

# RIGHT TO FARM POLICY

## STRATEGIC POLICY

**Responsible Department:** Cabonne Services

**Responsible Section:** Development Services

**Responsible Officer:** Department Leader - Development Services

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### Objective

To assist in community awareness of the importance of agriculture to Cabonne and to assist, in particular lifestyle / hobby farm investors.

### Introduction

This policy has been developed to provide guidance to Council staff in dealing with 'right to farm for land transfers'.

Cabonne Shire Council is predominantly a rural shire and much of its local economy relates to its rural and agricultural industries that operate within the shire. On this basis the policy below outlines council's position on the 'right to farm', and issues associated with the management of farmland that may impact upon residential expansion or resident's expectations.

### Policy

Cabonne Council supports the right of individuals to undertake genuine agricultural based activities and practices upon rural land.

Cabonne Council does not support any action to interfere with legitimate rural and agricultural land use where the activity is in accordance legislative requirements.

When conflict arises between landowners undertaking genuine agricultural pursuits and rural/residential occupants, council's position on the 'right to farm' shall be considered when dealing with issues and conveyed to complainants.

When an inquiry is made to council by a potential rural land purchaser, the purchaser is to be advised that legitimate rural and agricultural uses of land in the district may include:

- Logging and milling of timber
- Livestock feed lots
- Piggeries and poultry farms

- Dairies
- Orchard and vineyard activity including use of mechanical bird scaring devices
- Construction of hail net canopies over orchard and vineyard areas
- Clearing and cultivating of land
- Bushfire hazard reduction burning
- Use of machinery including tractors, harvesters, chainsaws and motor bikes
- Weedicide, herbicide and pesticide spraying
- Pest control, including laying of 1080 bait
- Aerial spraying
- Animal husbandry practises including animal castration, weaning, dehorning
- Movement of livestock on roadways
- Extractive industries
- Barking dogs
- Noise from cattle and other livestock
- Driving livestock along roads, between farms as well as droving along designated travelling stock reserves
- Burning of stubble
- Construction of dams and contour banks
- Growing of crops that may produce detectable aromas or pollens e.g. canola and lucerne
- Construction of internal access roads and tracks
- Heavy vehicle movements e.g. livestock transport trucks and grain freight trucks
- An increase of seasonal traffic on rural unsealed roads
- Planting of woodlots and ecological offsets
- Short term on-farm accommodation for seasonal workers
- Rural industries and lawful associated activity,

Noting that these activities are likely to cause nuisance in regard to odour, noise, dust, smoke, spray drift, blasting and vibration, etc., and may occur at any time including early morning and late evening.

When considering the above, it is suggested that those intending purchasers of rural land who may experience difficulty in residing in close proximity to any of these activities, should give serious consideration to their decision.

## Responsibilities

**General Manager:** responsible for the overall control and implementation of the policy.

**Deputy General Managers & Department Leaders:** responsible for the control of the policy and procedures within their area of responsibility.

## Definitions

**Right to Farm:** The right of persons to carry out legitimate and compliant rural and agricultural uses and practices upon rural land, where the activity is in accordance with legislation.

## References

The Environmental Planning & Assessment Act 1979 and its associated regulations provide the framework for land use planning.

The Cabonne Local Environmental Plan 2012 establishes land use zones and land use permissibility across the Local Government area.

The Protection of the Environment Operations Act provides the legislative framework to manage activities and generated noise, odour &/or pollution.

## History

Minute No.	Summary of Changes	New Version Date
15/06/32	Adopted by Council	23 June 2015
18/05/20	Readopted as per s165(4)	22 May 2018
22/10/11	Readopted as per s165(4)	27 October 2022