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5. Rural Lands





Executive Summary

Rural lands are an integral part of the Coffs Harbour Local Government Area (LGA) that support a variety of agricultural and non-agricultural land use interests, including farming and rural industries, intensive plant agriculture, rural living, tourism and protected environment. These interests are critical to the economy, environment and community. They need to exist and prosper to realise Council's vision for connected, sustainable and thriving rural lands.

Council has a role providing a land use planning framework that enables the most efficient and effective use of rural land that responds to, and balances the competing interests of, development in the most equitable and sustainable way. In recent decades the Coffs Harbour LGA has experienced continual pressure to change land uses and develop rural land for urban, large lot residential and intensive plant agricultural uses. These emerging pressures have the potential to impact on the ongoing viability of rural land for both agriculture and lifestyle development.

The purpose of this Rural Lands Chapter of the Coffs Harbour Local Growth Management Strategy (LGMS) is to outline the issues, considerations and policy directions that have been identified for rural lands within the Coffs Harbour LGA, and to recommend actions that will guide the future direction and management of these rural lands. The Chapter has been built on the following four broad themes:

The Rural Economy - The challenge is to facilitate a productive and economically sustainable long-term future for rural lands, whilst balancing the promotion of economic growth and diversity within the agricultural sector. There must be sufficient flexibility to respond to change and provide opportunities for rural housing and other compatible land uses. Key issues include diversifying land uses, economic opportunity, visitors (tourism), the importance of farming, the NSW Government 'Right To Farm' policy, education, issues arising from impacts of intensive plant agriculture (eg. blueberries) and minimum lot size (for agriculture).

The Rural Community - The rural population is changing in terms of age, culture and character. Providing access to information and educating the non-farming community about legitimate farming systems and practices will assist in alleviating concerns often founded by misunderstanding. Key issues include changing demographics and providing for the needs of a growing population, providing adequate infrastructure, minimum lot size, providing additional dwellings without fragmenting agricultural land and potential land use conflict.

The Rural Environment - Conserving the natural environment and managing resources to preserve the long-term health and sustainability of the natural assets, particularly water is imperative. This involves recognising and managing the opportunities and challenges presented by the environmental values of the area. Key issues include private native forestry, unauthorised clearing of native vegetation, weeds and pests, intensive plant agriculture, agricultural runoff, impacts on drinking water catchments and bushfire.

Rural Governance - Land use processes that are clear and readily understood will greatly assist the success of rural production and all rural land uses across the LGA. Council plays a role to ensure that planning policies and provisions are legible and transparent to minimise bureaucratic processes, and also to facilitate other actions and strategies with key agencies and industry bodies.

The most prominent issue identified as part of the rural lands review relates to the suitability of rural land use activities and the potential for land use conflict. Education plays a significant role in improving communication between rural landowners in understanding 'Right To Farm' principles, providing opportunities for awareness of different land uses, recognising the mutual rights land owners have to enjoyment of their land, and maintaining connected rural communities. Attention needs to be paid to both the planning and operational requirements of intensive plant agriculture to reduce the off-site impacts and minimise the opportunity for land use conflict. This involves working closely with industry bodies to be a leader in sustainable agriculture and land management best practice, and protect important agricultural land from fragmentation. In order to achieve this, the planning framework must support and manage suitable land uses. This involves analysing how the objectives of existing planning controls for rural land are achieving their original intended purpose, and if updates are necessary.

The Implementation Plan within this Rural Lands Chapter outlines the range of strategies that have been developed based on the four themes, including compliance with state government policy directions and actions. This Chapter was reported to Council on 26 March 2020. It has been updated in response to the resolution of that meeting (Resolution Number 2020/68); and was conditionally endorsed by NSW Department of Planning, Industry and Environment on 3 July 2020 (IR: 6977140).

Actions Endorsed by Department of Planning, Industry and Environment

Chapter 5 Rural Lands of the Coffs Harbour Local Growth Management Strategy 2020 was adopted by Coffs Harbour City Council on 26 March 2020. The NSW Department of Planning, Industry and Environment provided its conditional approval of Chapter 5 Rural Lands via a letter to Coffs Harbour City Council dated 3 July 2020 (IR: 6977140). In conditionally approving Chapter 5 Rural Lands, the NSW Department of Planning, Industry and Environment advised that this is subject to:

- The important Agricultural Land Mapping Project being prioritised for completion and undertaken in consultation with the Department of Primary Industries (Agriculture). This project will play an important role in providing a sound strategic planning basis for any LEP amendments and should be completed as soon as possible to help inform the future consideration of the following strategy recommendations:
 - facilitating artisan food and drink industries and rural function centres in appropriate rural zones;
 - undertaking a dwelling permissibility study for land within Zone RU2 Rural Landscape to ascertain suitable lots for a dwelling that currently do not have such opportunity;
 - reviewing permissible land uses within Council's drinking water catchment; and
 - investigating the inclusion of a scenic character and landscape values overlay within Council's local planning controls.

and

- The scope of the proposed dwelling permissibility study and the manner in which it is to be undertaken is to be determined in consultation with the Department of Primary Industries (Agriculture) prior to its commencement.

ABBREVIATIONS USED IN THIS PLAN

CSP	Community Strategic Plan
LGMS	Local Growth Management Strategy
CHCC	Coffs Harbour City Council
DPIE	Department of Planning, Industry and Environment
LEP	Local Environmental Plan
DCP	Development Control Plan
LGA	Local Government Area
LGMS	Local Growth Management Strategy

**Chapter 5 Coffs Harbour Local Growth Management Strategy
March 2020 © Coffs Harbour City Council**

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5.1 Introduction

This Chapter was reported to Council on 26 March 2020. It has been updated in response to the resolution of that meeting (Resolution Number 2020/68).

Rural lands are an integral part of the Coffs Harbour LGA supporting a variety of agricultural and non-agricultural land uses such as farming, rural industries, tourism, environmental and rural living.

Council has a role in providing a land use planning framework that enables the most efficient and effective use of rural land that balances the competing interests of development in the most equitable and sustainable way.

What is the purpose of the Rural Lands Chapter?

The purpose of the Rural Lands Chapter is to guide Council's land use planning priorities and decisions through the establishment of strategies and actions for the development and management of all rural land within the LGA over the next 20 years.

Why prepare a Rural Lands Chapter?

Rural land supports a number of competing and not always complementary activities. The continued growth of the agricultural sector, particularly intensive plant agriculture is competing with the desire for a rural lifestyle and the need to manage biodiversity values. Ensuring that they can co-exist is a challenge for many local councils experiencing economic and population growth.

The diversity of views as to how we manage competing interests, and how land use is prioritised was a reoccurring theme through the community consultation undertaken throughout the development of this chapter and highlights the importance of managing the finite rural land resource.

The importance of agriculture is reiterated in the *North Coast Regional Plan 2036* which includes key actions around the protection and enhancement of productive agricultural lands under the



broader goal of a thriving, interconnected economy.

Primary production and land management are also critical to a range of complimentary business sectors including value adding rural industries, rural retail and wholesale businesses, tourism and the visitor economy.

Accommodating the diversity of competing land uses within the rural lands is the single biggest challenge. Being prepared and responsive to sudden and extreme changes in the local and global commodities market is critical if the sector is to remain competitive.

Providing for the housing needs of a growing and ageing population has its own difficulties with the increasing competition for land between residential and non-residential uses and finding a balance between the two.

The most prominent and re-occurring issues raised through the rural lands review process relate to land use conflict in various forms. Understanding the NSW Government Right to Farm Policy,

improving communication between landowners and providing better access to information have been identified as mechanisms to address conflict. Providing a land use framework that allows for compatible land uses to co-locate and discourage incompatible activities within rural areas is an underlying objective of any land use strategy.

Rural Lands Chapter Objectives:

- Provide a land use framework to meet the changing needs of the rural economy.
- Provide leadership in sustainable agriculture and land management.
- Protect important agricultural land from fragmentation.
- Protect high biodiversity value lands.
- Provide opportunities to support ageing in place and connected rural communities.
- Minimise potential future conflict between rural and 'rural residential' style land uses.

Zones that currently apply to rural lands in Coffs Harbour LGA

Zone RU2 Rural Landscape

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise the fragmentation and alienation of resource lands.

Zone E2 Environmental Management

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values

Zone E3 Environmental Conservation

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

Figure 5.1 - Coffs Harbour LGA Snapshot

Population



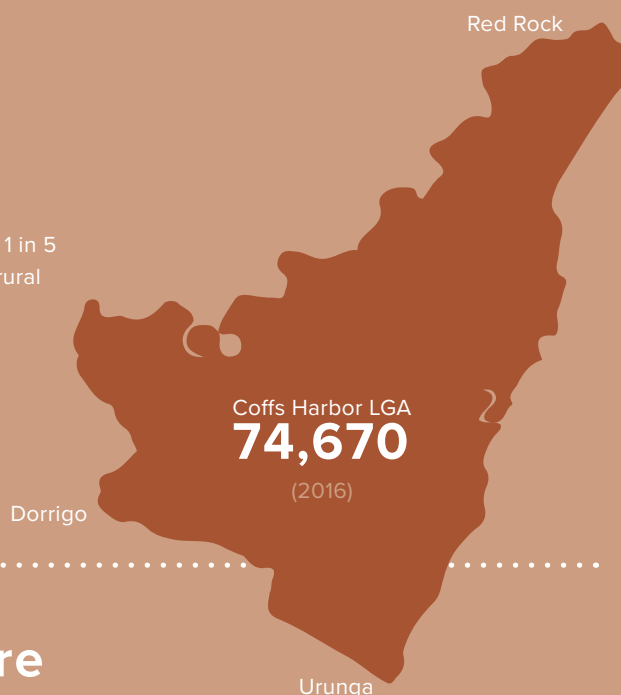
- Approximately 1 in 5
- people live in rural areas

National Parks and Nature Reserves

13% of LGA – National Parks

34% of LGA – State Forest

69% of the whole LGA - Native Vegetation



Employment in Agriculture

56% ↑

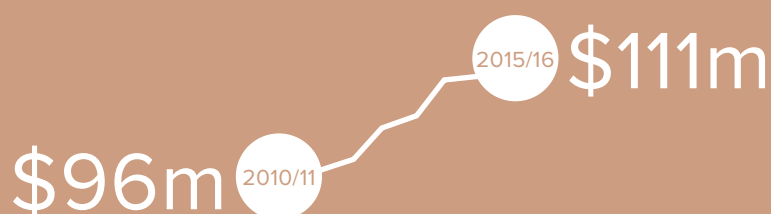


56% growth in employment in Agriculture, Forestry and Fishing from 2011 to 2016

Coffs Harbour Gross Value of Agriculture

\$3.22
BILLION

Coffs Harbour's Gross Regional Product is estimated at \$3.22 billion, which represents 0.6% of the state's GSP (Gross State Product).



In 2015/16, the total value of agricultural output in Coffs Harbour was \$111m, which increased from \$96m in 2010/11. The largest commodity produced was Other Fruit, which accounted for 84.4% of Coffs Harbour's total agricultural output in value terms. ²



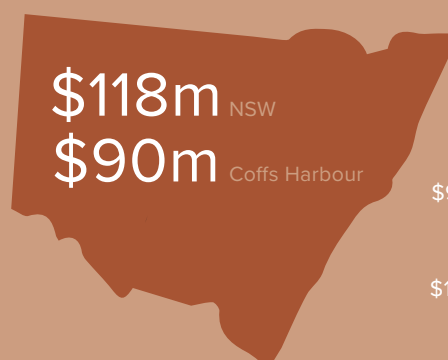
\$178m

\$178m value of agricultural exports¹



70%

70% local agricultural production driven by blueberry industry



Blueberry Production

\$90m economic contribution – Coffs Harbour (2016-17)

\$118m economic contribution – NSW (2016-17)

¹ Source – Coffs Harbour Economic Development Strategy (2017)

² Source – Profile.ID

Figure 5.2 - Rural land use in Coffs Harbour LGA

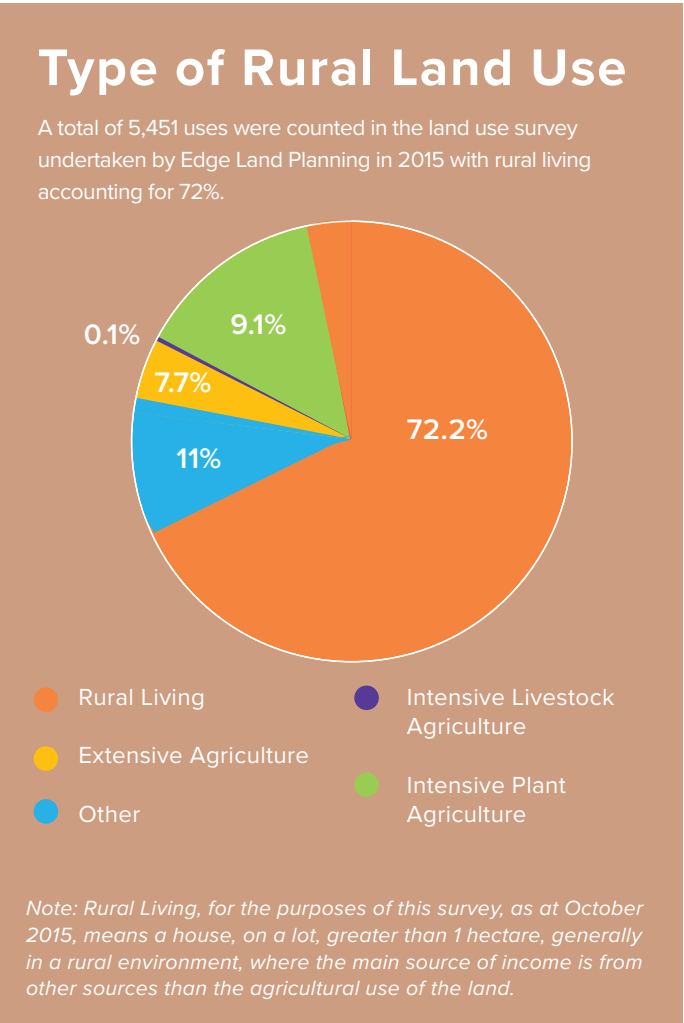
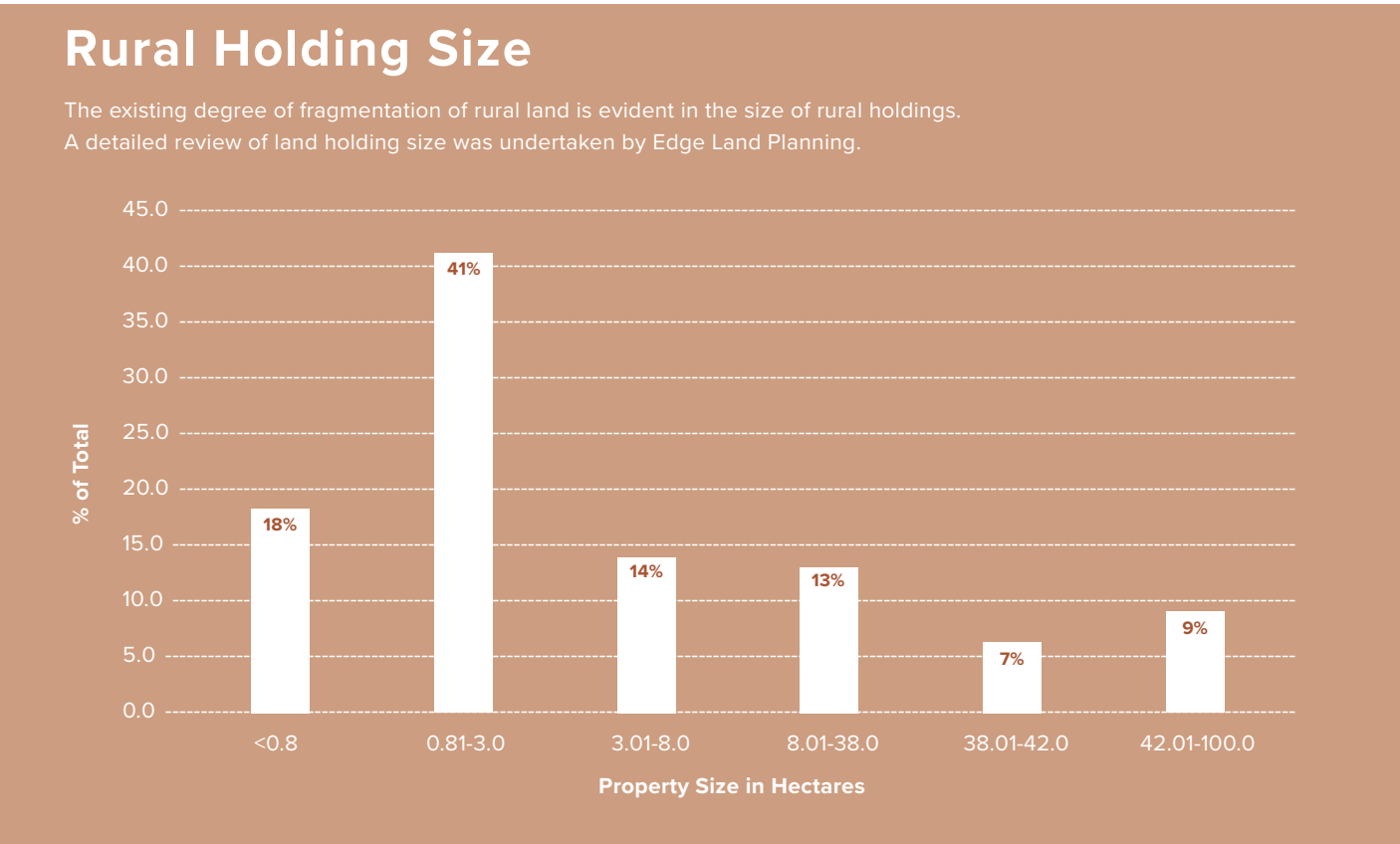


Figure 5.3 - Rural holding size in Coffs Harbour LGA



How was the review undertaken?

Council commenced a rural lands review in 2016 whilst updating its Local Growth Management Strategy.

Phase 1 of the review included an initial series of community workshops designed to identify the issues facing rural land, and culminated with an Issues and Options Paper, which was endorsed by Council in April 2017.

Phase 2 of the review involved preparation of a draft Rural Lands Chapter and Discussion Paper: Intensive Plant Agriculture. Community and stakeholder consultation was undertaken during 2018 and 2019. Chapter 5 Rural Lands is the culmination of this work.

What did the Rural Lands Review seek to achieve?

The purpose of the Rural Lands Review was to:

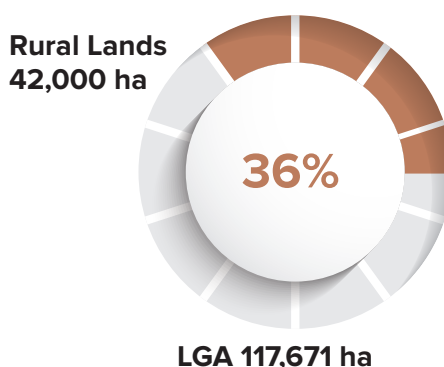
- understand the diversity of land uses competing for rural land resources;
- identify the opportunities to improve and manage land use;
- understand the demographic profile of our rural lands;
- highlight the gaps in policy and land use planning; and
- provide an opportunity for the community to be involved in strategic planning that will support future land use decisions.

This Rural Lands Chapter provides strategies and actions to guide rural planning policy and land use in the LGA.

5.2 Strategic and Statutory Framework

Council has a responsibility to ensure that land use planning decisions are consistent with the NSW Government legislative and policy framework.

This Chapter has been developed to align with national, state and local statutory and strategic policy documents relevant to managing rural land use in the LGA.



Source: CHCC 2019.
Note: Rural Lands include land in zone RU2 Rural Landscape; E2 Environmental Conservation; and E3 Environmental Management.

The *North Coast Regional Plan 2036* includes a number of goals and directions to set priorities and guide development in the North Coast region. Those relevant to rural land are as follows:

Goal 1: The most stunning environment in NSW

- Direction 2: Enhance biodiversity, coastal and aquatic habitats and water catchments

Goal 2: A thriving and interconnected economy

- Direction: 8: Promote the growth of tourism
- Direction 11: Protect and enhance productive agricultural lands
- Direction 12: Grow agribusiness across the regional

Goal 3: Vibrant and engaged communities

- Direction 15: Develop healthy, safe, socially engaged and well-connected communities
- Direction 16: Collaborate and partner with Aboriginal communities

- Direction 18: Respect and protect the North Coast's Aboriginal heritage

Goal 4: Great housing choice and lifestyle options

- Direction 23: Increase housing diversity and choice

Directions 11 and 12 are the most specific directions within the *North Coast Regional Plan 2036* of relevance to rural land and as such are discussed in more detail below.

Direction 11: Protect and enhance productive agricultural lands

This direction notes that the most important farmland has been identified and mapped on the North Coast to support long term agricultural production. It also states that a review of the consistency, methodology and application of the Northern Rivers Farmland Protection Project (2005) and Mid North Coast Farmland Mapping Project (2008) will provide an opportunity to establish consistent standards and application for important farmland across the North Coast.

It is recognised that agricultural production may not be suitable on some small pockets of mapped important farmland due to non-biophysical factors that make the land more suited to other uses. Pending completion of a review of the existing farmland mapping projects, interim important farmland variation criteria will be used to assess the suitability of these pockets of land for non-agricultural land use.

This direction states that minimum subdivision standards for rural zones will be used to enhance the viability of the agricultural sector, maximise production efficiencies and support the delivery of local fresh foods by limiting land fragmentation. Limiting dwellings in rural zones will also help to avoid potential land use conflicts with agricultural activities. It is also recognised that agricultural activities, such as intensive plant agriculture, are growing rapidly on small holdings across the North Coast and that local planning controls can help to support these industries by identifying potentially suitable locations for small-lot primary production.

Encouraging greater diversity in the agricultural sector. For example, through agritourism and the processing and

packaging of produce and associated retail services – can make the sector more sustainable. Boutique commercial, tourist and recreation activities that do not conflict with primary production offer similar opportunities.

Biosecurity will continue to be an important consideration for agricultural areas as it contributes to the strength of the agricultural sector. In 2013, the NSW Government developed the *NSW Biosecurity Strategy 2013-2021* to highlight the measures that can be taken to protect the economy, environment and community from the negative impacts of pests, diseases and weeds.

Direction 12: Grow agribusiness across the region

Food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight, logistics and processing all help to support agriculture. It is important that these uses are permitted in a range of locations to ensure they are efficient and viable.

Existing agribusiness sites should be protected from the encroachment of inappropriate land uses that can limit their operation. Appropriate co-location of related industries should be encouraged to maximise infrastructure and facilities, decrease supply chain costs, increase economies of scale and attract further investment. Industries that co-locate have the potential to use the by-products and waste materials of other industries to create new products and services.

Increased confidence and opportunities in agribusiness on the North Coast have led to a number of new initiatives. The agri-food sector is recognised as an important industry and employer, and agencies are working collaboratively and with industry to support and guide its growth. There are also opportunities for exporting food to the South East Asian market.

Note actions that facilitate the delivery of well-planned rural residential housing development, and actions that aim to minimise land use conflict between rural and rural residential uses, have been addressed in Chapter 6 - Large Lot Residential of this Local Growth Management Strategy.



Vision. Connected, sustainable, thriving rural lands.



5.3 Council's Vision

The overarching community vision for the future development of Coffs Harbour is articulated in the MyCoffs Community Strategic Plan: Connected Sustainable and Thriving.

As the region grows over the next twenty years, Council's aim is to develop well-designed communities that support and enhance the local character, provide active lifestyles and engender current and new residents with an ongoing sense of wellbeing and belonging. Rural lands contribute to delivering viable agriculture, support the local economy, and the natural environmental and lifestyle options available in the LGA.

During consultation on the Local Growth Management Strategy, the community have expressed a desire for Council to facilitate growth in the LGA through a Compact City approach to maximise environmental, social and economic sustainability.

A Compact City approach focuses population growth on existing developed footprints and existing investigation areas for growth, discouraging urban sprawl. In this way, the approach supports maintaining the character, community and sense of place in rural villages, and supports the value and benefits of rural and environmental lands, so that they are protected and enhanced.

Key objectives and advantages of a Compact City relevant to the Rural Lands Chapter include protecting scenic qualities and agricultural productivity of our rural hinterlands, and minimising land clearing and encroachment on land that has environmental, scenic and agricultural value.

5.4 Key Themes

This Rural Lands Chapter is structured around four key themes.

The Rural Economy

The Future of Farming - Facilitating a productive and economically sustainable long-term future for rural lands, given that there has been a recent shift in the local economy's reliance on tourism to newer emerging industries in areas including intensive plant agriculture.

The Rural Community

Addressing the changing face of the community and character of our rural lands in terms of social and cultural considerations, to ensure our planning provisions can provide for our ageing rural population and changing land use pressures.

The Rural Environment

Recognising and managing the opportunities and challenges presented by the environmental values of the area, by undertaking a broad-scale strategic analysis of whether the existing planning controls for rural lands are achieving their original intended purpose and whether updates are necessary.

Rural Governance

Assisting rural production by ensuring outcomes are overseen by transparent planning policies and legible provisions.

Summary of Issues Raised

The issues raised by the community and stakeholders during the development of this Rural Lands Chapter range in breadth and complexity, however, they can be arranged according to the four key themes into seven broad policy directions as represented in Table 5.1.

These key themes and issues are detailed under each Policy Direction and are presented as actions in Section 5.6 Implementation Plan.

5.5 Policy Directions

5.5.1 The Rural Economy

Facilitating a productive and economically sustainable long-term future for rural lands. There is a need to ensure that the planning framework can support suitable land uses.

OVERVIEW

There are two broad policy directions listed under the Rural Economy:

Policy Direction 1: Promote and protect sustainable agriculture

Policy Direction 2: Support rural economic development

The Coffs Harbour Economic Development Strategy 2017-2020 focuses on developing key sectors where Council can make a positive difference. The three areas of focus relevant to rural lands are;

- the digital economy;
- the food manufacturing and agribusiness (agri-food) economy; and
- the visitor economy.³

While all three have an application in the rural context, land use policy can readily impact agri-food and the visitor economy. Providing a planning framework that supports these focus areas is an important element in the delivery of the Economic Development Strategy.

Agricultural land is a finite resource and should be managed to ensure sustainability in the short, medium and long term. To be sustainable, agriculture must:

- respond to consumer needs for food and fibre products that are healthy and of high quality;
- take full account of the costs of production, including environmental costs, and ensure its pricing reflects these costs;
- protect and restore the natural resource base on which agriculture depends;

- prevent adverse on-site and off-site impacts on the environment and any other sector of the community;
- be flexible in order to accommodate regional differences and changing economic, environmental and social circumstances such as drought or terms of trade; and
- be financially viable.⁴

Policy Direction 1: Promote and protect sustainable agriculture

The aim of this direction is to promote sustainable agriculture through the land use planning framework.

Coffs Harbour Local Environmental Plan 2013 (LEP 2013) is the principle local plan applying to rural land. It categorises land into zones with corresponding objectives and permissible uses. LEP 2013 also includes provisions relating to the minimum lot size for subdivision and the erection of dwellings.

The majority of rural land in the Coffs Harbour LGA is within Zone RU2 Rural Landscape, however Zone E2 Environmental Conservation and Zone E3 Environmental Management also apply. Council has applied a minimum lot size of 40 hectares (ha) to these zones. However, a significant portion of existing land holdings in these zones have an area less than 40ha.

Although Zone RU2 Rural Landscape is consistently applied to rural land in Coffs Harbour, the NSW planning framework includes other rural zones, which could be used. Any changes to allocated zones must be justified on a holistic analysis of land capacity, not on individual land uses (refer Table 5.2).

Other rural zones applicable to private lands could be pursued following completion of evidence based data such as a mapping project for important agricultural land.

Subdivision, particularly subdivision for the purpose of a dwelling, can have a significant impact on the existing and future land use and viability of rural land. It is important that the community understand the potential impact of fragmentation through un-planned subdivision.

³ Coffs Harbour Economic Development Strategy 2017-2022.

⁴ Policy for Sustainable Agriculture in New South Wales, NSW Agriculture 1998.

Table 5.1 Summary of issues raised during the development of the rural lands chapter

Themes	Policy Directions	Issues
<i>The Rural Economy</i>	Policy Direction 1: Promote and protect sustainable agriculture	<ul style="list-style-type: none"> • Intensive plant agriculture and transition planning between conflicting land uses. • The importance of identifying important farming areas and rural zones that support these areas. • Right to farm. • Minimum lot size (for agriculture). • Climate change.
	Policy Direction 2: Support rural economic development	<ul style="list-style-type: none"> • Diversifying land uses for future economic opportunities. • Increased flexibility for innovation, diversification and value-adding. • Visitors and tourism, including function centres, artisan food and drink industries and restaurants and cafes.
<i>The Rural Community</i>	Policy Direction 3: Support diversity of housing in rural areas	<ul style="list-style-type: none"> • Minimum lot size and additional dwellings, including provision of workers' accommodation. • Dwelling permissibilities. • Infrastructure to support rural villages. • Ageing in place.
	Policy Direction 4: Avoid and manage land use conflict	<ul style="list-style-type: none"> • Land use conflicts between rural and large lot residential style land uses. • Intensive plant agriculture: <ul style="list-style-type: none"> • poor waste management; • high water use; • reduced water quality and soil contamination (inappropriate use and storage of chemicals, fertilisers, and pesticides); • adverse visual impacts; • unauthorised clearing of native vegetation; • inadequate workers accommodation and amenities; • inadequate traffic and parking measures; • spray drift (human health impacts); • impacts on drinking water catchments; • poor design and location of farm infrastructure (i.e. dams); and • impacts on cultural heritage values.
	Policy Direction 5: Informed and supportive Community	<ul style="list-style-type: none"> • Sense of community and lifestyle. • Private Native Forestry legislative changes. • Options for education and engagement about farming practices.
<i>The Rural Environment</i>	Policy Direction 6: Protect environmental values and address threats	<ul style="list-style-type: none"> • Inappropriate land uses. • Environmental zones. • Topography. • Native vegetation and biodiversity protection. • Water use and impacts. • Weeds and pest management. • Intensive plant agriculture. • Protection of Aboriginal cultural heritage.
<i>Rural Governance</i>	Policy Direction 7: Clear and transparent policy	<ul style="list-style-type: none"> • The need for clear and transparent policy. • Processes are considered complex, confusing and lengthy. • The need for user friendly documentation.

Table 5.2 Principles for application of rural zones

RU1 Primary Production

This zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is not a default zone for non-urban land. The zone is allocated to land where the principal function is primary production. In 2011, 'intensive livestock agriculture' and 'intensive plant agriculture' were added to the Zone RU1 Primary Production to ensure these uses are included in the Land Use Table as either permitted with or without consent.

RU2 Rural Landscape

This zone is for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been conserved (often due to topography). It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture (such as 'viticulture'), but where the permitted uses are usually more limited and differ from RU1 zoned land due to landscape constraints. This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation.

RU4 Primary Production Small Lots

This zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings. In 2011, the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. The objectives of the zone have been changed to encourage employment opportunities in relation to primary production on small lots and to minimise fragmentation and alienation of resource lands important for food security. These changes and additional mandated permissible uses ('intensive plant agriculture' and 'plant nursery') better reflect the intent of the zone – being an agricultural industry/food production focus and not a rural residential lifestyle zone.

RU5 Rural Village

This zone is a flexible zone for centres where a mix of residential, retail, business, industrial and other compatible land uses may be provided to service the local rural community. The RU5 zone would typically apply to small rural villages within rural areas.

Source: Department of Planning and Environment Planning Practice Note PN 11-002

Direction 11 of the *North Coast Regional Plan 2036* states that minimum subdivision standards for rural zones are to be used to enhance the viability of the agriculture sector, maximise production efficiencies and support the delivery of local fresh foods by limiting land fragmentation. It is also noted that dwellings are to be limited in rural zones to help avoid potential land use conflicts with agricultural activities and that agricultural activities, such as horticulture, should be supported by local controls through the identification of suitable locations for small-lot primary production.

The directions contained within the *North Coast Regional Plan 2036* are supported by a planning framework for primary production which includes State Environmental Planning Policy (Primary Production and Rural Development) 2019. The aims of this policy are as follows:

- to facilitate the orderly economic use and development of lands for primary production,
- to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,

- to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- to encourage sustainable agriculture, including sustainable aquaculture,
- to require consideration of the effects of all proposed development in the State on oyster aquaculture;
- to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

Rural planning and subdivision principles are also contained within Ministerial Direction 1.5 – Rural Lands. These principles aim to achieve a balance between rural needs, including farming and development, and to reduce the

risk of land use conflict and rural land fragmentation.

The Ministerial Direction applies when a relevant planning authority (i.e. Council) prepares a planning proposal that: (a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary); or (b) changes the existing minimum lot size on land within a rural or environment protection zone.

There are a number of matters that Council, as the relevant planning authority, must consider when it prepares a planning proposal that includes rural land. Importantly, where Council seeks to vary an existing minimum lot size within a rural or environmental protection zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of Coffs Harbour LEP 2013.

The objective of Clause 5.16 of Coffs Harbour LEP 2013 is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).

Regionally significant farmland has been mapped for the Mid North Coast. An action of the *North Coast Regional Plan 2036* is to deliver a consistent management approach to important farmland across the region by updating the Northern Rivers Farmland Protection Project 2005 and Mid North Coast Farmland Mapping Project 2008. The limitation of this mapping is that it does not include land for industries that are not highly dependent on biophysical attributes such as soils or landscapes (e.g.intensive plant agriculture).⁵

In April 2017, the Department of Primary Industries published "A Method for Identifying Important Agricultural Lands in NSW". The guideline proposes a new methodology for mapping agricultural land⁶. The Department has advised that the farmland mapping for Coffs Harbour LGA will not be updated in line with this new methodology within the timeframe of this strategy.

Council should therefore undertake a mapping project in consultation with relevant state agencies to identify important agricultural land within the Coffs Harbour LGA, to inform the potential introduction of additional rural zones to protect important agricultural land. This mapping project will assist in avoiding land use conflicts and the associated community and environmental impacts, particularly in regions where competition for land is significant.

Given that a significant portion of rural land within the Coffs Harbour LGA is already below the 40 hectare minimum lot size (refer Figure 5.3), this mapping project will identify important agricultural land that may be suited for Zone RU4 Primary Production Small Lots.

Actions:

- Identify important agricultural land within the Coffs Harbour LGA to inform the potential introduction of additional rural zones to protect important agricultural land, including the possibility of the use of Zone RU4 Primary Production Small Lots.
- Continue to implement a robust complaint register and handing system for land use conflicts including the acknowledgement and referral of complaints to other agencies.

Policy Direction 2: Support rural economic development

This direction recognises the need to promote the opportunities for economic development in the rural area. The Coffs Harbour LGA has demonstrated resilience in industry and an ability to adapt and change in response to external factors in the wider economy and markets. This has been demonstrated in the evolution from timber and bananas and the growth of other industries over the past twenty years.

Council's Economic Development Strategy 2017-2020 aligns with the My Coffs Community Strategic Plan and the NSW *North Coast Regional Plan 2036*.

Key directions of this Chapter on rural lands centre on Council's policy development towards promoting and supporting agri-food economy. Development of this Chapter has included actions to support economic development in rural zones.

The food manufacturing and agribusiness (agri-food) economy accounts for 5% of jobs and \$178m of annual exports. There are a number of initiatives including facilitating development of new and emerging enterprises, brand development, value adding, agri-tourism and diversification of the agricultural base, such as encouraging complementary uses (i.e. artisan food and drink industries and destination wedding and event functions).

Destination weddings and event functions in rural areas, for example, celebrate the natural environment and aesthetics of a locality, yet can result in neighbour conflicts. Such uses are defined as 'function centres' under the definitions contained within the NSW Standard Instrument LEP and are currently prohibited under provisions contained within Coffs Harbour LEP 2013. This results in facilities being operated either illegally or as 'temporary uses'. There is a need to explore amendments to either State and local planning instruments to provide a new definition of 'rural function centres' or similar, so as to allow for appropriately scaled rural functions.

The success of policy in this area will rely on a collaborative approach between council, state government and industry. This is particularly important because it

enables the community to be adaptable to climate change.

It is important that Council's local planning controls facilitate appropriate energy renewal projects. Council should identify appropriate land for such uses as part of an important agricultural land mapping project.

One of the issues that has been raised is the importance of educating the community about the role and significance of agriculture in the LGA. This Chapter identifies that communication with producers, distributors, retailers and the community will be a key to success in strengthening the regional brand.

The development of this chapter also identified that there are physical constraints to expansion of agricultural land, and it is critical to manage land use conflicts so as to protect and preserve land as rural entrepreneurs take advantages of value adding opportunities through expansion of rural industries. There is also a need to protect and preserve land for both agriculture and the expansion of rural industries. Land use planning controls need to ensure that adequate opportunities exist for expansion while limiting rural land use conflict.

The key to economic success will be ensuring that the labour force has the skills and area available within the region. This means working closely with industry and education providers, identifying opportunities and matching the skills to the tasks.

In the rural context, factors such as the condition of rural roads, access to high speed internet and availability of other essential infrastructure such as electricity and water are paramount. Planning controls need to be tailored to ensure that there is sufficient flexibility to respond to opportunities as they present themselves.

Logistics, freight and access to markets are essential, particularly where perishable products are concerned. The participation of Council in intra-agency and industry collaboration groups can assist in identifying value-adding initiatives for the industry.

The Coffs Coast Strategic Tourism Plan 2020 highlights the opportunity to better showcase and develop Coffs Coast

⁵ http://www.dpi.nsw.gov.au/__data/assets/pdf_file/0007/711493/Agricultural-Land-Use-Mapping-Resources-in-NSW-User-s-Guide.pdf

⁶ <http://www.dpi.nsw.gov.au/agriculture/lup/agriculture-industry-mapping/pub16-323-a-guideline-to-identifying-important-agricultural-lands-in-nsw>

regional food and produce. Initiatives like the Coffs Coast Local Food Framework 2010-2020 which aims to support the development of sustainable local food tourism should be assisted to the extent that they are suitably located and supported by compatible land use planning controls.

As part of a review of commercial and employment land within Coffs Harbour, a gap has been identified in the servicing of residents and workers in rural areas further inland, with few opportunities for local shops to cluster due to land use and lot size restrictions. It has also been identified that there is an emerging trend towards hinterland tourism and rural lifestyle living.

The application of Zone RU5 Rural Village, along with a reduced minimum lot size, would encourage rural-focused activities and support the viability of rural communities, without permitting the wide range of uses associated with Zone B1 Neighbourhood Centre. Council should investigate the application of Zone RU5 Rural Village and a reduced minimum lot size for the villages of Lowanna, Ulong, Nana Glen and Coramba.

Actions

- Enable artisan food and drink industries within appropriate rural zones.
- Explore amendments to either State and local planning instruments to provide a new definition of 'rural function centres' or similar, so as to allow for appropriately scaled rural functions in appropriate rural zones.
- Provide adequate guidelines to minimise amenity impacts from function centres and artisan food and drink industries.
- Promote the growth of Coffs Harbour as a food bowl location.
- Identify important agricultural land within the Coffs Harbour LGA to inform the potential introduction of additional rural zones to protect important agricultural land.
- Protect the agricultural supply chain.
- Investigate the appropriateness of Zone RU5 Rural Village and a reduced minimum lot size for the villages of Lowanna, Ulong, Nana Glen and Coramba.
- Identify appropriate land for energy renewal projects as part of an important agricultural land mapping project.

5.5.2 The Rural Community

Addressing the changing face of the community and character of our rural lands in terms of social and cultural considerations is important. Council needs to ensure our planning provisions can provide for our ageing rural population and pressure for land use changes.

OVERVIEW

This theme encompasses three broad policy directions;

Policy Direction 3: Support the diversity of housing in rural areas

Policy Direction 4: Avoid and manage land use conflicts

Policy Direction 5: Informed and supportive rural community

Rural land in the Coffs Harbour LGA offers an agricultural and rural living lifestyle. Statistics demonstrate that the rural community hosts more young people and those in the workforce (under 65) than the urban area as a proportion of the population.

Twenty percent of the LGA population live in rural areas. This population is more likely to be employed than their urban counterparts and the weekly family income is also higher. However, less than 10% of the working population in the rural area are employed in the agricultural industry indicating that residential land uses in the rural areas are likely to be exposed to conflict.

A significant proportion of the workforce during peak times is from overseas. Therefore, working with the industry to address social cohesion is also important.

The community has identified the need to educate the rural community, both those employed in the rural sector and those seeking a rural lifestyle, on the importance of rural land use activities (including agricultural pursuits).

Policy Direction 3: Support the diversity of housing in rural areas

This direction recognises the role that rural land has in the provision of housing in the LGA. Currently, Coffs Harbour LEP 2013 provides enough landstock within urban areas to accommodate anticipated demand in the long term. This is addressed within Chapter 2 of this Local Growth Management Strategy.

While the delivery of housing targets in the LGA is an objective consistent with the NSW *North Coast Regional Plan 2036*, directing urban and large lot residential development away from important farmland will enable growth in the agricultural sector while minimising the potential for conflict.

The diversity of the population in the rural areas demands corresponding diversity in housing choice. For long term residential accommodation in rural areas, development should be undertaken having regard to avoiding significant agricultural and environmentally sensitive land, be proximate to existing towns and villages and achieve efficiencies in service delivery.

The current Zone RU2 Rural Landscape provides for subdivision and the erection of a dwelling if the parcel satisfies the minimum lot size of 40 hectares. An issue that has been identified by the rural community relates to the inflexibility of Council's boundary adjustment clause in Coffs Harbour LEP 2013. Council should investigate a new local clause to address this issue.

In August 2018, Coffs Harbour LEP 2013 was amended to permit detached dual occupancy development (with consent) on land within Zone RU2 Rural Landscape. This can enable options to support family members to age in place, or may provide income opportunities through tourism or farm worker accommodation.

It should also be noted that, with the exception of bed and breakfast accommodation and farm stay accommodation, tourist and visitor accommodation is not permissible within Zone RU2 Rural Landscape. The State government is currently introducing legislation for Short Term Rental Accommodation, thus there may be

potential for land use conflict in relation to this land use from operating farms and legitimate rural industries. Council may need to manage this once these legislative changes are made.

Accommodation for rural workers should be provided in centres close to services and facilities. This matter has been addressed in Chapter 7 Residential Lands of this strategy.

Enabling development for the purposes of rural worker’s dwellings within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 is not recommended, given that the new provisions to allow detached dual occupancies within Zone RU2 Rural Landscape fulfils a similar role and any additional development of this nature would place further pressure on the significant biodiversity value of the LGA and result in additional land use conflict.

It is however recommended that Council investigate incentives (i.e. reduced development contributions) for detached dual occupancies on land within Zone RU2 Rural Landscape that are less than 60m² (to reflect similar incentives offered for secondary dwellings on land within a residential zone). Such incentives will assist rural landowners to age in place by housing family members and/or workers on the land.

There are a number of rural holdings within the Coffs Harbour LGA for which a dwelling is not permissible due to the legal process for which the allotments were created. Council should undertake a dwelling permissibility study for land within Zone RU2 Rural Landscape to ascertain suitable lots for a dwelling that currently do not have such opportunity. This study would provide certainty for the community when purchasing rural land and will assist in supporting the diversity of housing in rural areas.

Actions

- Investigate incentives (i.e. reduced development contributions) for detached dual occupancies on rural land.
- Undertake a dwelling permissibility study within Zone RU2 Rural Landscape to ascertain suitable lots for a dwelling that currently do not have such opportunity.
- Amend Coffs Harbour LEP 2013 to facilitate the outcomes of the dwelling

permissibility study (if required) relating to Zone RU2 Rural Landscape.

- Investigate a new local clause for inclusion in Coffs Harbour LEP 2013 to address boundary adjustment issues in rural zones.

Policy Direction 4: Avoid and manage land use conflict

The presence of agriculture and non-agricultural land uses proximate to each other can generate conflict due to their incompatibility. This direction addresses the importance of balancing the expectations of residents living within a rural community with the need to maintain a viable agricultural sector.

In recent decades, continual pressure to change land uses and develop rural land for urban, rural lifestyle, large lot residential and intensive plant agricultural uses has seen an increase in land use conflict and uncertainty about the future of rural land use in the LGA. The community has highlighted the importance of ensuring that residents in rural areas understand and respect the right of a farmer to farm (refer Table 5.3). Conversely, the good neighbour philosophy works both ways and where agricultural practices may cause conflict, there should be consideration given to the time of day that these practises are undertaken to reduce those impacts on nearby residents.

Significant issues of conflict have been raised by the community in relation to intensive plant agriculture. Impacts from this use relate to poor waste management; high water use; reduced water quality and soil contamination from inappropriate use and storage of chemicals, fertilisers, and pesticides; adverse visual impacts; unauthorised clearing of native vegetation; inadequate workers' accommodation and amenities; inadequate traffic and parking measures; spray drift (human health impacts); impact on drinking water catchments; poor design and location of farm infrastructure (i.e. dams); and impacts on cultural heritage values.

The erection of netting is a common farm management practice to protect crops from bird and hail damage. Whilst this is an important management practice, it can significantly impact on the visual amenity of a locality or impact on individual properties. In some situations, netting can significantly impact view corridors.

Despite the fact that many agricultural land uses within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 currently do not require approval from Council, recent clarification of the planning framework indicates that the erection of netting structures associated with agriculture on such land does in fact require development consent (i.e. approval from Council) if the standards of State Environmental Planning Policy (Exempt and Complying Development Codes) (Codes SEPP) 2008 are not met.

Table 5.3 NSW Right to Farm Policy

<p>The NSW Government has developed a comprehensive, state-wide approach to deal with the issue of right to farm. The Right to Farm policy brings together a collection of actions including:</p> <ul style="list-style-type: none"> • reinforcing rights and responsibilities • establishing a baseline and ongoing monitoring and evaluation of land use conflicts • strengthening land use planning • ensuring ongoing reviews of relevant environmental planning instruments include consideration of options to ensure best land use outcomes and to minimise conflicts • improving education and awareness on management of land use conflicts • considering potential future legislative options, should additional Government intervention be required. 	<p>On 21 November 2019 the <i>Right to Farm Act 2019</i> commenced. This Act prevents an action for the tort of nuisance being brought in relation to a commercial agricultural activity where it is occurring lawfully on agricultural land and to require a court to consider alternative orders to remedy a commercial agricultural activity that is found to constitute a nuisance rather than order the activity to cease.</p> <p>Source: http://www.dpi.nsw.gov.au/agriculture/lup/legislation-and-policy/right-to-farm-policy</p>
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This enables low impact netting structures (associated with agriculture) to be erected without the need for approval, provided that the development standards are met. Netting that does not meet the standards within the Codes SEPP needs to be approved via the development application pathway.

As part of this approval process for netting, Council has the ability to require adequate disposal of netting and infrastructure post production.

Recent clarification of the planning framework has also identified that farm dams ('water storage facilities') also require development consent (i.e. approval from Council) on land within Zone RU2 Rural Landscape. Council should provide **exempt provisions** for 'water storage facilities' (dams) on rural land to enable low impact dams to be constructed without the need for any Council approval. Requiring consent for high impact dams would ensure that they are appropriately designed and located to minimise land use conflicts and environmental impacts.

Managing existing land use conflicts can be difficult, and planning to avoid or mitigate impacts should be a priority, potentially at the new use's establishment stage. Taking development applications would enable Council to play a stronger role in minimising land use conflicts in rural areas.

Recently, some levels of government have introduced a planning principle known as the 'agent of change' to mitigate impacts of development on adjacent established uses. The 'agent of change' principle assumes that a person or business (i.e. the agent) introducing a new land use is responsible for managing the impact of that change (such as noise). Therefore development proposals should take into account the existing uses when locating/designing a new development, and where necessary, mitigate potential impacts and nuisances from existing neighbouring properties.

Recent studies have confirmed that, in most instances, when intensive plant agricultural uses were established after neighbouring dwellings were constructed, the voluntary recommended buffer (250 metres)⁷ was not implemented as part of the intensive plant agriculture use. This demonstrates that the voluntary guidelines are not being adhered to.

One option to ensure that suitable buffers are implemented as part of intensive plant agricultural uses is for Council to require development consent for Intensive Plant Agriculture in Zone RU2 Rural Landscape, in conjunction with exempt provisions. This option could provide greater certainty for both industry and the community regarding the application of appropriate mitigation measures (refer to Chapter 5 Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures), which outlines various mitigation measures for intensive plant agriculture.

Council should also investigate the inclusion of a scenic character and landscape values overlay within Council's local planning controls. This will assist in protecting important views and scenic character in rural areas.

At present, the current land use zones within Coffs Harbour LEP 2013 do not differentiate or identify areas suitable for intensive plant agriculture from less intensive and extensive agriculture. It is considered that use of alternative zoning could also support minimising land use conflicts (refer to Policy Direction 1 for the discussion on an important agricultural mapping project).

Actions

- Educate the community about the New South Wales Right to Farm Policy.
- Identify important agricultural land within the Coffs Harbour LGA to inform the potential introduction of additional rural zones to protect important agricultural land.
- Amend Coffs Harbour LEP 2013 to **include exempt provisions** for 'water storage facilities' (dams) within Zone RU2 Rural Landscape.
- Investigate the inclusion of a scenic character and landscape values overlay within Council's local planning controls.
- Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate education, communications and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses.

Policy Direction 5: Informed and supportive rural community

This direction addresses the importance of education and communication in creating resilient communities.

Community workshops held during the development of the Rural Lands chapter identified a clear lack of understanding about the role and importance of the agricultural sector in the LGA. Further, it highlighted a general misunderstanding about policy and practices applicable to rural land including water regulation and Office of Water Farm Dams Policy, current land clearing controls, general rural industry practices and chemical use. These issues can be addressed through improved communication between Council, state agencies, industry and the community.

Given that a high proportion of seasonal workers are international visitors with English as a second language, ensuring that they are sufficiently educated and informed about cultural differences, and safety matters, is important.

Actions

- Work with the NSW Department of Primary Industries to support rural communities by providing information and resources about local farming and agricultural practices.
- Monitor the effectiveness of Council's Community Participation and Engagement Plan in improving Council's engagement with its rural community and undertake amendments if necessary.

⁷ Living and Working in Rural Areas Handbook. NSW Department of Primary Industries. 2007.

5.5.3 The Rural Environment

In recognising the significant biodiversity value of the Coffs Harbour LGA, it is important to undertake broad-scale strategic analysis of existing planning controls for rural lands to ensure that they are achieving their original intended purpose and whether updates are necessary.

OVERVIEW

This theme deals with the importance of protecting the environment within the rural context. The Coffs Harbour LGA is a biologically diverse region, creating biophysical constraints to development in rural areas. The aesthetic appeal of the area and the value put on this by both residents and visitors cannot be understated.

Land use policy needs to be responsive to the biodiversity value of the Coffs Harbour LGA, yet the rural lands review process has identified that the existing land use planning framework at a local, regional and state level is not adequately performing this role. Council's local planning controls currently utilise environmental protection zones, and environmental overlays with associated local provisions addressing terrestrial biodiversity, riparian corridors, koala habitat and acid sulfate soils to protect and maintain the biodiversity value of the LGA.

The *North Coast Regional Plan 2036* focuses on the delivery of sustainable land use that will protect the biodiversity value of the region and directs growth to locations that do not compromise the natural environment. It maps areas with high environmental values to inform Council's planning strategies and statutory controls, and provides a tool for biodiversity offsetting. This Plan also recognises the importance of aquatic habitats and freshwater catchments to ecosystem health and the need

to support these by managing water quality in accordance with the agreed environmental values and long-term goals set out in the NSW Water Quality and River Flow Objectives.⁸

There is a role for all levels of government, industry and the community in ensuring that development within the rural context is located appropriately to limit adverse impacts on biodiversity, coastal and aquatic habitats, and water catchments to protect the environmental values of the area.

Policy Direction 6: Protect environmental values and address threats

The North Coast of NSW is one of Australia's most diverse regions. Coffs Harbour supports biodiversity that has local, regional and national significance. A significant proportion of the LGA is covered by native vegetation in National Parks and Nature Reserves, Forestry and private land. The conservation of biodiversity and the aesthetic appeal of the Coffs Harbour rural area is an attribute that is highly valued by residents and visitors.

In early 2019, Council undertook extensive community consultation using the Place Score place-making tool. This 'place experience' measurement tool enabled residents and visitors within the Coffs Harbour LGA to share what they most value in their neighbourhood and then enabled them to rate how their neighbourhood was performing against such values.

Coffs Harbour received a Place Score of 65, which is below the NSW average of 72 for liveability. The strengths for Coffs Harbour identified by the community were the elements of the natural environment; and locally owned and operated businesses.

The top five liveability improvement priorities identified for Coffs Harbour by the community included protection of the natural environment. It is for this reason, that Council must ensure that its local planning controls are adequately protecting the natural environmental values within its LGA.

⁸ <http://www.environment.nsw.gov.au/ieo/>





Coffs Harbour LEP 2013 includes Zone E2 Environment Conservation and Zone E3 Environmental Management. Within these zones, extensive agriculture (which includes the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes; the grazing of livestock; bee keeping and pastured-based dairies) are permissible without consent (i.e. no approval required from Council); whilst intensive plant agriculture (cultivation of irrigated crops; horticulture; turf farming; and viticulture) is prohibited.

Typically applying to riparian corridors, vegetated land and areas of high biodiversity value, the accuracy of Zone E2 Environment Conservation continues to cause concern within the community due to the historic methodology underpinning the application of this zone and the manner in which the zone was conceived from previous planning instruments.

The NSW Department of Planning, Industry and Environment through the Standard Instrument LEP and Practice Note PN 09-002, provides a range of environmental zones that can be considered for use within Council's LEP (refer Table 5.4). The *North Coast*

Regional Plan 2036 addresses the need to maintain biological diversity in the region and includes a map identifying land with high environmental values which is required to be used as a guide in relation to the application of environmental zones within Council's LEP.

Given that the mapping within the *North Coast Regional Plan 2036* was developed at a regional scale, the NSW Department of Planning, Industry and Environment is supportive of the use of Council's fine scale vegetation mapping that was developed from 2010-2012 to inform environmental zones within the Coffs Harbour LGA.

A review and update of Council's environmental zones is required to address the communities concerns in relation to the accuracy of Zone E2 Environment Conservation and to ensure that biodiversity values are protected for future generations. It is equally important to acknowledge and conserve the rich Aboriginal cultural heritage within the Coffs Harbour LGA. A robust process for the management of Aboriginal cultural heritage is required to avoid and mitigate impacts on such values.

Table 5.4 Summary of Environmental Zones

E2 Environmental Conservation

This zone is generally intended to protect land that has high conservation values outside the national parks and nature reserve system. The use of this zone needs to be justified by appropriate evaluation of the area in terms of meeting the core zone objectives of having high ecological, scientific, cultural or aesthetic values. A number of land uses considered to be inappropriate for this zone have been mandated as prohibited uses. It is anticipated that many councils will generally have limited areas displaying the characteristics suitable for the application of the E2 zone. Areas where a broader range of uses is required (whilst retaining environmental protection) may be more appropriately zoned E3 Environmental Management.

E3 Environmental Management

This zone is generally intended to be applied to land that has special

ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards. A limited range of development including 'dwelling houses' could be permitted. This zone might also be suitable as a transition between areas of high conservation value and other more intensive land uses such as rural or residential.

E4 Environmental Living

This zone is generally intended for land with special environmental or scenic values, and accommodates low impact residential development. This zone may be applicable to areas with existing residential development in a rural setting, which still has some special conservation values. Where lands have higher conservation values, with more restrictive land use permissibility, an E2 or E3 zone may be more suitable than E4 zone.

Source: Department of Planning and Environment
Planning Practice Note PN 09-002

THREATS

During the rural lands review process, a number of threats to the biodiversity value of the Coffs Harbour LGA were identified. These threats include private native forestry, unauthorised clearing of native vegetation, weeds and pests, intensive plant agriculture, agricultural runoff into waterways and the Solitary Islands Marine Park, impacts on drinking water catchments and bushfire.

Private Native Forestry

Private native forestry occurs within the Coffs Harbour LGA and is the management of native vegetation on private land for sustainable logging and timber production (see Appendix B – Private Native Forestry). The 2016 Regional State of the Environment Report identified private native forestry as a significant threat to biodiversity, therefore such land use is likely to be impacting on biodiversity within the Coffs Harbour LGA.

As a result of recent reforms to biodiversity legislation within NSW, private native forestry is now administered by Local Land Services who are responsible for issuing approvals. An unintentional consequence of such reforms is the requirement to also obtain approval from Council, as Forestry is permissible only with consent on land within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013.

Addressing this inconsistency by an amendment to Council's LEP will simplify the approval process for the community in conjunction with a review of the Coffs Harbour Koala Plan of Management (to ensure that Core Koala Habitat is protected as part of any approval issued by Local Land Services).

Unauthorised Clearing of Native Vegetation

Unauthorised clearing of native vegetation has been flagged as a concern by the community, as has the complexities of land use policy around approvals for the clearing of native vegetation on rural land. Analysis of 2018 aerial photography by Council has revealed that vegetated areas on land within Zone E2 Environmental Conservation under Coffs

Harbour LEP 2013 has reduced by 82 hectares since 1996. While not all of this clearing is unauthorised, it is noted that horticulture has established in many of these cleared areas and investigations are continuing in relation to this matter.

The NSW government has also undertaken a comparison of 2009, 2014 and 2018 aerial imagery and has advised that approximately 180 hectares of vegetation has been cleared between 2009 and 2018 for intensive plant agriculture expansion. They have found that most clearing events are small but numerous, with the largest single clearing event being 13.5 hectares. It is not possible at this stage to determine the legality of each clearing event. The cumulative impact of clearing events is also difficult to quantify, but vegetation mapping indicates that of the 180 hectares cleared, 5.4 hectares of Endangered Ecological Communities and 15 hectares of Key Habitat has been cleared for intensive plant agriculture expansion.

The introduction of the Biodiversity Conservation Act 2016 and associated amendments to the Local Land Services Act 2013 in August 2017 confirmed that the regulation of clearing native vegetation in rural zones sits with Local Land Services, whilst Council retains the responsibility for the management of biodiversity on land within residential and environmental zones under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. The NSW Environment Protection Authority maintains responsibility for compliance enforcement on land within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013.

Communication and education on such legislative changes is necessary so that the community has a better understanding of the rules around the clearing of native vegetation. It is also important that compliance action is undertaken for any unauthorised clearing of native vegetation by both Council (within Zone E2 Environmental Conservation and Zone E3 Environmental Management) and by the NSW Environment Protection Authority (within Zone RU2 Rural Landscape), particularly that sound baseline data is now available.

Weeds and Pests

Weeds and pests are a major threat to the natural environment and can change the natural diversity and balance of ecological communities. These changes threaten the survival of many plants and animals due to the competition for space, habitat, food, nutrients and sunlight.

Almost all of Australia's native vegetation communities have been invaded, or are vulnerable to invasion by weeds and pests that could result in changes to the structure, species composition, fire frequency and health of the natural environment. In addition, weeds and pests impact on farm and forest productivity, invade crops, smother pastures and can harm livestock.

Land and water managers incur material and labour costs to control weeds and pests that are then passed on to the community through higher prices for produce. Weeds and Pests are managed under the *Biosecurity Act 2015*. Whilst administered by Local Land Services, collaboration is required between all land managers for pest management to be effective. As the Local Control Authority for weeds, Council plays a significant role in biosecurity and has an important role to play in engaging local communities and managing public lands.

Intensive Plant Agriculture

Land use conflict associated with intensive plant agriculture was one of the most significant issues identified as part of the rural lands review process. One hundred and five submissions made to draft Chapter 5 – Rural Lands of the Coffs Harbour Local Growth Management Strategy and Discussion Paper: Intensive Plant Agriculture identified significant environmental impacts associated with this land use and supported regulation of this land use by Council through a development application pathway. Thirty-three submissions recommended improved compliance and regulation of this land use by State Agencies with a statutory role in this space.

Potential impacts on biodiversity within the Coffs Harbour LGA from intensive plant agriculture are discussed in Appendix A – Issues & Mitigation Measures - Intensive Plant Agriculture.

Due to the significance of land use conflict associated with intensive plant agriculture in the Coffs Harbour LGA, a number of studies and investigations have been undertaken to obtain factual data on the impacts associated with this land use.

Water Quality Studies

Bucca Bucca Creek & Hearnese Lake

The Southern Cross University's School of Environment, Science and Engineering received funding under Coffs Harbour City Council's Environmental Levy program to undertake investigations into the causes of declining water quality in rural catchments and to understand the influence of intensive plant agriculture on regional water quality.

Many coastal catchments in this region are part of the Solitary Islands Marine Park and are occupied by intensive plant agriculture (mostly blueberry farms but also some hothouse horticulture i.e. cucumbers). The studies performed water quality investigations in creeks within the Bucca Bucca Creek catchment, a tributary of the Orara River in the Clarence catchment, and Double Crossing Creek, a tributary of Hearnese Lake, which is part of the Solitary Islands Marine Park.

As an intensive plant agricultural industry, blueberries require a range of nutrients applied through fertigation (fertiliser). Some of the fertiliser may escape farms and enter nearby waterways creating high nutrient levels. Possible nutrient sources to creeks include horticultural fertiliser runoff, sewage, groundwater seepage, geologic erosion, atmospheric deposition, detritus decomposition and other environmental factors.

The Bucca Bucca Creek water quality study sampled eight blueberry farms and eight nearby control sites without blueberry activity. Water sampling was conducted on eleven occasions between 7 February and 7 May 2017, covering a wide range of weather conditions, including three rain events greater than 90mm per day, producing flooding at the sample sites. There was a significant difference in nutrients between sites downstream of blueberry farms and control sites, primarily after rain, with surface water run-off the primary source rather than groundwater.

The study showed that 24% of nutrient samples downstream of blueberries were between 50 and 800 fold higher than the Australia and New Zealand Environment and Conservation Council [ANZECC] trigger values (the recommended levels for waterways), primarily after rain. The highest nutrient levels were measured when surface runoff increased with heavy rain after a period of dry weather. Concentrations of nitrogen in creeks increased as the area under intensive plant agriculture increased. Estimates indicate up to 25% of applied fertilizer may be lost to the creeks.

Water quality in Hearnese Lake was monitored at Double Crossing Creek, the Lake's main tributary, with a continuous monitoring site set up to sample water for nutrients and the greenhouse gas nitrous oxide [N₂O]. Daily sampling was undertaken between 27 January and 3 April 2018. Three rain events over 50mm were captured. Overall, the results for Hearnese Lake revealed significant nutrient loads and large nitrous oxide gas emissions to the atmosphere consistent with the transport of nutrients from fertilised soils upstream.

The highest nutrient sample was 100 fold greater than the ANZECC trigger value; 55% of nutrient samples were at least 50 fold greater than the ANZECC trigger values; and nutrient loads in rain were 695 fold greater than in the dry period. These nutrient loads were amongst the highest reported for catchments on the East Coast of Australia, and similar to loads in rivers throughout China, Europe and India with strong agricultural or urban influences. Nutrient loads in Double Crossing Creek reflected the fertiliser intensive land uses upstream and subsequent runoff during rain events.

A sediment chemistry study of Hearnese Lake was also conducted. It took three dated sediment cores and seventeen surface sediment samples in Hearnese Lake and Double Crossing Creek to assess possible historical contamination related to agricultural activities. Results established a clear link between the sediment phosphorous profile and recent agricultural expansion. Phosphorus enrichment increased by nine-fold and sediment fluxes by over fortyfold during the expansion of blueberry cultivation within the catchment since 2002.

Additionally, the dating of sediment cores revealed that higher sedimentation values occurred after 2004 likely due to increased sediment deposition during the changeover in land use from bananas to blueberries. The high phosphorus levels can potentially contribute to eutrophication (excess nutrients in water leading to algal blooms and very low oxygen) and decreased water quality. No heavy metal levels were of concern in the sediments other than two sites with levels of arsenic perhaps from past land uses or from soil erosion.

All three studies found that there was a clear link between intensive plant agriculture, nitrogen runoff and increased sediment loads in streams. All studies recommended improved management of agricultural run-off, sediment erosion and fertilizer use to prevent environmental changes in downstream waterways, including the Solitary Islands Marine Park, ideally on a site-by-site basis. The final report for Bucca Bucca Creek was received by Council in January 2018 and for Hearnese Lake in July 2018. Further research is continuing, including work into other possible contributions of nutrients and heavy metals.

Spray Drift Study

Council in collaboration with Mid North Coast Local Health District and with involvement from NSW Environment Protection Authority conducted an assessment of private drinking water tanks in proximity to intensive plant agriculture⁹. This was in response to increasing complaints from residents alleging pesticide spray drift and concern with potential health issues.

Spray drift is defined by the Australian Pesticides and Veterinary Medicines Authority (APVMA) as the movement of spray droplets of a pesticide outside of the application site during or shortly after application. Pesticides include agricultural chemicals such as herbicides, fungicides, miticides, rodenticides and insecticides.

The study's aim was to determine whether pesticides were detectable in drinking water tanks adjoining intensive plant agricultural operations. Water from twenty-three private rainwater tanks was sampled for pesticides between November 2017 and June 2019, with

⁹ Assessment of Drinking Water Tanks in Close Proximity to Intensive Plant Agriculture in the Coffs Harbour Local Government Area 2017-2019. Coffs Harbour City Council and Mid North Coast Local Health District November 2019.

seventy-one samples collected in total. Samples were collected from drinking water tanks supplied from the roof catchment of dwellings in close proximity to intensive plant agriculture.

The sampling followed a defined sample collection protocol with the water samples sent to the NSW Health Forensic and Analytical Science Service laboratory for analysis. All sample sites were in close proximity to operational intensive plant agriculture properties, and ranged from being within 16m to 280m of an active intensive plant agriculture property.

Results of the Spray Drift study:

- Detected six different agricultural pesticides in ten of the seventy-one rainwater tank samples (14%) from six different rainwater tanks.
- Showed that all levels of detected pesticides were below the Australian Drinking Water Guideline values (or an international equivalent where there was no ADWG guideline value), so all water tested was considered safe for human consumption.
- Detected the presence of pesticides in private rain water tanks which may indicate that off-site movement is occurring. However, further studies would be required to validate the source of the pesticides detected.

The six pesticides detected were Boscalid (a fungicide), Carbendazim (a fungicide), Diuron (a herbicide), Metolachlor (a herbicide), Propiconazole (a fungicide) and Terbutryn (a herbicide). An additional five pesticides were identified at trace levels so cannot be quantified but were confirmed as present (Atrazine, Chlorpyrifos ethyl, Endrin, Ethylene Thionurea (ETU – a derivative of the fungicide Mancozeb), and Glyphosate. Endrin has been banned in Australia since 1987.

Residential pesticide use was not considered to be a potential source of the detections at any of the sample sites, as five of the six pesticides detected are not approved for home or domestic use, are not used in household pest control treatments, there were no observed chemical containers with these products at the sites, and none of the products were described as being used by the residents.

The detection in private rainwater supplies of six agricultural pesticides

from 26% of the 23 sampled rainwater tanks suggests that off-site movement of pesticides may be occurring in the Coffs Harbour LGA. The pesticides detected are predominately for commercial use on farms and crops associated with intensive plant agriculture operations. All pesticide detections were referred to the NSW EPA as the responsible authority for pesticide complaints.

Of the six pesticides identified in private drinking water supplies, four are not approved by the APVMA for use on the current crop grown at the nearest or adjacent intensive plant agriculture operation to the site at which they were found (APVMA 2019b). Consequently, further investigation as to the source and use of these pesticides is needed, noting that the study's focus was water in rainwater tanks (thus it did not sample soil, air or surfaces for pesticides). As a management option, it is important to note that filtration for water tanks is not designed to remove pesticides, some tanks with detections were only two to three years old, and many were full at the time of sampling (i.e. dilution is a factor).

Given that Council does not currently require development consent for intensive plant agriculture on land that is within zone RU2 Rural Landscape under Coffs Harbour LEP 2013, there is no legal requirement for provision of buffer zones or separation distances. NSW Department of Primary Industries (DPI) recommends a 250m separation distance (or buffer zone) between outdoor horticulture, protected cropping (greenhouses) and sensitive receptors (schools, residences, care facilities) in its Living and Working in Rural Areas Handbook 2007 (DPI 2007), however these distances are not enforceable.

In this study, ten of the thirteen intensive plant agriculture properties were described as being established since 2010, converting from grazing land to intensive plant agriculture, however no buffer zones were observed at these properties. All intensive plant agriculture operations were located less than the DPI's recommended 250m separation distance from the sensitive receptor. In the absence of any legally required separation distances or buffer zones in NSW or the Coffs Harbour LGA, intensive plant agriculture can be, and has been, established on rural zoned land in close proximity to dwellings and other sensitive receptors.



Stronger regulation should be considered in relation to land use planning and proximity of intensive plant agriculture to sensitive receptors, such as schools and private dwellings if spray drift from ground spraying is confirmed through further studies.

Soil & Biota Studies

Soil Chemistry on Intensive Horticulture Sites in Association with Dam Sediments.

Southern Cross University Researchers conducted preliminary tests on the soil quality of three blueberry farms in the Coffs Harbour local government area through funding from Council's Environmental Levy program. Two of the farms studied were from the coastal area near Sandy Beach, while the third farm studied was inland behind the mountains near Bucca Bucca Creek.

Soil and sediment core samples were taken based on predictions of where residues of commonly used farm chemicals might be found such as chemical storage and mixing areas. Terrestrial soil cores were also taken from the blueberry field, where the chemicals are often applied.

While farm chemicals are typically applied to the blueberries on land, these chemicals can be mobilised in water with rainfall or irrigation. Dams act as collection basins for water, meaning they might 'catch' some farm chemicals as they runoff during wet events. Sediment cores were also taken from dams at each farm for this study.

After collecting cores, specific chemicals were analysed to look for fertiliser nutrients and trace metals on all sediment cores. Trace metals can come from treatment products like fungicides or insecticides, but also exist as impurities in fertiliser products. In addition, many different classes of pesticides were analysed, including organochlorines, organophosphates, fungicides, herbicides, and other insecticides in the terrestrial soil cores.

Once the analysis was completed, a comparison of the levels of trace metals and nutrients was undertaken with well-established environmental standards from Australia and other countries. These standards, or 'soil quality guidelines' (SQG) allow researchers to know which specific elements may be an issue for soil biota living in the dirt or nearby waterways. The results indicate that a site in Sandy Beach, which had previously been used as a banana farm for many years, has high levels of arsenic (As). The high levels of As are likely to be a result of many years of using pesticides which contain As for banana cultivation.

Each of the three sites had core subsamples which exceeded the SQG for the fertiliser nutrient phosphorus (P). Phosphorus binds to soil particles, thus it's build up in the soil is quite natural. Repeated fertiliser applications, especially over many years of farming, like in the Sandy Beach sites, will lead to high levels of P in the soils.

At the bottom of the dam core at a Sandy Beach farm, high levels of mercury (Hg) was found. Mercury can be very toxic

to fish and other organisms, and can biomagnify up levels of the food chain. The sediment core profile (the vertical distribution of Hg along sediment depth), showed that most of the Hg is buried towards the bottom of the sediment core profile. Typically, Mercury that is deposited in deep sediments stays there, unless it is dug up or disturbed.

Ninety-seven different types of pesticides were surveyed and nine were found. The Bucca Bucca site was found to have the most pesticides in the chemical mixing shed and growing area, and several fungicides. Inland areas, which don't receive a sea breeze, have different fungal issues than coastal farms. This could be the reason for the detection of more fungicides in the soils at Bucca Bucca. Another fungicide was found at all three farms, implying its use is widespread in the area.

While a few pesticide residues (likely from previous banana farming) were found, none of the highly toxic organochlorines (such as DDT, Dieldrin and Endrin) were identified. Of the pesticides that were found, it is unknown what will happen to them. Some pesticides can be broken down quickly with light exposure and by soil bacteria. Other pesticides can tightly bind to soil organic material particles and may remain in the soil for a long time, albeit in a form which is unavailable to soil biota. Some pesticides can remain dissolved in water, and may runoff in groundwater after rain events.

This study was a baseline study, to investigate potential contaminants which may be coming from a new farming industry in the region. More research is



needed to determine the broader effects of chemicals from farming in the Coffs Harbour region and to determine if land uses for intensive plant agriculture (other than bananas which are already mapped) require consideration under State Environmental Planning Policy No 55 - Remediation of Land.

Investigating Trace Metal Transport Mechanisms Along an Intensive Horticultural Catchment

Through funding from the Coffs Harbour Environmental Levy program, Southern Cross University Researchers conducted water quality monitoring in Double Crossing Creek, a tributary of Hearnese Lake estuary and the Solitary Islands Marine Park (SIMP), to assess the influence of upstream horticulture on water quality.

The sampling site in Double Crossing Creek has many different farms upstream, from bananas and blueberries, and hothouses that grow cucumbers and tomatoes. On these industrial scale farms, chemicals such as fertilizers, fungicides, herbicides, and others are often applied. These treatment products often contain trace metal impurities such as trace amounts of mercury, cadmium, or zinc. Fungicides can contain zinc and copper to combat unwanted fungal growth. These chemicals accumulate in farm soils during dry times. When rainfall events occur, these chemicals can be washed away from the shallow soils and enter nearby waterways.

This study focused on the dissolved trace metal flow in creek waters draining the studied catchment. Samples were taken once a day until rainfall occurred. In order to observe chemical runoff from the rapid soil flushing upstream, water samples were taken from Double Crossing Creek every one to three hours during times of heavy rainfall. One hundred and seven samples were taken over sixty-six days in the summer of 2018.

Trace metals mercury, zinc, copper, and manganese exceeded the Australia/New Zealand Environment and Conservation Council Water Quality Guidelines (ANZECC WQG) in more than 20% of sampling events. Concentrations were found to be elevated after rain events greater than fifty millimeters in a day. Concentrations over the guidelines could

mean that these metals are negatively affecting the aquatic organisms in Double Crossing Creek, and even further downstream in the Solitary Islands Marine Park.

When heavy rains occur, dissolved metals in Double Crossing Creek not only become more concentrated, but the water volume in the creek increases by orders of magnitude, meaning the total amounts of trace metals, or the metal 'loading' in the creek increase significantly. As the soils flush during the rain, the metals that have accumulated during the dry periods are exported to Hearnese Lake and potentially the coastal ocean.

Hearnese Lake is an estuary known as an intermittently open/closed lagoon lake (ICOLL) of which is not always connected to ocean. During dry times, a sandbank prevents the water in Hearnese Lake from flowing to the coastal ocean. When there is sufficient rainfall, the lake can fill up, spilling over the sandbank and draining rapidly to the coastal ocean.

In the first big rain event of the monitoring, Hearnese Lake began to drain to the ocean. Hearnese Lake remained open to the ocean for the remainder of the time series measurements. The estuary being open may have distinct implications when considering the fate of metals being washed down Double Crossing Creek. The results indicated that many metals (for example aluminium, lead, zinc, and copper) followed rainfall patterns. Basically, the bigger the rain event, the higher the concentrations and subsequent export rates. Mercury was one exception to this pattern. Within 72 hours of the ICOLL bursting, 79 % of total estimated upstream mercury catchment export occurred. This may mean that the mercury is being exported to the Solitary Islands Marine Park as Hearnese Lake rapidly drains. It is likely that Mercury behaved differently due to its chemical properties. At approximately 25° C, mercury can volatilise into the atmosphere, becoming a vapour. It may be that mercury is accumulating in the atmosphere during dry times, where it then falls out and washes into the creek during major rain events.

The study did not test what happens to the metals after they pass the sample site. To help understand what the fate of metals may be as they enter Hearnese

Lake estuary, the catchment export rates was compared to metal sediment burial rates from previous research within Hearnese Lake. Estuaries act as natural sediment traps, and can prevent inputs from upstream from reaching the coastal ocean. The comparison indicated that the export rate of many metals which like to bind to soil particles (for example aluminium, lead, and copper) are similar to estuary sediment burial rates. This means the muds on the bottom of Hearnese Lake might be efficiently taking up large portions of the waterborne metals entering Hearnese Lake, preventing them from reaching the coastal ocean.

In contrast, the comparison revealed that other metals that typically remain dissolved in solution (such as mercury and cadmium) are being exported into the estuary at greater rates than they are being buried by sediments. This means that these specific metals could be exported to the coastal ocean and Solitary Islands Marine Park when the ICOLL is open. This result was only a comparison based off of previous data. The study did not measure the oceanic export of any trace metals. Therefore, the exact fate of such metals is still unknown. For example, these metals could be buried in oceanic sediments, or taken up by biota.

Environmental Compliance Issues

While the studies and investigations discussed in relation to intensive plant agriculture demonstrate a link between elevated nitrogen levels and intensive plant agriculture practices, there remains little Council can do while the land use itself falls outside a local statutory approval process.

The *Protection of Environment Operations Act 1997* provides Council with the legislative framework for compliance action for matters that may or are causing adverse environmental outcomes. The evidence required to prove that this type of matter is polluting can be very difficult and onerous for Council in terms of obtaining the evidence needed to prosecute.

The impacts associated with a high nutrient load entering the water ways is concerning, however it is important to note that this is only one of a number of systemic issues associated with intensive



plant agriculture practices that Council is being requested to address. Other problems include:

- poor waste management;
- high water use;
- soil contamination (inappropriate use and storage of chemicals, fertilisers, and pesticides);
- adverse visual impacts;
- unauthorised clearing of native vegetation;
- inadequate workers accommodation and amenities;
- inadequate traffic and parking measures;
- spray drift (human health impacts);
- impacts on drinking water catchments;
- poor design and location of farm infrastructure (i.e. dams); and
- impacts on cultural heritage values.

Council primarily provides a reactionary response to customer requests seeking assistance to address compliance related issues caused by intensive plant agriculture practices. The response given is most often focused on addressing the 'obvious' with a graduated and proportionate response that may include the issue of warnings, prevention and clean-up directions, orders and Penalty Infringement Notices when warranted.

Council endeavours where possible to co-opt the involvement of State agencies for both compliance and education. Efforts to obtain State Agency involvement have been relatively unsuccessful with a number of Agencies being unable to assist due to limited resources. The Natural Resources Access Regulator (NRAR) undertook a compliance project in 2019 to assess compliance with water management laws for ten horticulture farms in Coffs Harbour.

The finding of this project are as follows:

- Six properties with dams larger than harvestable right. Harvestable right exceeded by between 1.6 and 5.9 times for the six properties. Harvestable right exceeded by more than three times for three of the six properties. Three properties with dams that met harvestable right rules.
- Five properties with bore issues, including two properties with bores without any form of authorisation, three bores being used for irrigation without approval at the time of inspection, and one bore connected to a dam that supplies irrigation water without

approval.

- Three properties where approval holders were not complying with approval and water access licence conditions, including not keeping pumping logbooks.
- One or more water compliance issues were observed on each of the ten properties.
- Observed good water management practices including irrigation scheduling, buffers of native vegetation, and water recycling.

NRAR issued statutory directions to rectify the noncompliance. Phase two of the project has commenced and is to focus on harvestable right dams, bores and pumping logbooks. Through ongoing targeted communication and field inspections, NRAR is aiming to increase voluntary compliance with water laws.

The NSW government has also undertaken a comparison of 2009, 2014 and 2018 aerial imagery and has advised that approximately 180 hectares of vegetation has been cleared between 2009 and 2018 for intensive plant agriculture expansion. They have found that most clearing events are small but numerous, with the largest single clearing event being 13.5 hectares. It is not possible at this stage to determine the legality of each clearing event. The cumulative impact of clearing events is also difficult to quantify, but vegetation mapping indicates that of the 180 hectares cleared, 5.4 hectares of Endangered Ecological Communities and 15 hectares of Key Habitat has been cleared for intensive plant agriculture expansion.

Council in collaboration with Southern Cross University should continue to invest in research to identify areas where intensive plant agriculture practices need to be improved in order to ensure the long term sustainability of the industry. While Local Land Services is achieving some success through partnering with targeted farmers to implement improvements to farming practices, much more work is required to address the impacts from this industry. Compliance must be accompanied by a whole of industry approach and direct involvement from the NSW Department of Primary Industries is required to educate and drive best practice.

In the absence of an effective whole of industry approach and increased involvement from the NSW Department of Primary Industries, a local statutory approval process (with exempt provisions) is one option that could assist Council in its compliance by establishing clear requirements that can be enforced.

Agricultural Runoff into the Solitary Islands Marine Park

The steep topography of land in close proximity to the coast has the potential to deliver agricultural run-off directly into waterways and the Solitary Islands Marine Park. Aquatic environments both freshwater and coastal are a significant contribution to biodiversity in Coffs Harbour. Water supports agriculture, rural industry and tourism in Coffs Harbour, and thus maintaining water quality remains an important issue.

The NSW Marine Estate Statewide Threat and Risk Assessment (NSW TARA) August 2017, ranked agricultural diffuse source runoff as the number one threat to estuaries at a statewide level and found that agricultural sources were almost certain to result in major impacts due to elevated nutrients, sediments, potential contaminants and turbidity, and sedimentation. The NSW TARA found that the impacts of these pollution events on community health, safety and enjoyment were likely to relate mostly to decreased opportunities for use.

Development in rural areas needs to be designed and located appropriately to minimise impacts on water quality and the Solitary Islands Marine Park. Although water resources are managed by Water NSW and the NRAR through water sharing plans, smaller land holdings access unregulated water from farm dams.

Introducing a requirement for obtaining consent (approval) for intensive land uses within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions is one option to enable Council to require mitigation measures to be put in place as part of development to prevent agricultural run-off into waterways.

Drinking Water Catchment

There are a number of sources of water for the Coffs Harbour Water Supply. Raw water is pumped from the Orara River at Cochranes Pool, when the quality is good, to fill Karangi Dam. When the water quality is poor no pumping occurs.

The Coffs Harbour Water Supply centres around Karangi Dam, an off-stream storage facility which is filled with raw water from either the Orara River or, via the Regional Water Supply Scheme, the Nymboida River or Shannon Creek Dam. Coffs Harbour City Council worked in partnership with Clarence Valley Council to construct the Regional Water Supply Scheme to provide a safe and secure water supply into the future for our respective communities. The Regional Water Supply Scheme is based on the Nymboida River and Shannon Creek Dam, an off-stream storage facility built near the village of Coutts Crossing in the Clarence Valley Council area.

Regardless of whether the water supplying Coffs Harbour City Council residents comes from the Orara River or the Nymboida River, all of this water comes from the Clarence River catchment, which is one of the biggest river systems on the east coast of Australia.

Protecting the quality of the raw water river sources by controlling land uses within the drinking water catchments, particularly in the areas upstream of the drinking water pump stations and carefully managing the raw water stored in our off stream storage dams, is a vital to ensure a quality drinking water supply.

Whilst Coffs Harbour LEP 2013 contains a local provision designed to protect drinking water catchments within the Coffs Harbour LGA, this clause does not apply to development which is permissible without consent (i.e. intensive plant agriculture within Zone RU2 Rural Landscape).

The findings of the studies and investigations undertaken in relation to the impacts from intensive plant agriculture to date require careful consideration by Council. A review of permissible land uses within Council's drinking water catchment should be undertaken to ensure that they are appropriate. Additional controls should be included within Coffs Harbour Development Control Plan 2015 to

support the intent of Clause 7.5 Drinking Water Catchments under Coffs Harbour LEP 2013 for development that requires approval.

Requiring development consent for intensive plant agriculture within Zone RU2 Rural Landscape in conjunction with exempt provisions, could enable Council to require mitigation measures to be put into place to ensure that the quality of water entering Council's drinking water storage is appropriate. Council should also work with Clarence Valley Council to ensure that appropriate planning controls are put in place to protect the quality of water entering Shannon Creek Dam.

Bushfire

Bushfire threat has always been a major challenge for the Coffs Harbour community and although fire has been a natural part of our landscape, it remains a complex management issue and an ever-present threat. The *Rural Fires Act 1997* requires the preparation and regular review of a Bushfire Prone Land Map that identifies and categorises vegetation within the LGA that has the potential to support bush fire.

The mapping provides the compliance trigger under the *Environmental Planning and Assessment Act 1979* in conjunction with Planning for Bushfire Protection 2006 and is an essential component of the development assessment framework. Regular review of the Bushfire Prone Lands Mapping reduces risk from bushfires to the community and assists in bushfire planning.

MANAGING IMPACTS

Council needs to undertake a number of actions to manage these threats. These are detailed in the actions specified in this section.

Managing Impacts from Intensive Plant Agriculture

To ensure that intensive plant agriculture can thrive sustainably in the Coffs Harbour LGA without significant environmental impacts and in a manner consistent with the broad directions of the *North Coast Regional Plan 2036*, the following measures could be considered.

Require Development Consent with Exemptions

The studies and investigations undertaken to date in relation to the impacts associated with intensive plant agriculture demonstrate that regulation at a local level is required. The community is supportive of this approach as seen in submissions made to draft Chapter 5 – Rural Lands of the Coffs Harbour Local Growth Management Strategy and Discussion Paper: Intensive Plant Agriculture. A number of other NSW Council's require development consent for intensive plant agriculture in recognition of the intensive nature of this land use and potential environmental impacts, and others go so far as prohibiting this land use.

The development application pathway would enable the provision of mitigation measures as part of intensive plant agriculture development such as:

- buffers and setbacks to non-related dwellings;
- access, on-site car parking and delivery areas;
- amenities for staff / workers;
- water licencing;
- drainage, runoff and stormwater management;
- vegetation and cultural heritage management;
- waste management;
- the location of internal infrastructure including farm dams, dwellings, netting, chemical storage areas; and
- the use of property management plans.

Exempt Development

To ensure that intensive plant agriculture can thrive in a sustainable manner within the Coffs Harbour LGA, Council could investigate the inclusion of intensive plant agriculture as exempt development within Coffs Harbour LEP 2013 and/or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

This could allow well designed and low impact intensive plant agriculture development to be undertaken where certain criteria are met without the need for Council's approval. Council should work with relevant industry bodies to determine exempt criteria for intensive plant agriculture within Zone RU2 Rural Landscape that supports the Australian Blueberry Growers Association (ABGA) Code of Conduct and best management practice for other types of intensive plant agriculture. The exempt criteria should at a minimum provide development standards for the following matters:

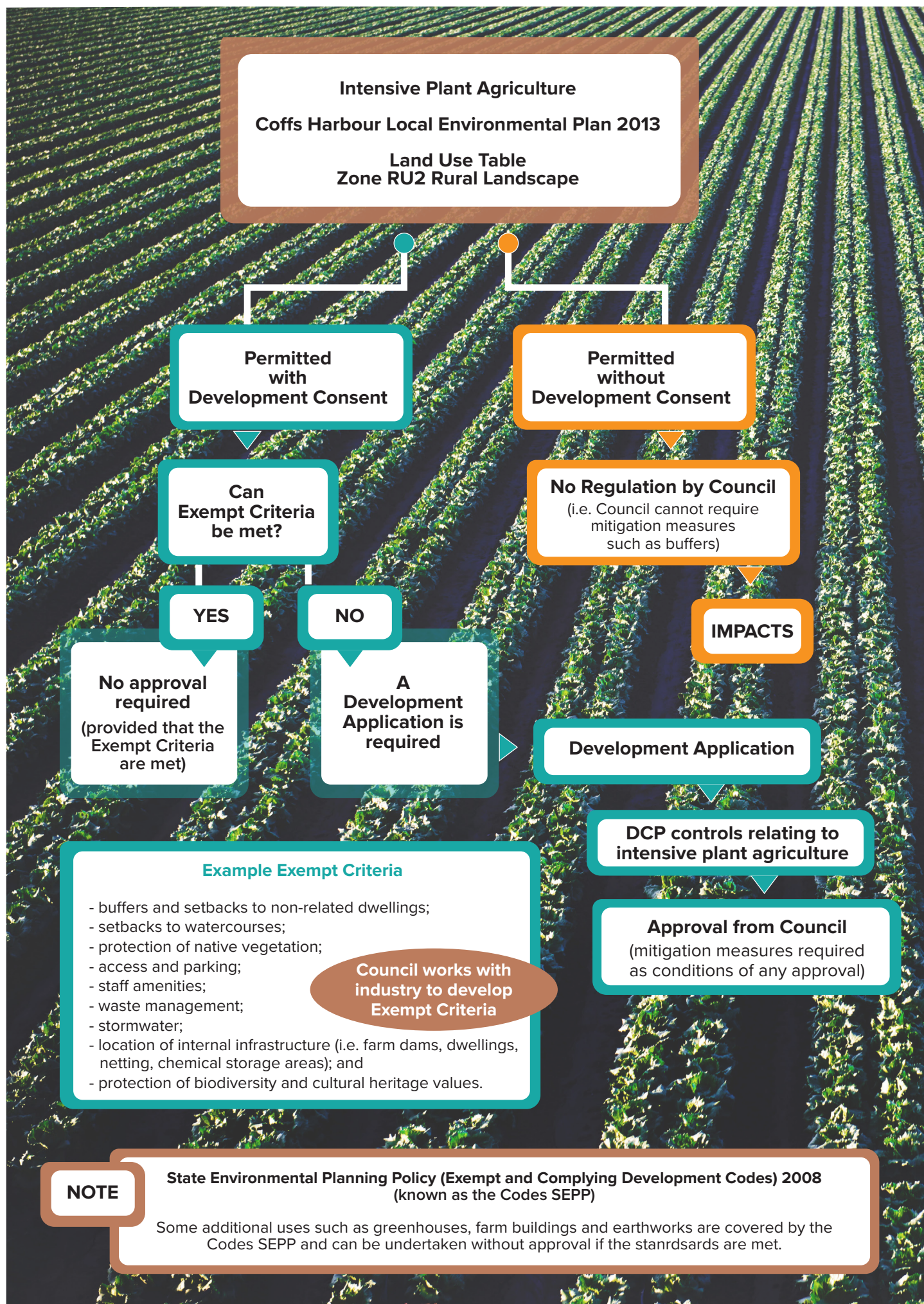
- buffers and setbacks to non-related dwellings;
- setbacks to watercourses;
- protection of native vegetation;
- access and parking;
- staff amenities;
- waste management;
- stormwater;
- location of internal infrastructure (i.e. farm dams, dwellings, netting, chemical storage areas); and
- protection of biodiversity and cultural heritage values.

An example of how this could work is shown in Figure 5.4.

Code of Conduct

The ABGA industry has released the Australian Blueberry Growers Association Code of Conduct as a positive step in providing growers with assistance in understanding the regulatory framework and community expectation in relation to blueberries. This code of conduct relies upon voluntary compliance and there are also independent operators who are not part of the ABGA. There are also a number of other types of intensive plant agriculture for which this code does not apply.

Figure 5.4 - Intensive plant agriculture possible development application pathway





In this regard, Council should engage with and encourage relevant State Agencies to educate the industry, particularly independent operators who are not currently supported by the information networks that are fostering best practice farming techniques. Consideration should also be given to intensive plant agriculture operations that are not specific to blueberries.

There is a further opportunity for Council to provide information and multi-channel communications about a range of rural land uses that may not require development consent, but have other regulatory controls placed on their operations under various legislation. Providing better, user friendly and informative information about rural land use, including horticulture may go part way to dispelling myths and alleviating concerns.

Additional Rural Zones

Council should undertake a longer term mapping project in consultation with relevant State agencies to identify important agricultural land within the Coffs Harbour LGA. The outcomes of this project could inform the potential introduction of additional rural zones to protect important agricultural land (including intensive plant agriculture).

This recommendation supports Action 11.1 of the *North Coast Regional Plan 2036* which requires Council to direct urban and large lot residential development away from important farmland, and to identify locations to support existing and small-lot primary production, such as Horticulture in Coffs Harbour. The land uses within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 should also be reviewed to ensure that the permitted land uses do not result in significant land use conflict issues with rural living.

Actions

- Remove the need for consent for Forestry within Zone RU2 Rural Landscape within Coffs Harbour LEP 2013.
 - Review the Coffs Harbour Koala Plan of Management.
 - Review environmental zones within the Coffs Harbour LGA.
 - Review the Coffs Harbour Bushfire Prone Lands Mapping.
 - Develop an Aboriginal Cultural Heritage Management Plan for the Coffs Harbour LGA.
 - Educate the community about recent legislative changes associated with the clearing of native vegetation.
 - Undertake compliance action for any unauthorised clearing within environmental zones.
 - Encourage the NSW state government to undertake compliance action for any unauthorised clearing of native vegetation within rural zones within Coffs Harbour LGA.
 - Review and amend Council's local planning controls that relate to environmental matters.
 - Collaborate with relevant agencies and land owners to address issues associated with weeds and pests.
 - Investigate if lands used for intensive plant agriculture (other than bananas) require consideration under State Environmental Planning Policy 55 – Remediation of Land.
 - Collaborate with agencies and universities to undertake additional investigations and studies in relation to environmental impacts associated with intensive plant agriculture.
 - Encourage relevant state agencies to educate the intensive plant agriculture industry on best practice farming techniques.
 - Monitor data and trends in complaints to identify land use conflicts and investigate whether it is necessary or possible to develop specific protection for sensitive uses i.e. schools.
 - Identify important agricultural land within the Coffs Harbour LGA to inform the potential introduction of additional rural zones to protect important agricultural land.
 - Encourage government agencies to undertake regulatory compliance checks for water use, storage and disposal on private land within rural areas.
 - Undertake a review of permissible land uses within Council's drinking water catchment to ensure that they are appropriate.
 - Work with Clarence Valley Council to ensure that appropriate planning controls are put in place to protect the quality of water entering Shannon Creek Dam.
 - Collaborate with agencies to assist land owners to manage private land that is identified as high conservation value land (e.g. Orara Valley Restoration and Coffs Jaliigirr Project), and programs through the NSW Government's Biodiversity Conservation Trust.
 - Encourage NSW Environment Protection Authority, NSW Department of Health and NSW Department of Primary Industries to educate, monitor and undertake necessary compliance actions in relation to best practice farming practises, including agri-chemical use, acid sulphate soils, development on steep slopes, erosion control and water use.
 - Encourage NSW Natural Resources Commission to finalise the review of the Coffs Harbour Water Sharing Plan.
-

5.5.4 Rural Governance

Council needs to ensure our planning policies and provisions are legible and transparent to minimise bureaucratic processes. This will assist with rural production by ensuring outcomes are overseen by good governance.

OVERVIEW

This direction seeks to ensure rural production, the rural economy and communities within it, are not burdened by unnecessary red tape and overly complex land use policy and controls.

Policy Direction 7: Clear and transparent policy

The planning framework in NSW is complex. The application of land use policy at the local level needs to be clear and unambiguous.

Feedback from the community highlighted the difficulty in understanding how the current Acts, Regulations and local planning policies fit together. For example, confusion surrounding land clearing became evident as a result of recent reforms to the *Biodiversity Conservation Act 2016* and amended *Local Land Services Act 2013*, which created a dual consent requirement for private native forestry (refer to Chapter 5 Appendix B - Private Native Forestry for more information regarding the dual consent role).

While the language used in legislation can be confronting, Council has an opportunity to draft its own policies, guidelines and local development controls in user friendly language. Further, Council should align strategies, actions and desired land use planning outcomes with the My Coffs Community Strategic Plan. This will be supported by clear actions in response to the community's priorities that can be implemented and monitored over time.

Actions

- Provide policy documents in plain English and provide communications to assist in understanding local planning controls.

5.6 Directions, Actions and Implementation

Table 5.5 presents a range of strategies and actions required to deliver on the policy directions and to support the objective of robust and informed land use planning on non-urban land.

The corresponding *North Coast Regional Plan 2036* goals, directions and actions have been referenced in the table to demonstrate compliance with those particular directions and actions.

It is acknowledged that some of this work has already commenced or is ongoing. Some are straightforward and require minimal time and resources. Others will require significant resources of either Council, the NSW Government or other initiatives such as grant funding. Resourcing processes are as follows:

- Quick Wins (Immediate)
- Short Term Actions (1 to 4 Years)
- Medium to Longer Term Actions (5+Years).

It should be noted that some specific actions will be identified in other land use chapters of this Local Growth Management Strategy (relating to residential, large lot residential, business and employment land uses), where not addressed in Table 5.5.



Table 5.5 LGMS Chapter 5 Actions

GOAL 1: THE MOST STUNNING ENVIRONMENT IN NSW**Direction 2: Enhance Biodiversity, Coastal and Aquatic Habitats, and Water Catchments**

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
2.1 2.2 * MyCoffs C1.2	Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value. Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	High		Review the Coffs Harbour Koala Plan of Management.	
		Med		Collaborate with relevant NSW Government agencies and land owners to address issues associated with weeds and pests.	
		Med		Review and amend Council's local planning controls that relate to environmental matters for development on land within rural zones and environmental zones (i.e. vegetation clearing, acid sulfate soils, steep land, water quality and groundwater).	
		High		Undertake a review of environmental zones within the Coffs Harbour LGA utilising best practice methodology and adequate evidence base.	
		Med		Work with relevant NSW Government agencies to communicate and educate the community about recent legislative changes associated with the clearing of native vegetation.	
		High		Undertake compliance action for any unauthorised clearing of native vegetation within Zone E2 Environmental Conservation and Zone E3 Environmental Management under Coffs Harbour LEP 2013.	
		Med		Encourage compliance action by the NSW Government for any unauthorised clearing of native vegetation within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013.	
		Med		Prepare a scope for an important Agricultural Land Mapping Project and utilise the outcomes of this project to inform appropriate rural land use zones and permissibilities within the Coffs Harbour LGA.	Undertake an important Agricultural Land Mapping Project and utilise the outcomes of this project to inform appropriate rural land use zones and permissibilities within the Coffs Harbour LGA. (currently unfunded) Seek funding from relevant NSW Government agencies to support the project.
		High		Amend Coffs Harbour LEP 2013 to remove the need for consent for Forestry within Zone RU2 Rural Landscape.	
		High	Review the Coffs Harbour Bushfire Prone Lands Mapping.		
		High	Amend Coffs Harbour LEP 2013 to include exempt provisions for 'water storage facilities' (dams) within Zone RU2 Rural Landscape.		

* IP&R aligned programs (MyCoffs 2030 and Coffs Coast Regional Economic Development Strategy 2022 (REDS))

Table 5.5 LGMS Chapter 5 Actions - continued

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
2.1 2.2 * MyCoffs C1.2	Focus development to areas of least biodiversity sensitivity in the region and implement the 'avoid, minimise, offset' hierarchy to biodiversity, including areas of high environmental value. Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	High		Encourage NSW Environment Protection Authority, NSW Department of Health, NSW Department of Primary Industries and NSW Natural Resources Access Regulator to educate, monitor and undertake necessary compliance actions in relation to best practice farming practises, including agri-chemical use and spray drift, acid sulphate soils, development on steep land, erosion control and water use.	
		Med		Encourage relevant NSW Government agencies to undertake regulatory compliance checks for water use, storage and disposal on private land within rural areas.	
				Encourage NSW Natural Resources Commission to finalise the review of the Coffs Harbour Water Sharing Plan.	
		Med		Collaborate with relevant NSW Government agencies and land owners to address issues associated with weeds and pests and encourage Local Land Services to implement the provisions of the <i>Biosecurity Act 2015</i> .	
		High		Implement the actions of the North Coast Regional Strategic Weed Management Plan 2017-2022.	
		High		Amend Coffs Harbour DCP 2015 to ensure that adequate guidelines are in place to minimise amenity impacts from intensive plant agriculture.	
		High		Collaborate with relevant NSW Government agencies and universities to undertake additional investigations and studies in relation to environmental impacts associated with intensive plant agriculture.	
		High		Collaborate with relevant NSW Government agencies to assist land owners to manage private land that is identified as high conservation value land (e.g. Orara Valley Restoration and Coffs Jaliigirr Project) and programs through the NSW Government's Biodiversity Conservation Trust.	
		Med	Promote private land conservation agreements and other voluntary conservation programs.		
		Med		Review the administration of the Coffs Harbour water re-use scheme.	

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
2.2 * MyCoffs C1.2	Ensure local plans manage marine environments, water catchment areas and groundwater sources to avoid potential development impacts.	High		Undertake a review of permissible land uses within Council's drinking water catchment to ensure that they are appropriate and incorporate additional controls within Coffs Harbour DCP 2015 to support the intent of Clause 7.5 Drinking Water Catchments under Coffs Harbour LEP 2013.	
		High		Work with Clarence Valley Council to ensure that appropriate planning controls are put in place to protect the quality of water entering Shannon Creek Dam.	

GOAL 2: A THRIVING, INTERCONNECTED ECONOMY

Direction 8: Promote the growth of tourism.

Direction 11: Protect and enhance productive agricultural lands

Direction 12: Grow agribusiness across the region.

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
8.2 11.4 * MyCoffs B2.1	Facilitate tourism and visitor accommodation and supporting land uses in coastal and rural hinterland locations through local growth management strategies and local environmental plans.	High		Amend Coffs Harbour LEP 2013 to make 'artisan food and drink industries' permissible with consent in appropriate rural zones.	Explore amendments to either State and local planning instruments to provide a new definition of 'rural function centres' or similar, so as to allow for appropriately scaled rural functions in appropriate rural zones.
		High		Explore amendments to either State and local planning instruments to provide a new definition of 'rural function centres' or similar, so as to allow for appropriately scaled rural functions in appropriate rural zones.	
	Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.			Investigate potential amendments to Coffs Harbour DCP 2015 to ensure that adequate guidelines are in place to minimise amenity impacts from rural functions and 'artisan food and drink industries' in appropriate rural zones.	

Table 5.5 LGMS Chapter 5 Actions - continued

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
11.2 11.5 12.2 * MyCoffs C2.1	Deliver a consistent management approach to important farmland across the region. Address sector-specific considerations for agricultural industries through local plans. Encourage the co-location of intensive primary industries, such as feedlots and compatible processing activities.	Med		Prepare a scope for an important Agricultural Land Mapping Project and utilise the outcomes of this project to inform appropriate rural land use zones and permissibilities within the Coffs Harbour LGA.	Undertake an important Agricultural Land Mapping Project and utilise the outcomes of this project to inform appropriate rural land use zones and permissibilities within the Coffs Harbour LGA (currently unfunded). Seek funding from relevant State agencies to support the project.
		Med			Investigate the inclusion of a scenic character and landscape values overlay within Council's local planning controls to identify and protect rural areas that have particular scenic value and to ensure that development in rural areas is designed to minimise its visual impact.
		High		Amend Coffs Harbour DCP 2015 to ensure that adequate guidelines are in place to minimise amenity impacts from intensive plant agriculture.	
		Med			Investigate if lands used for intensive plant agriculture (other than bananas) require consideration under State Environmental Planning Policy (SEPP) 55 – Remediation of Land.
		Med		Work with relevant NSW Government agencies to communicate and educate the community about the New South Wales Right to Farm Policy. Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate education, communications and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses.	

* IP&R aligned programs (MyCoffs 2030 and Coffs Coast Regional Economic Development Strategy 2022 (REDS))

				Coffs Harbour LGMS Actions	
North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
11.1 11.3 * MyCoffs C2.2	Enable the growth of the agricultural sector by directing urban and rural residential development away from important farmland and identifying locations to support existing and small-lot primary production, such as horticulture in Coffs Harbour.	High	Continue to implement a robust complaint register and handing system for land use conflicts including the acknowledgement and referral of complaints to other agencies.		
		High	Monitor data and trends in complaints to identify land use conflicts and investigate whether it is necessary or possible to develop specific protection for sensitive uses i.e. schools.		
		High		Direct urban and large lot residential development away from important farm land by implementing Chapter 4 of the Coffs Harbour Local Growth Management Strategy.	
		High		Seek endorsement for a Council policy to require a Land Use Conflict Risk Assessment for requests to amend Coffs Harbour LEP 2013 on rural zoned land.	
	Identify and protect intensive agriculture clusters in local plans to avoid land use conflicts, particularly with residential and rural residential expansion.	Med		Prepare a scope for an important Agricultural Land Mapping Project and utilise the outcomes of this project to inform appropriate rural land use zones and permissibilities within the Coffs Harbour LGA.	Undertake an important Agricultural Land Mapping Project and utilise the outcomes of this project to inform appropriate rural land use zones and permissibilities within the Coffs Harbour LGA. (currently unfunded) Seek funding from relevant State agencies to support the project.
11.5 * MyCoffs C2.1	Address sector-specific considerations for agricultural industries through local plans.	Med	Provide plain English guidelines on types of permissible land use in rural zones under Coffs Harbour LEP 2013.		
		High		Investigate a new local clause for inclusion in Coffs Harbour LEP 2013 to address boundary adjustment issues in rural zones.	

Table 5.5 LGMS Chapter 5 Actions - continued

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
12.1 * MyCoffs B2.1	Promote the expansion of food and fibre production, agrichemicals, farm machinery, wholesale and distribution, freight and logistics, and processing through flexible planning provisions in local growth management strategies and local environmental plans.	High		Promote the growth of Coffs Harbour as a food bowl location by implementing Chapter 4 of the Coffs Harbour Local Growth Management Strategy.	
		Med		Encourage relevant NSW Government agencies to work with the agriculture sector to promote the contribution that agriculture makes to the local economy.	
12.4 * MyCoffs C1.2 D2.2	Facilitate investment in the agricultural supply chain by protecting assets, including freight and logistics facilities, from land use conflicts arising from the encroachment of incompatible land uses.	Med		Ensure that Council's policy and strategy frameworks support the protection of the agricultural supply chain and recognise the linkages between agricultural businesses, markets, transport and access.	
		Med		Encourage relevant NSW Government agencies to work with the agriculture sector to promote the contribution that agriculture makes to the local economy.	

** IP&R aligned programs (MyCoffs 2030 and Coffs Coast Regional Economic Development Strategy 2022 (REDS))*

GOAL 3: VIBRANT AND ENGAGED COMMUNITIES

Direction 15: Develop healthy, safe and socially engaged and well-connected communities

Direction 16: Collaborate and partner with Aboriginal communities

Direction 18: Respect and protect the North Coast's Aboriginal heritage

				Coffs Harbour LGMS Actions	
North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
15.4 * MyCoffs A2.3	Create socially inclusive communities by establishing social infrastructure benchmarks, minimum standards and social impact assessment frameworks within local planning.	Med		Monitor the effectiveness of Council's Community Participation and Engagement Plan in improving Council's engagement with its rural community and undertake amendments if necessary.	
		Med	Encourage the Department of Primary Industries to support rural communities by providing information and resources about local farming and agricultural practices.		
		Med		Provide policy documents in plain English and provide communications to assist in understanding local planning controls.	
		Med		Investigate the inclusion of intensive land uses on Planning Certificates.	
16.1 16.2 * MyCoffs A1.1	Develop partnerships with Aboriginal communities to facilitate engagement during the planning process, including the development of engagement protocols. Ensure Aboriginal communities are engaged throughout the preparation of local growth management strategies and local environmental plans.	High		Develop an Aboriginal Cultural Heritage Management Plan for the Coffs Harbour LGA to protect Aboriginal cultural heritage values	

Table 5.5 LGMS Chapter 5 Actions - continued

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
18.4 * MyCoffs A1.1	Prepare maps to identify sites of Aboriginal heritage in 'investigation' areas, where culturally appropriate, to inform planning strategies and local plans to protect Aboriginal heritage.	High		Include Broad Scale Aboriginal Cultural Heritage Mapping for the Coffs Harbour LGA in the Cultural Heritage Management Plan in the manner agreed by the local Aboriginal community.	

GOAL 4: GREAT HOUSING CHOICE & LIFESTYLE OPTIONS

Direction 23: Increase housing diversity and choice

North Coast Regional Plan 2036 Actions	Objective	Priority	Quick Wins	Coffs Harbour LGMS Actions	
				Short Term Actions (1-4 years)	Medium to Long Term Actions (5+ Years)
23.2 * MyCoffs C1.2	Respond to changing housing needs, including household and demographic changes, and support initiatives to support ageing in place.	Med			Undertake a dwelling permissibility study within Zone RU2 Rural Landscape to ascertain suitable lots for a dwelling that currently do not have such opportunity. Amend Coffs Harbour LEP 2013 to facilitate the outcomes of the dwelling permissibility study (if required) relating to Zone RU2 Rural Landscape.
		High		Investigate incentives (i.e. reduced development contributions) for detached dual occupancies on land within Zone RU2 Rural Landscape that are less than 60m2 (to reflect similar incentives offered for secondary dwellings on land within a residential zone).	
		Med		Investigate the appropriateness of Zone RU5 Rural Village and a reduced minimum lot size for the villages of Lowanna, Ulong, Nana Glen and Coramba.	

* IP&R aligned programs (MyCoffs 2030 and Coffs Coast Regional Economic Development Strategy 2022 (REDS))

5.7 Resourcing Policy Actions

Resourcing implications need to be considered with the adoption by Council of Chapter 5.

This Strategy identifies that an important agricultural mapping project should be undertaken to inform the use of rural zones.

The potential land use conflicts associated with residential lifestyle uses of rural land, and the issues associated with intensive plant agriculture will continue to have some resourcing implications for Council to achieve the desired outcomes of this Strategy.

As discussed in Section 5.5.2 of this chapter, recent interpretation of the planning framework indicates that the erection of netting structures associated with agriculture on rural land requires development consent (i.e. approval from Council) where the development standards within the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 are not met. This carries implications for Council to require consent for netting structures on rural land regardless of the permissibility of the land use.

As a result of these matters it is anticipated that some additional compliance positions may be required to resource work generated by these policy changes and legislative requirements.

There are also a number of other actions within this chapter that will require resourcing for Council's Local Planning section, such as the important agricultural land mapping project, dwelling permissibility study, review of environmental zones and amendments to local planning controls.



Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures

This table identifies a range of issues and possible mitigation measures for intensive plant agriculture which can guide Council, industry and relevant stakeholders. This table is not an exhaustive list of mitigation measures but is intended to be a guide only.

Issue	Comments	Goals	Options and opportunities
Poor waste management	<ul style="list-style-type: none"> Productive farms will generate waste products and pollutants on an ongoing basis as part of their normal practice. However, there is potential to manage this through a number of controls and methods. Waste generated from harvests, hard rubbish and burning, can lead to environmental damage, amenity loss and waterway pollution. Various legislation prohibits this pollution moving off-site so farmers are required to manage the waste. 	Responsible Waste Management	<ul style="list-style-type: none"> Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' to mitigate impacts associated with poor waste management. Develop a Complaints Register to capture complaints and coordinate the sharing of data between Council, agencies, growers and the broader community. Offer incentives to improve intensive plant agriculture management practices, including: on-going water quality monitoring, re-calibration of equipment to improve accuracy of spraying, the use of Drum Muster and ChemClear programs, control of drainage within the property (runoff and run-on waters), Council waste initiatives, and re-use of netting (buy back/ swap scheme). Require consent for intensive plant agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to enable Council to implement appropriate farm management standards to minimise waste management issues.

Issue	Comments	Goals	Options and opportunities
High water use	<ul style="list-style-type: none"> • Access to a reliable water supply is required for irrigation (e.g. bores, creeks, dams). • A suitable supply of irrigation water should be identified early in the planning stages to ensure that the farm will be sustainable. • Water should be applied in an efficient manner to minimise waste. Irrigation systems and infrastructure should be well maintained, and reuse systems investigated. • Extraction of water from creeks and/or bores for irrigation must comply with relevant legislation and water licenses may be required. • Construction of dams for irrigation and water storage requires approval from WaterNSW. • Water in NSW is regulated by WaterNSW and is not the responsibility of Council. • Potential impacts on small coastal catchments by reduced flows. 	Water security and responsible water use	<ul style="list-style-type: none"> • Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' to mitigate impacts associated with high water use. • Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate ongoing education, communication and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses. • Review the administration of the Coffs Harbour water re-use scheme and investigate the user pays principle. • Require consent for Intensive Plant Agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that sufficient water is available for the use and that appropriate licencing is obtained from WaterNSW. • Encourage government agencies to undertake regulatory compliance checks for water use, storage and disposal on private land within rural areas. • Encourage NSW Natural Resources Commission to finalise the review of the Coffs Harbour Water Sharing Plan.

Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures - continued

Issue	Comments	Goals	Options and opportunities
Reduced water quality	<ul style="list-style-type: none"> When land is cleared for planting, uncontrolled water movement through the farm may remove valuable topsoil, including crucial nutrients and organic matter, exposing plant roots to desiccation and/or may cause waterlogging leading to disease problems. Soil and chemical runoff into waterways is considered an offence under the <i>Protection of Environment Operations Act 1997</i>, administered by the Environmental Protection Authority. Council funded Southern Cross University to conduct water quality investigations in the Bucca Bucca Creek Catchment in 2017 and Hearn's Lake in 2018. The studies found a clear link between blueberry farming and nitrogen runoff in headwater streams. Southern Cross University researchers also conducted preliminary tests on the soil quality of three blueberry farms in the Coffs Harbour local government area through funding from Council's Environmental Levy program. Each of the three sites had core subsamples which exceeded soil quality guidelines for the fertiliser nutrient phosphorus (P). Phosphorus binds to soil particles. Repeated fertiliser applications, especially over many years of farming will lead to high levels of P in the soils. While farm chemicals are typically applied to the blueberries on land, these chemicals can be mobilised in water with rainfall or irrigation. Through funding from the Coffs Harbour Environmental Levy program, Southern Cross University Researchers conducted another water quality monitoring project in Double Crossing Creek, a tributary of Hearn's Lake estuary and the Solitary Islands Marine Park to assess the influence of upstream horticulture on water quality. On industrial scale farms, chemicals such as fertilisers, fungicides, herbicides, and others are often applied. These treatment products often contain trace metal impurities such as mercury, cadmium, and zinc. Fungicides can contain zinc and copper to combat unwanted fungal growth. These chemicals accumulate in farm soils during dry times. When rainfall events occur, these chemicals can be washed away from the shallow soils and enter nearby waterways. Trace metals mercury, zinc, copper, and manganese were found to exceed the Australia/New Zealand Environment and Conservation Council Water Quality Guidelines (ANZECC WQG) in more than 20% of sampling events. This is discussed further in Section 5.5.3 of this chapter. 	Preventing soil erosion and run off	<ul style="list-style-type: none"> Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' to control erosion and sediment movement and to avoid discharges off the site. Prepare drainage management plans to identify watercourses and drainage lines before any earthworks are undertaken. Require consent for Intensive Plant Agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to enable Council to implement appropriate farm management standards to minimise waste management issues. <p>Further opportunities include:</p> <ul style="list-style-type: none"> NSW Marine Estate Threat and Risk Assessment process. Clean Coastal Catchments Program Best Management Practice research and findings. Bioreactors (trial project).

Issue	Comments	Goals	Options and opportunities
Adverse visual impacts	<ul style="list-style-type: none"> • The erection of netting is a common farm management practice to protect crops from bird and hail damage. Whilst this is an important management practice, it can significantly impact on the visual amenity of a locality or impact on individual properties. In some situations, netting can significantly impact view corridors. • Despite the fact that many agricultural land uses within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 currently do not require approval from Council, recent interpretation of the planning framework indicates that the erection of netting structures associated with agriculture on such land does in fact require development consent (i.e. approval from Council), where the development standards within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 are not met. 	Reduce visual impacts from netting structures.	<ul style="list-style-type: none"> • Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to site design. • Encourage relevant State Agencies to educate the intensive plant agriculture industry on best practice farming techniques and appropriate site design. • High impact netting structures that do not meet the development standards within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 should be approved via the development application pathway to minimise amenity and visual impacts within the rural setting. • Investigate the inclusion of a scenic character and landscape values overlay within Council's local planning controls to identify and protect rural areas that have particular scenic value and to ensure that development in rural areas is designed to minimise its visual impact.

Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures - continued

Issue	Comments	Goals	Options and opportunities
Unauthorised clearing of native vegetation	<ul style="list-style-type: none"> Analysis of 2018 aerial photography has revealed that vegetated areas on land within Zone E2 Environmental Conservation under Coffs Harbour LEP 2013 has reduced by 82ha since 1996. While not all of this clearing is unauthorised, it is noted that horticulture has established in many of these cleared areas and investigations are continuing in relation to this matter. The introduction of the <i>Biodiversity Conservation Act 2016</i> and associated amendments to the <i>Local Lands Services Act 2013</i> in August 2017 has confirmed that the regulation of clearing native vegetation in rural zones sits with Local Land Services, whilst Council retains the responsibility for the management of biodiversity on land within residential and environmental zones under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. The NSW Environment Protection Authority maintains responsibility for compliance enforcement on land within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013. The NSW government has also undertaken a comparison of 2009, 2014 and 2018 aerial imagery and has advised that approximately 180 hectares of vegetation has been cleared between 2009 and 2018 for intensive plant agriculture expansion. They have found that most clearing events are small but numerous, with the largest single clearing event being 13.5 hectares. It is not possible at this stage to determine the legality of each clearing event. The cumulative impact of clearing events is also difficult to quantify, but vegetation mapping indicates that of the 180 hectares cleared, 5.4 hectares of Endangered Ecological Communities and 15 hectares of Key Habitat has been cleared for intensive plant agriculture expansion. 	Responsible vegetation clearing practices and greater understanding of approval processes.	<ul style="list-style-type: none"> Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to environmental impacts and cultural heritage). Undertake a review of environmental zones within the Coffs Harbour LGA utilising best practice methodology and adequate evidence base. Work with relevant government agencies to communicate and educate the community about recent legislative changes associated with the clearing of native vegetation. Undertake compliance action for any unauthorised clearing of native vegetation within Zone E2 Environmental Conservation and Zone E3 Environmental Management under Coffs Harbour LEP 2013. Encourage compliance action by NSW Environment Protection Authority for any unauthorised clearing of native vegetation within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013. Explore incentives for land remediation. Investigate the inclusion of intensive land uses on Planning Certificates. Promote private land conservation agreements and other voluntary conservation programs.

Issue	Comments	Goals	Options and opportunities
Inadequate workers' amenities	<ul style="list-style-type: none"> • Failing on-site sewerage management systems (OSMS) and insufficient amenities for seasonal workers on farms has been identified by the community as an issue. • OSMS are regulated under the <i>Local Government Act 1993</i> and Councils are responsible for a register of OSMS. Reports of failures can be directed to Council or will be identified as part of an inspection process. Ensuring that landowners comply with requirements and Council continues to meet these obligations is critical to ensuring that waste water is not polluting waterways. • It is the responsibility of individual employers to ensure that staff have access to basic facilities. This is an issue that could be managed by the industry ensuring that growers are meeting their legislative responsibilities. • Council cannot require a primary producer to provide facilities for workers for land uses that do not require consent. Requiring development consent for intensive plant agriculture in conjunction with exempt provisions would enable Council to require the provision of such facilities. 	Adequate infrastructure and facilities. Intra-farm cooperation	<ul style="list-style-type: none"> • There are a number of legal obligations under NSW work health and safety laws, including providing appropriate safe facilities, amenities and work environments. • Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to infrastructure, farm management practices and workplace health and safety. • Require consent for Intensive Plant Agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that adequate staff facilities are provided. This could include temporary facilities in circumstances where employment is seasonal.

Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures - continued

Issue	Comments	Goals	Options and opportunities
Inadequate accommodation for seasonal workforce	<ul style="list-style-type: none"> The issue of housing the seasonal workforce is complex. Council has addressed housing in rural areas for the seasonal workforce by including provisions that enable detached dual occupancy on land within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013. Detached dual occupancy is unlikely to solve the issue created by a large number of employees converging on a single property or properties. The workforce is transient and more akin to short term visitors. There maybe evidence to suggest that many workers are coming to the region on short term work visas and will stay for the period of time (three months) to satisfy the requirements for a second year visa. Therefore, while providing additional permanent housing for those employed in agriculture is important, it is the transient workforce that appears to create the issue. The planning framework is not overly helpful in this regard. There are provisions for land uses such as boarding houses that could be considered, however, these create their own set of land use conflict issues. Even with additional flexibility of controls in the LEP, there needs to be a willingness to provide the service/ accommodation. In order to understand this issue, more work needs to be undertaken with stakeholders including industry and the community to develop options that could be considered to address the accommodation shortage. Enabling development for the purposes of rural worker's dwellings within rural zones of the LGA is not recommended, given that the new provisions to allow detached dual occupancies within Zone RU2 Rural Landscape fulfil a similar role and any additional development of this nature would place further pressure on the significant biodiversity value of the LGA and result in additional land use conflict. 	Appropriate seasonal workforce accommodation	<ul style="list-style-type: none"> Temporary accommodation for seasonal workers should be directed to locations within towns and centres which are close to amenities and services. This issue should be addressed in Chapter 7 – Residential lands of Council's Local Growth Management Strategy. Investigate on-farm accommodation (temporary housing structures). Undertake compliance on unauthorised workers accommodation.

Issue	Comments	Goals	Options and opportunities
Inadequate traffic and parking measures	<ul style="list-style-type: none"> Currently, there is no management of parking or traffic movements associated with intensive plant agriculture operations. Often there is a proliferation of unauthorised parking within the road reserve and associated negative impacts on local roads. An approval pathway will assist Council in ensuring that suitable access, parking and traffic movements are provided to minimise impacts on local roads and/or neighbouring properties. 	Appropriate traffic and parking management	<ul style="list-style-type: none"> Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to traffic and transportation of goods. Require consent for Intensive Plant Agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that suitable access, parking and traffic movements are provided as part of farm operations.
Soil contamination	<ul style="list-style-type: none"> Intensive plant agriculture requires extensive use of chemicals which in the case of bananas, have been shown to cause soil contamination. Preliminary studies by Southern Cross University have highlighted that the same issue may exist for more recent intensive plant agricultural uses. Soil contamination will be a constraint if areas previously used for intensive plant agriculture are developed for other uses. 	Soil contamination is avoided where possible and mapped as potentially contaminated land (were not possible), to inform future land use	<ul style="list-style-type: none"> Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to soil conservation. Require consent for intensive plant agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that suitable access, parking and traffic movements are provided as part of farm operations. Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate ongoing education, communication and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses. Encourage the NSW Government to undertake more research into soil contamination from intensive plant agriculture and determine if mapping under the <i>Contamination Land Management Act 1997</i> is required.

Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures - continued

Issue	Comments	Goals	Options and opportunities
Spray drift	<ul style="list-style-type: none"> • Council in collaboration with the Mid North Coast Local Health District conducted an assessment of private drinking water tanks in close proximity to intensive plant agriculture. • The findings from this assessment indicate that spray drift onto adjoining properties is occurring. Although the water in the tanks met the Australian Drinking Water Guidelines, six pesticides were detected in drinking water tanks. Four of the detected pesticides were not approved for use on the crop that was current at the time of the assessment (blueberries). • Ten of the thirteen intensive plant agriculture operations were established after the adjoining land uses and were located less than the recommended 250m from adjoining land uses. • Further research is required to determine the severity of the issue. 	No off farm spray drift occurs	<ul style="list-style-type: none"> • Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to chemical and fertiliser use. • Require consent for intensive plant agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that suitable access, parking and traffic movements are provided as part of farm operations. • Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate ongoing education, communication and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses. • Encourage the NSW Government to undertake more research into spray drift and the impacts to neighbouring residents. • Encourage compliance action by the NSW Environment Protection Authority.

Issue	Comments	Goals	Options and opportunities
Impacts on drinking water catchments	<ul style="list-style-type: none"> Protecting the quality of raw water river sources by controlling land uses within drinking water catchments, particularly in the areas upstream of drinking water pump stations and carefully managing the raw water stored in off stream storage dams, is a vital to ensure a quality drinking water supply. Whilst Coffs Harbour LEP 2013 contains a local provision designed to protect drinking water catchments within the Coffs Harbour LGA, this clause does not apply to development which is permissible without consent (i.e. Intensive Plant Agriculture within Zone RU2 Rural Landscape). The findings of the studies and investigations undertaken in relation to the impacts from intensive plant agriculture to date require careful consideration by Council in seeking to protect its drinking water supply. 	A quality drinking water supply is available for the Coffs Harbour LGA.	<ul style="list-style-type: none"> Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to chemical, fertiliser and water use. Require consent for intensive plant agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that suitable access, parking and traffic movements are provided as part of farm operations. Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate ongoing education, communication and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses. Undertake a review of permissible land uses within Council's drinking water catchment to ensure that they are appropriate and incorporate additional controls within Coffs Harbour DCP 2015 to support the intent of Clause 7.5 Drinking Water Catchments under Coffs Harbour LEP 2013. Work with Clarence Valley Council to ensure that appropriate planning controls are put into place to protect the quality of drinking water entering Shannon Creek dam.

Appendix A - Intensive Plant Agriculture - Issues and Mitigation Measures - continued

Issue	Comments	Goals	Options and opportunities
Poor design and location of farm infrastructure	<ul style="list-style-type: none"> • Poor design of intensive plant agriculture operations and inappropriate location of farm infrastructure can result in negative impacts on adjoining land and environmental values. • Dams need to be designed appropriately and adequately setback from watercourses to ensure that impacts on water quality and riparian vegetation are minimised. • The design and location of other ancillary farm infrastructure should take into consideration adjoining land uses to minimise visual and acoustic impacts. 	Appropriate farm planning and design to minimise impacts on adjoining land and environmental values.	<ul style="list-style-type: none"> • Implement the Australian Blueberry Grower's Association 'Blueberry Code of Conduct' in relation to infrastructure and site design. • Require consent for intensive plant agriculture within Zone RU2 Rural Landscape under Coffs Harbour LEP 2013 in conjunction with exempt provisions to ensure that suitable access, parking and traffic movements are provided as part of farm operations. • Encourage the NSW Department of Primary Industries to continue to resource functions that facilitate ongoing education, communication and engagement between industry, community and local government, in relation to all intensive plant agriculture related uses. • Encourage WaterNSW and NSW Natural Resources Access Regulator to educate the industry in relation to the construction of dams and the approvals/licences required.

Issue	Comments	Goals	Options and opportunities
Impacts on cultural heritage values	<ul style="list-style-type: none"> Physical evidence of Aboriginal occupation and history can be seen across the Coffs Harbour landscape in many diverse natural forms such as rock art and stone tools. Aboriginal culture is connected to Country, including waterways, animals and plants. These elements of the landscape are associated with Dreaming stories and cultural learning. It is important that these values are protected wherever possible. 	Protection of cultural heritage values.	<ul style="list-style-type: none"> Aboriginal objects and declared Aboriginal Places are managed and protected under the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>. A person may not harm or desecrate a declared Aboriginal Place or Object without an Aboriginal Heritage Impact Permit issued under the <i>National Parks and Wildlife Act 1974</i>. Encourage the relevant NSW Government agencies to facilitate ongoing education and engagement with the industry in relation to the management of cultural heritage values and associated approval processes.

Appendix B - Private Native Forestry

What is Private Native Forestry?

Private Native Forestry (PNF) is the management of native vegetation on private property for sustainable logging and timber production.

What does the approval process involve?

Harvesting timber for the purposes of PNF requires approval through a private native forestry plan (PNF Plan) which is administered by Local Land Services. This Plan aims to put in place measures to mitigate impacts on plants, animals, soil and water, and maintain ecologically, sustainable forest management practices.

Land typically available for private native forestry is within Zone RU2 Rural Landscape under *Coffs Harbour Local Environmental Plan 2013*.

A Native Vegetation Regulatory Map has been developed by the NSW state government and identifies rural land that is regulated under the NSW land management framework. Landholders are able to review the categories of vegetation as depicted on the regulatory map for their property.

Who administers PNF and clearing of vegetation in rural areas?

PNF is administered by Local Land Services, including approvals and extension services.

The Environment Protection Authority has responsibility for compliance and enforcement of PNF. Coffs Harbour City Council does not have a direct role in this process.

Clearing of native vegetation in Zone RU2 Rural Landscape, not associated with PNF, is also under the jurisdiction of Local Land Services in accordance with the *Local Land Services Act 2013*, which provides a regulatory framework for the management of native vegetation across NSW.

Land that is within environmental zones and land within urban zones falls under State Environmental Planning Policy Vegetation in Non-Rural Areas 2017 (Vegetation SEPP). Council administers vegetation removal in these zones.

Is there a dual consent issue?

Previously there was no dual consent for Private Native Forestry because the former sub-clause 5.9(8)(a)(i) of Coffs Harbour LEP 2013 expressly excluded the clearing of native vegetation authorised by a “Property Vegetation Plan” under the *Native Vegetation Act 2003* from the requirement to obtain authorisation for the clearing of vegetation under former clause 5.9 of Coffs Harbour LEP 2013.

Recent reforms mean there are different rules depending on the zone, as follows:

Land within Zone RU2 Rural Landscape: Clause 5.9 of Coffs Harbour LEP 2013 has been replaced by the Vegetation SEPP and a dual consent issue has been created.

The Vegetation SEPP does not apply to rural land, i.e. land within Zone RU2 Rural Landscape.

As such, there is no replacement for the former Clause 5.9(8)(a)(i) of Coffs Harbour LEP 2013. Even with a Private Native Forestry approval, consent would still be required under Coffs Harbour LEP 2013 for Forestry on land within Zone RU2 as per the land use table.

Land within environmental zones: The Vegetation SEPP applies to land within environmental zones and facilitates the issuing of permits for the clearing of vegetation.

There is a clause that provides an exemption from the Vegetation SEPP when it is clearing authorised under the *Local Land Services Act 2013*, notably ‘the carrying out of a forestry operation authorised by Part 5C (Private Native Forestry) of the *Forestry Act 2012*’.

however this simply provides that there is no need to obtain a permit, it does not remove the need to obtain development consent for the clearing activities under Coffs Harbour LEP 2013 or make Forestry a permissible use in environmental zones.

In simple terms, while a permit is not needed under the Vegetation SEPP, the Coffs Harbour LEP 2013 still applies, i.e. a permit is not development consent.

Since Forestry is prohibited on land within environmental zones in Coffs Harbour, even if a PNF agreement was obtained on land within these zones in Coffs Harbour, it would not be able to be lawfully enacted.

Given that PNF is assessed and administered by Local Land Services, there is no need to duplicate the process by requiring consent for Forestry under Coffs Harbour LEP 2013. As such, the LEP will be amended to make Forestry permissible without consent in Zone RU2 Rural Landscape. However, given that Forestry is not compatible with the objectives of environmental zones, Forestry will continue to be prohibited in these zones.



Appendix C - Environmental Zones

What Environmental zones (E zones) are available for application on land in Local Environmental Plans?

E1 National Parks and Nature Reserves

This zone is generally intended to cover existing national parks and nature reserves, and new conservation areas proposed for reservation that have been identified and agreed by the NSW Government.

E2 Environmental Conservation

This zone is generally intended to protect land that has high conservation values outside the national parks and nature reserve system.

E3 Environmental Management

This zone is generally intended to be applied to land that has special ecological, scientific, cultural or aesthetic attributes, or land highly constrained by geotechnical or other hazards.

E4 Environmental Living

This zone is generally intended for land with special environmental or scenic value and accommodate low impact residential development. This zone may be applicable to areas with existing residential development in a rural setting, which still has some special conservation values. Where lands have higher conservation values, with more restrictive land use permissibility, an E2 or E3 zone may be more suitable than E4 zone.

What Environmental Zones (E zones) are applied to Coffs Harbour Local Environmental Plan 2013?

Zones E2 Environment Conservation and E3 Environmental Management are included in Coffs Harbour LEP 2013. Zone E4 Environmental Living has not been applied to land within Coffs Harbour LGA to date.

Typically applying to riparian corridors, vegetated areas of high biodiversity, the accuracy of Zone E2 Environmental Conservation continues to cause concern within the community due to the historic methodology underpinning the application of this zone and the manner in which this zone was conceived from previous planning instruments. Within Zone E2 Environmental Conservation and E3 Environmental Management, extensive agriculture is permissible without development consent and intensive plant agriculture (including horticulture) is prohibited.

Extensive agriculture generally refers to the production of crops, grazing livestock, including bee-keeping and dairy, for commercial purposes.

In the situation where Extensive Agriculture is being carried out on land with Zone E2 Environmental Conservation, the primary use of land is defined as environmental conservation, given its historic environmental protection zoning.

What did the Far North Coast E Zone Review involve?

The former Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones (E zones) and environmental overlays in Local Environmental Plans on the Far North Coast of NSW.

The review applied to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed, and provided criteria for consideration when determining the application of Zone E2 Environmental Conservation and Zone E3 Environmental Management, with an existing Practice Note published by the former NSW Department of Planning and Environment continuing to provide guidance as to the application of Zone E4 Environmental Living¹. While the review does not formally apply to the Coffs Harbour LGA the framework provides a useful reference to guide a future review of environmental zones (refer Table C.1 and C.2).

¹ Northern Councils E Zone Review. NSW Department of Planning and Environment. 2015.

Table C.1: E2 Zone Criteria used in the Northern Councils E Zone Review

Criteria	Description
SEPP 26 Littoral Rainforests.	Land mapped as littoral rainforest in accordance with the statewide policy for littoral rainforest protection (State Environmental Planning Policy 26 – Littoral Rainforests).
SEPP 14 Coastal Wetlands.	Land mapped as coastal wetlands in accordance with the statewide policy for coastal wetland protection (State Environmental Planning Policy 14 – Coastal Wetlands).
Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i>	<p>Land containing vegetation communities listed as Endangered Ecological Communities under the <i>Threatened Species Conservation Act 1995</i> (TSC) and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC).</p> <p>The Far North Coast Regional Conservation Plan lists the following vegetation communities as examples of EECs that currently exist on the Far North Coast:</p> <p>Byron Bay Dwarf Graminoid Heath Community, Coastal Cypress Pine Forest, Coastal Saltmarsh, Freshwater Wetlands in Coastal Floodplains, Littoral Rainforest, Lowland Rainforest, Lowland Rainforest on Floodplains, Subtropical Coastal Floodplain Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest on Coastal Floodplains, Themeda grassland on Seaciffs and Coastal Headlands, White Gum Yellow Gum Blakely's Red Gum Woodland, and White Gum Moist Forest. Other vegetation communities may be added consistent with these Acts in the future.</p>
Key Threatened Species Habitat	<p>This criterion includes:</p> <ul style="list-style-type: none"> old-growth forests where the overstorey or canopy trees are in the late mature stage of growth; areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates, and habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present.
Over-cleared vegetation communities	<p>Land comprising:</p> <ol style="list-style-type: none"> over-cleared vegetation communities, where more than 70% of the original (pre 1750) extent of the native vegetation type has been cleared and native vegetation in over-cleared Mitchell landscapes. <p>The Far North Coast Regional Conservation Plan lists the following as examples of:</p> <ul style="list-style-type: none"> Over-cleared vegetation communities on the Far North Coast: <ul style="list-style-type: none"> Rainforests, Wet sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (Themeda australis sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands; and Over-cleared Mitchell landscapes: <ul style="list-style-type: none"> Byron–Tweed Alluvial Plains, Byron–Tweed Coastal Barriers, Clarence–Richmond Alluvial Plains and Upper Clarence Channels and Floodplains.
Culturally significant lands	Areas of culturally significant lands such as Aboriginal object sites, Aboriginal places of heritage significance, and other significant objects identified by the local Aboriginal community.

Table C.2: E3 Zone Criteria used in the Northern Councils E Zone Review

Criteria	Description
Riparian and estuarine vegetation and wetlands.	<p>Land comprising riparian and estuarine vegetation on waterfront land, defined under the <i>NSW Water Management Act 2000</i>, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands.</p> <p>Waterfront land is defined under the <i>NSW Water Management Act 2000</i> as the bed of any river, lake or estuary and any land within 40 metres of the river banks, lake shore or estuary mean high water mark.</p>
Rare, Endangered and Vulnerable Forest Ecosystems	Land comprising areas of rare, endangered and vulnerable forest ecosystems as defined by the Joint ANZEC/MCFFA National Forest Policy Statement Implementation sub-committee (JANIS) (Commonwealth of Australia 1997).
Native vegetation on coastal foreshores.	Native vegetation on land with frontage, or adjoining or adjacent to, a beach, estuary, coastal lake, headland, cliff or rock platform

Appendix C - Environmental Zones continued

What issues will be considered in a review of E Zones in the Coffs Harbour LEP 2013?

In Coffs Harbour, Zone E2 Environmental Conservation was the result of a transfer of the former Environmental Protection zone under the previous planning instrument (Coffs Harbour City LEP 2000).

The E zones developed for LEP 2000 were supported by a Local Environmental Study informed by the best environmental data available at that time. On this basis, this was considered a reasonable “like for like” approach, and was supported by the NSW Department of Planning and Environment at the time. The community have raised concerns about the accuracy of the base data.

Council has now included Zone E3 Environmental Management within the provisions of Coffs Harbour LEP 2013. This process was guided by the outcomes of the NSW North Coast Review. There is also a need to consider whether the use Zone E4 Environmental Management is applicable in Coffs Harbour.

The recommended approach and principles in the application of E Zones, including the criteria provided in the Final Recommendations Report will be clarified and understood as part of Council’s future review of E zones.

