



10 Mar 2016  
The Land, Sydney

Author: Alex Druce • Section: General News • Article type : News Item  
Classification : Rural • Audience : 36,350 • Page: 3 • Printed Size: 688.00cm<sup>2</sup>  
Market: NSW • Country: Australia • Words: 845 • Item ID: 557539462

isentia.mediaportal

Copyright Agency licensed copy (www.copyright.com.au)

Document tendered by

The Hon Paul Green MLC

Received by

Rebecca Main

Date: 11 Mar 2016 Page 1 of 3

Resolved to publish Yes / No

# Council land grab scare

## Green zones threat to farmland

BY ALEX DRUCE

FRESHLY-minted zoning reforms are meant to prevent an environmental land grab on the North Coast, but farmers fear their private property is still exposed to the whims of green-tinged local councils.

This week the NSW government finalised environmental zoning (E-Zone) reforms that were sparked in 2012 when farmers accused North Coast councils of over-zealous conservation agendas in their draft Local Environment Plans (LEPs).

But some landholders remain sceptical - including Lismore City councillor and organic macadamia farmer Greg Bennett - who says loopholes exist for pro-environment councils to try and place restrictive conservation E-Zones on private farmland.

In announcing the new North Coast E-Zone guidelines this week, Planning Minister Rob Stokes assured landholders that zoning in Lismore, Byron, Tweed, Kyogle and Ballina would be governed by a Section 117

ministerial direction that relates to the land's primary use for the past two years.

A spokesman for Mr Stokes said agriculture was considered a primary use even if land was kept fallow for two years as part of a management practice.

Furthermore, any proposal to change the zoning of the land must be backed by evidence that includes site visits, aerial photography, landholder discussions as well as management, development and conservation plans.

But farmers are unsure if agricultural primary use applies if their farmland is dormant for two years - potentially due to drought, financial hardship, transition of the farm enterprise, or being absent while travelling.

Cr Bennett, who has sat on Lismore City Council for three years, runs a certified organic macadamia farm on 20 hectares at Nimbin.

He said his property did not fall within an E-Zone but was subject to restrictive LEP biodiversity overlays that could make even the building of a shed a bureaucratic nightmare.

Mr Bennett also accused his own council of having an environmental land-grab

agenda that had rezoned people's land, neutralised production and slashed land values.

"Not only can these people no longer farm their land

- but they must also spend money to maintain and improve it for environmental reasons," Cr Bennett said.

"Nobody knows how to take care of the land better than a farmer."

A spokesman for Mr Stokes said the NSW Chief Planner would conduct an independent review in the event of a dispute over an E-Zone being placed on

private land. But Cr Bennett said councils on the North Coast - or anywhere in NSW - should simply not be given power to make E-Zone decisions.

"Some councils have very green agendas that totally ignore reason.

"It's got to be given to the state government, there are more controls there that would prevent E-Zones from being misused."

Lismore City Council strategic planning co-ordinator Paula Newman said while staff were still digesting Mr Stokes' announcement, she welcomed it as a step towards clarity on planning matters.

"Council staff are meeting to agree upon common interpretation of how the direction might be practically applied," Ms Newman said.

"We are yet to take a proposal to council, but we will inform and consult with landholders when we know more clearly what the review process will look like and when it will take place,

given our other competing priorities."

NSW Farmers has aired concerns about a council's ability to impose an E-zone on productive land.

Meanwhile, NSW Shooters and Fishers MP Robert Brown said he wanted E-Zones taken out of the planning system altogether when it comes to private property.

"There should be no opportunity for the government to alienate farmers at all," Mr Brown said.

"Rob Stokes has a list of guidelines for councils, but green-controlled councils will ignore these directives.

"They will arbitrarily re-zone a property without consent, then claim biodiversity credits off it.

"They want to earn money off the farmer's back and kill their enterprise in the process."

Mr Brown said the Shooters and Fishers Party - which recently applied to add "Farmers" to its name - would tackle the E-Zone reforms with the support of fellow Upper House cross-benchers in the Christian Democrats.


### E-ZONES: KEY POINTS

Councils can apply E-Zones to private land if they can show the primary use of the land was environmental conservation (E2) or management (E3) over



10 Mar 2016  
The Land, Sydney

Author: Alex Druce • Section: General News • Article type : News Item  
Classification : Rural • Audience : 36,350 • Page: 3 • Printed Size: 688.00cm<sup>2</sup>  
Market: NSW • Country: Australia • Words: 845 • Item ID: 557539462

 isentia mediaportal

Copyright Agency licensed copy (www.copyright.com.au)

Page 2 of 3

two years.

- However, in proposing an E-Zone, councils need to validate ecological evidence via site visits, property development records, farm management plans, up-to-date aerial photography, private native forestry or property vegetation plan approvals, conservation records, and discussion with landowners.
- For land to remain zoned for agriculture, farmers need to show farming has been the primary use (including leaving the land fallow for management reasons) over two years.
- The NSW Chief Planner will conduct independent reviews in the case of a disagreement over a zoning decision.

**See editorial p24**



Some councils have very green agendas that totally ignore reason. (E-Zone decisions) have got to be given to the state government

**Lismore City councillor and organic macadamia farmer  
Greg Bennett**



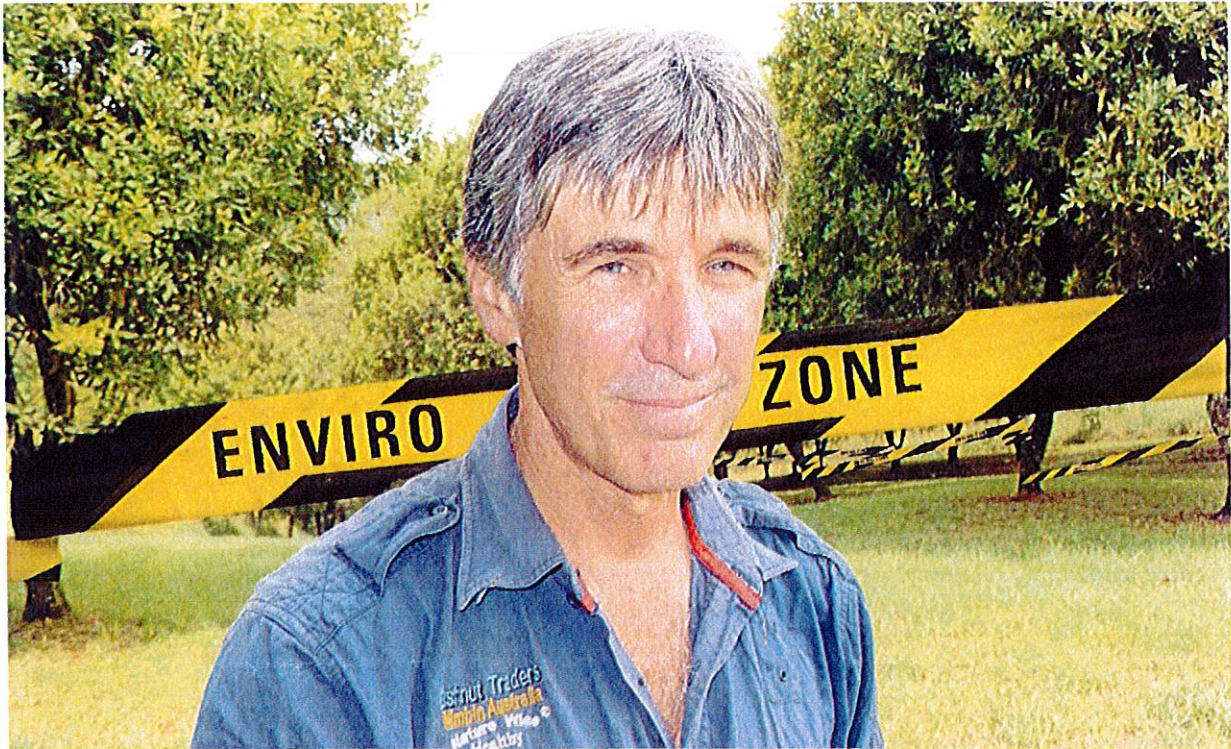
10 Mar 2016  
The Land, Sydney

Author: Alex Druce • Section: General News • Article type : News Item  
Classification : Rural • Audience : 36,350 • Page: 3 • Printed Size: 688.00cm<sup>2</sup>  
Market: NSW • Country: Australia • Words: 845 • Item ID: 557539462

isentia.mediaportal

Copyright Agency licensed copy (www.copyright.com.au)

Page 3 of 3



Lismore City councillor and organic macadamia farmer Greg Bennett, Nimbin, says local councils shouldn't be able to apply E-Zones to private land. Photo by Jamie Brown, digitally altered.

