

Feedback to CDL LAND NEW ZEALAND LIMITED (CDL):

Arataki Project – Havelock North

- C & M McKenzie: [REDACTED]
- Arataki Honey: 54 Arataki Road, Havelock North
- Te Mata Estate Winery: 22 Albany Lane and 348 Te Mata Road, Havelock North

16/05/2025

1. Introduction

- 1.1. We write to provide feedback on the proposed subdivision and development of 171 Lots by CDL Land New Zealand Limited (CDL) at 86, 108 and 122 Arataki Road, Havelock North. My clients, C & M McKenzie received a letter from Ms J Sunde, Senior Associate Planner, Woods. This letter is dated 05/05/2025.
- 1.2. My clients wish to provide feedback, and do so in partnership with Mr R Flack, Arataki Honey Limited, located at [REDACTED] Havelock North and Mr N Buck, Te Mata Estate Winery, located at [REDACTED], Havelock North.
- 1.3. These three parties own land on which productive land uses are being undertaken, being an olive grove, apiary and honey production and vineyards and winery. Mr Flack confirms that Arataki Honey Limited was also sent a letter asking for feedback and they have also provided separate feedback to this.

2. Previous submission and consultations

- 2.1. My clients have previously attempted to contact CDL to discuss their concerns about the location of future housing along the northern boundary of the olive grove, on the subject site. When the previous subdivision and land use application was lodged with Hastings District Council in 2022 (Council reference RMA20220384) we reached out to Development Nous who were engaged by CDL at that time to progress the application.
- 2.2. We were unsuccessful in securing a meeting with Development Nous, at the time we were informed that the plans were still progressing. As it transpired, the application was put on hold by the applicant at the end of 2022. We wrote to the Council's consultant planner, Ms I Daniels of Campbell Brown Planning to advise that we wished to be consulted as the application progressed, specifically to discuss a buffer along the shared boundary between the development and the olive grove at 70 Arataki Road, Havelock North.
- 2.3. Ms Daniels acknowledged receipt of our email, and stated that the applicant had requested the application go on hold and she would contact us if anything changed. We see that the application was withdrawn on 13/02/2025.

3. Feedback on proposed scheme

- 3.1. My client has been sent the proposed scheme plan "Arataki Development – Havelock North. Development Control Plan. Prepared by Woods, reference P24-244-00-0100-GE dated Apr 2025". This scheme plan shows a development of 171 residential Lots, with Lots 162-171 located along the northern boundary of the property at 70 Arataki Road, Havelock North. These Lots are shown with a 10m "covenant area" for landscaping purposes.
- 3.2. We therefore provide feedback to the points raised in your letter dated 05/05/2025:

4. Housing Type:

- 4.1. We understand that the development will be akin to recent development on the opposite side of Arataki Road. No comment about the average lot size. We welcome the inclusion of a design manual.

5. Traffic and Access:

- 5.1. No comments about the traffic and access, consider that this will be designed to Council standards and all traffic within the Council's transport network will be efficiently and safely managed.

6. Temporary Construction Works:

- 6.1. Without seeing the report from the specialist noise expert that you have referred to, we anticipate that the location of the house on 70 Albany Lane is sufficiently removed from the subject site so as not to need to be included in the CNVP requirements for temporary noise barriers. We have no further comments on the temporary construction works other to ensure that all necessary standards for noise and vibration are met or mitigated appropriately.

7. Stormwater and Services:

- 7.1. We have no comment on this matter other than we would support the development of the subdivision to be prepared in line with the current HDC Engineering Code of Practice, NZS4404 and other relevant engineering requirements to manage flooding and ponding on site.

8. Landscaping:

- 8.1. Our feedback is most concerned with the landscaping proposed. The letter received, on page 2 gives the following information:

Landscaping

A landscape plan has been developed for the subdivision to specify the new trees and planting to be provided along all new roads and open space areas. This will help to integrate the new development into the wider area and achieve a pleasant aesthetic.

Along the boundaries to Shaggy Range at 104 Arataki Road and the olive grove at 70 Arataki Road there will be a dense landscaping buffer strip and a 10 metre wide no-build setback from the boundary to provide a natural screening and separation to the adjacent rural zones.

- 8.2. We have not been sent the landscaping plan, and cannot provide comment on this.

- 8.3. Our primary concern is the width of the 10m buffer strip adjoining 104 Arataki Road and 70 Arataki Road. The buffer zone is not wide enough and without knowing what type of landscaping will be provided we do not have confidence that the type, height and planting scheme of the vegetation will reduce spray drift and noise.

8.4. As we have previously noted, the majority of 70 Arataki Road is planted in an olive grove. This is a working olive grove, the trees are maintained, olives are harvested and on site processes such as **spraying** occur. The sprays that are used can result in visible spray drift, as well as odour, and can be harmful to human health if not administered correctly. Bird scarers are also used, these can be loud and cause nuisance to nearby residents if there is not a sufficient setback.

8.5. Possible reverse sensitivity is an issue that the owners of 70 Arataki Road have been aware of and have raised with Hastings District Council (HDC) on previous occasions (and have attempted to with CDL as previously mentioned). The growth of Havelock North towards the east through the Arataki subdivision over the past 10-15 years has seen the nature of the surrounding area change from rural productivity to urban fringe with the property at 70 Arataki Road, along with Arataki Honey and Te Mata Estate Winery now located on the edge of this urban area.

8.6. The owners of 70 Arataki Road bought this concern up with HDC in 2013, at the time when the previous HPUDs document was being prepared. The submission to HDC was that a 30m buffer is suitable, and we provide more evidence to that point below. We have attached a letter (Attachment 1) from Mr P McKay, Environmental Policy Manager, HDC, dated 11 March 2013. Mr McKay states in paragraph three that “In terms of the 30m buffer area, the general principle is accepted.”

8.7. While there is no formal requirement for a 30m buffer setback in the Hastings District Plan, a similar setback was required at the time of the consenting and development of the ‘Summerset in the Vines’ Retirement Village, owned and operated by Summerset, located at 249 Te Mata Road. The image below (figure 1) shows this setback, which is now a shared path and landscaped area that is owned and maintained by HDC:

Figure 1: 30m buffer between Summerset and Village Vineyards



8.8. You will see from the first page of Attachment 1 that the owners of 70 Arataki Road have been in touch with HDC about the application to which we write to you about, and we have further feedback from HDC. Mr Craig Scott, writes in an email to Mr Quigg (Attachment 2):

8.9. "We have recently met with CDL in regards to the pre-lodgement of their fast track consent. They outlined the proposal to us and asked us to provide feedback. We have already raised the issue of reverse sensitivity, amongst other issues, in regards to the reduced setback distances proposed, and advised that we have generally aimed for 30m setbacks between new residential zones and rural production zones as part of the rezoning and development of other greenfields development areas. We will likely raise this concern again in writing prior to lodgement."

9. Why 30m?

9.1. A 30m setback is acknowledged as being an appropriate setback, if vegetated correctly, to help minimise the nuisance and risk to the public and nearby houses from spray drift and the associated noise that occurs when spraying on site. This setback will also minimise the effect of bird scarers which are used on the site.

9.2. Horticulture NZ submission to the Napier-Hastings Future Development Strategy (Submission #107)¹ state in section 4.8 of their submission, I have added the bold for reference:

4.8. Opportunities

There needs to be consideration of what activities and requirements there are to support the rural production in the area. There is a need for a rural industrial zone/s to support activities such as post-harvest facilities.

There is also an opportunity to ensure any developments occur in a way that they do not impact rural production. For example, including a requirement for a 30m vegetated buffer strip within urban developments that border rural zones both can add to the amenity of a new development, and provide a buffer to minimise reverse sensitivity impacts from residential developments on rural production.

HortNZ does not support urban development onto highly productive land or the Heretaunga Plains.

9.3. HortNZ included in their oral submission which was read at the hearings for the Future Development Strategy:

Sensitive activities and reverse sensitivity

Reverse sensitivity issues are becoming an increasing problem for the horticulture sector as more people move into productive areas who do not have realistic expectations for the activities that

¹ https://www.hastingsdc.govt.nz/assets/Document-Library/Hastings-and-Napier-Future-Development-Strategy/2-Submission-documents/Sub-107-Horticulture-NZ.pdf?utm_source=chatgpt.com

can occur as part of primary production. Horticulture tends to be particularly susceptible to reserve sensitivity effects due to the location of highly productive land, often near urban centres or land under demand for urban development. Reverse sensitivity has a negative impact on growers being able to make use of their productive land and conscious plans to enable expansion into rural productive areas will result in an increase in reverse sensitivity issues. While some of these can be managed through set backs and more robust requirements to sound proof new builds, they can be avoided by encouraging future development to be away from these areas.

- 9.4. We have also seen a 30m buffer strip included as a performance standard in the Proposed Napier City Council District Plan:

RPROZ – Rural Production Zone: RPROZ-S3: Setback From highly productive land

No residential activity is located closer than 30m from highly productive land.

- 9.5. While this standard is not yet operative, there is a clear direction from Napier City Council that a suitable buffer strip is provided between residential development and productive land uses.
- 9.6. Tasman District Council has included a number of provisions in their Resource Management Plan, Chapter 17 – Zone Rules that require a 30m setback of residential dwellings from horticultural planting and vice versa. We have not attached this file due to size, for reference, in Chapter 17 standards include 17.5.3.3(d)(i), 17.6.3.4(d)(i), 17.6.4.1(d)(i), 17.7.3.3(d)(i), 17.7.4.1(d)(i).
- 9.7. Southern Cross Horticulture² provides reference to the 2025 Zespri GAP (Good Agriculture Practices) that where no effective shelter is provided for kiwifruit orchards, a 30m spray buffer will apply.
- 9.8. In Australia, the guidance and controls have been further refined, with the Government of Western Australia Department of Health³ requiring a minimum distance of 300m between the development site and the nearest agricultural land, or a buffer strip at least 40m wide to prevent spray drift.
- 9.9. We attach (Attachment 3) a Guideline paper issued by the NSW Government, Department of Primary Industries, that provides information on the importance of buffer strips. The buffer distance suggested in Table 1, between ‘outdoor horticulture’ and sensitive receivers, is 250m. This further highlights the importance of having a suitable vegetated buffer strip, in excess of the current 10m provided by the CDL scheme plan.

10. Relief sought

- 10.1. We acknowledge that this is not a submission in the sense that the CDL application is yet to be lodged with the EPA as a fast-track application, and in this instance, feedback has been requested.

² <https://www.southerncrosshorticulture.co.nz//news/new-gap-shelter-requirements>

³ https://www.health.wa.gov.au/Articles/F_I/Guidelines-for-separation-of-agricultural-and-residential-land-uses?utm_source=chatgpt.com

- 10.2. Nonetheless, the relief that the three parties represented in this feedback seek is that a 30m vegetated buffer strip is established around the perimeter of the site where the site adjoins the Te Mata Special Character Area or the Plains Production Zone.
- 10.3. The reverse sensitivity effects from spray drift and noise could threaten the long term viability of the olive grove, Arataki Honey, Te Mata Estate Vineyards and other nearby productive land uses. If a 30m vegetated buffer zone is provided, this may go some way to mitigate these reverse sensitivity effects and continue to provide for the long-term productive use of the productive land.
- 10.4. We request that this feedback is included with the submission to the EPA by CDL Limited and we welcome any opportunity to provide further feedback or to be heard by the Independent Expert Panel.

Yours sincerely



Alison Francis **MNZPI**
Bay Planning Limited



Attachment 1: McKenzie HDC correspondence 2013

Attachment 2: Email from Craig Scott

Attachment 3: NSW Department of Primary Industries 'Buffer Zones to Reduce Land Conflict with Agriculture' dated November 2018.



If calling ask for Philip McKay

File Ref STR-16-06-01-13-145

11 March 2013

Margaret & Christina McKenzie

Dear Margaret & Christina

Arataki Rezoning – Reply to Letter Dated 13 February 2013

Firstly I apologise for my slow response to this letter.

In terms of your property remaining in the Te Mata Special Character Zone, Council's District Plan Working Party met on the 20th February 2013 to discuss how to deal with future residential rezoning in its draft district plan. The proposal was to map in the draft plan those areas identified in the Heretaunga Plains Urban Development Strategy (HPUDS) for future residential rezoning. In taking into account concerns expressed by yourselves and your Te Mata Special Character Zone neighbours, the Working Party decided to remove your property from the map to be included in the draft plan showing the future rezoning areas.

In terms of the 30m buffer area, the general principle is accepted. It's location, exact width and form (eg. whether it contains walking / cycling tracks, stormwater drainage or landscape plantings or a combination of these) are matters that will require time to work through in the development of a structure plan. We would like the opportunity to discuss these matters further with you.

We await the letter from Alistair Aburn that your refer to, although given the decision outlined above by the District Plan Working Party, such a letter is not really necessary. Perhaps a submission to the draft district plan supporting the removal of your property from the HPUDS Arataki Extension area would be a more worthwhile exercise. It is anticipated that the Draft District Plan will be released for submissions in early April and that submissions will be able to be made throughout April and May.

With regard to your last question Tracey Gray is involved in coordinating the work for the development of a 'Structure Plan' for the Arataki Extension area. The purpose of a structure plan is to develop a subdivision concept that will provide for effective and efficient servicing of the future residential area in terms of sewer and storm water disposal, water supply, road connections and reserve provision.

Tied in with this is the ability to mitigate and adverse effects including reverse sensitivity effects from the future residential area. That is, to ensure that such activities do not affect the ability of the surrounding primary production activities to continue operating. Another potential adverse effect to be addressed pertains to natural hazards. Hence the geotechnical soil tests that have recently been carried out.

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TE KAUNAMERA O HERETAUNGA

The structure plan is at the information gathering stage and is not advanced enough to be consulted on via the draft district plan. It is possible that the structure plan and rezoning proposal could be completed in time to be consulted on later this year via the proposed district plan process, but it is more likely that the future rezoning of the Arataki Extension area will be the subject of a separate standalone Plan Change or Variation process. In the meantime it would be appreciated if Council can maintain dialogue with you in the development of the Arataki Extension structure plan.

Yours sincerely



Philip McKay
Environmental Policy Manager
[redacted]

Refer to: David Quigg
Direct Phone: +64 (4) 474 0756
davidquigg@quiggpartners.com

13 May 2025

Hastings District Council
Private Bag 9002
Hastings 4156

Attention: [REDACTED]

cc: Alison Francis
[REDACTED]

“ARATAKI PROJECT” – ARATAKI ROAD, HAVELOCK NORTH

Margaret McKenzie (the owner of an olive grove at 70 Arataki Road) and I met with you a few years ago and discussed amongst other issues our wish that there is a 30 metre buffer zone between the olive grove, which is zoned Special Character, and the housing development by CDC. You kindly emailed us an update to CDC’s progress on 20 October 2021.

On 8 May 2023 Margaret and her sister Christina received an email requesting feedback by 19 May 2025 on a proposal by CDC to submit a Fast Tract substantive application for resource consent to subdivide land adjoining the olive grove.

We are seriously concerned that CDC’s plan proposes a buffer zone of only 10 metres. We have the written support of Te Mata Estate and Arataki Honey (both also within the Special Character zone) for a 30 metre buffer zone. We all share serious concerns about reverse sensitivity issues arising from a housing development located adjacent to existing horticultural etc. commercial activities.

Back in March 2013 (see attached email from Philip McKay, Environmental Policy Manager, HDC) the Council stated that “in terms of the 30m buffer area, the general principle is accepted”.

Is the Hastings District Council making a submission to the Environmental Protection Agency (EPA) and the independent expert panel appointed to assess CDC’s application?

Yours sincerely
QUIGG PARTNERS


David Quigg
Partner



HASTINGS DISTRICT COUNCIL

If calling ask for Philip McKay

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In terms of the 30m buffer area, the general principle is accepted. Its location, exact width and form (eg. whether it contains walking / cycling tracks, stormwater drainage or landscape plantings or a combination of these) are matters that will require time to work through in the development of a structure plan. We would like the opportunity to discuss these matters further with you.

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TE KAUNIHERA O HEKETAIANGA

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Yours sincerely



Philip McKay
Environmental Policy Manager
[Redacted]



FYI : Arataki Project - Arataki Road, Havelock North

[REDACTED]

Date Tue 13/05/2025 16:35

[REDACTED]

Cheers
David

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[REDACTED]
Sent: Tuesday, 13 May 2025 4:21 pm

[REDACTED]
Subject: RE: Arataki Project - Arataki Road, Havelock North

[REDACTED] [Learn why this is important](#)

Kia ora David

We thank you for your letter dated 13th May 2025.

We have recently met with CDL in regards to the pre-lodgement of their fast track consent. They outlined the proposal to us and asked us to provide feedback. We have already raised the issue of reverse sensitivity, amongst other issues, in regards to the reduced setback distances proposed, and advised that we have generally aimed for 30m setbacks between new residential zones and rural production zones as part of the rezoning and development of other greenfields development areas. We will likely raise this concern again in writing prior to lodgement.

Whether CDL chooses to amend their proposal in regards to our advice, is ultimately their decision. However it is likely this will be raised again as a key concern as part of any comments to the substantive application when invited to by the expert panel and the EPA. We also note that under S53 of the Fast Track Consenting process that *(h) the owners of the land to which the substantive application relates and the land adjacent to that land*; would also be invited to provide comments, and would encourage you to do so separately to Council when invited.

Ultimately however, the decision making process sits outside Council with the expert panel and the EPA as determined under the fast track consenting process.

We are happy to stay in contact as the process continues and answer additional questions where we are able to.

Regards

Craig Scott

Team Leader Environmental Policy



[REDACTED] Pae Tukutuku/Web www.hastingsdc.govt.nz

Te Kaunihera ā-Rohe o Heretaunga | Hastings District Council

Private Bag 9002, Hastings 4156, New Zealand



Sent: Tuesday, 13 May 2025 11:54 AM

To: Policy Team <policyteam@hdc.govt.nz>

Subject: Arataki Project - Arataki Road, Havelock North

Letter attached

Cheers

David

David Quigg | Partner | Quigg Partners | [REDACTED]

Level 7, The Bayleys Building, 36 Brandon Street, Wellington 6011 | PO Box 3035, Wellington 6140 |
New Zealand

www.quiggpartners.com

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Buffer Zones to Reduce Land Use Conflict with Agriculture

An Interim Guideline

November 2018, Primefact 1624, First edition

Dr Alexander Wells, Agricultural Land Use Planner, Grafton

Introduction

This Interim Guideline (the Guideline) provides buffer zone advice to agricultural industries, development proponents and consent authorities so as to reduce land use conflict between agriculture and other land uses. Such conflict is becoming increasingly common as residential development encroaches towards agriculture, much of which has been in operation for many decades.

The terms 'Buffer Zone' and 'Separation Distance', are often used interchangeably within the planning framework. They are defined by the Environment Protection Authority (EPA) as:

Buffer Zone : An area of land set aside to minimise the impacts of land uses on each other.

Separation Distance: The distance between the point of generation of an environmental impact and a receptor that is sensitive to that impact.

A separation distance may be used to specify the width of a buffer zone.

A buffer zone is also generally accepted as being an area where a landholder has legal control of the land needed to separate their development from adjoining land.



Cucumber poly-tunnels next to a residential area.
Mid North Coast NSW. Photo Alexander Wells

The aim of this Guideline is not to replace a formal Statement of Environmental Effects or Environmental Impact Statement (EIS) as required under existing planning instruments.

Nor is it intended to address biosecurity and environmental management risks, as these often vary to those employed to minimise land use conflict. Rather, it is intended to assist development proponents and consent authorities to build appropriate buffer zones into developments by suggesting a distance, within which, a development should be further evaluated for possible impacts

Other objectives of this Guideline are to assist in providing:

- a common understanding of the purpose of buffers and separation distances, adopt a consistent approach and apply these distances for assessment purposes;
- access to information on Best Practice Management and methods for determining appropriate buffers/separation distances;
- the incorporation of buffers into developments and the planning and approvals process (such as consent conditions).

This will minimise the risk of future land use conflict and the need for further regulatory intervention.

In NSW, there are currently a number of different approaches to guide separation distance decisions within the planning framework.

In the case of most new intensive animal developments, a formal Statement of Environmental Effects (the minimum assessment Councils require before granting consent) or full EIS, will be required.

This assessment will calculate a range of separation distances for reasons such as biosecurity, environmental protection or maintaining amenity for adjacent landholders and the public.

Some other agricultural enterprises such as horticulture and stock grazing, may not require such an assessment.

Non-agricultural developments such as new residential areas that are adjacent to existing agricultural activities, may also not require a formal assessment to determine separation distances. In these situations, building in buffers as indicated in this Guideline, will help minimise land use conflict.



Rural land in western Sydney scheduled for rezoning. Photo Nearmap image

Why are buffers necessary?

The separation of land uses incompatible with agriculture and between different types of agriculture, can be an effective way to minimise land use conflict and enable primary producers to better operate, with fewer constraints. It also plays a key role in farm biosecurity and in managing any impacts of agriculture on the environment.

It is essential that any proposed agricultural development undertake a full biosecurity risk assessment using the latest industry Best Practice Management through a Statement of Environmental Effects or EIS.

Proponents should also contact the Office of Environment and Heritage, the Environment Protection Authority and the Biosecurity and Food Safety Division of the Department of Primary Industries, for advice on biosecurity and environmental buffers.

It is important that buffer zones built into the design of developments do not rely on any adjacent rural landholding for their development's buffer zones. This is particularly relevant for non-agricultural developments such as new residential developments which have in the past, often relied on adjoining rural zoned land to form part of the development's buffer zone.

Incorporating appropriate buffer zones into the planning process, particularly at the early stages of a proposed development, will provide ongoing benefits for primary producers and the public.



Intensive poultry operation in the central west of NSW showing extensive use of buffers and vegetation screening. Photo DPI

Buffers & Land Use Conflict

There are a range of causes of land use conflict and it can threaten the ongoing viability of agricultural operations as well as the amenity enjoyed by adjacent land users.

Some of these causes include threats to biosecurity, odour, dust, noise, water use, visual amenity, smoke, effluent management, chemical use & spray drift, weed management, as well as other nuisance issues such as stray dogs and trespass.

The most offensive or difficult to control may also require the largest buffers from sensitive human receptors.

Sensitive human receptors include land uses such as private dwellings (not associated with the agricultural operation), schools, places of worship, public parks, workplaces etc.

Some intensive agriculture developments such as the poultry and pig production sectors have received significant community attention, often due to their proximity to non-agricultural land users. Increasingly, horticultural operations are also receiving this community scrutiny.

This is largely because residential development is expanding into areas that have long been used for primary production. Also, land that in the past was typically used for extensive agriculture such as cattle grazing, is now being used more intensively.

The NSW *Right to Farm Policy* was developed, partly in response to the increase in land use conflict that has now been documented through a number of surveys of local government.

‘Right to Farm’ is a broad concept centred on the idea that primary producers should be able to undertake their lawful activities in accordance with accepted industry standards, without undue interference. Since its inception in 2015, considerable progress has been made in its implementation. Consistent application of separation distances will also contribute to the implementation of the Policy.

Indicative buffers and separation distances

To date, the most comprehensive publication containing buffer/separation distance recommendations is the *Living and Working in Rural Areas Handbook* (The Handbook).

The authors of the Handbook reviewed an extensive national and international literature and some of the suggested distances have been maintained in this Guideline.

In conjunction with the Handbook, a Land Use Conflict Risk Assessment (LUCRA) Guideline is also available to assist in identifying whether a buffer zone is required. Consent authorities can require a LUCRA as a condition of consent for some forms of development.

Since the Handbook was first published in 2007, some agricultural sectors have made changes to industry Best Practice Management with respect to buffers.

There are also a range of separation distances prescribed by various policies, legislation/regulations & industry sector guidelines. Relevant changes have been incorporated into this Guideline.

However it should be noted that this area is subject to constant change. For example, at the time of writing, a revised State Environment Planning Policy (Exempt and Complying Development Codes) 2008 has been released while a new Primary Production and Rural Development SEPP is being prepared.

These documents may prescribe separation distances although in some cases, such as the Codes SEPP above, prescribed distances are not recommended separation distances. Instead, if a development falls within the distance prescribed in the Codes SEPP, a different planning pathway must be adopted.

Another example of a prescribed distance that initiates further evaluation is Clause 21(4) of Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EP&A) Regulation. This requires that any intensive poultry development within 500m of a residential zone must be treated as a 'Designated Development'. The same 500m distance is also referenced in the *Best Practice Management for Meat Chicken Production in NSW – NSW DPI* (2012). Again, it is not a recommended distance but one that initiates the need for an EIS and so it can be thought of as an 'evaluation' distance.

The issues surrounding land use conflict and the separation of incompatible land uses through the establishment of buffer zones, is not an exact science. As such, the distances suggested in **Table 1** are intended to be used as a guide and an initiator for further evaluation. The use of these 'evaluation' distances by proponents will help reduce land use conflict by initiating an assessment as to what constitutes a satisfactory buffer zone.

Site specific considerations such as topography, vegetation, the nature of the adjacent agricultural operation(s) as well as the type of proposed development, should all be considered when undertaking any assessment to determine separation distances and buffer zones.

If the development requires consent under Part 4 of the *Environmental Planning and Assessment Act* (1979), a formal Statement of Environmental Effects or full EIS, will need to be undertaken.

Such an assessment will include consideration of the issues cited above and should use the latest industry sector Best Practice Management.

Separation distances will be quantified through this assessment, which will then form the basis of any buffers for sensitive human receptors, biosecurity and environmental management requirements.

It is possible, indeed likely, that a formal evaluation will stipulate different distances than indicated in **Table 1**. Therefore, these are the distances that should be applied to the development.

Striking the balance of the right of primary producers to undertake their lawful activities and maintaining community amenity, is essential to facilitating ongoing primary production and the economic and social benefits that flow from this.



A dairy farm adjacent to a housing estate. Far North Coast. Photo Selina Stillman

Case Study 1: Broiler Farm Odour Modelling

An example of how separation distances can vary depending on site specific factors, is through a Broiler [chicken meat] Farm Odour Modelling (Level 1) exercise. Such an analysis would be required for any new broiler farm development.

One should also be completed when new residential developments are planned for locations near to existing broiler farms – an increasingly common occurrence in Western Sydney.

Standard EPA Level 1 odour modelling methodology was used as required by the *Best Practice Management for Meat Chicken Production in NSW – NSW DPI* (2012). A range of variables from a worst case to best case scenario were used, while assumptions included a 6 shed farm containing 35,000 birds per shed.

The results of this analysis show a range of recommended distances to sensitive receptors from 4333m for a worst case scenario, to 453m as a best case. However, using a typical range of variables, the recommended separation distance that resulted from this exercise, was 1079m. This correlates closely with the suggested evaluation distance in **Table 1**.

Another practical example of how this Guideline may be used, including the importance of formal assessments, is provided in the form of Case Study 2 (p8).

Table 1: Suggested evaluation distances between agriculture and sensitive receptors

Agricultural Land Use	Distance (meters)	Source
Pig Farms (indoor)	(1)1000 ^a (2) 500	Living and Working in Rural Areas Handbook (2007) For facilities holding less than 200 pigs - Draft Standard Instrument LEP (2017)*
Pig Farms (outdoor)	500	National Environmental Guidelines for Outdoor Rotational Piggeries - Revised: Australian Pork Limited (2013)
Poultry (broiler & eggs) indoor and outdoor	(1)1000 ^b (2) 500	Living and Working in Rural Areas Handbook (2007) and Level 1 Odour Modelling case study For facilities holding less than 1000 birds - Draft Standard Instrument LEP (2017)*
Dairies	500.	Including for facilities holding less than 50 head - Draft Standard Instrument LEP (2017)*
Cattle Feedlots	1000 ^d 500	Living and Working in Rural Areas Handbook (2007) For facilities holding less than 50 head - Draft Standard Instrument LEP (2017)*
Sheep or goat Feedlots	500	Living and Working in Rural Areas Handbook (2007)
Rabbits	150 ^e	Rabbit Farming: Planning and Development Control Guideline: NSW DPI (2002)
Other intensive livestock	250	SEPP (Exempt and Complying Development Codes) 2008
Stock grazing	50	Living and Working in Rural Areas Handbook (2007)
Stock yards	200	SEPP (Exempt and Complying Development Codes) 2008 –Inland Code
Outdoor Cropping/sugar cane/turf farms	300	Living and Working in Rural Areas Handbook (2007)
Outdoor horticulture	250	SEPP (Exempt and Complying Development Codes) 2008
Protected cropping (greenhouses)	250	SEPP (Exempt and Complying Development Codes) 2008
Silos/grain storage bunkers	100	SEPP (Exempt and Complying Development Codes) 2008 –Inland Code
Fan assisted silos (Macadamia nuts)	300	Living and Working in Rural Areas Handbook (2007)

Notes:

- At the time of writing, definitions within the Draft Standard Instrument LEP (2017) were being revised in conjunction with the drafting of the new Primary Production and Rural Development SEPP ,so the distances provided may be subject to change when these are finalised.
- All intensive animal agriculture development applications that reach certain threshold levels as listed on Schedule 1 of the *Protection of the Environment Operations Act 1997* will require a licence from the EPA.

- All intensive animal agriculture development applications that reach certain threshold levels are deemed a Designated Development under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* and require a full Environmental Impact Statement.
- All intensive animal agriculture proposals that are subject to an environmental assessment or an Environmental Impact Statement will require assessment using the latest industry sector BMPs (listed below) as well as in accordance with the *Assessment and management of Odour from Stationary Sources in NSW* (2006) ' and the *Noise Policy* (2017).

- a) Subject to environmental assessment in accordance with the Australian Pork Limited AUSTRALIAN PORK LIMITED National Environmental Guidelines for Indoor Piggeries (NEGIP) May 2018
- b) Subject to environmental assessment in accordance with *Best Practice Management for Meat Chicken Production in NSW – NSW DPI* (2012).
- c) Subject to environmental assessment in accordance with *Environmental Management Guidelines for the Dairy Industry*. NSW DPI (2008) if the dairy can accommodate 50 head or more.
- d) Subject to environmental assessment in accordance with the *National Guidelines for Beef Cattle Feedlots in Australia, 3rd edition*. Meat and Livestock Australia (2012)
- e) Subject to environmental assessment in accordance with *Rabbit Farming: Planning and Development Control Guideline*. NSW DPI (2002).

Case Study 2

A company owns two Lots of land zoned RU1 (Primary Production) comprising a total of 20 Hectares. They are planning to submit a Development Application to re-zone the land for a new, 280 dwelling, over 55s lifestyle community. The area has a long history of horticulture, stock grazing and dairy production and these activities continue to take place on adjacent, or nearby properties.

The property with one adjacent boundary has been used for low intensity cattle grazing for many years. Another adjacent property is being used for commercial horticulture including the use of greenhouses. The one remaining dairy in the area is located approximately 420 meters away.

The consultants working on the project considered nearby land uses and with reference to this Interim Guideline, made the following recommendations to their client:

1. Any of the proposed new dwellings adjacent to the property running cattle, should be set back at least 50 meters from the boundary of the property, with an access road and screening vegetation also forming part of the buffer.
2. Given that the proximity of the dairy fell within the minimum separation distance suggested in this Guideline, the consultants undertook an assessment of the possible impact of the dairy in terms of noise, dust and odour in accordance with industry Best Management Practice. The modelling showed that due to the topography, vegetation and siting of the proposed development, that the 420 meter separation distance was adequate in this instance.
3. The adjoining horticulture operation on approx. 50 Hectares, was using 20 greenhouses and outdoor cultivation to within approximately 10 meters of the boundary. This Guideline indicates a buffer of 250 meters between a new development and the boundary of adjoining land where horticulture is undertaken. This reduced the number of dwellings that the proponent was intending to construct by 10%. It also required a re-design of the facility so that the off leash dog exercise area, pool and tennis courts were located alongside that boundary with screening vegetation also used. This buffer enabled a final separation distance of 180 meters between the nearest dwelling and the boundary of the adjacent property undertaking horticulture.

Note that the assessment and modelling of the impact of the dairy did not consider biosecurity as the proposed development will not involve any form of agriculture.

More Information

Right To Farm Policy and Land Use Survey
www.dpi.nsw.gov.au/agriculture/lup/legislation-and-policy/right-to-farm-policy

Living and Working in Rural Areas: A handbook for managing land use conflict issues on the NSW North Coast (NSW DPI, Dec. 2007).

www.dpi.nsw.gov.au/research/alliances/centre-for-coastal-agricultural-landscapes/living-and-working-in-rural-areas

Revised National Environmental Guidelines for Piggeries - Second Edition (2010)

www.environment.gov.au/system/files/pages/c7dc0bcb-56b7-41c0-9c66-69618c7dcad7/files/cfi-national-environmental-guidelines-piggeries.pdf

National Environmental Guidelines for Outdoor Rotational Piggeries Revised: Australian Pork Limited (2013)

australianpork.com.au/wp-content/uploads/2016/07/NGforOP_2013_22_lowres.pdf

Best Practice Management for Meat Chicken Production in NSW – NSW DPI (2012).

www.dpi.nsw.gov.au/animals-and-livestock/poultry-and-birds/poultry-planning-and-keeping/planning-for-poultry-development/bpm

Environmental Management Guidelines for the Dairy Industry. NSW DPI (2008)

www.dairyingfortomorrow.com.au/wp-content/uploads/Environmental-management-guidelines-for-the-dairy-industryNSW.pdf

National Guidelines for Beef Cattle Feedlots in Australia, 3rd edition. Meat and Livestock Australia (2012)

www.mla.com.au/CustomControls/PaymentGateway/ViewFile.aspx?QcyEIgTQngTm70

Ea6OZR/MDZg3dm+mO3vWCcz9tYt1wX46/4IEqi/3wVtYwQ+L1k3EYMKKAfsht7d1Tnt3BqiA==

Rabbit Farming: Planning and Development Control Guideline. NSW DPI (2002)

www.dpi.nsw.gov.au/animals-and-livestock/other-animals/rabbit-farming-planning

For updates go to
www.dpi.nsw.gov.au/factsheets

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