



Department of Primary Industries

OUT15/32288

17 November 2015

Kate Masters
Senior Planner
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Kate

Kings Forest Project Approval MP08_0194 MOD 3

Thank you for the opportunity to provide comments on the Kings Forest Project Modification (MP08_0194 MOD3) as per your email dated 10 November 2015.

The Kings Forest Project is located within close proximity to agricultural land identified as State Significant Farmland, a highly important resource for food production in the North Coast region.

As you are aware, the Department of Primary Industries (DPI) has expressed concern with the replacement of the rural store as identified in the original proposal for the Employment Lands in Precinct 1 with a service station via previous correspondence relating to the matter and documented in Appendix U of the proposal documents. A service station is a significant departure from a rural store and potentially places further risk to nearby agricultural land.

DPI acknowledges the preparation of a Land Use Conflict Risk Assessment (LUCRA) and Supplementary LUCRA to assess potential land use conflict risks. Information contained within these reports are noted. It is important to consider however, that the farming use on the existing neighbouring land can also change from current forestry operations to other agricultural pursuits and consideration of the potential for heightened or other risks is necessary when considering the need and adequacy of a buffer between the service station and agricultural land.

Schedule 2 Part 3 Condition 99 that states,

'The design of the rural supplies building and landscaping in the north of Precinct 1 shall be modified to provide a 10m wide vegetated buffer generally in accordance with Appendix 2 of the Planning Guidelines: Separating Agriculture and Residential Land Uses (Qld Government August 1997) and Section A5 of Tweed Shire Council's DCP 2008, or any other such arrangements to the satisfaction of the Department of Primary Industries, to minimise any future potential land use conflict with agricultural land to the north of the site. Screening by physical means other than vegetation is not acceptable', whilst potentially, is no longer applicable to a rural store given the proposed change in land use, should still apply, albeit varied, to any change in land use of the subject site. Removal of the need for a vegetative buffer or similar, compromises the intent of the original condition to minimise land use conflict risk between agricultural land to the north of the site and the subject site.

The proponent proposes a 2.5m colourbond fence plus an additional planting of 15m high trees and a dense hedge on the southern side of the fence to address potential land use conflict risk.

The proponent also indicates that a 10m wide wallum scrub vegetative buffer on the neighbouring landowner's property will provide further protection. A vegetative buffer on a neighbouring property should not be seen as the proponent's commitment to mitigating land use conflict risk as there is no onus on the neighbouring landowner to keep/maintain the vegetative buffer. It is therefore necessary to consider whether the proposed fencing and landscaping on the subject site is adequate to address potential conflict risk between the service station and current/future agricultural use of the neighbouring land. DPI has no further comments in this regard. If the buffer provisions provided on the subject site are considered adequate, then there should be a condition that requires continued maintenance of the buffer within the conditions of consent.

To assist further with potential land use conflict risks, it is suggested that a rural area notice be provided to any purchaser/lessee of the service station that advises that the building is located within close proximity to agricultural industries and as such incidences of noise, odour and dust may occur that some people may find offensive.

Should you require clarification on any of the information contained in this response, please contact me on (02) 66261215 or Alex Wells on (02) 66503125.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Stillman' with a stylized flourish at the end.

Selina Stillman
Agricultural Resource Management Officer – North Coast