

# Kyogle Council

## RURAL AND RESIDENTIAL LAND ACTIVITIES RIGHT TO FARM POLICY



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## 1. Title

This Policy may be cited as the Rural and Residential Land Activities – Right to Farm Policy.

## 2. Validity of Policy

This Policy derives its validity from Council Resolution 090315/14.

## 3. Effect

The Policy shall be effective from 10 April 2015. This Policy shall be reviewed at least every 4 years and within 12 months of the normal Local Government Elections.

## 4. Related legislation

The Protection of the Environment Operations Act (PoEO act) provides the legislative framework within which all activities with regard to noise, smell, odour, pollution etc must comply.

Other legislation which regulates and controls agricultural activities and fall under the responsibility of Kyogle Council include, but not limited to:

Environmental Planning and Assessment Act;	Heritage Act;
Impounding Act;	Local Government Act
Noxious Weeds Act;	Public Health Act;
Roads Act;	Threatened Species Conservation Act;

Other legislation **not** under the control or responsibility of Kyogle Council include but not limited to:

Work Place Health and Safety	Chemical Use Acts
Biosecurity	Native Vegetation Act
Industry guidelines	

## 5. Definitions

Expressions used in this Policy are defined within the dictionary contained within the Environmental Planning and Assessment Act and Regulations, Local Government Act and Regulations, Kyogle Local Environmental Plan and the dictionary relevant to any specified legislation or guideline identified in this Policy.

## 6. Policy

Kyogle Council is predominantly a rural shire and much of its local economy is built on the strength and viability of the many rural and agricultural industries operating in the local government area. On this basis this Policy outlines Council's position on the "right to farm" and the many issues associated with farming that may be impinged upon by urban expansion, rural lifestyles or expectations.

## 7. Policy statement

When conflict arises between landowners undertaking genuine agricultural pursuits and non agricultural landowners/occupiers, Council's position on the "right to farm" as outlined as follows shall be considered when dealing with issues and passed onto complainants:

1 Kyogle Council supports the right of persons to carry out permissible and compliant rural and agricultural uses and activities on rural land,

2 Kyogle Council will not support any action to interfere with the permissible rural and agricultural use of land where the activity is in accordance with relevant legislation.

3 When an inquiry is made by an intending rural land purchaser, the purchaser is advised that permissible rural and agricultural uses of land may include:

- Logging and milling of timber
- Livestock feed lots
- Piggeries/Poultry Farming
- Dairies
- Intensive livestock waste disposal systems and ponds
- Clearing and cultivation of land
- Bushfire hazard reduction burning
- Construction of firebreaks
- Construction of dams, drains and contour banks
- Fencing
- Use of agricultural machinery (tractors, chainsaws, motor- bikes, etc)
- Pumping and irrigation
- Weedicide spraying
- Pesticide spraying
- Aerial spraying
- Animal husbandry practices (castration, dehorning, etc)
- Driving livestock on roads
- Silage production
- Construction of access roads and tracks
- Slashing and mowing vegetation
- Planting of woodlots
- Extractive Industries
- Dehusking macadamia nuts
- Stockyards
- Traffic on unsealed rural roads, and
- All associated approved and legitimate Rural Industries.

Such rural activities may be perceived to cause nuisance in respect of noise, smell, odours, dust, spray emissions, smoke, vibration, blasting, etc during all hours including early mornings and late evenings.

Intending purchasers of rural land who consider they may have difficulty in living with the above practices being carried out on adjacent or nearby land should reconsider their intended purchase