultural Land Use Teams**

	No. of local governments
Sought advice on development applications	9
Sought advice on Development Control Plans, Local Environmental Plans and general planning matters	8
Sought advice on policies/strategies	8
Sought advice/guidelines on agricultural practices	6

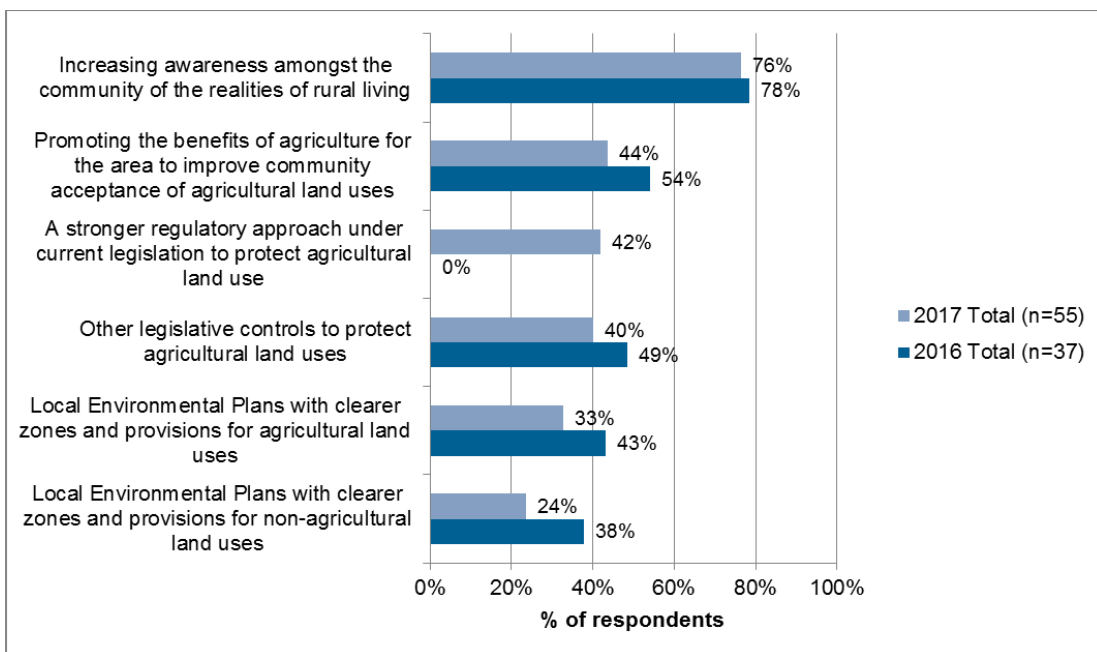
All respondents who reported using NSW DPI’s initiatives and support in either the Stage 1 or Stage 2 surveys found them useful to some degree (Figure 15). In both years approximately half of respondents reported that NSW DPI’s initiatives and support are somewhat useful. However, in the Stage 2 survey a higher percentage of respondents reported that the initiatives and support are somewhat useful or very useful compared to the Stage 1 survey (88% c.f. 70%). Around one-third of respondents to the Stage 2 survey find the support very useful compared to 22 percent in the Stage 1 survey.

**Figure 15: Usefulness of initiatives and support provided by NSW DPI**



Finally, respondents were asked what they think would be most effective for reducing land use conflict in their LGAs. Figure 16 shows overwhelmingly that the most common responses were increasing awareness amongst the community about the realities of rural living, followed by promoting the benefits of agriculture to improve community acceptance and a stronger regulatory approach under current legislation. Legislative and planning controls have some support, although less than education and raising awareness.

**Figure 16: What would be effective for reducing agricultural land use conflict**



## 5 Case studies

In depth interviews were undertaken with eight local governments. This section presents three case studies describing the response by select local governments to agricultural land use conflict in their LGA.

### 5.1 Camden Council

#### Background

Camden is an urban fringe LGA is located on the fringes of the Sydney Metropolitan Area and is within the Macarthur region. The area has historically been a highly productive agricultural area with agricultural land use accounting for 50 per cent of the LGA. In 2011, approximately 5,000 ha was being used for productive agriculture with a total value of \$47 million. Livestock for slaughter (including poultry) and cropping (vegetables, nurseries and turf).<sup>5</sup>

The Camden LGA is experiencing significant expansion of urban development and is one of the fastest growing LGAs in Australia. It is part of the South West Priority Growth Area which aims to develop infrastructure and release residential developments to provide Sydneysiders access to affordable housing options. This will reduce the total area of rural land to one-third of the Camden LGA. In addition to this, rural land in the Camden LGA will be affected the South West Rail Link, Badgerys Creek Airport and the M9 corridor projects.

The recently adopted Community Strategic Plan has the key directions around actively managing the LGA's growth and economic prosperity, with specific objectives around managing urban development and adequately administering rural land. Performance indicators within these include increasing the number of new households across the LGA, maintaining and protecting rural lands and retaining heritage sites, vistas and cultural landscapes.<sup>6</sup>

#### The nature of agricultural land use conflict

According to the Stage 2 survey, Camden receives approximately five complaints about agricultural activity per month. The majority of these relate to the poultry industry with odour, noise and dead birds the main triggers for complaints. As most of the LGA's poultry farms have fewer than 250,000 birds, complaints are the responsibility of the council to investigate rather than the NSW EPA. The other main sources of complaints relate to stray cattle and manure odour from agglomerations of small, intensively farmed market gardens. The complaints received are generally not recurring from isolated residents or about specific properties. It is estimated that approximately half of the complaints received are about compliant agricultural practices.

<sup>5</sup> Data provided by NSW DPI based on ABS Value of agricultural commodities and areas of holdings tables derived from the 2010-11 census.

<sup>6</sup> Camden Council (2017), Community Strategic Plan. Available at: <https://indd.adobe.com/view/43082240-18ca-4eaa-b23a-ad9e7f162cc2>.

## **Impacts of agricultural land use conflict**

To date agricultural land use conflict has had minimal impact on agriculture in the LGA. In the last five years the level and nature of complaints have not noticeably changed, which reflects councils ongoing management of urban expansion in the area. However, the accelerated urban development being driven by NSW Government plans is expected to increase agricultural land use conflict without specific strategic management. Already there is a sense that the poultry industry in particular is under pressure from encroaching urbanisation with a few smaller operators ceasing operations due to the increased costs of compliance with best practice farm management to mitigate the risk of conflict with new urban residents.

## **Council response to managing agricultural land use conflict**

To date the main response by council to complaints about agriculture has been at the planning and operational levels. RU1 zoned rural land has a 40 Ha minimum lot size and agricultural and urban development is regulated through council's Local Environmental Plan (LEP) and Development Control Plan (DCP). Operationally, council environmental health staff and rangers investigate complaints where they monitor triggers, such as noise and odour, within NSW DPI and EPA guidelines. Education of primary producers and residents to mitigate conflict is the preferred way to resolve complaints with regulatory action rare.

However, it was recognised that balancing the objectives of the Community Strategic Plan and protecting rural agriculture in the context of increasing urban development will require a long-term strategic approach. Therefore, the council recently adopted a Rural Lands Strategy that aligns to the principles of the Community Strategic Plan, the NSW Right to Farm Policy and the Camden Economic Development Strategy.<sup>7</sup> The Strategy was informed by an externally commissioned Rural Lands Study, which amongst other things recommended maintaining the 40 Ha minimum lot size on RU1 zoned land and appropriate land use buffers, and extensive public consultation. The plan articulates the following seven key planning principles to sustain the LGAs agricultural economy:

- Protect Camden's remaining rural lands
- Retain Camden's valued scenic and cultural landscapes
- Provide certainty and avoid rural land fragmentation
- Minimise and manage rural land use conflict
- Enhance Camden's Rural Economy
- Minimise unplanned non-agricultural development
- Maximise opportunities for relocation of rural enterprises

Each principle is accompanied by actions, with the Strategy to inform updates to planning instruments (LEP and DCP) and the Camden Economic Development Strategy.

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<sup>7</sup> Camden Council (2017), Rural Lands Strategy. Available at: [www.camden.nsw.gov.au/assets/pdfs/Council/Plans-and-Strategies/Final-Rural-Lands-Strategy-September-20174.pdf](http://www.camden.nsw.gov.au/assets/pdfs/Council/Plans-and-Strategies/Final-Rural-Lands-Strategy-September-20174.pdf).

## 5.2 Coffs Harbour City Council

### Background

Coffs Harbour is an urban regional LGA on the north coast of NSW. The LGA is a significant agriculture area with horticulture (blueberries, bananas and other greenhouse agriculture) and cattle grazing the major agricultural uses. Agriculture is a key contributor to the economy of the entire LGA. In 2011, almost 120,000 Ha was used for productive agriculture at an estimated value of \$96 million. Approximately 80 per cent of this is fruit production, the majority of which is blueberries.<sup>8</sup> This data is likely to be out of date with substantial growth of the LGA's blueberry industry in the last year reported as the local banana industry declines. At present 81 per cent of Australia's blueberries are farmed in the Coffs Harbour LGA.

### The nature of agricultural land use conflict

The Stage 2 survey indicated that Coffs Harbour City Council receives a large number of agricultural land use complaints per month and that this number has increased over the last five years. The majority of these complaints are reported to be about non-compliant practices with a proportion of the complaints falling under the jurisdiction of other state government agencies (water use/water storage/chemical use/pesticide application).

Blueberry farms are reported to be the major sources of complaints. Blueberry farms are relatively small, often on steep land and use pesticide spraying and netting to protect the fruit. The main triggers are tree or vegetation removal associated with new farms, erosion, spray drift and visual disruption due to netting. There are also complaints about traffic and parking associated with fruit pickers transiently living in overcrowded residential properties and unauthorised conversion/construction of buildings for fruit picker accommodation.

In addition to this, council are concerned about excessive nutrient loads in natural waterways due to land clearing, erosion and the use of pesticides and fertilisers. There is a growing industry of covered hydroponic cropping in igloos, which is anticipated to be the next emerging land use management challenge for council. These facilities are reportedly high users of water and have been associated with high levels of pollution due to inadequate waste management practices.

### Impacts of agricultural land use conflict

To date, agricultural land use conflict in the Coffs Harbour LGA has not impacted agricultural industries. The volume of complaints against available resources constrains council's ability to investigate all complaints. Furthermore, the penalties for non-compliant activity and the evidence required to enforce these penalties are reportedly only a minor deterrent for blueberry farmers. Enforceable penalties for agricultural development without consent are also not seen as an effective deterrent.

The rapid expansion of the blueberry industry is reportedly polarising the LGA's community. It is currently permissible under the Coffs Harbour Council LEP to undertake intensive plant agriculture, including a blueberry farm, without development consent on rural land zoned RU2 (Rural Landscape). While development consent would be required in land zoned R5 (Large Lot Residential), many of the R5 areas

<sup>8</sup> Data provided by NSW DPI based on ABS Value of agricultural commodities and areas of holdings tables derived from the 2010-11 census.

have existing use rights as they have been converted from banana production to blueberry growing. While the industry boosts the local economy, the small lot requirements mean that the industry is increasingly encroaching existing residential areas. This is the reverse of what most LGAs in NSW are experiencing.

### **Council response to managing agricultural land use conflict**

As mentioned above, the volume of complaints exhausts the ability of council officers to effectively respond and operationally manage agricultural land use conflict. Current planning and development and regulatory controls are also reportedly inadequate for council to enforce compliance and manage the expansion of the blueberry industry. Council has been challenged by the speed the industry has expanded which has outpaced the ability of other state government agencies to produce guidance on managing current and emerging impacts. Council staff are endeavouring to co-opt the involvement of state government agencies where possible to review and advise on questionable farming practices and undertake joint compliance inspections where complaints crossover between the regulatory authorities.

Council recently motioned against amending the LEP to require additional consent for developing agricultural enterprises on rural lands. However, they have resolved to investigate the issue and amendments to planning instruments through a review of its Local Growth Management Strategy. This includes a resolution to develop a Rural Lands Strategy. Public submissions were invited on a discussion paper for the Rural Lands Strategy in 2016 but to date the Strategy is still under development.

Council also participates in a Blueberry Industry Interagency Working Group which is assisting growers to develop a Draft Industry Code of Practice. This group includes Clarence Valley and Bellingen Shire Councils to support a consistent regional strategy to manage the continued expansion of the industry. The Australian Blueberry Growers Association and NSW DPI are also part of this group.

## **5.3 Wollondilly Shire Council**

### **Background**

Wollondilly Shire is an LGA on the south-western edge of Sydney, in the Macarthur region. Wollondilly Shire is predominantly a national park and rural area, with urban areas in fifteen towns and villages. Most of the rural land is used for agricultural purposes, including market gardens, orchards, dairy farms, poultry farms and grazing. In 2011, more than 28,000 Ha of land was being used for productive agriculture with an estimated gross value of agriculture of \$83 million. Poultry farms for meat production accounts for more than half of this value (\$45 million). Currently Wollondilly LGA is ranked number one for turkey meat production in Australia, number two for duck meat production and number eight for chicken meat production. Market gardens and orchards account for almost one-third (\$26 million) of agricultural value with the remainder primarily dairy and egg production (\$11 million).<sup>9</sup> There are currently just over 300 properties rated as farmland within the Shire.<sup>10</sup>

<sup>9</sup> Data provided by NSW DPI based on ABS Value of agricultural commodities and areas of holdings tables derived from the 2010-11 census.

<sup>10</sup> Wollondilly Shire Council, Community Strategic Plan 2033. Available at: [www.wollondilly2033.com.au/assets/pdf/operationalplan/WSC\\_CSP2017.pdf](http://www.wollondilly2033.com.au/assets/pdf/operationalplan/WSC_CSP2017.pdf).



Wollondilly Shire is part of NSW Government's future plans for creating affordable housing for Sydney's growing population with population growth in the LGA predicted to increase by 50 to 60 per cent in the next 20 to 30 years.<sup>11</sup> The current Wollondilly Community Strategic Plan positions rural living as Council's number one principle around managing growth.

### **The nature of agricultural land use conflict**

Wollondilly receives a high number of complaints about the poultry industry due to odour, noise and the night time transportation of birds. The majority of poultry facilities in the area house less than 250,000 birds so it is council's responsibility to investigate complaints.

The number of complaints about the poultry industry have risen dramatically during the last decade. Council records show that in 2008, only eight complaints were received. This rose to 31 complaints in 2015 and 89 to date in 2017. The majority of complaints are concentrated around approximately 10 per cent of all poultry farms in the LGA. Complaints are being received from a mixture of old and new residents, in some cases as part of organised lobby groups.

The council has identified a correlation between the rise in complaints and increased development applications for new or expanded poultry facilities. The view is that farm management processes have improved over time and that complaints are driven out of fear rather than existing conflict.

At this stage the complaints have not had a substantial impact on the local poultry industry, with major producers still establishing poultry farms and related agri-businesses in the LGA. However, there is concern that escalating conflict and any subsequent tightening of development controls could result in major poultry producers expanding interstate rather than in Wollondilly. This would have major economic implications for the LGA.

### **Council response to managing agricultural land use conflict**

Council has focused on strategically addressing conflict between residents and the poultry industry. Rather than issue infringement notices, they are working with the industry, NSW DPI and the NSW Farmers Association to develop strategies to preserve growth in the industry while minimising conflict.

For example, council has partnered with NSW DPI, NSW Farmers' Association, the Rural Industries Research and Development Corporation and the poultry industry to deliver Environmental Management Planning workshops for poultry farmers in the Wollondilly region. The aim of the workshops is to identify potential environmental and social risks associated with poultry farming. There is a focus on an environmental risk assessment for each individual farm and then the development of individualised Environmental Management Plans (EMPs). These clarify responsibilities for best practice farm management to reduce potential triggers for conflict between farms and peri-urban communities. EMPs are voluntary but there is growing uptake.

Council also held a poultry farm forum in June 2016 to engage with the poultry industry and residential community to better understand the future opportunities and challenges associated with co-existence. A part of the focus was educating the residential

<sup>11</sup> Wollondilly Shire Council, Community Strategic Plan 2033. Available at: [www.wollondilly2033.com.au/assets/pdf/operationalplan/WSC\\_CSP2017.pdf](http://www.wollondilly2033.com.au/assets/pdf/operationalplan/WSC_CSP2017.pdf).

community about the economic importance of poultry to the LGA and that some of the practices triggering complaints, such as night time pickups, are based on animal welfare. This was accompanied by a discussion paper. Approximately 300 people attended the forum. A key outcome was the adoption of a Good Neighbour Charter relating to the Wollondilly Poultry Industry. Relevant stakeholders were invited to sign the charter and commit to principles aimed at mitigating conflict caused by farming operations.

The Strategic Planning Department at Council also manage a Rural Industry Advisory Committee. The Committee is represented by local members of the poultry, dairy and beef cattle, agri-tourism, horticulture and market garden farming communities, as well as NSW DPI and the Cumberland Livestock Health and Pest Authority. The purpose is to bring community members and industry together to discuss issues and promote sustainable agriculture in the LGA. Specifically the Committee contributes to:

- Providing feedback on Planning Proposals and Development Applications which are likely to impact (positively or negatively) on agricultural production.
- Communication between industry and various levels of government.
- Creating and supporting opportunities and initiatives that will enhance agricultural production.

The Committee meets quarterly and provides an annual report to Council.

Wollondilly is also part of the Sydney Peri-Urban Network (SPUN) which represents 12 local governments that border metropolitan Sydney. SPUN advocates to other levels of government on issues relevant to peri-urban local governments including ensuring long term viability for peri-urban agricultural and horticultural production.

More broadly, Council's priority focus for the anticipated residential growth is the development of a new town at Wilton. Council's public position is not to support the development of new towns or villages in other areas of the LGA. The vision for Wilton is to create a major new town over the next 20 to 30 years which will incorporate 16,600 homes for a population of approximately 50,000. Council has also publically stated that it will not support development in parts of Wollondilly outside or Wilton that are in the NSW DPE Greater Macarthur Land Release Investigation Area. In doing so these actions will protect the existing rural lands in the LGA.

## 5.4 Cabonne, Greater Hume and Yass Valley Councils

### Background

Cabonne Shire is an LGA in the Central West region of NSW with an economy reliant on the agricultural sector. In 2011 the gross value of agriculture in the LGA was estimated at \$179 million, roughly equally divided between cropping and livestock (sheep and cattle). There is a smaller but significant wine industry.<sup>12</sup> At the 2016 census, more than half of the businesses in the region (858 out of 1,683) were classified as part of the agricultural section.

Yass Valley Council is an LGA in the Southern Tablelands region of NSW. In 2011 the gross value of agriculture was estimated at \$62 million, dominated by livestock (sheep

<sup>12</sup> Data provided by NSW DPI based on ABS Value of agricultural commodities and areas of holdings tables derived from the 2010-11 census.

and cattle). Broad acre cropping accounted for \$13m of this, with a small but expanding wine industry.<sup>13</sup>

Greater Hume Shire is located in the Riverina region of southern NSW. The LGA has substantial intensive cattle farming (i.e. feedlots) and broad acre cropping.

All three of these rural and remote local governments surround major regional centres and are increasingly experiencing residential encroachment on rural lands.

### **The nature of agricultural land use conflict**

In the Stage 2 survey, both Cabonne and Yass Valley Councils reported in excess of five agricultural land use complaints per month during peak summer months. In Cabonne Shire and Yass Valley, the highest number of complaints are received about vineyards and other horticulture. Noise from gas guns and other deterrents is the major trigger from complaints about agricultural land use. Complaints are received from a small number of households adjacent to primary producers.

This pattern of complaints is disproportionate to the value of agricultural industries in both LGAs, where vineyards are only a relatively minor industry by value. Complaints about livestock and other ancillary land uses are received but to a lesser extent. In Yass Valley the most common source of complaints related to agriculture actually comes from graziers about attacks on their livestock by domestic dogs.

Yass Valley Council also receives complaints about dust and traffic from the dumping of landfill from residential developments in Canberra onto peri-urban properties. Cabonne Shire Council is also seeing an emerging trend of complaints from Airbnb premises on rural properties that are currently exempt from development consents. This is triggering complaints about exposure to compliant spray drift from neighbouring orchards. There is also an emergence of greenhouse agriculture as this type of farming moves west from the Sydney Basin. It is anticipated this could trigger additional complaints.

Greater Hume on the other hand, only reported receiving a maximum of one agricultural land use complaint per month. These complaints are around odour, dust and noise from cattle feedlots and intensive piggeries.

The challenge for these three local governments is confirming whether odour and noise complaints are about non-compliant activity. The changing face of technology and farm practice is at times not covered by current NSW environmental control guidelines (i.e. the recent introduction of audible bird scaring devices into vineyard management practice). Consent conditions for the temporary confinement of livestock are also ambiguous making regulatory action against feedlots challenging.

### **Impacts of agricultural land use conflict**

All three local governments cited that volume of agricultural land use complaints is not noticeably changing and is having no impact on agriculture in the LGA. All three local governments are openly supportive of agriculture as they recognise its importance to their local economies. The main impact of residential spread appears to be in Yass Valley where the number of domestic dogs and subsequent attacks on livestock are increasing.

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<sup>13</sup> Data provided by NSW DPI based on ABS Value of agricultural commodities and areas of holdings tables derived from the 2010-11 census.

## **Councils' responses to managing agricultural land use conflict**

All three local governments have largely managed agricultural land use conflict through existing planning and development control instruments. Land use planning focuses on protecting agriculture but as rural land values rise, large lot subdivisions are becoming increasingly common and bring new residents closer to intensive agricultural activities.

However, each local government is implementing other specific strategies to manage any conflict.

Greater Hume Shire Council has its own Right to Farm Policy which it implemented in 2010.<sup>14</sup> That statement reinforces Council's support of compliant agriculture and explicitly states the types of legitimate agricultural land uses that might cause nuisance to other land owners. The policy explicitly states that intended purchasers and owners of rural land should consider their position if they have difficulty living adjacent to legitimate agricultural practices.

Cabonne Shire and Yass Valley Councils recognise the ambiguity of regulatory frameworks so takes a common sense operational approach to managing complaints and potential conflict. If noise, odour or dust from agricultural activities is detected on a neighbouring property, council officers investigate. This can involve engaging external consultants to undertake noise and odour testing against EPA legislation and guidelines. Rather than enforce regulatory action for minor breeches, council officers attempt to mediate and educate the parties involved. As part of this Cabonne Shire Council officers are using the *NSW Right to Farm Policy* to assist in managing the community engagement process regarding rural land use complaints. Cabonne Shire Council also has its own Right to Farm policy identical to that of Greater Hume Shire.

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<sup>14</sup> [http://www.greaterhume.nsw.gov.au/LinkClick.aspx?fileticket=-tKqaTP8V\\_M%3D&tabid=114](http://www.greaterhume.nsw.gov.au/LinkClick.aspx?fileticket=-tKqaTP8V_M%3D&tabid=114)

# 6 Summary of key findings and next steps

## 6.1 Key findings

Table 8 summarises the key findings from the Stage 2 survey, including comparison with the responses from the Stage 1 survey, and the interviews with local governments.

**Table 8: 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>The majority of local governments that responded continue to receive agricultural land use-related complaints.</li> <li>Overall the number of reported complaints received on average per month did not significantly differ from Stage 1.</li> <li>More than half reported receiving 1-2 complaints on average per month (12-24 per year).</li> <li>The percentage of local governments reporting 3-5 complaints per month declined by 12 per cent in the Stage 2 survey.</li> <li>The highest number of complaints continue to be received over summer (Nov-Feb).</li> </ul>
<p><b>Types and sources of complaints</b></p>	<ul style="list-style-type: none"> <li>Almost all responding local governments continue to receive complaints about legally compliant agricultural practices.</li> <li>In Stage 2, the percentage of local governments reporting that at least 50 per cent of their agricultural land use complaints are about legally compliant activities increased (29 per cent to 51 per cent). This, suggests that complaints about legally compliant agricultural practices are increasing.</li> <li>Poultry farms, piggeries, broad acre cropping and livestock grazing continue to be the most commonly complained about agricultural industries.</li> <li>Odour, noise, dust, spray drift and escaping livestock continue to be the most common triggers for complaints.</li> <li>Interviews suggest that in some LGAs complaints are concentrated to a small number of complainants and farms. In larger urban fringe and urban regional LGAs complaints are reportedly more dispersed.</li> </ul>
<p><b>Drivers of complaints</b></p>	<ul style="list-style-type: none"> <li>The biggest factors reported in both the Stage 1 and Stage 2 surveys and</li> </ul>

	<p>stage 2 interviews are:</p> <ul style="list-style-type: none"> <li>- A lack of understanding amongst new residents of the realities of living in an agricultural area and of agricultural industry operation</li> <li>- Lack of communication within the community and between neighbours</li> <li>- Encroachment of non-agricultural uses into existing agricultural areas</li> <li>- Close proximity of agricultural uses to non-agricultural properties.</li> </ul> <ul style="list-style-type: none"> <li>• The sub-division of agricultural properties and lack of skills or awareness of appropriate property management were seen as less of an issue by Stage 2 survey respondents compared to Stage 1.</li> <li>• Local governments in growth corridors expect conflict between agriculture and residential development to increase as urban expansion continues.</li> <li>• One local government is experiencing rapid expansion of an emerging intensive small lot agricultural industry that falls outside of existing development controls. This is seeing that industry is increasingly encroaching existing residential areas, creating substantial conflict. This is the reverse of what most LGAs in NSW are experiencing.</li> </ul>
<p><b>Impact of conflict on agriculture activities</b></p>	<ul style="list-style-type: none"> <li>• One-third of respondents in Stage 1 (67%) and 2 (66%) did not report that land use conflict is affecting agriculture in their LGA.</li> <li>• However, of those who completed the survey in both years, nine reported in Stage 2 (44%) that land use conflict is impacting agriculture in their LGA compared to only three in Stage 1 (13%).</li> <li>• Based on interviews, agriculture is most likely to be impacted by conflict in urban fringe LGAs. As residential developments erode buffer zones, farms face pressure to implement additional management processes to minimise potential drivers of complaints. The cost of these can make smaller farms unviable.</li> </ul>
<p><b>Current approaches to manage land use conflict</b></p>	<ul style="list-style-type: none"> <li>• Most local governments continue to manage conflict at the development approval level, with community education and engagement the least employed strategy.</li> <li>• The percentage that indicated that their local government manages land use conflict at a strategic planning level increased from Stage 1 to Stage 2 (+15%). Mid Coast and Camden Council are exemplars, taking a long-term view to protecting agriculture and rural lands through the drafting of new planning instruments and a Rural Lands Strategy respectively. These are being informed by state and local government economic and growth strategies in consultation with state government agencies. Coffs Harbour City Council is working with a Blueberry Interagency Working Group to assist growers develop an Industry Code of Practice that addresses current environmental</li> </ul>

	<p>concerns. Wollondilly Shire Council have also initiated a number of initiatives with the poultry industry to manage conflict in the context of urban expansion into their LGA. They are also planning to confine expansion to an isolated area of their LGA to protect rural lands and agri-businesses.</p> <ul style="list-style-type: none"> <li>• Managing land use conflict at the development approval level is seen as the most effective way to currently manage land use conflict, although strategic planning, operational strategies and community education and engagement are also viewed as effective.</li> <li>• Interviews suggest that the operational management of conflict primarily involves mediation unless there is a serious breach of environmental legislation. Ambiguity in current state government legislation reportedly makes it difficult to enforce regulatory action.</li> </ul>
<p>NSW DPI initiatives and support</p>	<ul style="list-style-type: none"> <li>• The vast majority of the responding local governments seek support to manage land use conflict from the NSW DPI. According to local government officers interviewed, this is mainly advisory around industry best practice. Local governments developing long-term strategies for agricultural land use management are also extensively consulting with NSW DPI during development. Camden and Mid Coast Councils are notable examples.</li> <li>• The NSW EPA and NSW DPE are also commonly sought for support. This is primarily in the form of accessing guidelines rather than direct support.</li> <li>• Most respondents are aware of the <i>Right to Farm Policy</i> (84%) but only 49 per cent are aware of any of the actions within. Only nine per cent appear intimately familiar with the policy.</li> <li>• Of those that have heard of the <i>Right to Farm Policy</i>, 28 per cent said that their local government has used it to inform decision making around agriculture in their LGA including for: <ul style="list-style-type: none"> <li>- Internal agricultural land use policy development</li> <li>- Rural lands planning strategies</li> <li>- Internal advice around development decisions</li> <li>- Community, councilor and developer education.</li> </ul> </li> <li>• However, most local governments interviewed do not think that the <i>Right to Farm Policy</i> has helped them to manage agricultural land use conflict, seeing it as a positioning statement rather than an operational support. They commented more supportive legislation and planning regulations would be more useful.</li> <li>• The Stage 2 survey suggests that awareness of other NSW DPI initiatives and support to manage agricultural land use conflict has dropped amongst local governments, although around half continue to use support provided on the</li> </ul>

	<p>NSW DPI website or seeking advice from the NSW DPI Agricultural Land Use Planning Team.</p> <ul style="list-style-type: none"> <li>The percentage of local governments that reported that the support provided by NSW DPI is somewhat or very useful increased in Stage 2 (88% compared to 70% in Stage 1). Interviews suggest that the support and resources provided by NSW DPI is useful but that not all regularly engage DPI for advice around managing agricultural land use conflict.</li> </ul>
<p><b>Suggested strategies and improvements</b></p>	<ul style="list-style-type: none"> <li>Despite wanting less ambiguity in state government regulations, local governments continue to have a preference for non-legislative approaches for managing land use conflict, specifically: <ul style="list-style-type: none"> <li>Increasing community awareness of the realities of rural living</li> <li>Promoting the benefits of agriculture over more legislative mechanisms as effective for managing land use conflict.</li> </ul> </li> <li>Interviews suggest that resource constraints limit local governments' abilities to engage communities and raise awareness of the realities of rural living.</li> <li>Only around 40 per cent of local governments that responded to the Stage 2 survey feel that stronger legislative controls would be effective for reducing agricultural land use conflict.</li> </ul>

## 6.2 Next steps

The next stage of this research will involve repeating the survey for a third time in 2018. The responses will be combined with those of the previous two surveys and the interviews conducted in Stages 1 and 2 for the final research report.



# Appendix A Stage 2 Survey

## Introduction

The University of Technology Sydney (UTS) and NSW Department of Primary Industries 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 a follow up of a baseline survey administered in 2016. The purpose of repeating the survey is to assess whether there have been any changes in agricultural land use conflict in the last 12 months.

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.

**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 Andy Goodall, Associate Director, UTS at [andrew.goodall@uts.edu.au](mailto:andrew.goodall@uts.edu.au)

## Complaints

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

Q3. 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 Q12)

Q4. Are complaints recorded in a database?

- A. Yes (answer Q4a)
- B. No (answer Q4b)

Q4A: You have indicated that complaints regarding agricultural land use are recorded in a council database. Please specify which database (OPEN)

Q4B" You have indicated that complaints regarding agricultural land use are not recorded in a council database: Please indicate what you do with information regarding agricultural land use complaints (OPEN)

Q5. In the last 5 years, do you think agricultural land use complaints have:

- 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)*

Q7. 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

Q8. 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 industries impacting on amenity (e.g.		Ask Q9a-e	Ask Q9a-e	Ask Q9a-e	Ask Q9a-e
Non-compliant agricultural industries impacting on amenity (e.g. odour, noise, dust etc.)		Ask Q9a-e	Ask Q9a-e	Ask Q9a-e	Ask Q9a-e

Q9a. What types of agricultural industries attract the most complaints in your area? Please select all that are relevant and order them from most (1) to least common.

- 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)

9b. Overall, what percentage of agricultural land use complaints made to council are about the following agricultural industries: *(note only top 5 ranked from Q9a will appear)*

	1-25%	25-50%	50-75%	75%+
Industry 1		Pipe into 9e	Pipe into 9e	Pipe into 9e
Industry 2		Pipe into 9e	Pipe into 9e	Pipe into 9e
Industry 3		Pipe into 9e	Pipe into 9e	Pipe into 9e
Industry 4		Pipe into 9e	Pipe into 9e	Pipe into 9e
Industry 5		Pipe into 9e	Pipe into 9e	Pipe into 9e

Q9c. Specifically, what are the complaints regarding agricultural industries about? Please select all that are relevant and order them from most (1) to least common.

- A. Odour
- B. Noise
- C. Dust
- D. Spray drift
- E. Lights
- F. Firearms
- G. Fire
- H. Flies
- I. Litter
- J. Smoke
- K. Reflective structures such as igloos, greenhouses or hail netting
- L. Gas guns or cannons used as pest deterrents
- M. Wind break plantings affecting visual amenity
- N. Timing of deliveries to and from the farm (i.e. night or early morning)
- O. Other (please specify)

9d. Overall, what percentage of agricultural land use complaints made to council are about the following issues: (*note only top 5 ranked from Q9c will appear*)

	1-25%	25-50%	50-75%	75%+
Complaint 1		Pipe into 9e	Pipe into 9e	Pipe into 9e

Complaint 2		Pipe into 9e	Pipe into 9e	Pipe into 9e
Complaint 3		Pipe into 9e	Pipe into 9e	Pipe into 9e
Complaint 4		Pipe into 9e	Pipe into 9e	Pipe into 9e
Complaint 5		Pipe into 9e	Pipe into 9e	Pipe into 9e

Q9e. Overall for each of the following agricultural industries, what percentage of complaints relate to the indicated issues? Please insert the estimated percentage for each complaint type per industry.

*(Industries piped from Q9a and complaints piped from Q9d).*

	Complaint 1	Complaint 2	Complaint 3	Complaint 4	Complaint 5
Industry 1					
Industry 2					
Industry 3					
Industry 4					
Industry 5					

Q10. Which (if any) of the following agencies does your council refer complaints on to? (MR)

- A. NSW Department of Planning and Environment
- B. Local Land Services
- C. NSW Environment Protection Authority
- D. Regional Organisation of Councils (ROCs)

- E. NSW Department of Primary Industries
- F. NSW Office of Environment and Heritage
- G. Other (please specify)
- H. None, we resolve all complaints in house

Q11. 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 Industry				
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 industries				
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

Q12. Does council currently employ strategies to manage land use conflict at a strategic planning level?

- A. Yes (Ask Q12a)
- B. No (Skip to Q13)

Q12a What strategies does council currently employ to manage land use conflict at a strategic planning level? [OPEN]

Q13. Does council currently employ strategies to manage land use conflict at the development approval level?

- A. Yes (Ask Q13a)
- B. No (Skip to Q14)

Q13a What strategies does council currently employ to manage land use conflict at the development approval level? [OPEN]

Q14. Does council currently employ any other strategies at the response or operational level to manage land use conflict in their communities?

- A. Yes (Ask Q14a)
- B. No (Skip to Q15)

Q14 a What other strategies does council currently employ at the response or operational level to manage land use conflict in their communities? [OPEN]

Q15. Does council use any community education or engagement strategies to help prevent land use conflict?

- A. Yes (Ask Q15a)
- B. No (Skip to Q16)

Q15a . What community education or engagement strategies does council use to help prevent land use conflict? [OPEN]

Q16 Overall, how effective do you think the strategies used by council are at managing land use conflict? *(Only options shown are those selected yes from Q12 to Q15 – if no to all then this question will be skipped)*

	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				

Q17. What do you think would be most effective for reducing land use conflict in your council area? (MR)

- 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 legislative controls to protect agricultural land uses
- D. A stronger regulatory approach under current legislation to protect agricultural land use
- E. Increasing awareness amongst the community of the realities of rural living
- F. Promoting the benefits of agriculture for the area to improve community acceptance of agricultural land uses
- G. Other (please specify)

Q18. Do you think land use conflict is reducing agriculture in your council area?

- A. Yes (Ask 19)
- B. No (Skip to Q20)

Q19. To what extent do you think land use conflict is reducing agriculture in your council area?

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

### **NSW Department of Primary Industries**

Q20. Which of the following agencies has your 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

Q21. Please rate your awareness of the Right to Farm Policy

- A. I have never heard of the Right to Farm Policy (SKIP to Q22)
- B. I am aware of the Policy but not the actions within (ASK Q21A)
- C. I am aware of the Policy and some of the actions (ASK Q21A)
- D. I am aware of the Policy and all of the actions within (ASK Q21A)

Q21A: Has your council ever used the Right to Farm Policy to inform decision making around agricultural land use in your area?

- A. Yes
- B. No (SKIP to Q22)

Q21B: Please indicate how your council has used the Right to Farm Policy [OPEN]

Q22. Is council aware of any other initiatives or support offered by the NSW Department of Primary Industries to support management of agricultural land use conflict?

- A. Yes (ASK Q23)
- B. No (SKIP to Q24)

Q23. Please list the initiatives and support that you are aware of [OPEN]

Q24. The NSW Department of Primary Industries has a number of initiatives to provide information and support 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

DPI also has the Agricultural Land Use Planning team including Agricultural Resource Management Officers who work with councils and provide advice. This section asks about your council's use of support provided by DPI.

Has your council worked with or sought advice from the NSW Department of Primary Industries Agricultural Land Use Planning team?

- A. Yes
- B. No

Q25. Does your Council currently use any of the support provided by NSW Department of Primary Industries on their website?

- A. Yes (Ask Q25a)
- B. No (Skip to Q26)

*(If select no to both Q24 and Q25, SKIP to Q29)*

Q25a. Please list the support your council currently uses [OPEN]

Q26 Overall, how useful did Council find the support and advice provided by NSW Department of Primary Industries?

Very useful	Somewhat Useful	Slightly useful	Not at all useful
Ask Q27 and SKIP Q28	Ask Q27 and SKIP Q28	(SKIP to Q29)	SKIP Q 27 and Ask Q28

Q27. Please specify why you found these useful [OPEN]

Q28. Please specify why you found these not at all useful [OPEN]

Q29. Please provide any suggestion for additional initiatives or support NSW DPI could provide to help councils manage agricultural land use conflict [OPEN]



Q31. Please describe your position/role within your local council [OPEN]

Thank you for completing the survey

CLOSE

# Appendix B Stage 2 Interview guide

## Background

The NSW Department of Primary Industries (DPI) has engaged the University of Technology Sydney Institute for Public Policy and Governance (UTS:IPPG) to deliver a longitudinal survey of local governments to monitor the implementation and impacts of the *Right to Farm Policy*. Two of three stages of the survey have been completed.

Based on the first two surveys, a number of local governments have been identified as 'hot spots' for complaints over agricultural land use, including your local government.

UTS:IPPG are contacting eight of these local governments, including yours, to conduct discussions to better understand:

- The degree and nature of agricultural land use conflict including the types of complaints local governments receive about various agricultural industries and from whom
- The impacts of agricultural land use conflict on regional and local agricultural industries
- The strategies and actions local government are taking to address and avoid conflict
- Knowledge of and the early impacts of the *Right to Farm Policy*
- Areas where the *Right to Farm Policy* could be strengthened or where additional support for agricultural industries and local governments are required.

## The proposed respondents

We would like to interview representatives from local governments that are involved in receiving or responding to land-use conflict. This will likely include staff involved in land-use planning, compliance, environmental health and customer relations. Group interviews will be conducted where appropriate to capture the experiences and views from all relevant staff members.

## How the information from interviews will be used

The responses from interviews will be used to develop eight short case studies that will be published together with the survey responses in a report on the NSW DPI website. You will not be identified by name or position in any reports or publications resulting from this interview without your permission. You will have an opportunity to review these case studies prior to publishing.

## A few things to note

- The interview will take approximately 1 hour. It is intended to be semi-structured and free flowing and based around the questions on the following page
- All information collected will be strictly confidential and stored securely by UTS:IPPG.
- Any subsequent use of the data will be subject to standard data use policies which protect the anonymity of individuals and organisations
- You can withdraw from the interview at any time without providing a reason.

## What if you have concerns or a complaint?

If you have concerns about the research please feel free to contact:

**Dr Andy Goodall**, Associate Director UTS:IPPG: 9514 2595 or [andy.goodall@uts.edu.au](mailto:andy.goodall@uts.edu.au); or

**Liz Rogers**, Principal Project Officer, Education and Regional Services, Department of Primary Industries: 6391 3642 or liz.rogers@dpi.nsw.gov.au

Thank you for agreeing to participate in this discussion.

## **Questions**

### ***Background***

1. Could you please describe your role at your council and how long you have been in this role?
2. What is your role around managing agricultural land use complaints and conflict?

### ***The nature of agricultural land use conflict***

3. What are the main sources of agricultural land use conflict in your LGA?
  - a. Which industries are the subjects of the most conflict?
  - b. For these industries, what is the conflict about?
4. What are the main types of agricultural land use complaints made to your council?
5. Who makes the majority of the complaints about agricultural land use in your LGA?
6. How has the number and nature of complaints changed in the last 5 to 10 years?
  - a. If there has been a change, what do you think have been the causes?

### ***Impacts of agricultural land use conflict***

7. What role does agriculture provide to your LGA? (e.g. economic, scenic)
8. What support does your council provide to agriculture?
9. What have been the impacts of the abovementioned agricultural land use conflict on agriculture industries in your LGA?
  - a. Do you think that conflict has led to a reduction of agriculture in your area?
10. What future impacts do you anticipate that agricultural land use conflict might have in your LGA?

### ***Council responses to agricultural land use conflict***

11. How does your council respond to agricultural land use complaints?

- a. How are complaints received, 'triaged' and recorded?
  - b. How are complaints responded to?
  - c. How do you decide whether what is being complained about is compliant or non-compliant?
  - d. How do you decide whether to refer a complaint to another agency (e.g. the EPA) or whether council should take regulatory action?
12. What steps does your council take to minimise and manage agricultural land use conflict in your LGA?
- a. What strategies are employed at the development approval level?
  - b. What strategies are employed at the operational level?
  - c. What community awareness or education strategies are employed, in particular for new purchasers of residential property?
  - d. Are there any other strategies employed?
  - e. How effective do you think these strategies are and why or why not?
  - f. Do you have suggestions for preventing or mitigating land use conflict that requires further resourcing or support?
13. Does your council work with any agricultural industry or community groups around managing and responding to agricultural land use conflict?
14. Do you ever receive referrals about agricultural land use conflict from other agencies (e.g. the EPA or DPI or industry groups)?
- a. If so what are the referrals about?

***The NSW Right to Farm Policy***

15. What is your understanding of the NSW *Right to Farm Policy*?
16. How have you used the *Right to Farm Policy* to manage agricultural land use conflict in your LGA?
- a. How has the NSW Department of Primary Industries supported your council to implement the Policy?
  - b. What other ways are the NSW Department of Primary Industries helping your council manage agricultural land use conflict?
17. What have been the impacts of the *Right to Farm Policy* to date?

- a. What do you think the future impacts of the Policy will be?
  - b. What needs to happen for the Policy to have more impact?
18. What suggestions do you have for strengthening the *Right to Farm Policy* and the management of agricultural land use conflict?

***Role of DPI and other agencies***

19. What information from DPI or other agency do you use or value and why?
20. Is there any information/guidelines that you would like to see developed?
21. How do you prefer to access information from DPI and other agencies? – downloadable pdf, web-based content, hard copy fact sheet?
22. What assistance or support can DPI or other agencies offer to assist councils address land use conflict?

Thank you for your time



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