

Kyogle Council

DRAFT

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 *****.

3. Effect

The Policy shall be effective from *****.

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;

5. 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.

6. 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 legitimate and compliant rural and agricultural uses and practices on rural land,

2 Kyogle Council will not support any action to interfere with the legitimate 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 legitimate 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 are likely 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 seriously consider their position.