

Nambucca Shire Council



Enquiries to: Mr Grant Nelson
Phone No: 6568 0248
Our Ref: SF2222

31 May 2016

Department of Planning and the Environment
Director Regions, Northern
Locked Bag 9022
GRAFTON NSW 2460

Dear Sir/ Madam,

NAMBUCCA SHIRE COUNCIL SUBMISSION TO DRAFT NORTH COAST REGIONAL PLAN

I refer to the recently prepared draft North Coast Regional Strategy which is presently on exhibition. The draft plan has received a significant amount of attention in our community and as such Council provided the community with an opportunity to inform Council of their concerns in respect to the draft plan.

In this regard Council received copies of submissions made by landholders in respect to the draft plan and these are attached to this letter for your information. Further to this Council staff arranged a meeting with interested community representatives on Monday 2 May at the Council Chambers in order to discuss the draft plan.

A number of other meetings have been held within the community since this time including a forum held by the Environmental Defender's Office at Valla Beach Hall.

The matter was reported to Council on the 26 May 2016 and Council resolved that a submission be made to the Department of Planning and Environment. Council's comments in respect to the draft North Coast Plan are provided as follows:

Preliminaries, governance and delivery of the Plan

- The vision of the plan has merit. It aims for a sustainable future for the region however the content of the document often lacks consideration to environmental and cultural attributes and misplaces economic values of existing industries such as agriculture and tourism with unknown and less sustainable and more intrusive industry such as the potential for mining.
- The draft plan indicates that there will be a Committee overseeing the delivery of the plan, which include representatives from various state government agencies and includes two (2) representatives from local government. The lack of local government representation on the committee is of concern given that many of the actions are identified for Council implementation. Discussion with Department representatives indicates that the local government representatives may be rotated on an annual basis. Further to this the committee appears to lack representation from the Aboriginal community as identified in comments from the Nambucca Local Aboriginal Lands Council and the Gumma Indigenous Protected Area (see attached).

- The draft plan identifies various actions through the plan and the implementation of these actions is often written in one of the following formats:

“the state government will

Require Councils to...

Assist Councils to...

Work with Councils to...

The expectation of these requirements is not clearly defined in the document. What assistance will be required, how will the state government work with Council or other landholders to implement actions and what resources will Councils be required to allocate to implement these actions?

The implementation of any such action will require clarification in the draft plan. The plan should also indicate in what context the plan will require these actions to be implemented. At present Councils typically only refer to the draft plan through the Minister's Section 117 Directions when preparing a Local Environmental Plan.

- It is proposed that an annual report identifying funding priorities will be presented by the coordinating committee. What funding is being prioritised? What agencies will be providing the funding?
- How will the draft plan provide for infrastructure delivery? The Mid North Coast Regional Strategy was finalised in 2009 with a number of recommendations, but lacks resource allocation to implement actions particularly in relation to the delivery of the Agreed Growth Areas. What funding is being provided to support the delivery of actions in the plan, particularly the priority infrastructure?

GOAL 1 – A natural environment, and Aboriginal and historic heritage that is protected, and landscapes that are productive

- Direction 1.1, 1.2, 1.3, 1.4 Protect the environment, Aboriginal and historic heritage, aquatic habitats and climate change adaptation is generally support by Council. However, concern is expressed at the lack of relationship between these directions and Direction 1.5 Deliver Economic growth through sustainable use of and access to mineral and energy resources which includes significant areas of unconstrained mapped potential resources areas – further comment in respect of this matter is provided in the below points.
- Action 1.1.2 Identify and Map areas of potential high environmental value and Aboriginal and historic heritage in proposed urban and employment land – This action is supported however the state government should consult with local Council and the local Aboriginal community as this process commences.
- Mapping to recognise significant cultural landscapes, sites, areas through consultation with the local Aboriginal community is supported.

- The Gumbaynggirr people have been recognised as the traditional owners of land in the Nambucca Shire under the *Native Title Act 2003*. The Department should be aware of this and undertake appropriate consultation with the traditional owners as required under the Native Title Act.
- Preparation of policies or controls for the purpose of adaptive or sympathetic re-use of heritage items should include consultation with local Aboriginal communities.
- Biosecurity and Buffers – The plan identifies risks associated with the interface between urban, rural and natural areas, and associated potential health or environmental issues. It is unclear what this means for existing issues. For instance, local government is often responsible for the management of biosecurity issues but often lacks the resources or expertise to respond to issues. At present Nambucca Shire has 2-3 flying fox camps adjoining urban areas and is also addressing poor water quality arising from a waterbird colony in an urban area. Both these issues are entrenched in legislative requirements. How is the state government proposing to work with Councils in respect to these matters?
- The Mid North Coast Farmland Mapping Project is implemented through the Minister's Section 117 Directions during preparation of a Local Environmental Plan. The mapping was prepared largely based on soil type and often follows major watercourses. The relevance of this mapping is questioned in respect to actual agricultural enterprise. It is clear from comments made to Council (**attached**) that parts of the community are also questioning the relevance of this mapping. The Nambucca LGA has a number of successful rural industries not accurately represented by the farmland mapping. The Macadamia Nut industry in Nambucca is estimated to contribute approximately \$8 million to the local economy, as well as contributing significantly to employment and other local industries and services. It is assumed other Councils with trending rural industries would question the applicability of the farmland mapping to what is actually happening on-ground. It is suggested that the farmland mapping be removed as an applicable layer for consideration during the LEP process and replaced with more generalised considerations to rural land capability. Alternatively the suggested review of the mapping should be more inclusive of other attributes which are more holistically representative of rural industries in the Shire.
- The draft plan lacks reference to existing strategic plans and strategies already developed by Council and being implemented. For instance the following plans and strategies are successfully being implemented by Nambucca Shire Council and the regional plan should support their implementation through various funding regimes:
 - Nambucca River Estuary Management plan
 - Nambucca Coastline Coastal Zone Management Plan
 - The Deep Creek Entrance Management Policy
 - The Nambucca River Masterplan
 - The Nambucca Climate Change Adaptation Strategy
 - The Nambucca Local Growth Management Strategy - Employment Land
 - The Nambucca Local Growth Management Strategy – Rural Residential Land
 - Flood Risk Management Study and Plans.

Where these types of plans are in place the draft plan should acknowledge their importance and commit resources to their implementation or if necessary review or assist councils to address any gaps.

- Action 1.5.1 Facilitate investment in the resources and energy sector. This action and the associated Figure 7 of the draft plan generated significant interest and concern from the local community, particularly the Valla community.

Figure 7 shows a significant area of land cross hatched as Potential Mineral Resource (see below).



It is understood that the hatched area is taken from the NSW Government's Mineral Resource Audit. For planning purposes, when preparing a LEP, Council is required to refer any draft LEP that corresponds with the area identified in the Mineral Resource Audit to the Department of Industry and Investment for comment in accordance with relevant Section 117 Directions, regardless of the audits appearance in a regional strategy. The Mid North Coast Regional Strategy (2009) did not identify this mapping on any diagrams included within the document which has been implemented by Councils and the Department of Planning and Environment for several years. It is unnecessary to illustrate the NSW Mineral Resource Audit in the North Coast Regional Plan as it referred to by relevant Section 117 Directions.

It is recognised that this mineral audit mapping has been available for some time and was recently updated in 2015, nevertheless the mapping shows a number of inaccuracies and conflicts with other state government resources. To embrace the sustainability vision the State holds for the north coast area, the audit should be further reviewed and updated to acknowledge other significant attributes of the landscape and ensure appropriate separation to these areas. The Audit should make reference to the following government identified attributes of the landscape:

- State Government Conservation Reserves and Forestry Lands
- Federally recognised conservation reserves or cultural lands including but not limited to the Gumma Indigenous Protected Area
- State Environmental Planning Policies no. 14, 26 and 71;

- Existing Urban and Future Growth Areas
- Nambucca LEP non-rural zones including both short term and long term identified Rural Residential Land (Local Growth Management Strategy – Rural Residential Land)
- Regionally significant Farmland and draft Frost Free Horticultural Land
- Recently Mapped potential Koala habitat
- Potential Threatened Ecological Communities (both the TSC Act and EPBC Act considerations)
- Potential High Ecological Value Mapping
- Biophysical Mapping
- Cultural Landscapes, items and places of significance.

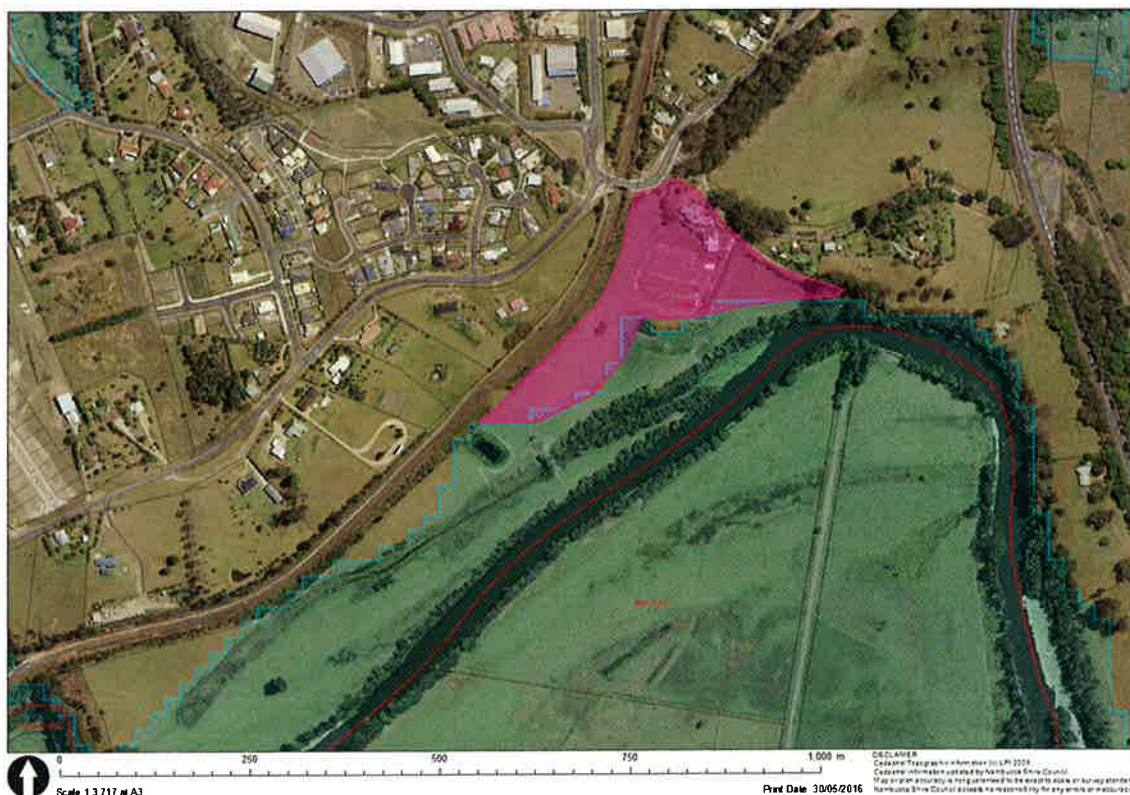
In summary, the mineral resource audit maps create an unrealistic expectation for the mining industry and also create uncertainty for the community and investment in the area, such as identified rural-residential development, rural tourism, agricultural pursuits and also land value. The following recommendations are made in respect to this item:

- Potential Mineral Resources be removed from Figure 7 of the Draft North Coast Plan; and
- The Department of Planning and Environment and the Department of industry and Investment be requested to review the Mineral Resource Audit as it applies to the Nambucca Shire and relevant 117 Directions. The review should include appropriate consideration of land tenure; landuse planning; environmental and cultural attributes of the landscape. This review should be undertaken with appropriate consultation with the community and representatives from relative state agencies. It is anticipated that such a review would assist the Draft North Coast Plan meet its vision for a sustainable future for the region.

GOAL 2 – Focus growth opportunities to create a great place to live and work

- The draft plan has considerable focus on the regional cities being Coffs Harbour, Port Macquarie and Tweed Heads. The actions presented from Page 35 – 45 are largely directed to regional cities. The trends in growth in the regional cities are acknowledged as are the higher level services provided by these localities and targeted for expansion such as health and education precincts. However, many of the smaller towns and villages will often be the place of residence for persons working in the regional cities and there will be greater pressure and demand on these areas as the Pacific Highway nears completion. The plan should have a more balanced and regionally strategic view on the integration between the regional cities and surrounding towns and villages. Should the draft plan be finalised in its present form it is anticipated that the regional cities would be the focus of funding opportunities. A more balanced approach to the regional plan is recommended and this should be reflected within the goals and actions for various themes from infrastructure provision and servicing to liveability and Urban Design.

- Action 2.3.1 Focus future growth in the mapped urban growth areas – Councils previously identified growth areas are included in the draft plan and this is supported (refer to figure 34). The variation principles to the agreed growth areas have more flexibility than previous requirements. Council would also like the flexibility to undertake appropriate LEP amendments in the absence of an approved growth management strategy should the requirement arise. Council has received a number of submissions to the draft North Coast Regional Plan requesting that consideration be given to various rezonings and extensions to existing urban areas. Councils should have the ability to review these requests on their merit and in a local context.
- That the flood free land on located on Lot 1046 DP826440 Harriman's Lane be included as part of the urban growth area maps in the Nambucca Shire. The image below shows the approximate extent of flood free land in pink.



- As previously indicated, improvements to the public domain should not be limited to regional cities. Improved amenity and function of open spaces and the public domain are strategies generally accepted to assist smaller towns and villages to address economic change such as the highway bypass of Towns as well promote the general health and wellbeing of residents.

- Action 2.4.2 Encourage healthy living by increasing options for public transport, walking and cycling - The importance of connected communities is well documented and Nambucca Shire Council has prepared Cycleway Plans and Pedestrian Access and Mobility Plans to give direction to future works of this type. However pedestrian and cycleway paths are not considered to be priority assets and Council often relies on funding assistance to implement many of these. The draft plan is likely to favour larger more resourced cities for external funding.
- Action 2.4.3 Review the North Coast Urban Design Guidelines - the draft indicates that the state government will review the North Coast Urban Design Guidelines. The value of any such review is questionable. This document has no statutory standing and is rarely referred to by local government. Resources allocated to such a review would more suitably be allocated to place based design investigations referred to under Action 2.4.1 - Support Council-led precinct planning.
- Action 2.4.1 Support Council-led precinct planning is supported by Council. Council's Local Growth Management Strategy – Employment Lands endorsed by the Minister of Planning provided strategies to mitigate the impacts of the highway bypass. Based on these strategies, Council has in progress urban design revitalisation plans for Macksville; proposed LEP amendments aimed at consolidating commercial activity in the town centres and a number of other initiatives. Council would be interested to know what assistance may be provided to support the implementation of these strategies and prepare for the impending highway bypass. Council is also interested to know what support is available for other precinct planning such as preparation of Development Control Plans and LEP refinements for our growth areas including the Valla Urban Growth Area.

GOAL 3 – Housing choice, with homes that meet the needs of changing communities

- Action 3.1.2 Accelerate the supply of proposed urban land to meet the demand in high growth areas – Council supports the identification of the Valla Urban Growth Area in Appendix A Infrastructure Investigation Locations for priority land release areas. It is notable that the Valla Growth Area is the only listed area between Port Macquarie and Clarence Valley. It is also noted that the 800 potential no. of lots identified in the plan only relates to the recently zoned stage 1 area. The total additional potential lot yield of the Valla Growth Area is estimated at approximately 1500 providing a total of 2300 additional lots subject investigations.
- Action 3.2.2 Work with Aboriginal land councils to conduct strategic assessment of their landholdings to identify priority sites for further investigations of their economic opportunities – Council is supportive of this action should the local land councils be agreeable. The department should identify what type of assistance will be provided to support this action.

GOAL 4 – A prosperous economy with services and infrastructure

Action 4.5.1 Plan for future retail and commercial needs – Council supports the principles outlined in this section including, enhance the value of the public domain.

- This action indicates that the NSW Government will work with Councils to focus retail activity in existing commercial centres. Council has resolved to support in principle LEP amendments to do just this, in preparation for the impending highway bypass. Council is interested to know what assistance will be provided to support the amendments.
- Endorse Direction 4.1 - expanding the tourism sector - and action 4.1.1 - facilitate nature based events, and cultural tourism sectors. Tourism creates a significant opportunity for employment and income for local residents. The development of an Aboriginal nature/culture tourism sector would further enhance our tourism economy.
- As expressed by the Nambucca Local Aboriginal Lands Council many Aboriginal people will remain in the local area but not participate in industries that destroy culture or country. As such, industries such as mining would marginalise Aboriginal people. Industries promoted within Action 4.1.1 would provide greater opportunities for employment within the local Aboriginal community which is supported by Council.
- Within our region there is an expanding local food and produce industry, providing sustainable and healthy living outcomes for communities. There is little information provided in the regional strategy that supports these types of industries. It is suggested the Department consult with the numerous local food networks present in the region to determine what actions and directions may be available to support these industries. Other sustainable industries should also be promoted.

GOAL 5 – Improved transport connectivity and freight networks

- Action 5.1.2 Designate highway service centres along the Pacific Highway – Council supports the identification of the Nambucca Heads interchange as a location for a Service Centre.
- Action 5.1.5 identify freight transport facilities along the Pacific Highway – Council supports in principle the freight Transport Facilities Location Guidelines, although it is noted that they are very generalised.

Should you have any queries in regards to this or require additional information please do not hesitate to contact Councils Coordinator of Strategic Planning and Natural Resources Mr Grant Nelson on 02 6568 0248 or Councils General Manager Mr Michael Coulter on 02 6568 0200.

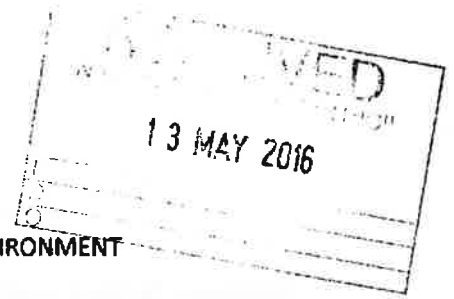
Yours faithfully



Michael Coulter
General Manager

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SUBMISSION TO NSW DEPARTMENT OF PLANNING & ENVIRONMENT

DRAFT NORTH COAST REGIONAL PLAN

Introduction

This submission contains observations of the Draft North Coast Regional Plan (the Plan), with particular emphasis upon the content and perceived intent of the Plan as they pertain to Nambucca Shire (Mid North Coast, with particular reference to the Aims and Objectives of Lock the Nambucca Valley Inc) (LNV), which are, in part, as follows:

The object of the association is to provide a mechanism through which the residents of the Nambucca Valley and its catchment are able to effectively:

- (a) Oppose all mineral mining in the Nambucca Valley catchment area with the aim of protecting air, land, water, bio-diversity, agricultural lands, forests, people and the social fabric;
- (b) Oppose the dumping of any mining or mineral processing waste in the Nambucca Valley.

Comments are addressed to both the Department and to Nambucca Shire Council for consideration. The Plan Foreword states that 'By focusing growth in cities and centres we can protect the sensitive coastal area with its productive farmland and significant environmental and cultural values'. The Introduction states that the Plan 'integrates economic, environmental and social considerations to achieve ecologically sustainable development – a high priority for the region'. Admirable sentiments but while necessarily seeking to avoid being overly prescriptive, the body of the Plan provides too much in the way of potentially conflicting statements to guarantee that the protections needed to achieve 'ecologically sustainable development' will indeed be afforded.

General

The Plan has a broad scope and its weakness lies in a tendency throughout to generalise. In many instances, localised conditions and concerns are quite specific to that particular area and the approach of 'one size fits all' across 13 Local Councils is inappropriate.

Comments

Foreword. Governance of the Plan is dependent upon a Committee process that allows minimal direct input from Local Councils on the Coordination and Monitoring Committee, thereby removing the most informed connection between the concerns and needs of ratepayers and State-level governance. This should be of concern to all Councils likely to be affected by the Plan. Ultimately, successful implementation of the Plan will be the responsibility of the elected Local Councils but they are deprived of their best opportunity to argue their case from a position of knowledge-based strength. It would appear that the only circumstance in which Local Council direct representation will occur is when a North Coast Regional Plan action is given priority status. The conditions leading to 'priority status' are undefined.

P8 Figure 2. Part of the text for the upper RHS node reads 'Ensure new development avoids high environmental values'. This wording is misleading; it should read either 'Ensure new

development embraces high environmental values' or 'Ensure new development avoids high environmental value areas'.

P11 GOAL 1 – A natural environment, and Aboriginal and historic heritage that is protected, and landscapes that are productive. Such considerations are pertinent to the area of Valla rural that is marked, on P 33, as "Potential Mineral Resource' and possibly to other areas so designated.

P24 DIRECTION 1.3 Safeguard aquatic habitats and water catchments. This consideration should preclude the approval of any form of open cut mining in water catchment areas on the Mid North Coast, noting that our rainfall patterns mean that the safe, contained operation of attendant tailings dams cannot be guaranteed as evidenced by the numerous breaches of conditions at Hillgrove Gold mine over its years of operation and the resultant legacy of long-term pollutants. To quote the Plan, p27, 'Flooding, in particular, is a major hazard on the North Coast due to topography and regional climate'.

P28 DIRECTION 1.5 Deliver economic growth through sustainable use of, and access to, mineral and energy resources. The key word here is 'sustainable'. Local Councils will need to be judicious in achieving a truly sustainable and reasoned balance between the desired outcomes of this Direction and that of Direction 1.3. As previously noted, the nature of rainfall patterns on the Mid North Coast and the flood-prone nature of much of the regional topography should preclude any consideration of large scale open cut mining on the Mid North Coast. LNV position is that NO mining is sustainable in the Nambucca Valley.

P31 ACTION 1.5.1 Facilitate investment in the resources and energy sector. Transition areas surround identified resource areas and were formerly referred to as buffer or separation zones. They are areas that may be affected by activities associated with resource extraction and are identified to minimise the potential for encroachment and land use conflict. Figure 7 indicates a Transition Area which is centred upon the vicinity of the current Valla Quarry. The past, present and ongoing tensions and formal action between Valla residents and the Quarry operators suggest either that such an approach is untenable or that the initial planning process for the Quarry was unsound. LNV position is that no further consideration should be given to extending the Licence.

P33. What constitutes 'Regionally Significant Farmland'? There are many areas of active, productive farmland, on this map and undoubtedly on those of the surrounding areas, that are not marked as such. This is misleading to non-local planners who need accurate information to inform their decision-making processes.

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Recommendation

It is recommended that LNV comments on the Plan be considered by the Department when producing the final version of the Plan and by Nambucca Shire Council when consolidating their input to the draft Plan.

Todd Vercoe
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twvercoe@gmail.com

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Pp7 and 10. Bowraville, with a population of 2,500, does not appear on the maps on these pages as a Town/ Village. This oversight should be rectified.

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P20 DIRECTION 1.2 Protect and enhance productive farmland. The aim is very necessary, but again I refer to the map on p33; the map does not show any farmland in that area, which is quite patently incorrect. Similar incorrect categorisation of farmland throughout the North Coast is likely to have occurred and should be rectified.

P24 DIRECTION 1.3 Safeguard aquatic habitats and water catchments. This consideration should preclude the approval of any form of open cut mining in water catchment areas on the Mid North Coast, noting that our rainfall patterns mean that the safe, contained operation of attendant tailings dams cannot be guaranteed as evidenced by the numerous breaches of conditions at Hillgrove Gold mine over its years of operation and the resultant legacy of long-term pollutants. To quote the Plan, p27, 'Flooding, in particular, is a major hazard on the North Coast due to topography and regional climate'.

P28 DIRECTION 1.5 Deliver economic growth through sustainable use of, and access to, mineral and energy resources. The key word here is 'sustainable'. Local Councils will need to be judicious in achieving a truly sustainable and reasoned balance between the desired outcomes of this Direction and that of Direction 1.3. As previously noted, the nature of rainfall patterns on the Mid North Coast and the flood-prone nature of much of the regional topography should preclude any consideration of large scale open cut mining on the Mid North Coast.

P31 ACTION 1.5.1 Facilitate investment in the resources and energy sector. Transition areas surround identified resource areas and were formerly referred to as buffer or separation zones. They are areas that may be affected by activities associated with resource extraction and are identified to minimise the potential for encroachment and land use conflict. Figure 7 indicates a Transition Area which is centred upon the vicinity of the current Valla Quarry. The past, present and ongoing tensions and formal action between Valla residents and the Quarry operators suggest either that such an approach is untenable or that the initial planning process for the Quarry was unsound and that no further consideration should be given to extending the Licence.

P33. What constitutes 'Regionally Significant Farmland'? There are many areas of active, productive farmland, on this map and undoubtedly on those of the surrounding areas, that are not marked as such. This is misleading to non-local planners who need accurate information to inform their decision-making processes.

P35 GOAL 2 – Focus growth opportunities to create a great place to live and work. The Plan promotes the development of Tweed Heads, Coffs Harbour and Port Macquarie to drive future prosperity for the North Coast. The Plan needs to ensure that the economic wellbeing of the Nambucca Valley is not adversely affected due to the 45 minute transit time to Coffs or the even greater transit time to Port Macquarie. If these three cities are to be the focus, we must ensure that the ability of Nambucca Valley residents to participate in the workforce of these cities is enhanced, as any increase in the number of wage earners in the Valley will enhance the local economy and improve the ability of Council to increase its operating budget through increased full rate revenues. The Plan states that the growth of surrounding regional centres and towns will be integrated with that of the regional cities by reinforcing transport and other links. This is but one aspect of the solution; a holistic approach will be required.

P41 The Plan states that 'Regional cities, regional centres and towns support each other's growth. Regional centres and towns are often within commuting distance of the regional cities and offer complementary housing and employment opportunities. For example, some employment activities, such as large lot industrial uses, may be best suited to certain regional centres and towns where there may be fewer constraints and cheaper land supply'. This represents an opportunity for Nambucca Council to advance the advantages of operating a business in the Valley. Figure 13: Coffs Harbour Regional City and Growth Precincts, however, suggests that the Plan does not think widely enough in terms of what should be considered as potential Growth Precincts. It is merely an expansion of the current Coffs Harbour urban limits. Adherence to this scope will serve to sequester Nambucca Valley from much of the potential economic growth of the Mid North Coast.

P47 ACTION 2.3.1 Focus future growth into the mapped urban growth areas. Urban growth areas are identified to accommodate growth; to protect important farmland, fragile and vulnerable ecosystems, and heritage assets; and to reduce potential land use conflict. FIGURE 34: Urban Growth Area Map for Nambucca Local Area shows the area to the west of Valla as an urban growth area. This is the same land that is also shown at Figure 7: North Coast Resources and Farmland as being 'Potential Mineral resource'. It is not sustainable to exploit a potential mineral resource within an urban growth area. For the peace of mind of landowners and to better enable planning by Council, this anomaly needs to be rectified in the Plan, in particular by comprehensive application of **ACTION 2.3.2 Identify residential, commercial and industrial uses in urban growth areas by developing local growth management strategies.**

P50 ACTION 2.4.1 Support council-led precinct planning. This is a sound element of the Plan, which states that Precinct planning, while having broader application, should be considered for areas that may undergo change as a result of bypasses from the Pacific Highway upgrade. Areas such as Macksville, Nambucca Heads and Urunga will be significantly affected by completion of the Pacific Highway upgrade. This milestone presents many opportunities for positive change and Council should continue its current proactive approach by commissioning a comprehensive SWOT Analysis. By garnering significant community input Council will gain much advantage in change managing the undoubted flow-on effects of the upgrade.

P70 ACTION 4.4.2 Encourage well located employment land with suitable buffers to minimise land use conflicts. The Plan states that 'Employment land needs to be protected from encroachment by incompatible development that is sensitive to the real or potential impacts of noise, smoke, dust, odour, vibration and light, and/or because it generates potential risks.' The same is true of urban development areas, such as at Valla, where the current operations of the Quarry plainly fail to meet these sensible planning considerations.

P71 ACTION 4.5.1 Plan for future retail and commercial needs. The Plan states that the 'NSW Government will... work with councils to focus retail activity in existing commercial centres, unless there is a demonstrated need for new centres, with positive social and economic benefits for the community'. This represents a clearcut case for focusing on rejuvenating current premises at Macksville in order to maximise the use of post-Pacific Highway upgrade opportunities.

P74 ACTION 5.1.1 Protect the travel time and safety improvements from the upgrade program. It is presumed that in planning the 'strict traffic control, via grade-separated interchanges, (that) delivers superior conditions for capacity, congestion, speed and safety' the anticipated increase in

population of the North Coast as reflected in **Figure 8: population of the North Coast 1991–2036** has been used to calculate local traffic flow figures, with particular reference to Pacific Highway access to/from areas listed in **Table 4: Additional Dwellings needed by 2036 for each Local Government Area**. Local Councils will need to ensure that proposed interchange design meets the requirements of the increased traffic flow inherent to the Proposed Urban Land and Proposed Employment Land, with particular reference in Nambucca Shire to Scotts head, Macksville and Valla as shown on **FIGURE 34: Urban Growth Area Map for Nambucca LGA** .

Recommendation

It is recommended that my comments on the Plan be considered by the Department when producing the final version of the Plan and by Nambucca Shire Council when consolidating their input to the draft Plan.

Todd Vercoe
PO Box 67
Bowraville 2449
twvercoe@gmail.com

Grant Nelson

From: Christina Barry <christinavbarry@hotmail.com>
Sent: Wednesday, 11 May 2016 10:48 PM
Subject: Atten. Grant Nelson

Good evening, or, if you read this tomorrow, good morning Grant.

My name is Christina Barry and my property lies on East West Rd Valla...number 98.

After viewing the Draft North Coast Regional Plan document, I'm prompted to write to you in relation to the beautiful, natural assets of our Valley and Coastline.

These assets must be preserved to ensure continued health of the environment, and hence the attraction of many visitors due to the spectacular, pristine beauty of the Nambucca Valley.

My property is organic/chemical free with a focus on self sufficiency education and sustainable living.

Many visitors come to enjoy the simple, peaceful environment we live in.

I also grow Macadamia nuts, (1000 trees) and house people in my large, Turn of the Century, renovated home. This is affordable housing, which is very hard to come by in this area.

There is also a koala corridor on my property, which has special significance, not only for locals, but for the many visitors to "Guunuwa". The above points are considered Goals 1, 2, and 3.

I hope my brief description of my way of life, can be considered in any future plans for our stunning home in the Nambucca Valley.

Sincerely

Christina Barry

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Grant Nelson

From: Michael Coulter <Michael.Coulter@nambucca.nsw.gov.au>
Sent: Thursday, 12 May 2016 8:13 AM
Subject: Attn: Grant Nelson - Draft Plan submission points

Grant

Can you please consider/list Peter Sobey's comments in your report to Council?

thanks

Michael Coulter
General Manager
Nambucca Shire Council
PO Box 177 Macksville NSW 2447
Direct: (02) 6568 0200
Mobile: 0409 153 788
Web: www.nambucca.nsw.gov.au
Nambucca Valley ~ Living at its best

From: Peter Sobey [mailto:psobey001@gmail.com]
Sent: Wednesday, 11 May 2016 9:49 PM
To: Michael Coulter
Subject: Attn: Grant Nelson - Draft Plan submission points

Hi Grant,

I hope you can incorporate these ideas into the Council submission.

Regards,

Peter Sobey

Key concerns

Expansion of mining

The Valla area being designated as a Potential Mineral Resource overlooks the real value of what currently exists in Valla. The real value is the primary production that occurs on top of the land – the macadamia farms, the mangoes, avocados, beans, and cattle. These industries employ a large number of people in small businesses, giving these people independence and agency. Many of these industries are certified organic meaning that they are truly sustainable. Mining is, by its very nature, an extractive industry that can never be described as sustainable. I believe it is wrong to describe mining as sustainable in Direction 1.5.

It conflicts with existing Council plans for the Valla Urban Growth Area on the eastern side of Mt England.

Mining is incompatible with Goal 1, that of protecting productive farmland. The type of mining that is proposed in EL-6702 is for the locally occurring minerals of molybdenum, arsenic and antimony. These are very toxic minerals that are best left in the ground. Extraction and processing of this ore would pose an unacceptable risk to the natural waterways and would violate Direction 1.3 (Safeguard aquatic habitats and water catchments).

Sustainable enterprises

Action 1.2.1 (Investigate complementary activities in rural zones). This is what I see as the future of the Valla area. Valla contains many small farms and many 1 to 5 Ha rural-residential blocks. With the access to fixed wireless broadband and the upgrade of the Pacific Highway these farms are able to run multifaceted enterprises that were not possible in the past.

While a focus of the Draft Plan is to consolidate housing into regional centres it has to be realised that a lot of people prefer to live on rural-residential blocks. In the past the Council has imposed impediments to enterprising activities in the form of excessive Section 94 contributions. I believe that enabling complementary activities (such as accommodation, produce stalls, popup cafes, garden tours, organic farming education tours, etc) contribute to a dynamic social and economic community.

Aboriginal heritage

The Valla area has a very important place in Aboriginal culture. It is not only the historical assets that need to be protected. There exists a great potential for tourism that can expose the wider population to the stories and culture that have existed in this area for tens of thousands of years. Such endeavours can build a mutual respect and understanding and provide employment for local people who have traditionally been marginalised. To this end the actions in Direction 1.1 should be a priority and be conducted in consultation with the local Land Councils.

Managing land use conflict

The Valla Quarry is an example of how poor planning by Council leads to ongoing land use conflict. In the early eighties land was sub-divided into 4.5Ha lots on the West side of Mt England and houses were built by the new owners. In 1996 the same land owner applied for, and was granted by Council, a Development Application to create a quarry within 730m of these residences. This quarry has been a source of conflict for twenty years now. We do not want any expansion of this quarry.

With this history in mind I support Action 4.4.2 in that employment land must have suitable buffers to minimise land use conflicts.

Protection of waterways

The main waterway in Valla is Deep Creek and its tributaries. We perceive that the protection of this waterway, as outlined in Direction 1.3, is critical for safeguarding the productive farmland and the flora and fauna that makes Valla such a desirable place to live. The waterways are also an important part of the tourist industry. Fishing, boating and water recreation are a big part of the visitor experience. Residents also value these things highly.

Any threat to the health of the waterways needs to be taken seriously, be it from mining, forestry, disturbance of acid-sulphate soils, or farm run-off.

Developing a prosperous economy

Tourism is a vital part of the economy. We would like to endorse Direction 4.1 (Expand the tourism sector) and Action 4.1.1 (Facilitate the nature-based, events and cultural tourism sectors). This is a direction that, we feel, will provide opportunities for long term employment and income for local residents. To reinforce what has been stated previously, the protection of our natural environment, our forests and waterways and our rural character and seaside village, is what will facilitate the tourism sector. The development of an Aboriginal nature/cultural tourism sector would further enhance our tourism economy.

However, the development of mining in the Valla area would conflict with this goal. Tourists come to see clean waterways, not tailing dams. They wish to see National Parks full of wildlife, not open cut pits. They want to hear the birdlife, not rock crushing plants.

Services and infrastructure

Valla Beach is a seaside village with known growth restrictions. Residents do not see the lack of services as a liability but as an asset. For example, there is no shopping centre in Valla Beach. But it is the lack of commercialisation in Valla Beach that gives the place its seaside character.

Similarly, Valla Rural has no shops. This is what gives it its attractive rural character. There is, however, the Valla Hall and the beautiful environment. These features are what make Valla such an attractive place to live and work. Over-development would ruin the very thing that makes Valla beautiful.

Luckily, we now have the NBN and will soon have an upgraded Pacific Highway. We endorse the aims of the Plan to develop health and education precincts in nearby Coffs Harbour (Direction 4.2) and to plan well located employment land with suitable buffers (Direction 4.4.2) along the highway in the Valla Urban Expansion Area.

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Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. [...] Is there no other way the world may live?

—Dwight David Eisenhower, “The Chance for Peace,” speech given to the American Society of Newspaper Editors, Apr. 16, 1953.

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NAMBUCCA LOCAL ABORIGINAL LAND COUNCIL & GUMMA INDIGENOUS PROTECTED AREA
RESPONSE Mid North Coast

DRAFT NORTH COAST REGIONAL PLAN

Vision Overview

The draft Plan proposes diversifying the economy by providing high-skilled job opportunities in health, education and aviation services; expanding nature-based activities, events and cultural tourism;

The draft Plan outlines a vision, goals and actions that focus on a sustainable future for the region as it grows that protects the environment, builds a prosperous community and offers attractive lifestyle choices for residents.

The coastal and rural landscapes of the North Coast define the distinctive environment, character and lifestyles of this region. These areas also underpin the agriculture and tourism sectors which contribute \$4.1 billion each year to the economy and attract over 11 million visitors each year.¹ This is the most biologically diverse region in NSW and one of the most diverse in Australia. Fifteen of the region's reserves have World Heritage status.

The NLALC sees sensibility in this vision, although the document then goes on to suggest and deliver a number of industries and expansions that highly contradict this vision and the values that underpin Goal 1 in the document. This oxymoron of ideals and concepts is very misleading and seems to draw people into the belief that the future of the north coast is a green and clean one. This green clean concept is what many people move and have built stability in this region around. To then underpin this with plans of mineral expansion, industrial development and housing expansion somewhat displays lack of maturity in futuristic planning.

Most people live along the coastal strip, many in centres that are separated by rural or high value environmental land.

These high value or "protected areas" being National parks and nature reserves. This does not mean that small areas of native forest or bushland between are sacrificial areas. It is ludicrous to presume that the already conserved areas are sufficient for such a high biodiverse area. Many of these smaller or isolated areas are "refuges" or corridors and hold high cultural values and significance.

Over 90 per cent of the region's population growth to 2036 will comprise people aged over 65 years. Currently, 20 per cent of residents are aged over 65 years, but this will rise to 31 per cent by 2036. The people in this age group are likely to be healthier, more active and more productive than previous generations, which means there are opportunities to harness their skills and knowledge so they remain engaged in the workforce in varying capacities. There are also opportunities to expand the products and services on offer to this age group, including education and training, supported housing, health and leisure, tourism and recreation, and home services. The ageing population will also have land use and transport implications.

We have notable concerns about the average life expectancy of indigenous people in the region and proposed changes to the retirement age in Australia.

Australian Bureau of Statistics data show the median age at death of Indigenous Australians to be 55 years of age for males and 61.3 years for females. The median age at death for non-Indigenous Australians is 78.7 years for males and 84.7 years for females. This shows Indigenous people have a shorter life expectancy of 23.7 years for males and 23.4 years for females.

Any proposed changes to increase the retirement age of Australians will have significant repercussions on Indigenous people. Any infrastructure of funding for opportunities to harness aged peoples skills and knowledge so they remain engaged in the workforce in varying capacities or financial application to opportunities to expand the products and services on offer to this age group, including education and training, supported housing, health and leisure, tourism and recreation, and home services will unfortunately not include the Aboriginal population .

Lowering the retirement age for this group of people to 55 years is in line with Closing the Gap report. As such, serious consideration have the retirement age of Indigenous Australians lowered to age 55 is warranted. If this is not achieved the whole plan then leans to a vision that does not include Aboriginal people.

Unfortunately this statistic does not include Aboriginal people. There fore it is important to;

- a) ensure satisfaction of livelihood, in both physical, mental and emotional is given to Aboriginal people as well, this does not mean forcing such people to undertake stress by destroying Aboriginal sites , the cultural landscape, wild food resource areas, culturally significant food gathering areas, and sacred sites.
- b) that Government seriously consider the above issues for Aboriginal people
- c) consider equity in the planning that includes Aboriginal people

The health pathologies of local Aboriginal people which, like common in the rest of the country, comes back to the economic imperatives of the western diet. If governments really wanted to help Aboriginal people they would see fit that large areas of land, river and ocean were made accessible so they could enact their traditional economics of health and well-being as well as custodianship on country. A decent society would put this ahead of any industry.

Outside Port Macquarie, Coffs Harbour and Tweed Heads, the proportion of young people (aged up to 19 years) and working-age people (20–64 years) will decline. This will have implications in terms of the number of people available for jobs, and the likely concentration of jobs growth in health care and social assistance.

For Aboriginal community most people in this age bracket remain and either have young pregnancy, drug addiction or slip into a generational welfare dependancey. The links for young Aboriginal people to country and community are strong, and this needs to be considered when developing any planning strategy around employment and industry in the region. It is envisioned that many will not want to partake in industry that destroys culture or country, so any vision for major industry such as mining instantly marginalises the Aboriginal people.

Underpinning the planning framework for this draft Plan are key principles. Regional plans will:

- facilitate economic growth, environmental management and social wellbeing;
- respond to the region's landscape, environmental assets, and natural and cultural resources;
- respond to long term structural, economic and demographic changes, with a focus on ageing, migration patterns and productivity;
- address the implications of a changing climate and build resilience to natural hazards;
- guide the locations for new housing and provide a diversity of housing choice;
- facilitate economic activities consistent with changing market demands and industry needs;
- inform infrastructure and services investment, coordinated with land use; and
- integrate cross-border drivers of change and coordinate responses Statewide and nationally.

What does this mean ??

Figure 2: Building the draft Plan - Understand our environmental and social baseline

Office of Environment and Heritage (2015), Potential High Environmental Value Land Mapping – identifies areas for conservation; native vegetation of high conservation value; threatened species and populations; significant wetlands, rivers, estuaries and coastal features; and sites of geological significance. The mapping provides guidance on regionally important conservation priority areas, along with potential regional priority offset areas that may have the same or similar biodiversity to that predicted in areas identified for future development; and

Use of Environment and Heritage (OEH) environmental mapping – This mapping is yet to understand and intergrate the cultural significance and areas /species of value to Aboriginal people. This is moresoe in the marine / coastal environment. No marine environmental mapping includes significance of estuary, shoreling and oceanic features to Aboriginal people.

No mapping withing OEH shows values of the landscape, species and environment to Aboriginal people. The data base of AHIMS shows point locations only. Understanding relationships of points of referednce

We recommend that a comprehensive mapping of the area is undertaken in consutation with OEH to provide and understand the Aboriginal/cultural environmental and social baseline to landscapes.

Delivering the Plan

Achieving the vision and the goals of the final North Coast Regional Plan (final Plan) will be a shared responsibility that will require the ongoing commitment of all stakeholders, including councils, State agencies and the development and services sectors.

Governance:

A Coordination and Monitoring Committee will be established to oversee the implementation of the final Plan. It will be chaired by the Department of Planning and Environment and comprise two Local Government representatives determined by the Regional Organisations of Councils (or Joint Organisations once established), and representatives from the Department of Premier and Cabinet, Office of Environment and Heritage, Transport for NSW and the Department of Industry.

Considering Aboriginal people are major landholders and have inherent rights in this area, the non –inclusion of Aboriginal representation could be deemed as another case of institutional racism.

Equality

The international legal principles of equality and non-discrimination require that Indigenous culture be protected. In particular, they require 'states 'to recognise and protect the rights of Indigenous people to own, develop, control and use their communal lands, territories and resources'

Self-determination

The right of Indigenous peoples to self-determination, as set out in the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), is a right of Indigenous peoples to control their lands, territories and resources. Without such control,

self-determination is empty of content. Indeed, Article 1(2) of both the ICCPR and ICESCR provide, *inter alia*, that:

1. All peoples have a right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All people may, for their own ends, freely dispose of their natural wealth and resources. In no case may a people be deprived of its own means of subsistence.

The Human Rights Committee has explicitly linked ICCPR Article 1(2) with Indigenous control over traditional land and resources, and explicitly applied it to Australia. In its Concluding Observations in respect of Australia at its 69th session in July 2000, the HRC proposed that:

The State party [Australia] should take the necessary steps in order to secure for the indigenous inhabitants a stronger role in decision-making over their traditional lands and natural resources 9 Article 1, para 2. **(19)**

Protection of culture

Article 27 of the International Covenant on Civil and Political Rights (ICCPR) protects Indigenous rights. It provides:

Members of ethnic, religious or linguistic minorities shall not be denied the right, in community with members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

A series of decisions by the Human Rights Committee (HRC) has emphasised the importance of protecting Indigenous peoples' lands and resources in order to ensure their cultural survival, **(17)** and governments' duties to take positive steps towards that end. The relevance of the HRC decisions lies in their recognition of the central role that economic and resource activities play in the maintenance of the cultural rights protected by Article 27.

At its 69th session, the HRC expressed concern about whether Australia was meeting its obligations with respect to the protection of Indigenous culture and economy under Article 27 of ICCPR:

The Committee expresses its concern that securing continuation and sustainability of traditional forms of economy of indigenous minorities (hunting, fishing, and gathering), and protection of sites of religious or cultural significance for such minorities, that must be protected under Article 27, are not always a major factor in determining land use. **(18)** The consideration of the Indigenous claims to sea should be viewed in the context of international obligation of the State to protect Indigenous culture.

Principle 22 of the Rio Declaration of the UN Conference on Environment and Development 1992

This principle recognises the vital role of Indigenous communities in ensuring sustainable environmental management and the need to protect Indigenous lands and resources.

The Convention on Biological Diversity 1993

This convention was ratified by Australia in 1993. Articles 8(j) and 10 provide a high level of protection to Indigenous traditional practices in respect of the conservation and sustainable use of biological diversity. Indigenous people in Australia have consistently complained about the degradation of their marine resources through, among other things, the unsustainable fishing practices of non-Indigenous people. Indigenous peoples have a right,

recognised in international legal principles, to not only use their marine resources on a sustainable basis but also to protect them for future generations by participating in management regimes, exercising a right to negotiate over proposed developments and developing agreements with other stakeholders.

International Whaling Convention 1946

This convention, to which Australia is a party, recognises the right of Indigenous people to use their marine resources. An exemption from prohibitions on taking whales is provided under the Convention for Indigenous peoples, who can take whales for traditional subsistence purposes. Indigenous subsistence whaling rights are consistent with Article 1(2) of the ICCPR and ICESCR, which provide that 'in no case may a people be deprived of its own means of subsistence'. The right in respect of whaling has mainly been asserted by Inuit peoples. The Australian government has also supported the right.⁽²³⁾ Through the work of a Technical Committee of the International Whaling Convention, the exemption has been developed to recognise the importance of Indigenous co-operation and participation in decision-making affecting Indigenous subsistence economies, the resources on which they depend and the importance of traditional social, cultural and spiritual values.⁽²⁴⁾

GOAL 1 – A natural environment, and Aboriginal and historic heritage that is protected, and landscapes that are productive

1.1 Protect the environment, and Aboriginal and historic heritage

ACTION 1.1.2 Identify and map areas of potential high environmental value and Aboriginal and historic heritage in proposed urban and employment land The Office of Environment and Heritage will review proposed urban and employment land identified in the urban growth area maps, to identify sites highly likely to have significant environmental, and Aboriginal and historic heritage values that may constrain development. The NSW Government will: • review proposed urban and employment land in the urban growth areas identified in the draft Plan; and • prepare maps to identify sites of potentially high environmental value and, where culturally appropriate, areas of Aboriginal or historic heritage in urban growth areas. These maps will also be used to consider opportunities for biodiversity certification and to inform council planning strategies and local environmental plans.

The database AHIMS used by OEH is not comprehensive, it does not contain the complete and absolute significances and values of culturally significant areas.

The plan to progress proposals that reduce impacts through sympathetic design should be developed in accordance with relevant statutory processes.

To make sure that appropriate opportunities for the adaptive or sympathetic use of heritage items are promoted and available. What exactly does this mean ? what if it contains skeletal remains ? what if it is a gender specific site ?

1.2 Protect and enhance productive farmland

1.3 Safeguard aquatic habitats and water catchments

1.4 Adapt for natural hazards and climate change

1.5 Deliver economic growth through sustainable use of, and access to, mineral and energy resources

- cannot achieve 1.5 without compromising 1.1, 1.2, 1.3, 1.4 and disables the intent of Goal 1 and goal 2

- limits potential conflicts over land use and impacts on the ability to extract resources.

Encourage and move towards nonmineral based energy resources .

GOAL 2 – Focus growth opportunities to create a great place to live and work

2.1 Grow the North Coast's regional cities as a focus for economic activity and population growth

2.2 Align cross-border planning with South East Queensland

2.3 Focus growth to the least sensitive and constrained areas to protect natural assets

2.4 Provide great places to live through good design

GOAL 3 – Housing choice, with homes that meet the needs of changing communities

3.1 Provide sufficient housing supply to meet the demands of the North Coast

3.2 Deliver housing choice to suit changing needs

3.3 Deliver more opportunities for affordable housing

- New innovation , partner with NLALC to build cultural and naturally sustainable housing developments
- Work with council to develop/provide off grid housing options (individual and small community /villages) for self generated electrical supply

GOAL 4 – A prosperous economy with services and infrastructure

4.1 Expand the tourism sector on the North Coast

4.2 Develop health services precincts

4.3 Enhance education precincts

4.4 Provide well-located and serviced supplies of employment land to expand industry investment opportunities

- Develop the area to encourage green based energy in housing , infrastructure and commercial
- Develop renewable and reused materials industry which can supply
- develop models / approvals for building with recycled , repurposed and sustainable materials
- work with Local government to be accepting and encourage new builds /rennovations to consider recycled , repurposed and sustainable materials
- This potentially reduces cost of building , making housing more affordable for those between the ages of 19-40.
- New and sustainable industries ie; industrial estates with solar power , wind generation
- Move towards being non fossil fuel driven in all areas ie innovation in design /wind turbines
- Provide incentives for industry producing non fossil fuel alternatives – rate cuts
- Addressing climate change resilience issues

4.5 Grow the region's commercial and business centres

GOAL 5 – Improved transport connectivity and freight networks

5.1 Strengthen the Pacific Highway's function as a key road corridor of State and national significance

5.2 Expand the region's aviation services

5.3 Enhance the connectivity of the region's road and rail freight and transport services

Appendix A - Infrastructure Investigation Locations for Priority Land Release Areas

The native title determination of the court was as follows:

4. The native title rights and interests are the rights of the common law holders, in accordance with and subject to their traditional laws and customs to have free access to the sea and seabed within the claim area for all or any of the following purposes:

(a) to travel through all or within the claimed area;

(b) to fish and hunt for the purpose of satisfying their personal, domestic or non-commercial communal needs including the purpose of observing traditional, cultural, ritual and spiritual laws and customs;

(c) to visit and protect places which are of cultural and spiritual importance;

(d) to safeguard their cultural and spiritual knowledge.

REFERENCES

Lovelace v Canada, Communication No 24/1977, Selected Decisions of the Human Rights Committee Under the Optional Protocol, UN Doc CCPR/C/OP/1(1998), p86-90; Kitok v Sweden, Communication No 197/1985, UN Doc CCPR/C/33/D/197/1985 (1988); Chief Ominayak v Canada, Communication No 167/1984, Report of the Human Rights Committee UN Doc A/45/ 40 (1990), L nsman v Finland, Communication No 511/1992, UN Doc CCPR/C/52/D/511/ 1992 (1994), all cited in Pritchard, S, 'Native Title from the Perspective of International Standards', 18 Australian Year Book of International Law (1997), p127 at n90.

Human Rights Committee, Consideration of Reports Submitted Under Article 40 - Concluding Observation of the Human Rights Committee, 28 July 2000, CCPR/CO/69/AUS, para 11.

International Labour Organisation Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Counties. Adopted by the General Conference of the International Labour Organisation, Geneva, 1989. Entered into force 1991.

Berman, H.R., 'The International Labour Organisation and Indigenous Peoples: Revision of ILO Convention No 107 at the 75 th Session of the International Labour Conference 1988' in International Commission of Jurists, (1998) 41 The Review 48.

International Labour Organisation Convention No. 169, Article 6(2) states: The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

White, D., 'Department of Foreign Affairs and Trade's Involvement with Indigenous People's Rights over the Sea' in Northern Territory University, Turning the Tide, Faculty of Law, Darwin, 1993, p65.

See Doubleday, N., 'Aboriginal subsistence Whaling: The Right of Inuit to Hunt Whales and Implications for International Environmental Law', (1989) 2(17) Denver Journal of International Law and Policy 373, p389.

To: Grant Nelson, Nambucca Shire Council - **Key points from VBCA** Friday 13 May, 2016

RE: DRAFT NORTH COAST REGIONAL PLAN

Key concerns

Valla community is highly diverse, with residents and tourists attracted to peaceful living/rural lifestyle; many organic agricultural businesses, dependent on protection of natural environment, soils and particularly, our waterways – diversity of activities in Valla area affords its high level of cohesiveness;

Valla Beach in particular, has seen considerable growth in the past ten years with new housing. Valla Rural has seen the development of a vibrant macadamia nut industry over the past 20 years.

Introduction of NBN, and impending opening of upgraded Pacific Highway, make Valla area even more attractive for both living and working. We wish to preserve the elements of Valla that have attracted people in the first place and to discourage inappropriate development that would degrade the area. Our key concerns are based on this approach:

Sustainable enterprises

The proposal of Action 1.2.1 (Investigate complementary activities in rural zones) is a positive proposal that will see a ready uptake in the Valla area. Valla contains many small farms and many 1 - 5 Ha rural-residential blocks. Access to fixed wireless broadband and upgrade of Pacific Highway will enable such farms to run multifaceted enterprises, previously not possible.

While a focus of the Draft Plan is to consolidate housing into regional centres it has to be realised that a lot of people prefer to live on rural-residential blocks. In the past Council has imposed impediments to enterprising activities in the form of excessive Section 94 contributions. VBCA believes that enabling complementary activities (such as accommodation, produce stalls, pop-up cafes, garden tours, organic farming education tours, etc) contribute to a dynamic social and economic community.

The Council has plans for an Urban Growth Area in Valla. While there are a number of issues with this development (Aboriginal heritage areas, old mine sites, flood plain area) the idea of containing urban growth in this area is generally supported. However, the main land use conflict with this area is that it is fully contained within the area marked as a Potential Mineral Resource. This conflict needs to be properly resolved between the appropriate government departments so that the Urban Growth Area can proceed without creating future land use conflicts.

Aboriginal heritage

The Valla area is rich in local Aboriginal sites and culture, which need to be protected. Potential for tourism, to expose the wider population to local Aboriginal stories and culture, and connection to Land. Such endeavours can build mutual respect and understanding and provide employment for local Aboriginal people who have traditionally been marginalised. To this end the actions in Direction 1.1 should be a priority and be conducted in consultation with the Local Aboriginal Lands Councils.

Expansion of mining

We are concerned that the whole of the Valla area has been designated as a Potential Mineral Resource.

VBCA believes that this designation overlooks the real value of what currently exists in Valla. The real value is the primary production that occurs on top of the land – macadamia farms, mangoes, avocados, beans, and cattle. These industries employ a large number of people in small businesses, providing independence and agency. Many of these industries are certified organic meaning that they are truly sustainable. Mining is, by its very nature, an extractive industry that can never be described as sustainable. It is wrong to describe mining as sustainable in Direction 1.5.

Designation of Valla as a Potential Mineral Resource conflicts with existing Council plans for the Valla Urban Growth Area on the eastern side of Mt England. Existing rural and rural-residential development within the Potential Mineral Resource area means that any development of mining will create land use conflicts.

Mining is incompatible with Goal 1, that of protecting productive farmland. The type of mining that is proposed in EL-6702 is for the locally occurring minerals of molybdenum, arsenic and antimony, all very toxic minerals that are best left in the ground. Extraction and processing of this ore would pose an unacceptable risk to the natural waterways and would violate Direction 1.3 (Safeguard aquatic habitats and water catchments).

We believe that the designation of Valla as a Potential Mineral Resource should be removed so that existing and future residents can feel confident that mining will not adversely impact upon their future. Residents need security in the Plan and should not be held hostage to long-running exploration licences.

Protection of waterways

The main waterway in Valla is Deep Creek and its tributaries; protection of this waterway, outlined in Direction 1.3, is critical to safeguard productive farmland, flora and fauna that make Valla a highly desirable place to live, as well as being integral to the tourist industry, fishing, boating, water recreation, and visitor experience. Any threat to health of our waterways needs to be taken seriously, be it from mining, forestry, ASS or farm run-off.

Developing a prosperous economy

Tourism is a vital part of Valla's economy. VBCA's activities (markets, building of community facilities) are as much aimed at visitors as at residents.

Valla attracts hundreds of participants and thousands of spectators. (Bi-annual VW Spectacular, and this year marks the fortieth annual Drag-Ens Hot Rod run to Valla.)

VBCA endorses Direction 4.1 (Expand the tourism sector) and Action 4.1.1 (Facilitate the nature-based, events and cultural tourism sectors). This Direction / Action will provide opportunities for long term employment / income for local residents. Such tourism depends on protection of our natural environment, forests, waterways and our rural character / seaside village. Development of an Aboriginal cultural tourism sector would further enhance Valla's tourism economy.

Development of mining in the Valla area would conflict with this goal.

Services and infrastructure

Valla Beach has known growth restrictions. However, relative lack of services are generally seen as an asset, because the lack of commercialisation in Valla Beach is what ensures its natural seaside character and appeal. Similarly, Valla Rural has no shops. This is what gives it its attractive rural character, along with the Valla Hall, which serves as the hub of social cohesion. These features are what make Valla such an attractive place to live and work. Over-development would ruin the very thing that makes Valla beautiful.

Fortunately we will soon have an upgraded Pacific Highway. We endorse the aims of the Plan to develop health and education precincts in nearby Coffs Harbour (Direction 4.2) and to plan well located employment land with suitable buffers (Direction 4.4.2) along the highway in the Valla Urban Expansion Area.

Summary

VBCA is generally supportive of the Plan with certain caveats: we urge protection of the rural character of Valla and the seaside village atmosphere of Valla Beach.

We would like to remove the threat of mining from Valla, as it creates undue uncertainty and conflicts with many of the Goals and Directions in the Plan.

John Windmill, President, Valla Beach Community Association



ABN 25 125 245 361
PO Box 1925, Coffs Harbour NSW 2450
E-mail: geoff.smyth@bigpond.com
Mobile: 0418 398 492

TOWN PLANNING & DEVELOPMENT ADVICE

16 May 2016
Ref: GS1609.1

Director Regions, Northern
Department of Planning and Environment
Locked Bag 9022
Grafton NSW 2460

Dear Sir

***Draft North Coast Regional Plan
Eungai Creek Village***

The draft North Coast Regional Plan has numerous directions identified for the region including the following:

- Direction 2.3 Focus growth to the least sensitive and constrained areas to protect natural assets

Identified actions to achieve this direction include:

- Action 2.3.1 Focus future growth into the mapped urban growth areas.
- Direction 3.1 Provide sufficient housing supply to meet the demands of the North Coast.

Identified actions to achieve this direction include:

- Action 3.1.1 Review land supply to identify proposed urban land for extra dwellings.
- Action 3.1.2 Accelerate the supply of proposed urban land to meet demand in high growth areas.
- Direction 3.2 Deliver housing choice to suit changing needs.

Identified actions to achieve this direction include:

- Action 3.2.1 Investigate the policies, plans and investments that would support greater housing diversity.
- Direction 3.3 Deliver more opportunities for affordable housing.

Identified actions to achieve this direction include:

- Action 3.3.1 Facilitate the supply of more affordable housing.

The draft Regional Plan focuses on identifying Urban Growth Area expansion opportunities adjoining regional cities and centres. It is agreed that this focus has merit as these locations have established infrastructure to support growth. However, if the Regional Plan is to truly deliver housing choice to suit changing needs and deliver more opportunities for affordable housing then some smaller urban growth areas should also be considered for expansion. In this way a broader and more accurate picture can be gained to identify demand for growth locations.

Not everyone wants to be located in an established regional centre. There is demand in smaller settlements for a more simple lifestyle where any required access to regional centres can easily be achieved as a result of the Pacific Highway upgrading.

Eungai Creek is considered to be an urban growth area that should be considered for expansion. This small village offers affordable housing opportunities as the extent of infrastructure available is far less than in regional centres. In addition, it offers a housing choice for a family to establish a home with easy access to the Pacific Highway and Macksville, Nambucca Heads and Coffs Harbour to the north with Kempsey and Port Macquarie to the south.

There are few or no vacant lots available in Eungai Creek and yet there is demand for this location. There are opportunities to extend the supply of urban land to the opposite side of the bitumen sealed access road (Main Street) that provides a ring around the urban core. There is no reticulated water or sewerage services to this area and this contributes to the affordability. The village has existed for many years in the circumstances and continued to expand. The provision of additional lots on the opposite side of the bitumen access road would add to the number of lots that have previously been established in this location and would provide a more cost effective use of the established road infrastructure.

There is potential for some conflict with surrounding agricultural uses however, lots have already been established in this situation and continue to coexist with the agricultural activities. Any expansion of any urban area must eventually extend into rural areas where a potential conflict will exist. The extent of farming in this Eungai Creek locality is primarily limited to cattle grazing for which buffers to minimise conflicts can readily be provided. There is no regionally significant farmland in this location and an extract from the regionally significant farmland mapping is enclosed.

The existing village and potential locations for future growth are not constrained by flooding, bushfire risk, severe slope or acid sulfate soils that cannot be adequately managed. It is considered that Eungai Creek should be included for urban growth expansion to satisfy the demand for affordable housing and choice.

Attached is an extract of the current zone plan under the Nambucca Local Environmental Plan 2010 with the suggested area for urban expansion highlighted. The location is a logical extension to the existing residential lots in this locality.

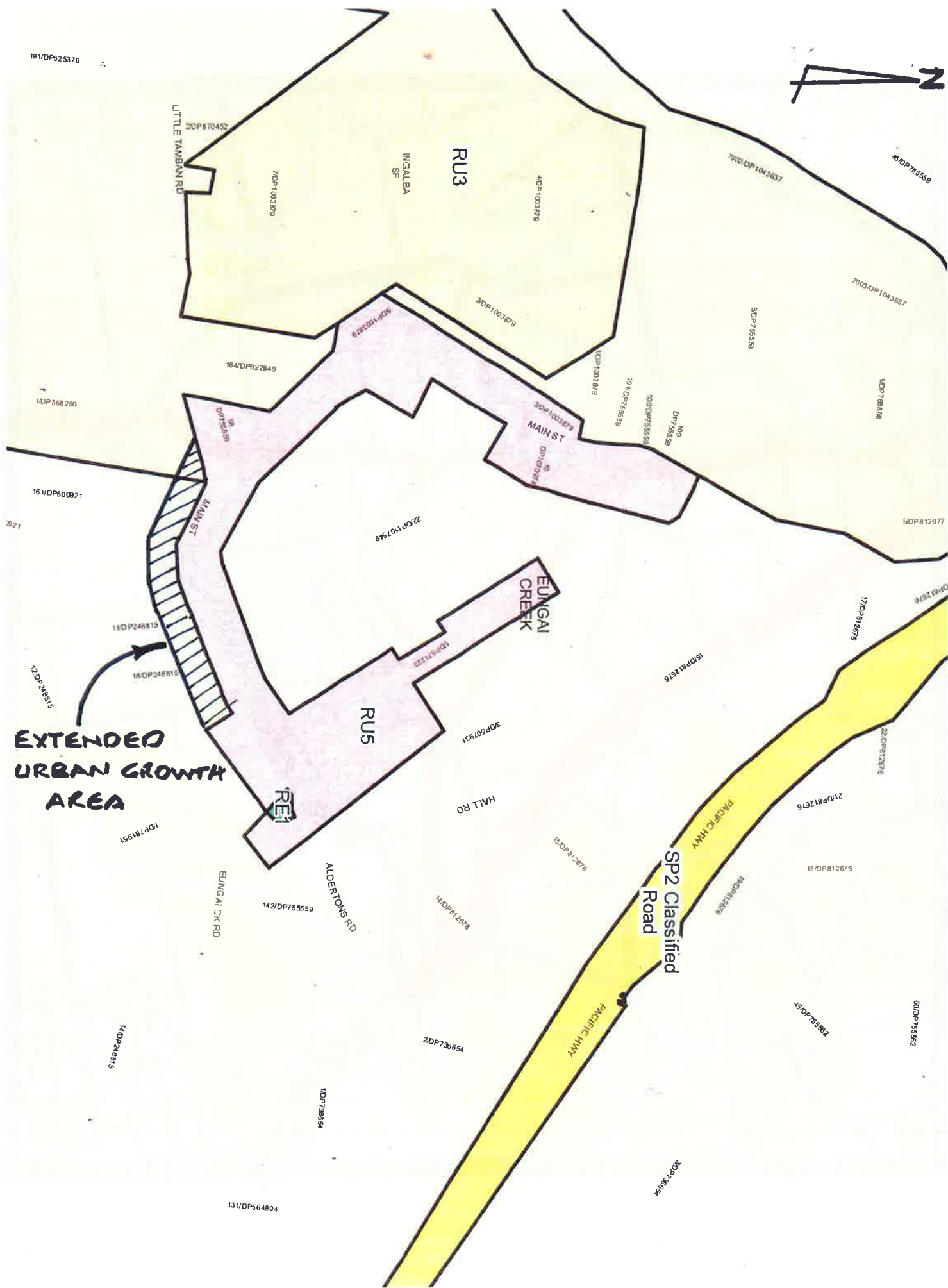
It is requested that the maps associated with the draft North Coast Regional Plan be amended to include the additional area identified in the attached zone plan within the Urban Growth Area of Eungai Creek. If additional information or justification is required to support this request, such information can readily be supplied where necessary.

Yours faithfully
GEOFF SMYTH & ASSOCIATES



GEOFF SMYTH
gs.jm





**EXTENDED
URBAN GROWTH
AREA**

181/DP825370

16 VDP800821
12021

14DP24815

131/DP564894

10P738654

2DP736654

14DP812878

30P607931
HALL RD

ALBERTSONS RD

EUNGAI CK RD

142/DP755559

10P781951

18DP348815
11DP248815

22DP1107549

EUNGAI
CREEK

40P1003878

30P1003878

10P1003878

1011DP755559

100DP755559

100DP755559

80P755559

7003DP1043637

10P788888

40DP755559

80DP755559

45DP755559

18DP812676

21DP812676

22DP812676

17DP812676

0P812676

50DP812677

SP2 Classified
Road

PACIFIC HWY

PACIFIC HWY

30P736654



ABN 25 125 245 361
PO Box 1925, Coffs Harbour NSW 2450
E-mail: geoff.smyth@bigpond.com
Mobile: 0418 398 492

TOWN PLANNING & DEVELOPMENT ADVICE

16 May 2016
Ref: GS1607.1

Director Regions, Northern
Department of Planning and Environment
Locked Bag 9022
Grafton NSW 2460

Dear Sir

***Draft North Coast Regional Plan
Lot 121 DP755539
Macksville Industrial Estate***

The draft North Coast Regional Plan has numerous directions identified for the region including the following:

- Direction 2.3 Focus growth to the least sensitive and constrained areas to protect natural assets

Identified actions to achieve this direction include:

- Action 2.3.1 Focus future growth into the mapped urban growth areas.
- Action 2.3.2 Identify residential, commercial and industrial uses in urban growth areas by developing local growth management strategies.
- Direction 4.4 Provide well located and serviced supplies of employment land to expand industry investment opportunities.

Identified actions to achieve this direction include:

- Action 4.4.1 Provide an adequate supply of employment land aligned with demand.
- Action 4.4.2 Encourage well located employment land with suitable buffers to minimise land use conflicts.

The draft Plan identifies Existing Employment Land and Proposed Employment Land at Macksville. It is understood the existing land is at capacity with limited opportunity for expansion due to the surrounding land being constrained by flooding. However, there is an area of 5.25ha to the north that is flood free and has the potential to accommodate additional industrial land uses. It is understood to be the last remaining flood free area in this location. In accordance with the directions and actions identified above the remaining potential of this location should be utilised for employment purposes before other locations are considered.

The additional 5.25ha area will focus future growth into the mapped urban growth area and provide a well located and serviced supply of employment land to expand industry investment opportunities as a logical extension to the existing infrastructure available. The location is naturally buffered by the flood prone nature of the surrounding land to minimise land use conflicts.

Please find enclosed a plan of the area for proposed industrial expansion prepared by Amos and McDonald surveyors. The land is currently within Zone RU1 Primary Production however it is not identified as regionally significant farmland. The current zone reflects the general flood prone nature of the land with the aim to limit development potential. However, the 5.25 ha area is flood free and of insufficient size for viable agriculture. The future of the land is considered to have greater value in providing employment opportunities rather than being retained for agriculture.

Also attached are extracts from the Regionally Significant Farmland mapping, the zoning map from the Nambucca Local Environmental Plan 2010 and the Urban Growth Area Map for Nambucca LGA from the draft Regional Plan with the suggested employment land extension superimposed to indicate its location.

It is requested that the maps associated with the draft North Coast Regional Plan be amended to recognise this employment opportunity expansion of the adjoining Zone IN1 General Industrial lands. If additional information or justification is required to support this request, such information can readily be supplied where necessary.

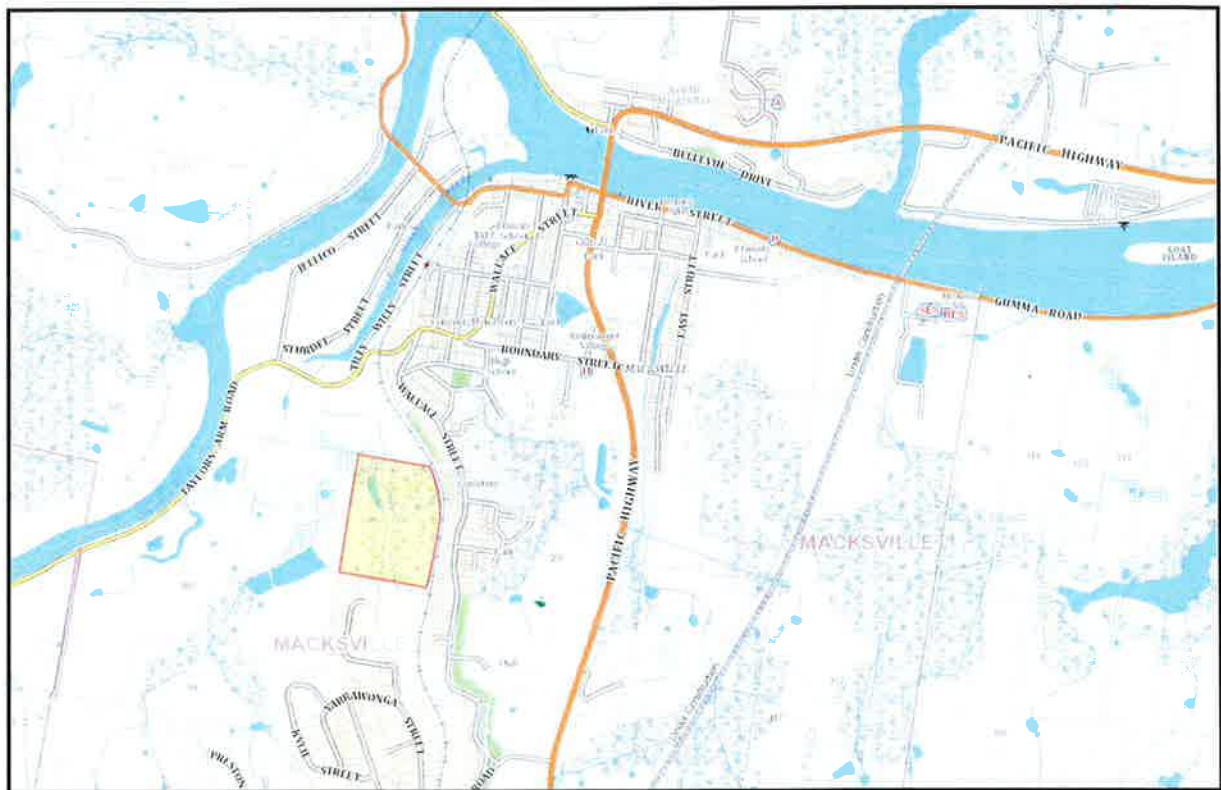
Yours faithfully

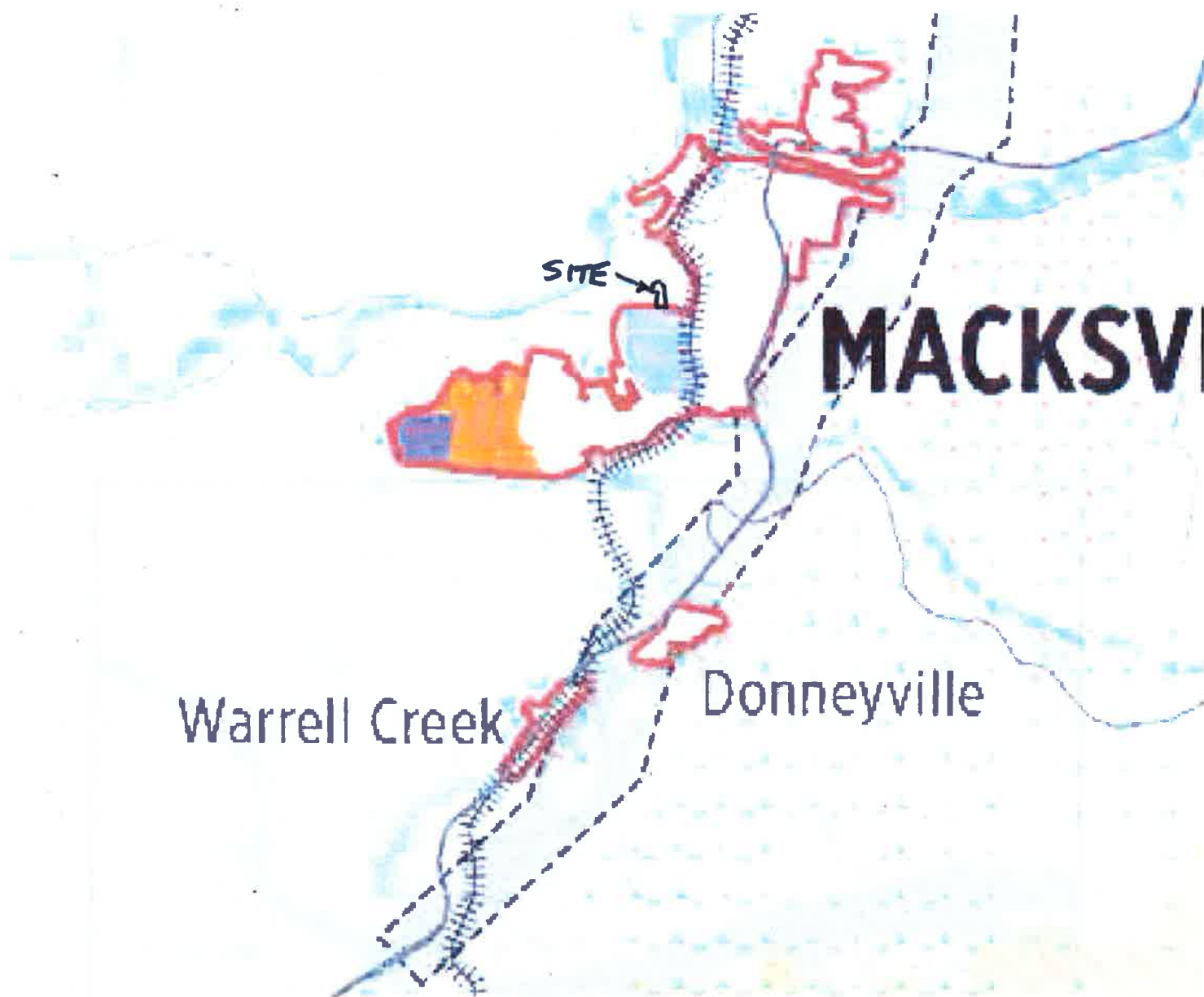
GEOFF SMYTH & ASSOCIATES



GEOFF SMYTH
gs.jm

FIGURE LOT 121 DP 755539



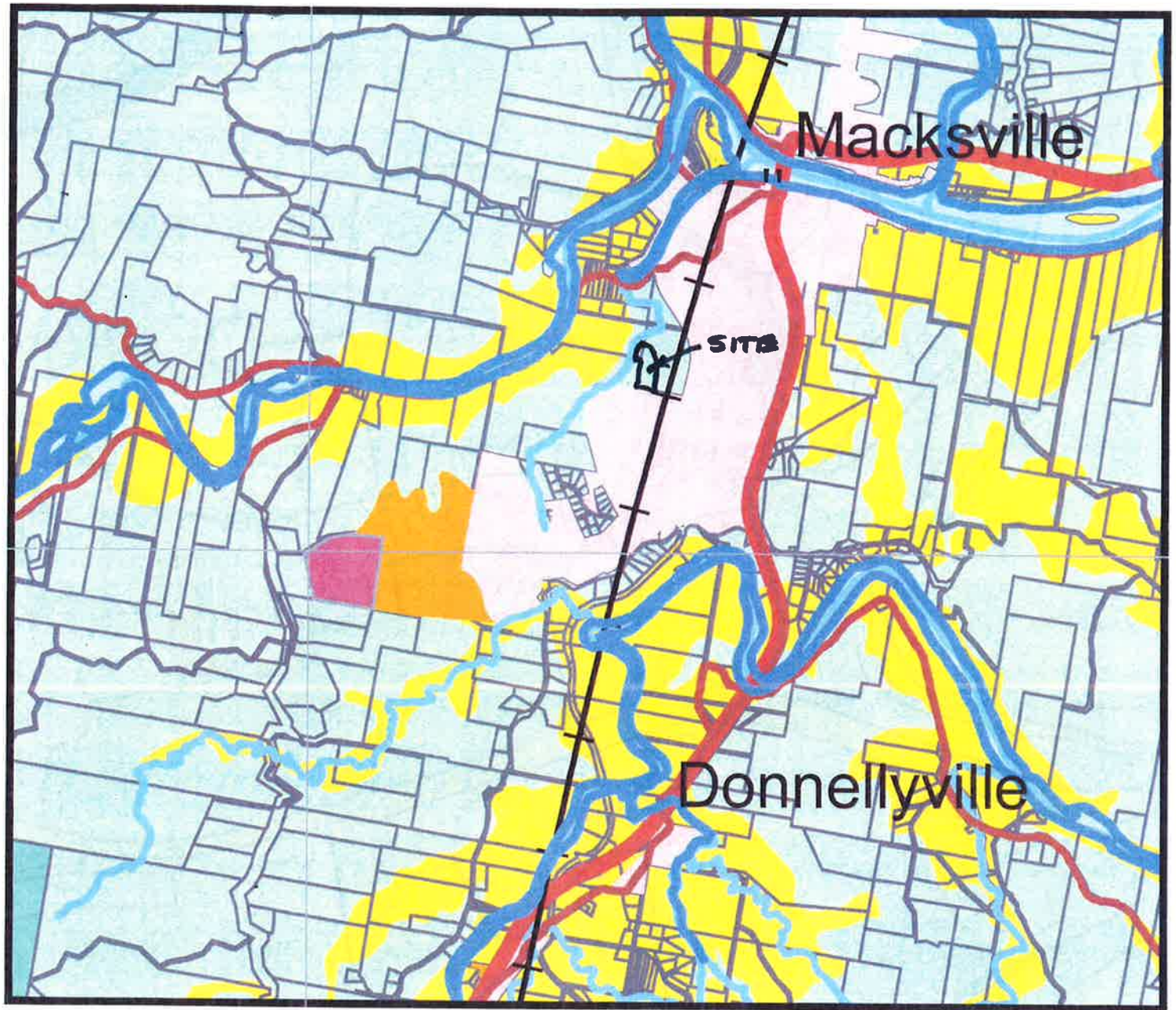


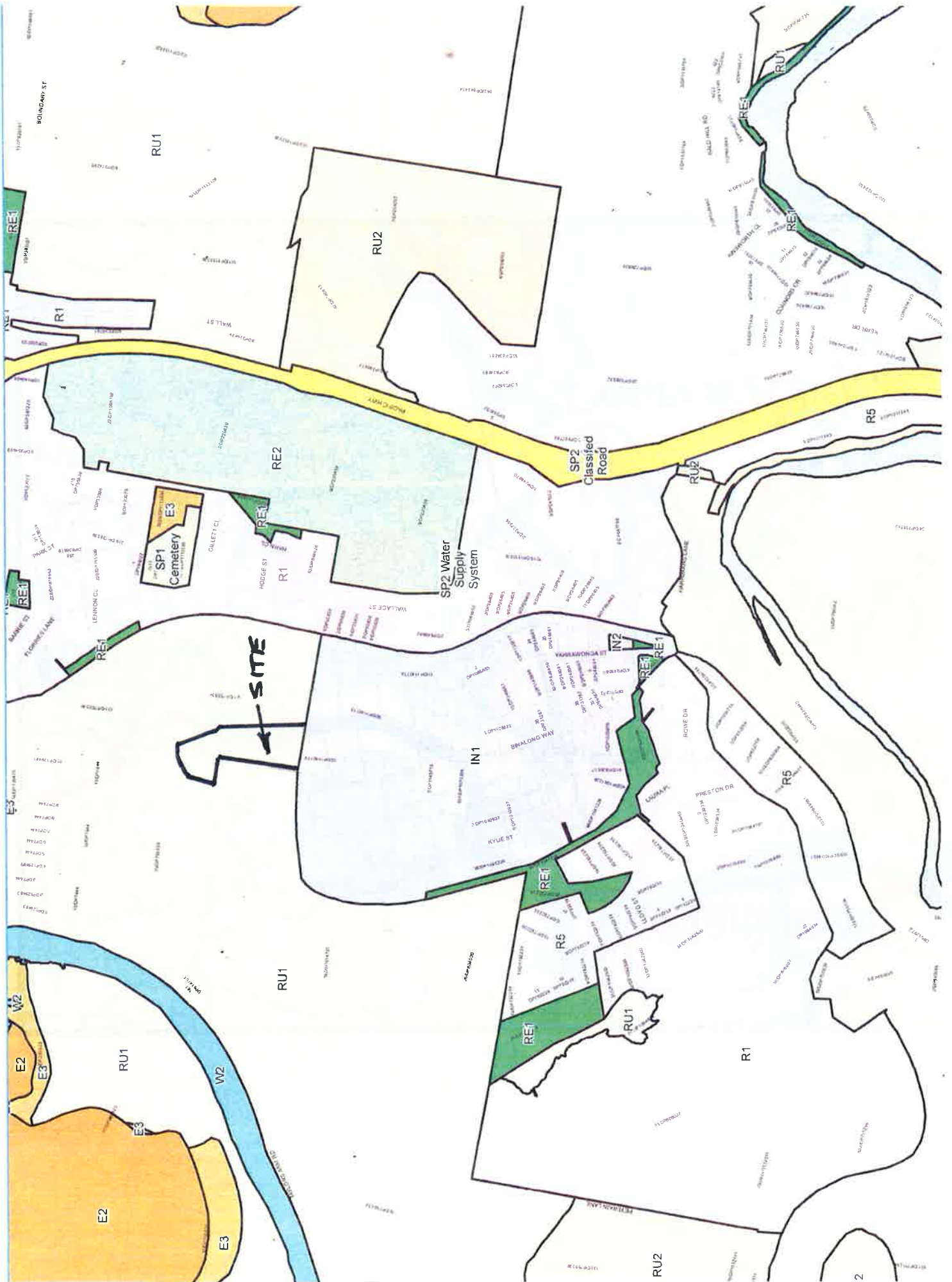
SITE

MACKSVILLE

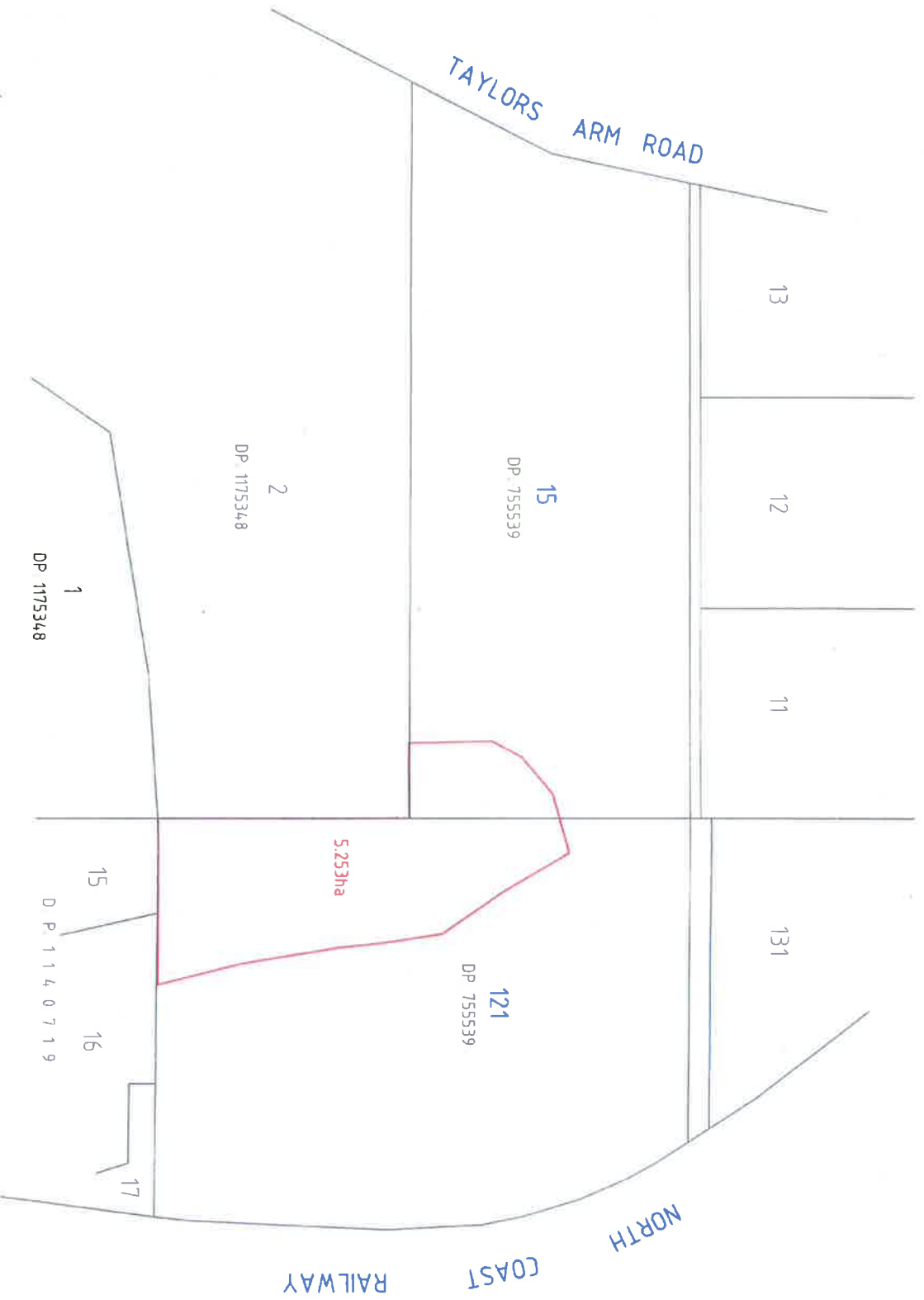
Warrell Creek

Donneyville





PLAN FOR PROPOSED REZONING OF LAND
LOTS 15 & 121 DP. 755539



AMOS & McDONALD SURVEYORS
PO BOX 610 MACKSVILLE 2447
Ph: 65681683 FAX: 65684180
EMAIL: bill@mcdonaldsurveyors.com.au

REF 16076
DATE: 26/4/16
SCALE 1:4000 (A3)

