

16 April 2019

Dear Sir/Madam

**DEVELOPMENT APPLICATION: PROPOSED AGRICULTURE INTENSIVE – PERENNIAL HORTICULTURE (ORCHARD)  
ADDRESS: LOT 132 SAPPERS ROAD, NILGEN**

This letter is written to invite you to comment on an application received for the development of an Agriculture Intensive – Perennial Horticulture (Orchard) at the abovementioned address.

Local Planning Scheme No. 9 (LPS No. 9) provides a basis for the control of development / land use throughout the Shire of Gingin. When a development may impact on the amenity of adjoining property owners, comments may be sought by the Shire from those potentially impacted. Following consultation, Shire officers will undertake an assessment against the 'objectives' of the 'General Rural' zone prior to determining the application.

With respect to the abovementioned development application, the following is proposed:

- Growing of orchard trees up to 276.4 ha. The proposal is seeking a setback variation to all of its lot boundaries, proposing to be a 10m setback in lieu of the required LPS 9 setback of 20m.

As a potentially affected owner you are invited to comment on this proposal **within 21 days from the date of this letter** (by 7 May 2019). Should no written comment be received, the Shire may determine the application without your response.

Plans and documents setting out and explaining the proposal have been attached for your information. Should you make a submission, please note that your details may be made public at a Council meeting and included in a Council Agenda, which will be available on the Shire's website, unless you specifically request otherwise on the stakeholder comment form.

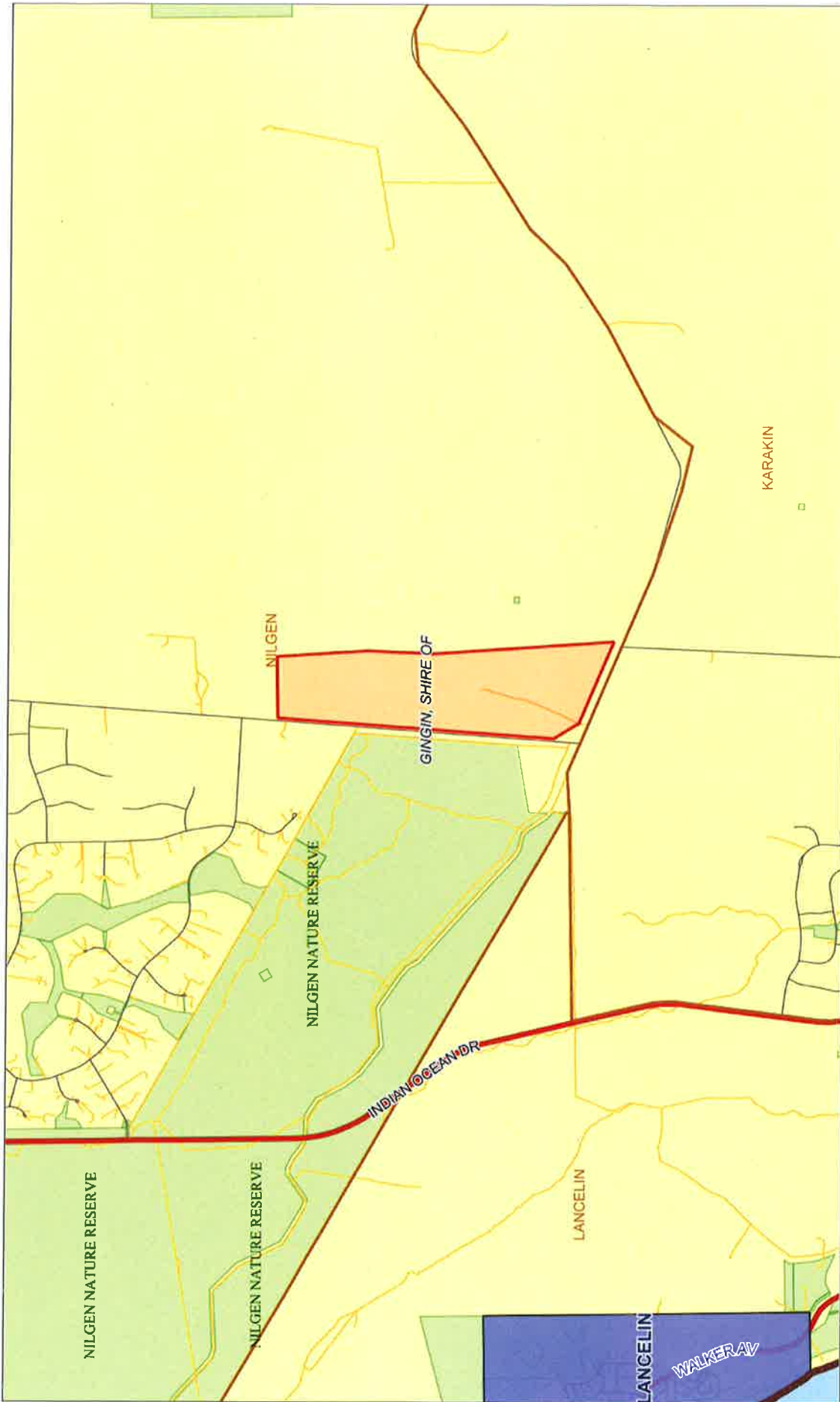
Should you have any queries or wish to discuss the application, please contact the Shire's Planning Department.

Yours sincerely



**KYLIE BACON  
MANAGER STATUTORY PLANNING**

KB:am  
Ref: BLD/6062 P1820  
Enc: Proposal, Plans and Stakeholder Comment Form



7 Brockman St  
 Gingin WA 6503  
 P: 08 9575 2211  
 E: mail@gingin.wa.gov.au

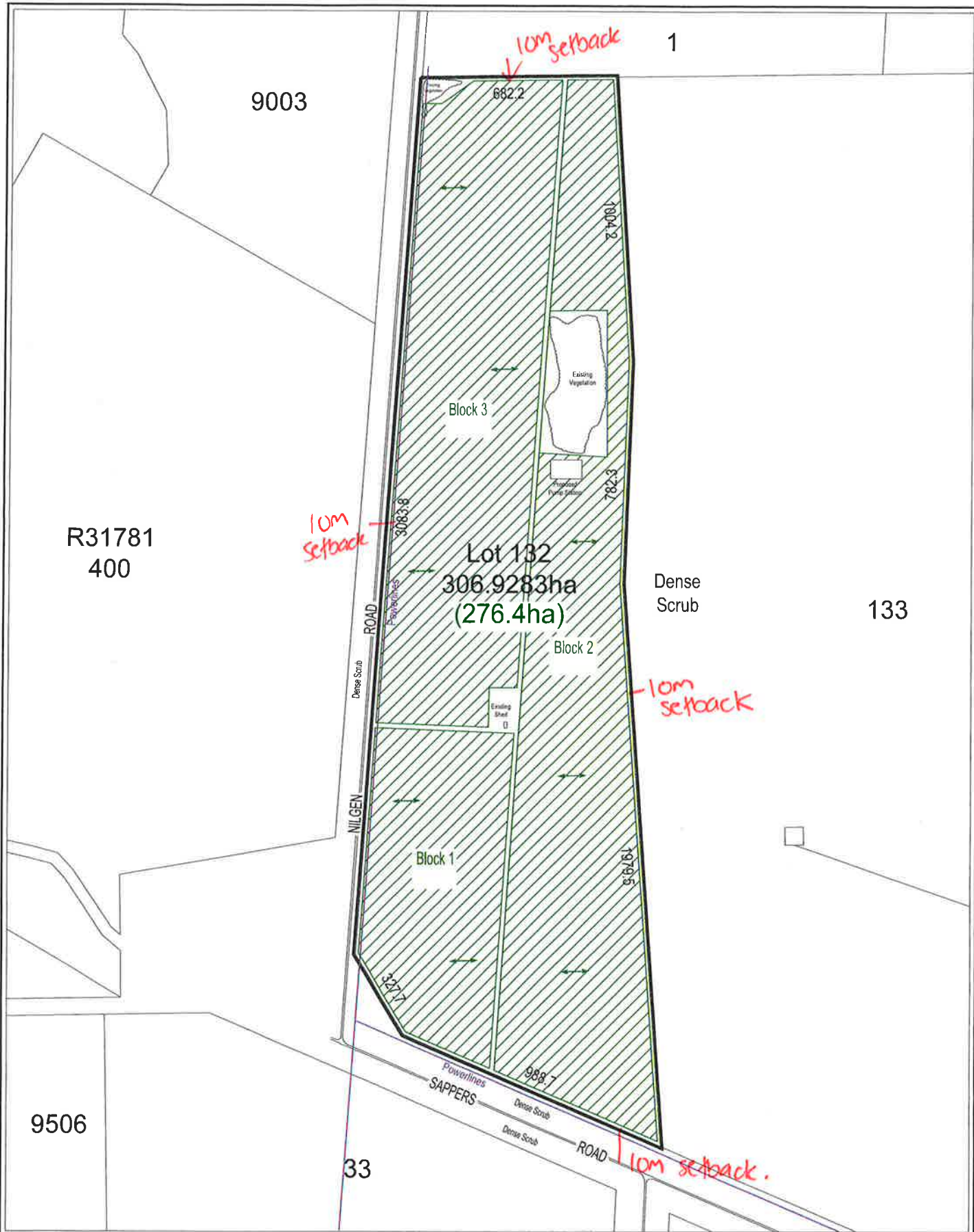
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.

Location plan - Lot 132 (1276) Sappers Road, Nilgen

Scale: 1:60000

Date: 5/03/2019





R31781  
400

9003

1

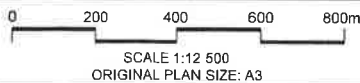
Lot 132  
306.9283ha  
(276.4ha)

Dense  
Scrub

133

9506

33



NORTH

PREPARED FOR:  
Mr John McKenzie  
Rivera Farming Pty Ltd  
M 0420 566 512  
E John@riverafarming.com

NOTE:  
Dimensions and areas subject  
to survey.

LEGEND:

- EXISTING OVERHEAD POWERLINES
- FIELD BOUNDARY - TOTAL AREA 276.4ha
- TREE ROW DIRECTION

Note:

1. Wire fencing with steel posts and ringlock exists around entire site.
2. Trees will be planted as follows:  
Planting density - up to 600 trees per hectare  
Rows are 5 - 7 metres apart  
Trees are 3 - 6 metres apart  
10 metre buffer to site boundary

## DEVELOPMENT SITE PLAN

LOT 132 (No. 1276) SAPPERS ROAD  
NILGEN  
Shire of Gingin

# KEYES AG HOLDINGS PTY LTD

ABN: 86 624 763 757

Suite 2, 462-468 Banna Avenue, Griffith NSW 2680

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Chief Executive Officer  
Shire Of Gingin  
7 Brockman Street  
Gingin WA 6503

March 2019

Dear Sir/Madam

Application for Planning Approval  
Agriculture Intensive – Perennial Horticulture  
Lot 132 Sappers Rd, Nilgen WA 6044

## Introduction

Keyes Ag Holdings lodges this development application for the establishment of a perennial tree orchard and requires the land use of the above-mentioned property changed from *Agricultural General* to *Agriculture Intensive – Perennial Horticulture*.

Please find enclosed;

- Completed Planning Application Form
- Certificate of Title
- Site Plan / Map
- Water Licencing details
- Environmental Site Inspection Report information
- Cultural Heritage Report information
- Farm Management Plan

## The Location

The property is located on Lot 132 on Deposited Plan 74526 and being the whole of the land in the Certificate of Title Folio 2806 Folio 580, Sappers Road Nilgen WA 6044. This site has a land area of approximately 306.9ha. The land is presently zoned *General Rural* under Local Planning Scheme No. 9 (LPS 9) in the Shire of Gingin which designates *Agriculture Intensive* as a discretionary land use. The land is currently used for purposes within this approval. There is a small portion of the property comprising of remnant vegetation in the north west of the property, with further patches on the boundary in the north west and south west corners.

Improvements on the property comprise of a small machinery shed and two transportable accommodation / office units.

The site is surrounded by state forest to the east and west boundaries, intersected by the Nilgen and Sappers Roads; with agricultural land to the north and south.

The site is accessible from both Nilgen and Sappers Roads, with an all-weather access from Nilgen Road.

## The Proposal

### Overview

The application seeks to develop a tree orchard which also requires a land use approval to change from *Agricultural General* to *Agricultural Intensive – Perennial horticulture*. The land will be primarily used for the planting of horticultural tree crops, however, may also include cover crops from time to time in line with agricultural best management practices. The extent of the area of the orchard is shown on the enclosed plan and comprises the whole land parcel. This area has recently been purchased by Keyes Ag Holdings Pty Ltd and a copy of the sale contract is attached.

### Water licencing

The site has an existing extraction licence, which is included in the sale of the land parcel and attached for reference. An application to transfer the licence from the present owners is presently under review by the Department of Water, Environment and Resources and we expect this to be transferred with the first quarter of 2019. An Operating Strategy for the extraction of the water has been compiled, which will also include the monitoring of the water quality.

In addition to the Operating Strategy, we strive for best management practices for nutrient management and irrigation procedures to maximise plant health, growth and productivity; while minimising any impact on the environment. These practices include;

- Drip irrigation for efficient water usage of the groundwater resource. This usage is monitored daily and drainage water is calculated to assist in conserving water usage, managing the effect on the plants and soil after natural rainfall event effects and maximise per kilolitre per plant water use efficiency.
- Time controlled nutrient delivery to the plant. Orchard nutrient levels are calculated, and the application of nutrients are adjusted to meet the crop stage, climate and feedback from the monitoring systems.
- Regular water, soil and plant samples are collected for analysis and assessment to best management practices guidelines to ensure the short- and long-term sustainability of orchard operation to achieve the environmental and economic objectives.

Due to this being the equivalent of a green fields site for the establishment of a new orchard, we are able to implement an orchard design and management system that will not only be highly sophisticated using the latest industry technology, techniques and infrastructure, it will also provide employment opportunities within the Gingin shire.

Within the *General Rural* zone, this land use is an "A" use.

Local Planning Policy Statement No. 1.6 Agriculture Intensive  
 Clause 3.1 and Clause 3.2.2 apply to this application.

General Standards – Requirement	Comment
3.1.1 Applicants shall demonstrate compliance or intended compliance with the standards set out in this policy at application stage.	<b>Complies</b> This letter is to be attached to the application and addresses compliance requirements.
3.1.2 Council will process development applications for Irrigated Horticulture purely on land use planning grounds, without regard for viability considerations, such as Water Licensing. All Planning Approvals will be copied to the Department of Water for its records in dealing with Water Licensing.	<b>Noted</b> The viability is not a consideration for this approval. DWER has an application to transfer the water licence attached to this parcel of land to our entity. The existing allocation is sufficient for the proposed orchard.
3.1.3 Where it is intended to clear "remnant vegetation" as defined under the Soil and Land Conservation Act, for the proposed development, the application should be accompanied by a letter of non-objection to the clearing (a clearing permit) from the Commissioner for Soil and Land Conservation.	<b>N/A</b> A very minimal amount of clearing will be required for the development and only regrowth of scattered shrubs and small trees less than 20 years old of low environmental value will be removed.
3.1.4 All applicants shall clearly indicate areas of vegetation, wetlands and any other physical characteristics on the plans accompanying an application.	<b>Complies</b> The site plan attached indicates the relevant areas. There are no wetlands within the development area.
3.1.5 Waste material generated from the horticultural activity shall not be stored on the property in a manner that facilitates fly breeding or odour emissions, but shall be either buried, treated or removed off-site to Council's satisfaction.	<b>Noted</b> It is assumed this can be conditioned.
3.1.6 Horticultural waste to be trashed for soil improvement shall be turned into soil within two days of the removal of the crop or portion of the crop to Council's satisfaction.	<b>Noted</b> It is assumed this can be conditioned.
3.1.7 Clearing of riparian vegetation is prohibited. In the case that a foreshore area adjacent to an intensive horticulture activity has been cleared, it should be revegetated with species endemic to the area.	<b>N/A</b> No riparian vegetation is intended to be cleared as part of this development.
3.1.8 Proposals for Irrigated Horticulture located within 500 metres of an identified existing or future Residential or Rural Residential area shall only be considered where it can be demonstrated that effective vegetation buffers and other measures will satisfactorily minimise or avoid potential land use conflict.	<b>Complies</b> No existing or future residential development has been identified within 500 metres of the development area. A set back of 10 metres from the boundary will also be adhered to and it assumes this can be conditioned. Please see site plan attached for further demonstrations of vegetation buffers and other measure to minimise and avoid potential land use conflict.

## Wetlands

There are no identified wetlands within the parcel of land or within a 200 metre region of the proposed orchard. An independent environmental site inspection report has been undertaken and attached for reference.

## Cultural Heritage

There are no identified cultural heritage areas identified within the parcel of land. An independent cultural heritage report has been undertaken and attached for reference.

As part of the induction process, all staff and contractors are provided with our Cultural Heritage policy and procedure for the event that during the development or general business operation a possible cultural heritage site is discovered. This is managed by the farm overseer under the instruction of the Director.

## Policy and Statutory Framework

### Zone

The site is zoned *General Rural* under Local Planning Scheme No. 9 (LPS 9) in the Shire of Gingin which designates *Agriculture Intensive* as a discretionary land use. Our intention is to modify the zoning to *Agricultural Intensive* and the policy requirements are considered in the table below.

The objectives of the General Rural zone are to:

- a) Manage land use changes so that the specific local rural character of the zone is maintained or enhanced;
- b) Encourage and protect broadacre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;
- c) Maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse system from damage; and
- d) Provide for the operation the development of existing, future and potential rural land uses limiting the introduction of sensitive land uses in the General Rural zone.

The protection of agriculture and horticulture uses is one of the objectives.

### Proposed use – definition

The land use is classified as *Agriculture – Intensive*. This means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following;

- a) The production of grapes, vegetable flowers, exotic or native plants, or fruit or nuts;
- b) The establishment and operation of plant or fruit nurseries;
- c) The development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- d) Aquaculture.

<p>3.1.9 All horticulture activity (excluding tree farms) shall have a minimum distance of 200 metres, or a distance satisfactory to Council, from any Conservation Category Wetland, as defined and identified in the Water and Rivers Commission's Geomorphic Wetland Database, or defined through other means acceptable to Council. Included within this minimum distance there shall be a dense native vegetation buffer of not less than 20 metres in width, to be established prior to the commencement of development and maintained for the duration of the development.</p>	<p><b>Complies</b> There are no identified wetlands within the parcel of land or within a 200 metre region of the proposed orchard. A set back of 10 metres from the boundary will also be adhered to and it is assumed this can be conditioned. An independent environmental site inspection report has been undertaken and attached for reference.</p>
<p>3.1.10 Where a lesser setback to waterways (as specified in this Policy Statement) is proposed, a Drainage, Nutrient and Irrigation Management Plan shall be prepared and be to the satisfaction of the Water and Rivers Commission and Council.</p>	<p><b>N/A</b> We are not seeking any setbacks in this application.</p>
<p>3.1.11 All irrigated horticulture activity shall be set back 500 metres from any Rural Living, Residential, Tourist, Commercial or Urban Development zones. Applications for reduced set backs shall be accompanied by comprehensive data and evidence that supports the proposed reduction.</p>	<p><b>Complies</b> No Rural Living, Residential, Tourist, Commercial or Urban Development zones have been identified within 500 metres of the development area.</p>
<p>3.1.12 All Planning Approvals for Irrigated Horticulture will incorporate the following Advice Notes to the Applicant: a) The Applicant is reminded that this Planning Approval is not to be interpreted as approval to extract and utilise groundwater supplies, nor does it imply that the Shire of Gingin has knowledge in relation to availability of groundwater supplies. b) The Applicant is reminded of the need to seek and obtain a suitable groundwater licence from the relevant licensing authority prior to utilising the land for Irrigated Horticulture.</p>	<p><b>Noted</b> Groundwater supply allocations attached to this parcel of land have been attained for the intended use from DWER.</p>
<p>3.2.2 Perennial Horticulture "Perennial Horticulture" refers to the commercial production of all varieties of longlived fruit, vine and nut species, generally deep rooting, where the land is only cultivated deeply at the initial planting stage, but may be regularly fertilised. Applicable Standards: • All perennial horticulture shall achieve a minimum set back of 50 metres from the highest known level of a waterway (riverine environments).</p>	<p><b>Noted</b> This application is for perennial horticulture and shall achieve a minimum set back of 50 metres from the highest known level of a waterway. A set back of 10 metres from the boundary will also be adhered to and it is assumed this can be conditioned.</p>



## Conclusion

Keyes Ag Holdings are requesting to develop a perennial tree orchard and change the land use from *Agricultural General* to *Agricultural Intensive – Perennial Horticulture* for the establishment of an orchard on Lot 132 Sappers Rd Nilgen. This new development will implement an orchard design and management system that will not only be highly sophisticated using the latest industry technology, techniques and infrastructure, it will also provide employment opportunities within the Gingin shire. The required water allocations have been obtained and as part of the Groundwater Allocation Licence and Operating Strategy, a comprehensive monitoring of various groundwater parameters will be implemented.

The proposed development will result in an improved land use of the parcel and we believe that this application satisfies the General Standards requirements as stated in the Local Planning Policy Statement No. 1.6 Agriculture Intensive, Clause 3.1 and Clause 3.2.2.

There are no identified wetlands or cultural heritage sites within the development area.

I trust the information provided satisfies the requirements of the Shire of Gingin and our proposal can be supported.

If you have any further queries, please don't hesitate to contact me. Thank you in advance for your assistance with this matter and we look forward to receiving your response and working with the Shire on the development.

Kind Regards



John McKenzie

Director  
Rivera Farming P/L  
Keyes Ag Holdings P/L

# KEYES AG HOLDINGS PTY LTD

ABN: 86 624 763 757

Suite 2, 462-468 Banna Avenue, Griffith NSW 2680

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## Farm Management Plan

Lot 132 Sappers Rd, Nilgen WA 6044

March 2019

### Overview

Keyes Ag Holdings is proposing to develop a perennial horticultural operation on the existing agricultural zoned Lot 132 Sappers Rd, Nilgen. This farm management plan is provided to supply the necessary information to support the development application at the above mention property.

### Intellectual Property Protection Clause

This farm management plan is for the express use of the planning approval and cannot be used by any officers or council or councillors for any other use.

### Spray and Dust Management

The requirement for spraying of the orchard will be minimised through the practice of not spraying in high winds or adverse condition and the inclusion of non-fruit bearing trees along the boundary to reduce spray drift.

Any application of spray will be through coarse droplets nozzles in the spray pattern to further minimise drift. We will also adhere to all product label requirements to minimise any effect to our neighbours and non-orchard plants.

Working together with local agronomic and production consultants, we aim to maximise efficiencies for plant health and minimise the requirements for spray inputs.

To reduce dust and soil erosion, the promotion of groundcover across the property will be undertaken through initially in the early years the planting of cover crops to stabilise the soil, weed control and retain soil moisture. In the latter years, regular slashing for the management of existing groundcover, regular planting of inter row cover crops and other best management practices to promote ground cover will be undertaken.

With remnant vegetation neighbouring over 70% of our boundaries, a minimum buffer of 10 metres from any perennial crops to the boundary will be adhered to. In areas where the risk of spray and/or dust drift is deemed to be heightened on our neighbours, we would consider the planting of trees adjacent to the fence line as a way to mitigate this issue.

### Waste Management

During harvest the fruit will be harvested and transported off farm for processing and packaging at our nearby processing facility. Any foliage or other green waste from the operation will be periodically slashed to be incorporated into the ground in conjunction with the ground cover management activities to assist the rapid decomposition of material and the management of pests and disease.

### Water Management

Water will be applied through the use of drip irrigation and the latest technologies and techniques for best water use management practices.

Soil moisture monitoring and weather station climate monitoring, to measure evapotranspiration, will be employed to assist with the water management.

Water licence No. 99673 is attached and approved for use on this parcel of land.

### Traffic Management

The main access to the property will continue through established entrance on Nilgen Road. This all-weather access is towards the middle of the farm. Until the orchard has reached maturity in 4-5 years' time, there will be approximately 3-6 vehicles accessing the property on a daily basis, with infrequent increases in traffic when certain irrigation infrastructure and orchard development materials are delivered and/or installed.

Once the orchard has reached maturity, traffic during May to November will be approximately 6-10 vehicles per day. This will increase over the months of December to April to approximately 12-20 vehicles.

The farm will be sign posted with 40km/hr speed signs and the use of any on farm vehicles will be granted to people only once they have been through our induction process for best farm management practices and work health safety.

### Additional Services

There is an electricity supply at the north west of the property and a main line runs the duration of western boundary fence adjacent to Nilgen Road. We have commenced discussions with electricity providers for the supply of power. These discussions will progress as the orchard design and other requirements are finalised in the coming months.

Solar generated power is also being explored to assist with the electricity requirements.

As there will be no processing of any products on site, there are no waste water issues to address in this management plan.

As this is a green field site, the office and amenities facilities will be applied for separately through the appropriate development application with all relevant supporting material.

### Farm Map - Site Plan

See attachment