

Ezones Review Submission

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DP 1034998

We are landowners who have carried out considerable revegetation activities on our property. Byron Shire Council has now proposed that the majority of our property be rezoned from Rural 1(a) to E2 and E3.

We generally support the direction of the Ezones review. Our opportunity to familiarise with the documents has been limited, but we support the following recommendations, in particular:

1. Standardised definitions of Ezones for all LGAs to apply consistently
2. Ministerial direction that Councils require landowners' agreement to rezone land that has been voluntarily revegetated as E2 or E3
3. Opportunity for landowners to pursue Land Acquisition (Just Terms Compensation).

In addition, we want to raise the following points.

1. We would like the Ministerial direction of 'like-for-like' application for zones to be reiterated to Councils, eg. Byron Shire to be consistent with other LGAs
2. We feel there are some problems with designation of land as having 'significant environmental values'
 - i. If a landowner reforests their land, or part of their land, which was conventional agriculture, the more successful the regen, the more likely it will fall into the designation of 'significant environmental value'; only because of the landowner's goodwill and actions.
 - ii. The changed designation would lead to greater restrictions, as well as financial and bureaucratic burdens, to landowners who 'do the right thing'. More broadly, this encourages landowners to retain conventional agricultural farming practices and they will make sure they keep their land clear.
 - iii. It is unclear how this designation is made; by whom?
 - iv. Does the Ministerial direction, that Council must obtain the agreement of landowners to rezone land that has been voluntarily revegetated to E2 and E3, override existing overlays that Council have applied to a property, as a direct result and only because of the landowners regen works? These overlays should require landowner agreement as well.

3. We are also concerned with zoning by land use rather than land use rights
 - i. This means restrictions will be introduced by atrophy, ie if land use lapses for more than a year.
 - ii. This leads to loss of potential land uses. This in turn leads to:
 - a. Loss of land value; a recent article on ABC Online (May 21st 2014) explains how, for carbon farmers, "according to the bank they see that [carbon farming] as a long term 'encumbrance' that could stop any other diversification or any development of the station" and "banks are reluctant to support landholders under the current Carbon Farming Initiative because the 100-year rule can restrict future land use." Loss of potential land uses from Ezones would be viewed similarly.
 - b. Inflexibility of farm management; flexibility is often important for financial viability
 - c. In future, as resources become more scarce, we will need to look for opportunities to have multiple uses for land. Why not allow a commercial activity that provides a livelihood to a family in an environmental zone, if it has no negative impact on the environment? Writing policy that unnecessarily restricts use and will eventually need to be rewritten is bad policy-making and bad government.
4. The many layers created by zones and overlays, make for a complicated system. The review is supposed to simplify things. Landowners will be required to prepare and pay for more and more reports and plans, in order to assess any change in activity. Increasing paperwork for consent of activities discourages landowners to carry out regen activities.
5. We again ask for the green movement, whether as individuals, NGOs or in Government, to develop a set of incentives for regen works. We support the sentiment expressed in the response from Department of Planning & Environment that:
 - a. "There are many private landowners across the Far North Coast who manage native vegetation on their land and voluntarily revegetate their land. These activities often integrate with agricultural activities on the land and play an important role in the protection of biodiversity. These approaches should be encouraged and should not be burdened by the imposition of overlays and environmental protection zones unless agreed to by the land owner."