

Submission

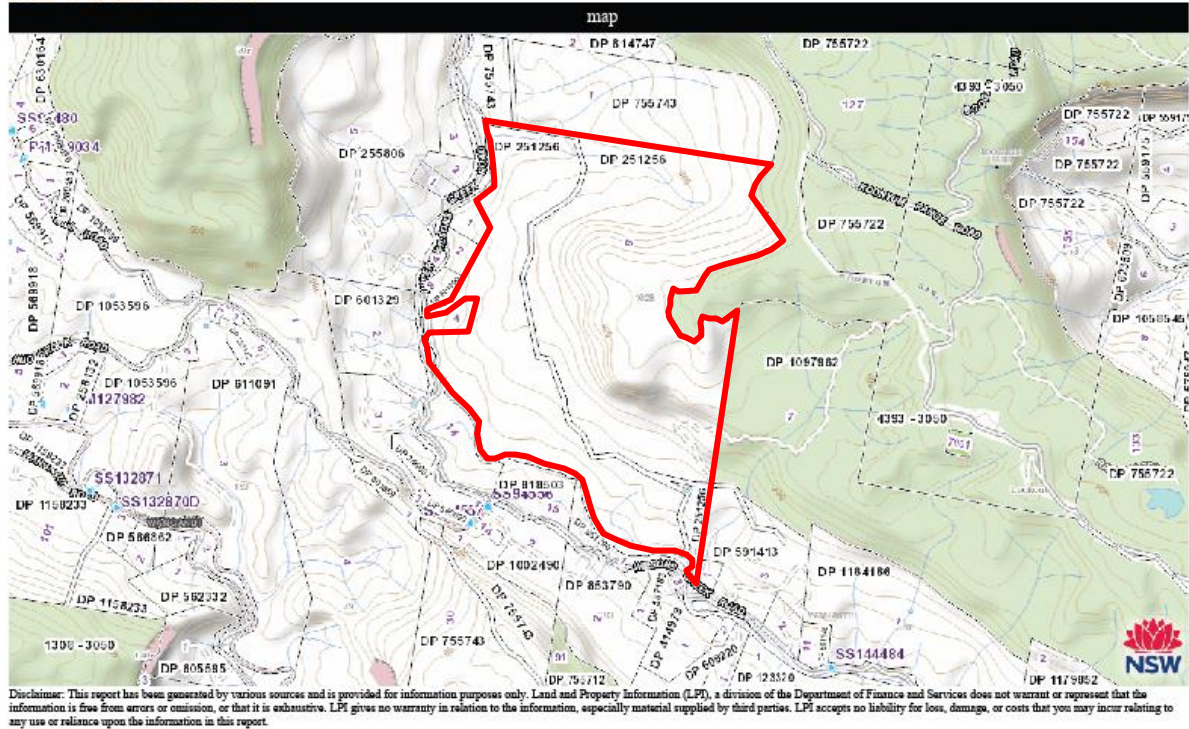
Northern Councils E-Zone Review Interim Report

Address 1028 Wilsons Creek Road, Wilsons Creek

Subject Site Description

The subject site is approximately 166Ha and an active farm utilized primarily for grazing beef cattle and small honey and egg production activities. The council rates for 1028 Wilsons Creek Road (the subject site) are based on “primary production” rates. The subject site is outlined in red below.

1028 Wilsons Creek Road



Site History

The land was settled and cleared by log getters in the nineteenth century and the subject site has been extensively logged. The current owners purchased the farm in the early 1960s. At the time it was an active dairy farm. The farm house had originally been at another location on the farm and was moved in the early 1900s to its present location. Timber was sold and the forest at the eastern end of the farm again extensively logged through the 1960s and 1970s. As a result it is not old growth forest. The farm was converted from dairying to grazing in the 1960s.

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Existing Site Structures

- Farm house
- 5 farm sheds
- 2 dams roughly the same size (1 of which shows up on the maps and one towards the western end of the farm which is not easy to make out on the aerials - probably because it is surrounded by trees)
- a farm road to connect the eastern end to the western end (four wheel drive trafficable)

Existing Vegetation

Areas adjacent the Koonyum range on the subject site are categorized as wet sclerophyll forest. This forest approximately aligns with the area zoned 7K Habitat in the existing Byron LEP 1988 and is outlined in yellow on the aerial map below.

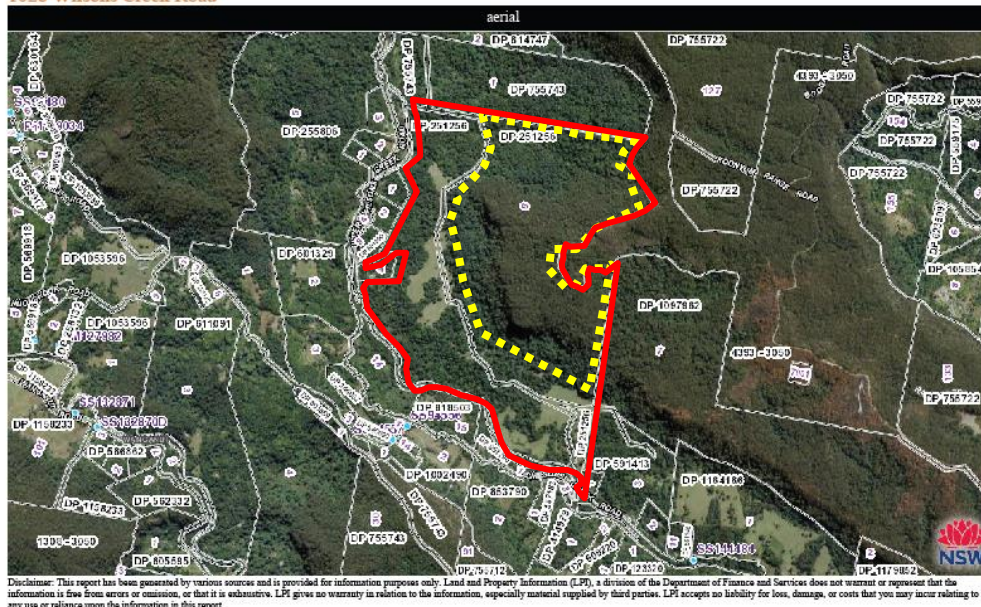
The remainder of the farm is either grazing areas / grassland (kikuyu)

Or

Bush dominated by noxious weeds and exotic species such as Camphor Laurels, Sally Wattles (a noxious weed in Queensland though not in Byron Shire), lantana, crofton, scotch thistles and cotton weed.

On the aerial photos the areas dominated by noxious weeds and exotics look like the wet sclerophyll forest – though slightly less dense.

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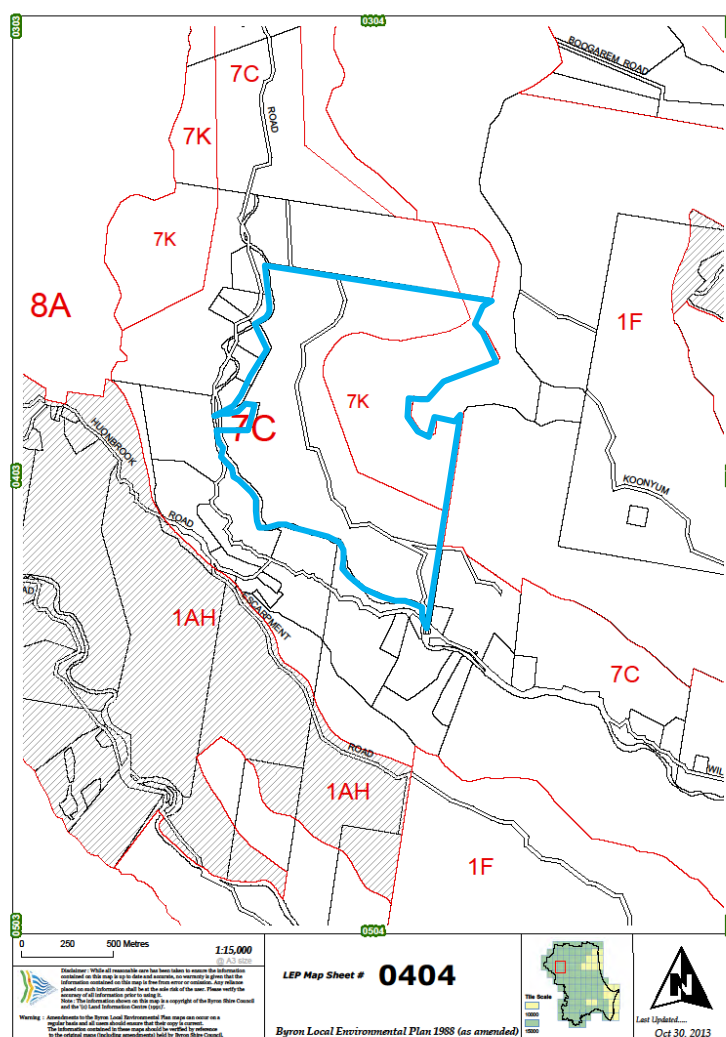
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Topography

Parts of the farm adjoining the Koonyum range are very steep. At the foot of the range is a plateau which then slopes down to the creek which forms the boundary of the farm in parts. The farming activities predominantly occur on the plateau and towards the creek.

Existing Planning Controls - Byron LEP 1988

Under the provisions of the Byron LEP 1988 the land is zoned part 7K habitat and part 7C Water Catchment. The subject site is outlined in blue on the map below



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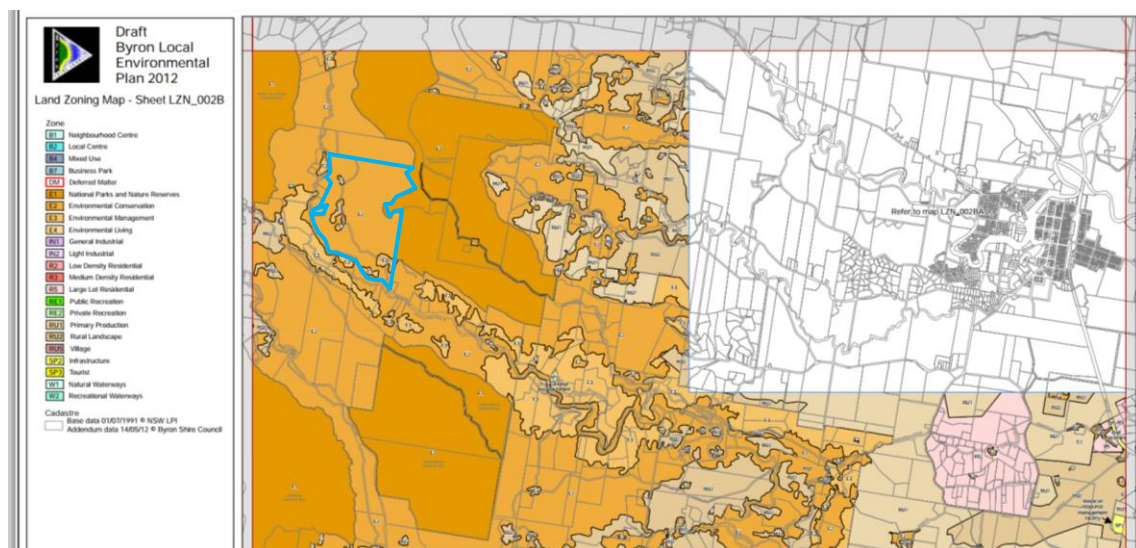
Proposed Planning Controls Under the draft LEP 2014

The subject site is proposed to be down zoned to E2 Environmental Conservation (covering virtually the whole of the farm). Farming is not permitted within this zone.

Small portions of the subject site (like islands) are proposed to be zoned E3 Environmental Management (covering some but not all of the grassed areas)

The land is not identified as Drinking Water Catchment (ie. Not shaded blue on the map) in the Byron LEP 2014.

The subject site is outlined in blue on the map below. Note predominant E2 zoning



1. I support the recommendation of the review that E2 and E3 zoning should be applied where there is proven evidence of significant environmental values.

I object to the majority of the subject site being zoned E2

Most of the farm/subject site is proposed to be zoned E2 under the draft LEP ie having high conservation value. It is acknowledged that a portion of the farm – approximately aligning with the existing 7K Habitat land use zone in Byron LEP 1988 – has high conservation value.

However, the rest of the farm (currently zoned 7C) does not have high conservation value being dominated by noxious weeds/exotic species, grazing lands, farm structures and access roads. There is no evidence for the proposed extensive E2 zoning.

The proposal to down zone most of the subject site (including farming land) to E2 should be abandoned due to lack of evidence and because it impacts significantly and negatively on the livelihood of the existing owners and the land value.

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2. The review of the proposed E-zones on the subject site is not independent and the consultants Parsons Brinkerhoff have a conflict of interest.

Parsons Brinkerhoff undertook the Byron Shire 2008 Environmental Study that supported the proposed E2 and E3 land use zones. More recently, Parsons Brinkerhoff were engaged by the Dept of Planning and Environment (DOPE) to undertake a review of proposed E-zonings on the north coast. There is neither the appearance nor evidence that the review is independent given that the same consultants have done both the original study and the review in the Byron Shire.

The consultants – Parsons Brinkerhoff - have a clear conflict of interest.

3. The review and the original study for Byron Shire E zones is not evidence based and includes significant errors.

The review states that the draft Byron Shire LEP E-zone mapping was desk based being sourced primarily from aerial photos. It is clear that the aerial photos and the E2 mapping was not ground-truthed with respect to the subject site. The review equally did not include an appropriate level of ground-truthing in Byron Shire.

This method is an irresponsible approach that is subject to significant error and has resulted in the downzoning of the site. The outcomes of this downzoning have significant affect on the potential livelihood of the current owners and the property value. In this case the future of the subject site to continue as an active farm and/or other suitable uses is severely diminished as is the likely resale value.

The Parsons Brinkerhoff review of the E-zones in Byron Shire consisted of 17 site visits. It is stated that some of these site visits were abandoned due to inclement weather though it is not stated how many site visits were abandoned and how many site visits actually undertaken. In any case 17 is too few to ensure any level of ground-truthing nor to establish that the sites visited are representative of the mapping error rate. 87% of land proposed to be zoned E3 was found by the review to be actively farmed. The review states also that 57% of sites visited in the E2 zone were dominated by exotic species (and therefore did not meet the criteria) and contained mapping errors. However, this figure can in no way be held to be representative of the mapping error rate in Byron Shire LGA.

Certainly a site visit was not undertaken on the subject site either during preparation of the original environmental study or during the more recent review of the E-zones.

In summary there is no evidence for the classification of the land as having a high conservation value and meeting the E2 zone criteria as no appropriate level of ground-truthing or review has been undertaken and the review has found a significant error rate.

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4. I objected to the LEP 2014 E-zones and was notified about the review exhibition.

The notification of this review and its exhibition are particularly poor and do not meet recommended standards by the Dept of Planning and Environment (the DOPE) for community consultation. In particular, I found out about this exhibition purely by luck.

5. Extensive agriculture should be permitted on E2 lands.

The review recommends that agriculture is permitted in the E2 zone. I object to the idea of retaining the E2 land use zones on the subject site and expanding the land use table to permit agriculture as per the recommendations of the review. The concept is contradictory and diminishes the aims and objectives of an environmental zone with high conservation values.

6. Conclusion

The proposal to zone the subject site predominantly E2 and a small proportion E3 is a down zoning of the subject site from its current predominantly 7C Catchment land use zone (permitting a broad range of activities including eco tourist facilities and agriculture). Under the provisions of the proposed E2 Environmental Conservation land use zone only 2 land uses are permitted most particularly the current farming use is prohibited. The original proposal to grandfather the current land-uses under “existing use rights” and gradually transition them out is also objected to.

The review undertaken by the DOPE concludes that mapping errors have occurred in Byron Shire in both the mapping of the E2 and the E3 land use zones. I support this conclusion with respect to the subject site and argue that the E-zone mapping on the subject site includes significant errors. The DOPE review has ground truthed only a few sites (less than 17) for mapping accuracy and the error rate identified cannot be taken to be representative of the overall accuracy rate of mapping in the Byron LGA. 57% of sites in the proposed E2 zone were found to be dominated by exotic species and therefore did not meet the criteria for E2 and 87.5% of proposed E3 zones found to be actively farmed -.

I particularly object to the extent of the proposed E2 zones on the subject site in draft Byron LEP 2014. The land within the subject site that is currently part zoned 7K Habitat under the provisions of Byron LEP 1988 more closely aligns with land that meets the criteria for land to be zoned E2 Environmental Conservation. I request that the zone maps are amended accordingly and the extent of the E2 on the subject site reduced to match the current 7K land use zone and the balance to be given a zoning that reflects its current land use.

I support the recommendations of the review that land that does not meet the E zone criteria should be zoned according to its primary use. The subject site is rated “primary production”. by Byron Shire Council consistent with its current land use. Accordingly the subject site should be given a predominantly rural land use zoning.