

General Submission to The Northern Councils EZone Review Interim Report by Parsons Brinkernoff.

To: NSW Department of Planning and Environment.

I make this submission on behalf of The Scheibel Family who have Resided at our current location for 143 years and as a Councillor of Lismore City LGA. The points I make both endorse and disagree with the content of the report. Also there are point's mentioned which seek further clarity. I would also like to pay thanks to Former Minister for Planning The Honourable Brad Hazzard and the NSW Department of Planning for calling for this review.

The report has identified several areas of concern with proposed *Draft Lismore LEP 2012* and has, in my opinion, justified some of the concerns raised by rural landholders. I believe that the consultant's report recommendations will begin to correct some of the issues identified if implemented. There still remains some concern regarding the re zoning of any agricultural land into anything other than for the purposes of agricultural activities.

I agree with the consultants comments throughout the document in relation to the fact that existing agricultural land should not be subjected to broad scale E zoning which was specifically identified in the following statements;

- environmental zones should only be applied to those areas which have important environmental values, based on validated ecological evidence.
- 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.
- land that does not meet the criteria should be zoned according to its primary use.

The implementation of these principles should as the report states significantly reduce the amount of land that is categorised as EZones. I also agree with the principle of the findings that;

- Land that does not meet the criteria should be zoned according to its primary use.
- Extensive agriculture should be permitted with consent on E2 zoned land.
- Extensive agriculture should be permitted without consent on E3 zoned land.

I agree with the consultants finding that clear definitions of what constitutes each EZone should be developed. I also agree that the blanket zoning of large expanses of land with straight angular lines or arbitrary wildlife corridors is not appropriate.

Mapping Inaccuracies.

I would like to acknowledge the work of the consultants in identifying any mapping inaccuracies, this is vital in retaining productive agricultural land. Any unjust zoning clearly reduces the financial capacity of anyone holding. This was a common complaint amongst Rural Landholders before the report was commissioned.

Natural Resource Management Zone.

I would like to acknowledge the consideration of this as possible future zoning terminology. This maybe some common ground where by Agriculture and Environmental Protection can co-exist, it could be viewed as a way of acknowledging good Agricultural practices and creating general awareness of existing Legislation whilst allowing the continuation of existing uses throughout the in question areas. This zone could possibly form the basis of a voluntary scheme which would be in line with the direction of Lismore City Councils Biodiversity Management Strategy which was made reference to through the report.

Reference to Biodiversity Strategies.

Parsons Brinkerhoff makes reference to Lismore's Biodiversity Strategy in item 2.1.1.6 yet the council has not formally adopted a strategy. As a councillor I know Lismore City Council is looking into incentive based schemes under a voluntary basis. Is there any nexus between a future Strategy and current proposed E Zones where by they are initiated on a voluntary basis if it can be clearly demonstrated that areas can meet the required criteria.

Reference to Camphor Laurel.

This is conflicting with its listing as a noxious weed, it may act as a refuge as can any form of vegetation. The Camphor Laurel is harmful to good biodiversity as it has potential to seed and spread at quick rates overpowering other native species. For this reason any reference to it should be removed.

Overlays.

Overlays have instilled fear into the rural sector especially surrounding riparian zones, overlays appear to be a duplication of other procedures. I feel they are misunderstood to a degree however the department may be better placed to emphasize more on tightening up existing procedures to negate the need for overlays.

Process to Appeal Zoning.

If and when the situation arises where by a Zoning occurs which is in conflict with the existing and or intended use of Agricultural Land there needs to be a process for appeal of the decision. This will more than likely occur and the procedure/protocol surrounding this possible event needs to be clear.

Land Use Permissibility Table 2.1

In the 2000 LEP the term Agriculture covered a much wider range of uses, the current proposal only refers to Agriculture as Extensive Agriculture and Horticulture. There is no reference to Intensive Livestock or Plant Agriculture. Lismore's Draft LEP excludes Extensive Agriculture in an E2 Zone when it was allowed without consent previously. This is a major shift and it needs to be checked that the definitions have not been over looked here and that this isn't the result of a misinterpretation of current uses.

Points of further Clarification.

1. The term Existing Use Rights is understood by most but has created some uncertainty amongst long term Rural Landholders, I don't think that it is clearly enough portrayed throughout the report and in current LEP's. There needs to be a more Robust definition in the SILEP surrounding this terminology. The report clearly makes mention of their interpretation in the absence of legal opinion which doesn't give Rural Landholders any certainty if the situation were to arise. There also needs to be further clarity around whether changes of use within the definition of Agriculture is accepted.
2. The definition Area of Habitat is very loose with regard to possible future Threatened Species and it needs to be clearly defined that into the future Rural Landholders aren't going to be subject to planning amendments midway through the life of LEP if anyone particular Area of Habitat is flagged due the listing of a Threatened Species. This terminology is at the moment too open to different interpretations.
3. The Abandonment Clause is a contentious point as there is a host of different anomalies leading to the abandonment of any particular area for dedicated periods. Given this there needs to either be some very clear direction the department on this clause or maybe it actually removed.
4. The term Steep Land and Gullies is not clearly defined in any definition whilst being made reference to. There is no mention of a grade that determines steep. Steep land or Hill country especially can be of vital importance to a rural enterprise and this area needs further clarification.

I am hopeful that the state government ensures that any accepted findings from the consultant's report are clearly articulated to local council. Following this further community consultation is undertaken to ensure that there is common understanding of the impacts and implications of the revised LEP zonings and the local councils interpretation of the report and practical outcomes.

Whilst the consultant's report goes towards addressing some of the concerns initially raised regarding the draft LEP 2012, I note that it is only an interim report and even when finalised sections of it may still be open to a degree to interpretation. It is difficult for the community to assess the actual on ground impacts and outcomes of the report as many of the findings will still be subject to a degree of interpretation, by the state or by local councils.

Regards.

Mathew Scheibel.

375 Jiggi Road,

Goolmangar. NSW 2480