



**Submission on the Northern Councils Environmental Zones
Review Interim Report**

June 2014

**NSW Farmers Lismore/Alstonville Branch
Contact
Michael Burt
Regional Service Manager- North Coast**

Phone: 0428228988
Email: burtm@nswfarmers.org.au

NSW Farmers' Association Background

The NSW Farmers' Association (the Association) is Australia's largest State farmer organisation representing the interests of its farmer members – ranging from broad acre, livestock, wool and grain producers, to more specialised producers in the horticulture, dairy, egg, poultry, pork, oyster and goat industries.

Introduction

The former government introduced a '[Standard Instrument' Local Environmental Plan](#) (LEP) and required that all councils adopt the plan as a template for their LEPs. Farmers have raised concerns about the standard instrument, in particular its ability to allow environmental zonings to be placed over private farm land and changes minimum lot size rules, both of which affect land values and the day to day operation of productive agricultural land. NSW Farmers' branches and district councils have been instrumental in opposing unworkable changes as councils have tried to implement the standard instrument. NSW Farmers was successful in having a Local Planning Panel established to look at issues with standard instrument implementation. NSW Farmers has presented members' concerns to the panel, recommending that the Standard Instrument be withdrawn.

After extensive lobbying, NSW Farmers and other rural community groups were successful in having environmental zones on the Far North Coast reviewed. Local branches and district councils have worked hard to ensure that draft Far North Coast Local Environmental Plans delivered sensible outcomes for farmers and enable sustainable food and fibre production.

Summary and NSW Farmers Policy

In response to the Interim report of the review of Environmental Zones in the Far North Coast region, the NSW Farmers' Lismore Alstonville Branch would like to reiterate our members' concerns with the report, the relevant policy of NSW Farmers and statements of the Minister for Planning and Infrastructure in 2012.

In relation to NSW Farmers' policy on Local Environment Plans, our Members have the following recommendations:

- **Environment zones imposed on land used for agricultural production are removed from Local Environmental Plans;**
- **Existing Use Rights removed by the Environmental Planning and Assessment Amendment (Existing Uses) Regulation 2006 are restored;**
- **Positive rights and protections for ongoing farming activities are introduced such that new neighbours cannot object to routine and necessary farming activities;**
- **That landholders have the right of appeal against any such rezoning in the Land and Environment Court.**

One of the key drivers for the review was the impact of environmental zonings on local food and fibre production. The former Minister for Planning and Infrastructure stated in a media release dated September 20, 2012 "that the Government would not endorse the use of E2 and E3 environmental zones on land that is clearly rural in council LEPs on the far north coast". This statement was also directly made to NSW Farmers' members during the Minister's visit to the region in 2012 to address the concerns of the farming community.

Recommendations made in the Interim report

Interim report recommendation: *Environmental zones should only be applied to those areas which have important environmental values, based on validated ecological evidence*

Interim report recommendation: *E2 and E3 zoning should only be applied where there is proven evidence of significant environmental values that meet the specific criteria listed by the consultant*

NSW Farmers are of the firm belief that any environmental zoning (E Zone) must not be applied to land used for food and fibre production or has the potential for food and fibre production unless the landowner provides consent.

Based on evidence from NSW Farmers' members, E Zones do prohibit or restrict agricultural and horticultural pursuits and the diversification of farm production. As stated in the report, farmers have undertaken voluntary environmental works in partnership with Landcare and the former Northern Rivers CMA that have benefited biodiversity, water quality, farm production and the wider community. NSW Farmers strongly supports this voluntary and incentive based systems for balancing the needs of food and fibre production and the environment.

Many NSW Farmers' members in the Far North Coast region have also echoed concerns raised in the report about the accuracy of mapping and data used for E Zones. The NSW Farmers' Lismore Alstonville Branch strongly supports the recommendation that all local environmental studies must be based on the best available science, which is comprehensive, and accompanied by 'ground truthing' where satellite mapping is utilised

Interim report recommendation: *Land that does meet the criteria should be according to its primary use*

The Far North Coast District Council supports this recommendation, based on the premise that land that is used for primary production be zoned RU1. This rural zoning must allow for reasonable flexibility for changes in the type of agricultural activity conducted on the zoned land without the need for development applications to consent authorities.

Interim report recommendation: *Where an environmental value is identified which may not warrant an environmental zone, it should be protected through an environmental overlay on the LEP map with an accompanying clause. The consultant considers environmental values which should be managed in this way are drinking water catchment areas, scenic protection areas, coastal risk areas and terrestrial diversity.*

NSW Farmers does not support environmental overlays on land zoned for agricultural purposes. The purpose of land use zones within the LEP is to clearly identify and standardise land use, and we believe an environmental overlay is completely unnecessary. Particularly in the case of 'terrestrial diversity', there are a large number of restrictions already placed on owners of freehold land, which are in the interests of 'diversity', such as the retention of native vegetation, and in particular, protection of biodiversity in riparian areas. The arbitrary placing of an overlay would cause unnecessary uncertainty and a duplicity of regulation.

Interim report recommendation: *Extensive agriculture should be permitted with consent on E2 zoned land (except in the Tweed where it will not be permitted, as is currently the case)*

Extensive agriculture should be permitted with consent on E3 zoned land.

The Lismore/Alstonville Branch supports the recommendations that extensive agriculture and grazing be permitted with consent from the landowner with the privately owned EZone land. However, as stated previously there must be no EZones on land used for food and fibre production.

Aesthetic Values should be removed as an attribute from the E3 Zone.

NSW Farmers Members support the recommendation that aesthetic values be removed as an attribute and there should be no RU2 (Rural Landscape) zones on land used for primary production.

The proposed E2 and E3 zones in the Kyogle LEP should be removed until an appropriate study is undertaken and approved.

The report has backed the objections and concerns raised by NSW Farmers' Kyogle Branch members and the farming community.

The objections in submissions made to the Kyogle Council at the time included:-

- Department of Planning Guidelines not followed when determining E Zones.
- E Zones applied where no special environmental values.
- Widespread use of incorrect mapping.
- Biodiversity overlays should not be used over private farmland.
- Property values adversely affected by E Zones.
- All agricultural land should be zoned RU 1.

The consultants found that 100% of Kyogle E2 zones were incorrectly mapped and of the representative E3 zones that they inspected 100% of these were incorrectly mapped.

The Far North Coast District Council recommends that the E2 & E3 zones proposed on Kyogle LEP should be rezoned and that land used for food and fibre production be zoned as RU1.