

Submission by the Forest Industries
Association of Tasmania

to the

Resource Planning and
Development Commission

in respect to the

Draft State Policy on the
Protection of Agricultural
Land 2007



1st September 2008

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Preamble

The Forest Industries Association of Tasmania (FIAT) thanks the Resource Planning and Development Commission (RPDC) for the opportunity to comment on the *Draft State Policy on the Protection of Agricultural Land 2007* (PAL 2007), the associated Implementation Guide (the guide) and Model Planning Scheme Provisions (the provisions).

The Forest Industries Association of Tasmania (FIAT) is an industry association formed in 1983 to represent the interests of growers and processors of Tasmanian forest products. FIAT was formed out of a predecessor Association, the Tasmanian Timber Association. FIAT and TTA collectively have provided representational services to the Tasmanian timber industry for in excess of 60 years. Our members' activities are diverse and include:

- Plantation and native forest establishment and management.
- The production of veneers, hardwood and softwood timber, pulp and paper
- Woodchip production and export

FIAT members include the State's largest industrial forestry Companies that account for the vast bulk of plantation development and management enterprises on private land in Tasmania. FIAT members own or manage approximately 250,000 ha of plantation forest on private land in Tasmania.

Executive Summary

FIAT is supportive of the purpose of the *State Policy on the Protection of Agricultural Land* (PAL) to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural resource.

FIAT is also supportive of the results of the review which indicated that PAL 2000 did not require fundamental change but needed clarification and more consistent implementation through planning schemes.

FIAT does not believe that PAL 2007 reflects either of these ideologies, the introduction of new themes restricting plantation forestry creates more confusion and potential for inconsistent implementation through planning schemes.

PAL is not the correct instrument to control where trees can or cannot be planted. There are existing regulations and mechanisms which determine the extent of tree planting and growing operations; Private Timber Reserves (PTR), the Forest Practices Authority (FPA) and market forces all play a role; these mechanisms sufficiently govern the development of plantations.

PAL 2007 runs contrary to the spirit and intent of national policy and intergovernmental agreements such as the National Forest Policy Statement (NFPS), the Tasmanian Regional Forest Agreement (RFA), the Permanent Native Forest Estate Policy (PNFEP) and the Plantations 2020 Vision.

Plantation forestry should not be separated from other agricultural systems; it meets the requirement of using the soil as a growth medium, and it does not alter the current or future ability of a site to be used in this way. The reasoning provided for separating plantation agriculture from other forms of agriculture based on length of crop rotation does not stand up to any reasonable scrutiny.

PAL 2007 takes away the rights of a landholder to manage their land to its most productive capacity. It is improper for the State Government to fetter the flexibility of land owners to use their land in the most productive method possible.

There are numerous inconsistencies between the implementation guide, the model planning scheme provisions and PAL 2007. There are also mistakes, poorly defined terms and internally contradictory statements. All added-up the revised Policy as it stands represents a poor standard of land use planning policy.

FIAT calls on the RPDC to recognise;

- The original intent of the PAL policy as a mechanism to manage the fettering of agricultural land by activities that **do not** use the soil as a growth medium.
- That PAL is not the correct instrument to manage plantation development in the landscape.
- PAL 2007 is in conflict with overarching national policies.
- By including the plantation themes PAL 2007 does not meet its objective of providing for more consistent interpretation and implementation of PAL.
- Plantation development should not be separated from other agricultural land uses.
- PAL 2007 is poorly formulated policy which requires revision, corrections and clarification of terms prior to being implemented.

While FIAT is supportive of the main objectives and intent of the PAL policy, the modifications in regards to plantation forestry in PAL 2007 are unfounded, unclear and unnecessary. FIAT calls on the RPDC to make strenuous recommendations to the Minister to amend PAL 2007, so that a local government authority is unable within its planning scheme, to prohibit any agricultural use as defined in the Policy within a zone or area where agriculture is a permitted use.

Comments on PAL 2007 and the Supporting Documentation

Objectives of PAL

FIAT supports the stated purpose and objectives of PAL 2007, and we contend that plantation establishment on prime agricultural land is consistent with these principals.

1. PURPOSE

The State Policy on the Protection of Agricultural Land is to foster sustainable agriculture in Tasmania by ensuring the continued productive capacity of the State's agricultural land resource.

2. OBJECTIVES

To provide a consistent framework for planning decisions involving agricultural land by ensuring that the productive capacity of agricultural land is appropriately recognised and protected in all relevant planning instruments regulating the use and the development of agricultural land.

To foster the sustainable development of agriculture in Tasmania by:

(a) Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non-agricultural land uses; and

(b) Providing greater direction and certainty for landowners, developers, land managers and the community in the planning instruments regulating the use and development of agricultural land.

(Revised State PAL Policy May 2008)

Principles of PAL 2007

FIAT opposes the addition of clauses specific to restricting plantation development namely *principle 11*, this clause in no way reflects the purpose or objectives of PAL. Plantation forestry in no way modifies or uses agricultural land counter to the objectives of PAL. FIAT also contends that this addition further confuses the implementation and interpretation of PAL 2007 by at once disallowing and allowing new plantation forestry dependant on the local councils planning scheme. This is confusing in the extreme and the drafting makes the correct application on the policy difficult.

The principles should make it clear that no “agricultural use” including plantation forestry can be excluded from prime or non-prime land zoned as a rural resource zone. This would be consistent with the objectives of PAL and the explanation in the Implementation Guide.

“Principle 10 makes it clear that as long as the use of agricultural land, including prime agricultural land, is dependent on the soil as the growth medium, the choice of crops that are grown is not something a planning scheme should prescribe” (PAL Implementation Guide 2.13 Agricultural uses dependent on the soil)

Plantation forestry uses the soil as a growth medium, yet is excluded from prime agricultural land. This internal contradiction within the PAL documentation brings into question whether it can be sustained that principle 11 is a legitimate use of the PAL Policy.

FIAT proposes that principle 11 is removed and that principle 10 is replaced with the following wording:-

3. Principles

10. Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium.

Principle eight, dictates that conversion of non-prime agricultural land to a non-agricultural land use is determined by local planning schemes. Given the recognised importance of non-prime agricultural land to the agricultural sector, and the fact that only 4.3% of agricultural land in Tasmania falls in land productivity classes 1-3, FIAT believes this statement should be strengthened to give more protection to non-prime agricultural land from conversion to non-agricultural land uses and fettering.

The Definition and Segregation of Plantation Forestry

FIAT contends that “plantation forestry” does not require its own definition. As a recognised “agricultural use” which uses the soil as a growth medium and does not affect the current or future potential of a site to be used for agriculture, all tree growing operations conveniently fall under “agricultural use.”

The Background paper on the Revised Draft State Policy on the Protection of Agricultural Land 2007 (July 2008) and the Implementation Guide give the rationale for the separation of plantation forestry from other agricultural land uses as:

“Although plantation forestry is defined as an agricultural use and is dependent on the soil as a growth medium, the length of time associated with timber rotation, and subsequent inflexibility of the land use, does not necessarily make the best use of the relatively rare prime agricultural land.” “[This is] on the basis that timber rotations of over ten years may inappropriately exclude prime land from food crops.”

The rationale for excluding plantation forestry from prime agricultural land is therefore based on the “*inflexibility*” of land under trees and that trees are a fibre and not a food crop. Table one gives product information and crop form for some agricultural pursuits allowable on classes one to three land and the same information for plantation forestry. The allowable crops include but are not restricted to pyrethrum, hemp and opium, these are **not** food crops. Growing these crops on classes one to three land is “*exclud[ing] prime land from food crops.*”

Crop	Food or Fibre or Pharmaceutical	Woody or Herbaceous
Walnut Orchard	Food	Woody
Pyrethrum	Pharmaceutical	Herbaceous
Hemp crop	Fibre	Herbaceous
Dairy Farm	Food	Herbaceous
Opium poppy crop	Pharmaceutical	Herbaceous
Apple Orchard	Food	Woody
Plantation	Fibre	Woody

Table one: General information on agricultural pursuits showing product type and crop form.

The flexibility of land use is not determined by the length of crop rotation so much as the ease of conversion between land uses. For instance an apple orchard may provide an apple crop every year but the trees themselves stay in the ground indefinitely. Converting from this mature stand of trees would impose the same or greater requirements than converting from a plantation. There are many examples of conversion between land uses both before and after commercial crops have been harvested, these include conversion to plantation from cane sugar in Queensland, conversion to Dairy farm from plantation in New Zealand and conversion to potato farm from plantation in Tasmania. The steps involved in converting a plantation to another land use is no more involved than converting from any woody plant such as a vineyard, apple orchard or walnut plantation. Plantations are a long term investment but they do not change the flexibility of the land use.

These examples illustrate that the reasoning (as provided) behind singling out plantation forestry from other agricultural uses relies on flawed logic. The basis of the PAL policy is to protect the productive capacity of agricultural land, and not to determine what agricultural uses can be applied on that land. Hence under the revised Policy, plantations should not be separated from other agricultural land uses, do not require their own definition and should not be excluded from prime agricultural land.

Land Capability Mapping of Prime and Non-Prime Agricultural Land

PAL 2007 relies on the concept of “prime agricultural land” defined as classes 1-3 in the Land Capability Handbook, Second Edition, C J Grose, 1999, Department of Primary Industries, Water and Environment, Tasmania, to give meaning to principles two, three, four, five, seven, eight, nine and eleven. To fulfil the requirement of Objective, 2.2 (b), this tool would need to provide landowners and developers with greater direction and certainty. This definition does neither, allowing for changing goal posts into the future, not providing land class information at the appropriate scale to administer PAL 2007, nor allowing land owners or would be purchasers a problem free assessment of land capability.

“Further modification of these guidelines may, in time, become necessary..” (Grose 1999, pg 25)

“.....this information is presented as an interim measure”
(Grose, 1999, pg 25)

The Land Capability Handbook breaks land classification into two components permanent and non-permanent limitations. A change in non-permanent limitations such as an increase in fertilizer, improved drainage, and access to irrigation or reduced stoniness may result in the reclassification of land to a higher class. It is not reasonable to base a policy on land classes which have the potential to rapidly change based on applied land management practices. A more appropriate system would base land classification on permanent limitations only, and not recognise the effects of changing non-permanent limitations on land class.

FIAT further submit that prior to PAL 2007 being implemented mapping must be completed at an appropriate scale for property zoning such as 1:25 000, the aim being to definitively class all land areas which are under the control of local government planning schemes allowing PAL to meet objective 2.2 (b).

*“It is important that maps are used at the scale at which they are published (1:100 000). **The map should not be reproduced at a larger scale (eg. 1:25 000).** The land capability boundaries found on the maps are reliable only at the published scale of 1:100 000. Errors in interpretation will occur if maps are enlarged or if the information is used at the farm or detailed planning level. If more detail is required, the area of interest should be remapped at a scale more suitable for the end use, rather than enlarging the map.” (Grose,1999, Pg 46)*

If this mapping is not completed prior to the implementation of PAL there will be a significant increase in time and costs associated with following the correct planning procedures as a particular council attempts to classify the land for every development proposal, or passes this cost onto the purchaser or vendor or those parties considering plantation development. This is not an acceptable situation for local governments, business or landowners. Moreover it will not lead to consistent application of the policy. The Government has previously recognised this land capability mapping issue.

“Assessments of development proposals that might convert prime agricultural land to non-agricultural uses or other uses specified in the Policy as requiring particular control on prime agricultural land such as plantation forestry, may require more detailed land capability assessment than that currently able to be provided by the DPIW’s Land Capability mapping.” (PAL Implementation Guide Final, 1.2 Land Capability Mapping)

Despite this knowledge of the inadequate nature of the provided land capability mapping tool, the Government requests that Local Governments provide detailed maps.

“An implementation plan should clearly identify areas considered as prime and non-prime agricultural land as defined in this policy.” (Implementation Guide, 3.4 Preparation of an Implementation plan)

It is poor policy development to request actions and the use of tools which the Government itself has already identified as being insufficient to complete the job. The only way that certainty can be provided to all parties is for the definitive land capability mapping layer at an appropriate scale to be produced for Tasmania that establishes what is prime land from the enactment of the revised policy and that will apply thereafter. Important here for the Policy context is that no rural land owner can have certainty if the goal posts, ie land capability, keep changing. As this issue arises directly

through State Government policy determination it is proper for the costs associated with its enactment be borne by the State Government. It is improper to pass these costs to local government or the community.

Property Management Plans

While PAL 2007 provides an alternative to land capability mapping, this is dependent on property management plans (PMPs).

Property Management Plans (PMP's) are well recognised and have been applied as an on-farm planning tool for many years under both Government and private programs. However, as yet there is no formal State Government process to accredit such plans in a formal land use planning sense. FIAT understands that a MOU to establish a Statewide Property Management Systems Framework, including potentially a consistent State-Government lead PMP accreditation process, was recently launched by the State Government with the 3 NRM Regions and Tasmanian Farmers & Graziers Association. FIAT would welcome the opportunity to have input into the formulation of this Statewide Property Management Systems Framework, especially in regards to forestry issues.

Whilst the initial work published on the Statewide PMS Framework shows promise the fact is that there is currently no formal accreditation process in place. The concern is that the provisions in the PAL Policy are meaningless until the formal PMS (or similar) accreditation process is enacted by the State Government. This must be fast-tracked by the parties involved or it otherwise brings into question whether a PMP can deliver some certainty to farm forestry on prime land to the landholders who might be involved.

Another area which needs clarification is the actual maximum allowable planting area of a PMP. This is not detailed in any of the documents and the prescriptions are inconsistent and unclear.

Acceptable Solution; A.2. Development will be (d) for plantation forestry on a combination of prime and non-prime agricultural land covered by a property

management plan where the prime agricultural land constitutes no more than 25% of the area of that plan.”(Model Planning Scheme Provisions; 18.4.1 Protection of Agricultural Land; A.2.(d))

However, the need to consider whether the land is prime or non-prime can be avoided if property management plans are utilised. (PAL Implementation Guide Final, 2.14 Plantations on Prime Agricultural Land, Para 10)

“The problem of determining whether land is prime or non-prime can be avoided by using property management plans..... Where PMP’s are subject to some form of approval, these would supersede the need for assessment of the land capability for any plantation component, where that planting does not exceed a certain proportion of the property management plan area.” (Background Paper; Revised Draft State Policy on the Protection of Agricultural Land 2007; 2.22 New Themes and Provisions; Plantation Forestry)

The Model Provisions the Implementation Guide and the Background paper are internally contradictory. On the one hand you do not need to identify land classes if you are using a property management plan, but you must somehow know how much of the land your property management plan covers is prime agricultural land. Whilst the concept of PMP’s is sound, this whole area of application needs clarification.

The Acceptable Solutions for Fettering

The acceptable solution to ensure that sensitive uses do not fetter agricultural use will have to be revised in light of the outcome of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2008 review.

FIAT is critical of the acceptable solution to ensure sensitive uses do not fetter agricultural use. There have been many instances where residents further than 100m away have been affected by and complained about agricultural practice. In America prior to the “right to farm acts” being implemented many farming operations were shut down due complaints of this kind (Nolo 2008). It is also not clear who is to provide the 100m or 200m “buffer zone” of land between users, this constitutes a significant area of valuable land the ownership of which should be clearly defined. The potential costs associated with implementing these buffers would have to be borne by the Government through compensation to the landowners affected. A more logical solution would be to follow the path of the Kyogle (Attachment one) and Richmond (Attachment two) Councils and create provisions recognising “A right to farm.”

Transitional Arrangements

FIAT requests that the period to which principle 11 of this Policy does not apply is changed to six months from the point of time that PAL 2007 is formally approved following this review by the RPDC and any consequential deliberation or action by the Minister. It is not reasonable to restrict businesses through an interim policy that has so much uncertainty associated with its application and indeed its future.

Erratum in the Model Planning Scheme Provisions

Pg 1. paragraph 8, Line 4. "Management of prime agricultural land to restrict conversion to non-agricultural use or agricultural use dependent on the soil as a growth medium (Principle 2);

Should read ".....or agricultural use not dependent on the soil.."

General Comments

Overarching Policy Environment

A number of Agreements have been entered into between the State and the Commonwealth Government that have significant persuasive value in the promulgation of State and Municipal laws. PAL 2007 runs contrary to the spirit and intent of national policy and intergovernmental agreements such as the National Forest Policy Statement (NFPS), the Tasmanian Regional Forest Agreement (RFA), the Permanent Native Forest Estate Policy (PNFEP) and the Plantations 2020 Vision.

“To achieve the Governments objectives it will be necessary to ensure the impediments to plantation development are minimal in areas such as taxation, planning and access to information.” (NFPS 1995, Pg 25)

“The Governments recognise that, to ensure a reliable supply of wood from plantations as feedstock for world-competitive processing plants, large areas of plantation, such as those normally planted by private industrial and investment companies or public forestry agencies, are necessary. Accordingly, State and local governments will provide a planning framework that facilitates the development of large-scale industrial plantations.” (NFPS 1995, Pg 25)

“There is also a need for State and Local governments to simplify planning procedures and to ensure that land use planning controls and land rating systems do not discriminate against plantation development.” (NFPS 1995, Pg 27)

“...removing impediments that remain, particularly related to uncertainty over rights to plant, manage, harvest and trade plantations and their products.” (Plantations 2020 Vision)

PAL 2007 runs directly counter to these national policies by creating a more complicated system of planning controls directly discriminating against and impeding the development of large-scale industrial plantations. FIAT contends that the themes

restricting plantation development must be removed from PAL through the removal of principle 11 and replacement of principle 10 with the wording;

3. Principles

10. Planning schemes must not prohibit or require a discretionary permit for an agricultural use on land zoned for rural purposes where that use depends on the soil as the growth medium.

Existing Mechanisms Controlling Plantation Establishment

PAL is not the correct mechanism to control plantation establishment, there are existing mechanisms such as the *Forestry Act 1920* and the *Forest Practices Act 1985* and market forces which control plantation development. The plantation themes in PAL 2007 are redundant and unnecessary regulation, making them directly in conflict with PART 2, 5(d) of the State Policies and Projects Act 1993.

Market Forces

In a free market supply and demand will determine the allocation of a resource. If the market is not allocating the resource which in this case is “prime agricultural land” efficiently, that is called market failure. Redressing market failure is the only good argument the Government has for market intervention through regulation. Even this reason is disputed by notable people such as the Nobel prize winning conservative economists Milton Friedman, and James Buchanan who believe that in practice the government is even less likely to allocate resources efficiently than are markets (Begg, 1997).

The question is whether or not the market is already effectively doing the job of allocating prime agricultural land, negating the need for undesirable government regulation? In Tasmania prime agricultural land is currently selling from \$20,000 to \$30,000 per hectare, the most a plantation investment company can realistically pay for a hectare of land is between \$6,500 and \$9,000. The market is already acting to ensure that plantations are not established on prime agricultural land which in the current

political climate and given extant commodity prices is more valuable for food production. This is backed up by the fact that only 4.9% of prime agricultural land had plantations (NB this definition includes woodlots, shelterbelts etc) established on it as at the 31st of December 2006 (PFT 2007). Plantation establishment is not a threat to food production on prime agricultural land.

The market can also dictate changes in land use. A prime example of this is New Zealand where rising food prices have resulted in a boom of the dairy industry resulting in the conversion of plantation areas into dairying properties (Smith 2008). The same trends of slowing plantation establishment can also be seen in Australia due to lack of suitable land available, financial constraints and rising world food prices (Smith 2008).

It is clear from these examples that the Governments proposed regulation of plantation establishment on prime agricultural land would constitute unnecessary interference in an already functioning market.

Private Timber Reserves

A land owner can apply to have their land declared as a private timber reserve (PTR) prior to it being planted with trees. An application to declare land as a private reserve must be refused if forestry is a **prohibited** activity under the local Government planning scheme.

Given that under PAL 2007 plantation establishment will be classed as **discretionary** on prime agricultural land, it is unclear what the intended relationship is between PTRs and PAL 2007. Under PAL 2007 the discretionary use of prime agricultural land for plantation uses is not in itself, grounds to refuse an application for a private timber reserve.

Private timber reserves play an important role in streamlining planning processes and offering resource security for landowners. Where a PTR is not in place, there is a duplicated requirement for the approval of a forestry operation through both the Council planning system and the Forest Practice Authority's requirements. The

concern is that, not only does this lead to duplication and waste of resources, but such separate approvals sometimes contain conflicting conditions.

It is FIAT's belief that private timber reserves are a valuable mechanism through which the right to establish a plantation is determined in all cases, even on prime agricultural land.

Land Owners Rights

PAL 2007 takes away the rights of a landholder to make their own commercial decisions as to how they manage their land in its most productive capacity. FIAT strongly believes that local government authorities should have no role, ability or power to determine which crops or agricultural pursuits a landowner is permitted to undertake on their agricultural land. A council planning scheme that prohibits intensive tree farming and plantation forestry in a zone or area where agriculture is a permitted use could readily be amended to prohibit any and all other agricultural uses. It is improper for the State Government to intervene in this way and fetter the flexibility of land owners to use their agricultural land in the most productive method possible.

CONCLUSION

FIAT's comments have been put forward in good faith. While FIAT is supportive of the main objectives and intent of the PAL policy, the modifications in regards to plantation forestry in PAL 2007 are unfounded, unclear and unnecessary and do not support the stated objectives. FIAT calls on the RPDC to recommend amendments to PAL 2007 so that a local government authority is unable within its planning scheme to prohibit any agricultural use as defined in the Policy within a zone or area where agriculture is a permitted use under the relevant planning scheme.

For further information and FIAT liaison contact Petra Strich, Manager Technical Services, on 6224 1033.

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Appendix One: The Right to Farm, Kyogle Council

Communications to be addressed
to the General Manager
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CONTACT: Stephen Fletcher
FOR FURTHER INFORMATION
SJF:LMT/149 **CERTIFICATES**
PLEASE QUOTE THIS REFERENCE

NOTICE TO PURCHASERS OF RURAL LAND IN KYOGLE COUNCIL

1. Kyogle Council supports the right of persons to carry out legitimate rural and agricultural uses and practices on land.
2. Kyogle Council will not support any action to interfere with the legitimate rural and agricultural use of land.
3. Intending purchasers are advised that legitimate rural and agricultural uses of land may include:

- Logging and milling of timber
- Livestock feedlots
- Piggeries
- Dairies
- Intensive livestock waste disposal systems and ponds
- Clearing and cultivation of land
- Bushfire hazard reduction burning
- Construction of fire breaks
- 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 wood lots

Intending purchasers of rural land who consider they may have difficulty in living with the above practices being carried out on adjacent land should seriously consider their position.

Appendix Two: The Right to Farm, Richmond Council

Richmond Valley Council
Planning Certificate
SCHEDULE 2

Attachment to Parts A and B of Section 149 Certificate No.

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 of 2000

- (iii) The top of human waste storage tanks shall be located a minimum of 200 mm above a 1 in 20 year flood.

Right to Farm

- (28) (a) Richmond Valley Council supports the right of persons to carry out legitimate rural and agricultural uses and practices on land.
- (b) Richmond Valley Council will not support any action to interfere with the legitimate rural and agricultural use of land.
- (c) Intending purchasers are advised that legitimate rural and agricultural uses of land may include:

Logging and milling of timber; livestock feed lots; piggeries; dairies; clearing and cultivation of land; bush fire hazard reduction measures; construction of fire breaks; construction of dams, drains and contour banks; fencing; use of agricultural machinery (for example tractors, chainsaws, motor bikes etc.); pumping and irrigation; pesticide spraying (including herbicides, insecticides, fungicides etc.); aerial spraying; animal husbandry practices (for example castration, dehorning etc.); driving livestock on roads; silage production; construction of access roads and tracks; slashing, mowing or harvesting vegetation; planting of woodlots; forestry; tea tree oil distillation and the like.

Intending purchasers of rural land who consider they may have difficulty in living with legitimate rural and agricultural practices being carried out on adjacent land should seriously consider their position.

Rural Subdivision

- (29) (a) Provided that each allotment created within zone No. 1(d) has an area of not less than 10 hectares.
- (b) Provided that each allotment created within zone No. 1(a) has an area of not less than 40 hectares.
- (c) Provided that each allotment created within zone No. 1(b1) has an area of not less than 100 hectares.
- (d) Provided that each allotment created within zone No. 1(b2) has an area of not less than 200 hectares.
- (e) Land within zone No. 1(c) may be subdivided where no allotment has an area less than 0.5 hectares and the average allotment size, for lots less than 10 hectares, is 1.25 hectares. Note that once an area has been subdivided it may not be resubdivided.
- (f) This land may be within the prescribed radius of Broadwater, Casino, Evans Head, Rappville or Woodburn and may have entitlement to be subdivided, with the consent of Council, into rural residential allotments under Clause 13 of the Richmond River Local Environmental Plan 1992, where such lots have an area of between 0.4 and 1 hectare. Before Council can consent to such a subdivision it must take into consideration the items in Clause 13 and Schedule 2 of the Richmond River L.E.P. 1992. An Interim Technical Guide is available from Council to further explain this type of Subdivision.
- (g) Land within zone No.s 1(e), 7(a), 7(b), 7(c) or 7(f) shall be regarded as being land within zone No.s 1(a), 1(b1) or 1(b2), which ever is the nearest. See applicable zone above.