

Appendix B

Community consultation



Department of Planning and Infrastructure

Community and stakeholder consultation report

30 August 2013



**PARSONS
BRINCKERHOFF**

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Abbreviations

DP&I	Department of Planning and Infrastructure
EZones	Environmental Protection Zones
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SILEP	Standard Instrument Local Environmental Plan

Executive summary

In January 2013 the New South Wales Minister for Planning and Infrastructure, Brad Hazard, (DP&I) engaged Parsons Brinckerhoff to assist in a review (the Review) of E2, E3 and E4 zoned land as well as selected environmental overlays included in the Standard Instrument (SI) Local Environmental Plan (LEP). The Review followed on from public concerns raised from the majority of the LEPs within the Northern Rivers area, specifically Kyogle, Lismore, Ballina, Byron and Tweed Local Government Areas (LGA).

As part of the Review, DP&I and Parson Brinckerhoff conducted a community consultation process which facilitated open and transparent two-way communication between landowners, key stakeholders, the community, specific interest groups, and the project team.

A key focus of the consultation process was to gather community and stakeholder issues and concerns while providing information about the Review.

A total of 2,702 contacts were made throughout the Review consultation process.

The consultation process included landowners and directly affected landowners; specific interest groups such as community, environmental and agricultural; industry, elected representatives and agencies. Key methods of consultation included:

- developing project specific communication materials such as advertisements, feedback form and a Frequently Asked Questions (FAQs) document
- conducting community drop-in sessions in Kyogle, Lismore, Ballina, Byron and Tweed local government areas
- meeting with elected representatives
- conducting phone interviews to community members that could not attend or were unable to wait at the drop-in sessions
- maintaining community contact points
- establish and management of the Review database.

Almost 500 people attended the community drop-in sessions, of which 309 provided information that was recorded on feedback forms. These forms were then considered as submissions. Further analysis of the feedback forms indicated that 221 of the attendees at the community drop-in sessions were property owners within the LGAs.

A total of 2,512 submissions to the Review were received via the drop-in session feedback forms and the Review contact points (email and postal addresses). The issues were categorised into issue groups, which included:

- environmental – concerns raised about environmental impacts, including positive and negative perspectives regarding EZones and the LEPs
- economic – concerns relating to perceived economic impact and potential economic advantages associated with EZones and LEPs.
- social – concerns of broader community-based issues and observations relating to EZones and LEPs
- property management – concerns and questions raised particularly by landowners about the perceived effects the application of EZones could have on individual landowners

- planning process – concerns about the planning process of the LEPs, including the SILEP template, local Councils' development and application of EZones and overlays and their consultation process
- department process – concerns raised by the community about DP&I reviewing the LEPs, perceptions and requests of what the outcome will have and DP&Is consultation process.



1. Introduction

The Standard Instrument (SI) Local Environmental Plan (LEP), introduced by the then New South Wales (NSW) Department of Planning in 2006, intends to create a common format for LEPs across the State. The SILEP template provides four environmental zonings which councils can apply. These include, E1 National Parks and Nature Reserves (E1), E2 Environmental Conservation (E2), E3 Environmental Management (E3) and E4 Environmental Living (E4). Councils across NSW have begun developing and implementing their own SILEP.

Following public concerns raised as a consequence of the consultation phases of the majority of LEPs within the Northern Rivers area of NSW, the Minister for Planning and Infrastructure called for a review of E2 and E3 zoned land as well as selected environmental overlays in the Kyogle, Lismore, Ballina, Byron and Tweed Local Government Areas (LGAs). The Minister for Planning and Infrastructure, Brad Hazard, engaged Parsons Brinckerhoff to undertake this review. On 17 January 2013, the review was also extended to land zoned E4 Environmental Living, which affected only the Byron local government area.

Draft SILEPs in these LGAs will be progressed while Parsons Brinckerhoff conducts the review. However, all land to be zoned E2, E3 or E4 in draft plans will be deferred when the LEP is finalised. The present zoning under the existing LEP for those deferred areas will remain until such time as the review is completed.

The Northern EZone Review (the Review) aims to inform planning decisions on the application of environmental zoning in the specified LGAs in the Northern Rivers region and potentially establish broader principles for environmental zoning across the state. A key part of the Review is gathering community and stakeholder input on how the EZones were applied and the associated negative and positive impacts.

1.1 Context and purpose of this report

As part of the Review, a program of stakeholder and community consultation was conducted. This community and stakeholder consultation report:

- describes the consultation and communication activities
- describes the issues and concerns raised by stakeholders including, directly affected landowners and affected communities
- provides recommendations to the NSW Department of Planning and Infrastructure (DP&I) for future consultation activities based on feedback obtained during the consultation process.

1.2 Review area

The Review is being conducted in the Northern Rivers region located in the far north east of NSW. The area encompasses approximately 20,706 square kilometres and has a population of almost 251,000 people.

The Northern Rivers area is known for its abundance of natural beauty and rich agricultural activities, both contribute to the strong industry development in tourism, retail, agriculture, forestry and fishing.

The LGAs included in the Review are Kyogle, Lismore, Ballina, Byron and Tweed, five of the seven LGAs in the Northern Rivers region. These LGAs are referred to as the 'Review Area' which spans over 7,000 square kilometres (see Figure 1.1) and includes approximately 205,000 residents.

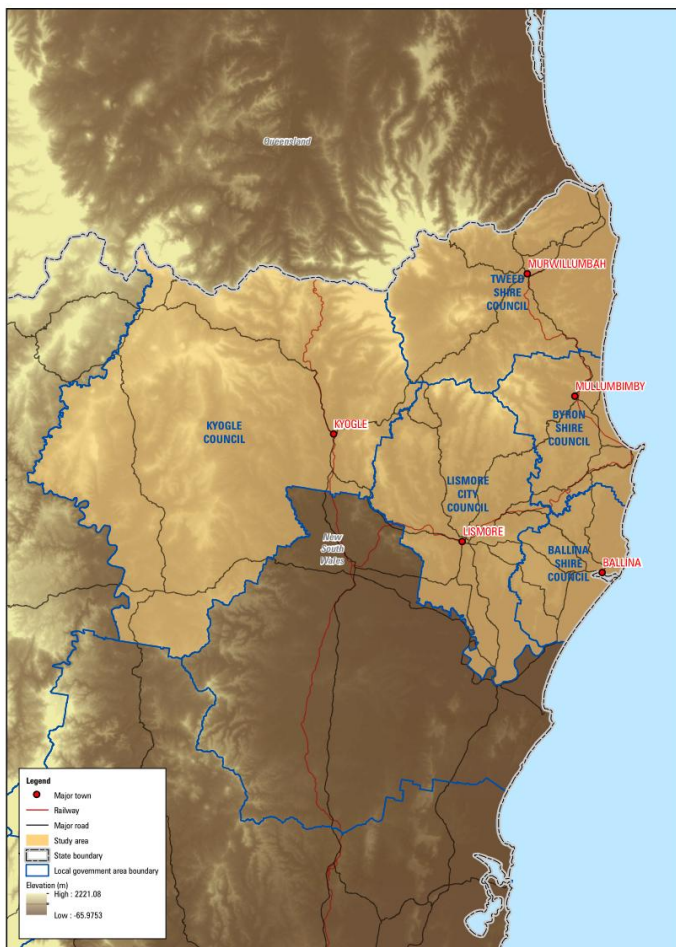


Figure 1.1 The review area

Each LGA is unique and additional information on each is provided in later sections of this report, specifically:

- Kyogle – Section 7.2.1
- Lismore – Section 7.2.2
- Ballina – Section 7.2.3
- Byron – Section 7.2.4
- Tweed – Section 7.2.5.

2. Consultation objectives

DP&I and Parsons Brinckerhoff identified a number of consultation objectives as part of the Review. These objectives were developed to provide the framework for a robust and comprehensive process.

The broad stakeholder and community consultation objectives were to:

- listen to stakeholders to understand the breadth of issues to make more informed recommendations
- ensure the community and stakeholder involvement process supported and informed the Review
- conduct an open and transparent public consultation and communication process, that upheld the independence of Parsons Brinckerhoff
- facilitate a consultation Review
- manage the community's expectations as to which aspects of the Review can and cannot influence final outcomes
- conduct a consultation process that informed the recommendations made to the Minister
- provide a consultation process that was compatible with the social environment of the region.

3. Stakeholder identification

Stakeholders are defined as an individual that is interested in, and has potential influence over, the Review outcomes. Throughout this report the term stakeholder includes individuals, the community, and stakeholder groups noted below.

A number of key stakeholder groups were identified at the beginning of the Review however all stakeholders both individuals and groups are referred to as participants in this report.

Key terms used in this report to identify certain stakeholders are:

- specific interest groups – are groups of participants that are likeminded people and have a specific interest in community, environmental or agricultural aspects of the Review. These include Environmental groups and interested community members and associations and Agricultural industry groups and bodies. These participants are identified in the Section 7 of this report
- elected representatives – local, state and federal Members of Government that represent local communities, businesses and other stakeholders in the area.

A more detailed list of stakeholders is provided in Appendix A.

4. Consultation scope

4.1 Review timeframes

The Review scope relating to community and stakeholder consultation included the following:

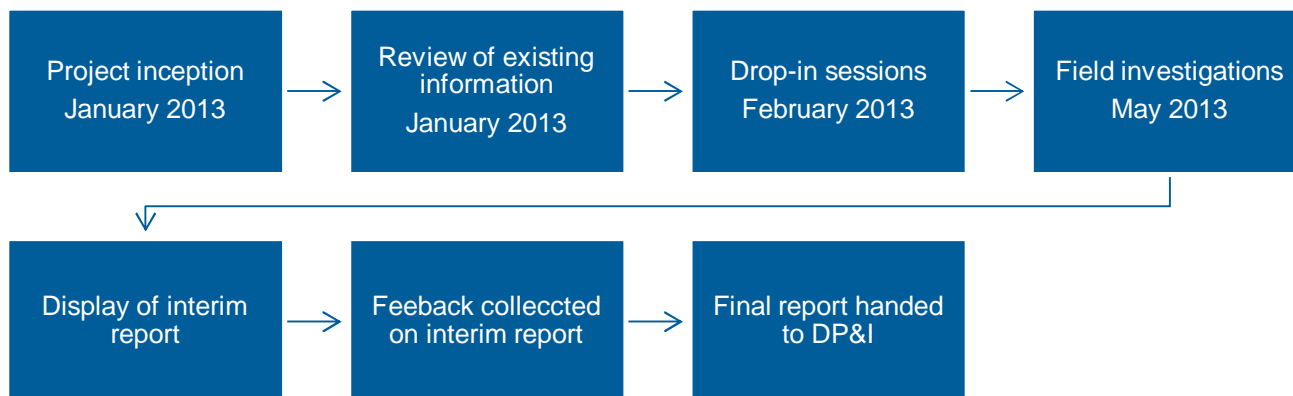


Figure 4.1 Review milestones

4.2 Consultation activities and timeline

The following sections provide an overview of activities that were used to keep stakeholders and community informed, support the Review objectives and the integrity of the review process and collect feedback from stakeholders.

These activities were carefully selected to support the Review and to ensure an integrated approach that gathered community and stakeholder issues and feedback to be used in reporting. Activities were executed jointly between Parsons Brinckerhoff and DP&I. When there was potential for Parsons Brinckerhoff independence to be impacted, Parsons Brinckerhoff would conduct the task.

The comment period commenced on 5 February 2013 and was due to close 5 pm on 11 March 2013. However it was extended to 5 pm on Monday 25 March 2013. The reasons for the extension was the increased level of community interest during the early phase of the Review and some community feedback that indicated bad weather, during the community drop-in sessions, limited individual's attendance.

4.2.1 Communication materials

4.2.1.1 Project contact points

All identified stakeholders were invited to make a written submission to the Review for Parsons Brinckerhoff to consider. Submissions could be made via the Review contact points including:

- email EZones review@planning.nsw.gov.au
- post a letter to EZones Review Project, Attention: Stephanie Schofield, Planning Operations Coordination Branch, Department of Planning and Infrastructure, GPO Box 39, Sydney, NSW, 2001
- contact the Review Project by phone.

4.2.1.2 Webpage

Regular project updates and general information was provided through the DP&I planning reviews and panels website, which could be accessed via: <http://www.planning.nsw.gov.au/reviews>.

4.2.1.3 Advertising and media

Community drop-in sessions were advertised in various newspapers throughout the Review Area and the Department also distributed media releases to local media outlets (refer to Appendix B for an issued media release and copy of the advertisement). The publications used to advertise the community drop-in sessions included:

- Ballina Shire Advocate
- Lismore Northern Star
- Casino Richmond River Express
- Lismore Northern Rivers Echo
- Tweed Daily News.

4.2.1.4 Frequently asked questions

The Frequently Asked Questions (FAQs) document provided information about the Review and outlined the timing and phases of the Review process.

Details about the community drop-in sessions including venues, dates and times for each LGA and alternative options to provide comments regarding the Review were outlined in the FAQs.

The FAQs also highlighted where additional information could be accessed and how to contact DP&I.

A copy of the frequently asked questions is provided in Appendix B.

4.2.2 Community drop-in sessions

From Monday 18 February to Monday 25 February community drop-in sessions were held in each of the local government areas to listen to community feedback and concerns around the EZones and overlays in the draft LEPs for the affected shires. Table 4.2 provides details on the community drop-in sessions for each LGA.

The format of the sessions was one-to-one interviews with each attendee, some group interviews also occurred. The feedback form was used to guide discussions, gather key data such as address details and to identify and capture information to be considered a submission. A copy of the feedback form used to initiate discussion and collect feedback is provided in Appendix C.

One-on-one interviews were conducted by Parsons Brinckerhoff representatives to maintain independence through capturing feedback and concerns directly from participants to inform the Review.

As well as gathering subjective information and understanding of stakeholder issues, a secondary function of the community drop-in sessions was to gather nominations for field inspections for specific sites affected by the zoning.

At the community drop-in sessions the following information was available for viewing:

- FAQs document
- draft LEP for the LGA and in some cases Final LEP with deferred matters
- the previous LEP
- zoning maps.

Table 4.1 Drop in session details per LGA

LGA	Venue	Date and time
Kyogle	Kyogle Memorial Hall, Banquet room	Monday 18 February 11 am – 2 pm and 4 pm – 7 pm
Lismore	Lismore Workers Sports Club	Tuesday 19 February 11 am – 2 pm and 4 pm – 7 pm
Ballina	Lennox Head Cultural and Community Centre	Wednesday 20 February 11 am – 2 pm and 4 pm – 7 pm
Byron	Mullumbimby Civic Memorial Hall	Thursday 21 February 11 am – 2 pm and 4 pm – 7 pm
Tweed	Murwillumbah Community Centre	Monday 25 February 11 am – 2 pm and 4 pm – 7 pm

4.2.3 Phone interviews

Due to the high level of interest and associated time constraints some attendees could not afford the time to wait for an interview at the community drop-in sessions. In this case a commitment was made to the attendee that a Parsons Brinckerhoff representative would contact them at a later date for a phone interview. As a result, follow up calls were made to approximately 30 community members. Each phone call, if approved by participant, was considered a submission.

4.2.4 Elected representatives meeting

State Members of parliament for each area attended a meeting with the Review team on Thursday 20 June 2013 at Parliament house. Attendees included:

- The Hon. Don Page – Minister for North Coast
- Anne Rinaudo – Policy Advisor
- The Hon. Thomas George – Member for Lismore
- The Hon. Geoff Provest – Member for Tweed
- Brad McDonald and David Kretchmann – Consultants - Parsons Brinckerhoff
- Neil McGaffin - Executive Director – Rural and Regional Planning – Department of Planning
- Stephanie Schofield - Project Manager – Planning Coordination and Support –Department of Planning.

The meeting provided Local Members with an opportunity to voice concerns of their constituents for inclusion in the Review. An overview of the activities conducted to date such as the desktop studies conducted, community drop-in sessions and submissions, and sample site investigations was also provided.

The five key issues identified through Parsons Brinckerhoff's assessment were discussed, these include:

- mapping – both quality and accuracy
- consistency of application of EZones
- public consultation across the LGAs
- the name of EZones carries a perception
- land use restrictions.

It was further explained, that there was a general trend for inconsistency between the LGAs across the five key issues discussed.

Enquiries were made regarding how the Review would specifically identify EZone impacts on participants that were landowners. Parsons Brinckerhoff informed how landowners were identified on the feedback forms and in written submissions further explanation was provided on how the issues and feedback was analysed to highlight issues from landowners and environmental concerns.

Lastly, the next steps were outlined including the program and content of the report for exhibition.

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5. Methodology

5.1 Database

The Access database was developed to reflect the feedback forms used at the community drop-in sessions. The database was established and has been used throughout the Review to record all submission including feedback forms, written submissions and phone interviews and proformas. The database recorded stakeholder details, including contact information, address and LGA details, key issues and EZone awareness. The centralised management of all community and stakeholder contact ensures the accuracy of information received.

All data was collated to track key and emerging issues and to classify community and stakeholder feedback. The generation of reports was facilitated by the database which assisted Parsons Brinckerhoff to understand the types of issues affecting the individual community members in different LGAs as well as collectively. Importantly, the data collation allows for anonymity of individual submissions in the production of this Community and stakeholder consultation report.

5.1.1 Assumptions

In order to categorise information the assumption was made that if a submission did not disclose a specific location the submission would be included as a written submission to the Review.

5.1.2 Limitations

It is important to acknowledge the limitations identified in the data to ensure information is analysed and categorised in a practical and meaningful way. Limitations include:

- the database only reflects information provided by stakeholders, in this instance some stakeholder details have not been provided such as address or contact details
- the process of consolidating data and issues analysis can be influenced by the reader's interpretation. For issues that were unclear in a submission a second assessor's interpretation was sought. Despite these measures, misinterpretation may have occurred
- throughout the analysis similar issues have been collated to assist understanding and the interpretation of community views. There are some individual issues that were not included in the detailed analysis but were included in the overarching issues group. An example of this is one submission raised the issue of the ability to have community title under EZones; this is not discussed in the detailed analysis but is included in the total number Property Management issues (1,624 issues). Individual issues or issues with a low frequency are included in Appendix D
- it is important to note that some community members and groups provided multiple submissions via different contact methods, all submission were reviewed and issues classified and recorded in the database. Hence the database only reflects a single entry for that person or group.

5.2 Issues analysis

The issues raised through consultation were collated into the Review database.

Once all data was compiled in the database it was possible to identify the frequency of issues addressed in the submissions. This report revealed similarities between issues and common threads were identified.

These common threads highlighted six key issue groups including environmental, economic, social, property management, planning process and department process. Similar issues were categorised into the issue groups however each contained a large number of individual issues so further issue consolidation was conducted. This resulted in the formation of sub groups within each of the six issue groups.

Due to the complexity of the Review and the variety of issues, it is important to note the groups are not definitive and there is cross overs between the groups.

Table 5.1 outlines the six issue groups and sub groups developed through analysis of issues raised in the submissions and sections of the interim report they correlate to.

Table 5.1 Issue groups

Issue group	Summary	Sub groups	Section in interim report
Environmental	Relates to concerns raised about environmental impacts, including positive and negative perspectives regarding EZones and the LEPs	Environmental issues identified Application of EZones and overlays Perceived effect of EZones and overlays	Section 2.1.1 Section 3.1 Appendix C Appendix D
Economic	Relates to concerns about perceived economic impacts and potential economic advantages associated with EZones and the LEPs	Individual economic concerns Community economic concerns Incentives, funding and compensation	Section 2.2.4 Section 3.2.4
Social	Relates to concerns of broader issues and observations relating to EZone sand LEPs	Housing Community wellbeing Lifestyle Future of the land	Section 2.2.2 Section 3.2.2
Property Management	Relates to landowner concerns and questions about the perceived affects the application of EZones could have on individual landowners	Development application concerns Property use and management activities EZone and overlays rights and restrictions EZone and overlays application concerns	Section 2.2.1 Section 2.2.3 Section 3.2.3
Planning Process	Relates to issues raised about the planning process of the LEPs, including the SILEP template, Councils' application of EZones and overlays and consultation during the LEP development	Consultation feedback LEP and draft LEP Process Proposed EZone and overlay application and methodology EZone and overlay regulations	Section 2.1 Section 2.2.1 Section 2.2.5 Section 2.3.1 Section 2.3.2 Section 2.4.2 Section 2.4.3

Issue group	Summary	Sub groups	Section in interim report
			Section 3.2.5 Section 3.3.1 Section 3.3.2 Section 3.4.2 Section 3.4.3
Department Process	Relates to community concerns about DP&I reviewing the LEPs, perceptions and requests of what the outcome of the Review will bring and the DP&I consultation process during the Review	Consultation feedback Concerns about DP&I and consultants LEP Review and deferral of EZones Perceived outcomes of DP&I's Review	Section 2.4.1 Section 3.4.1 Appendix A

6. Consultation results

This section provides an overview of the level and type of stakeholder and community participation. A total of 2,512 submissions were received during the consultation period for the Review including 309 Submissions made through discussion notes, 155 written submission and 2,048 proforma submissions. Sections 6.1, 6.2 and 6.3 provide additional details of these submissions.

The number of contacts made by method is detailed in Table 6.1. A total of 2,702 contacts (including submissions) were recorded during the consultation period.

Table 6.1 Methods of stakeholder contact

Contact method	Number of contacts*
Community drop-in session attendance	499
Phone interviews	34
Email submissions	1,713
Post	456
Total	2,702

(1) *Does not account for multiple submissions received from the same participant via different contact methods.

6.1 Community drop-in sessions

Community interest and participation in the community drop-in sessions was high and participants provided a great deal of information over the five sessions. Almost 500 people attended, with 309 discussion notes or submissions prepared during one-to-one conversations with the Parsons Brinckerhoff team. A number of participants indicated the community drop-in sessions provided a valuable opportunity to speak one-to-one with Parsons Brinckerhoff and to discuss concerns relating to the Northern EZone Review.

Property ownership was indicated by 221 participants that attended and completed the community drop-in session feedback form. This was calculated from information captured in the feedback form question, 'Are you aware of any environmental zones proposed over your property?' It was assumed that both the 'yes' and 'no' responses indicated property ownership and the total was used to calculate the number of landowners.

Table 6.2 details the number of attendees and submission made through discussion with the team for each LGA and the number of landowners represented.

Table 6.2 Community drop-in session detail per LGA

LGA	Attendees	Submissions made through discussion notes [^]	Landowner submissions
Kyogle	72*	52	39
Lismore	84	50	29
Ballina	88	64	51
Byron	167	80	69
Tweed	88	61	33
Total	427	309	221

(1) *More than 72 participants attended, a registration list was not completed for this session.

(2) [^]In some cases participants discussed their concerns as a group or a couple and that is also why some of the submissions are less than the attendees.

6.2 Written Submissions

More than 150 written submissions were received via the Review email and postal address and through phone interviews.

Property ownership was indicated by 79 participants. This was gathered through property information provided in the submissions.

Table 6.3 lists the number of submission per area.

Table 6.3 Submissions per area

Area	Number of written submissions*	Landowner submissions
Kyogle	7	4
Lismore	22	13
Ballina	17	10
Byron	67	48
Tweed	28	3
Review Area	14	1
Total	155	79

(1) *Does not account for multiple submissions received from the same participant via different contact methods.

6.3 Proforma submissions

Proforma submissions include identical submissions that have been received via email more than two times, from different stakeholders. DP&I received a total of 2,048 proforma submissions. These submissions have been collated separately due to the specific and detailed issues raised. Table 6.4 provides the contact methods for proforma submissions.

Table 6.4 Proforma submissions

Contact method	Submissions
Email	1601
Post	447
Total	2048

6.4 Site inspections

6.4.1.1 Land access request letters

DP&I sent 160 letters requesting consent to access properties for the purpose of conducting a site inspection. There were a total of 86 responses to these letters, of which five declined access and three advising ownership had changed or was incorrect.

6.4.1.2 Land access calls

Owners of 79 sites were contacted to schedule a site visit. During the scheduling phase four sites were not accessed due to poor weather conditions and related safety concerns. Table 6.5 details the number of sites visited in each LGA.

Table 6.5 Sites visited per LGA

LGA	Number of sites
Kyogle	10
Lismore	15
Ballina	19
Byron	17
Tweed	14
Total	75

7. Issues

This section provides an overview of issues and concerns raised as a result of consultation activities across the entire Review Area. It should be noted that many participants raised an issue more than once through various contact methods and most participants raised more than one issue.

7.1 The Review Area

Of the 2,512 submission received there were 14 that were assumed to be directed to the Review Area or addressed multiple LGAs. One submission was received from a resident outside the Review Area whom request DP&I conduct a similar review of the Palerang LEP.

There were three submission from members of specific interest groups, either environmental, community or agricultural. Their submissions were directed to the Review generally; issues raised by these groups were classified as general submissions and included in the Review Area analysis. The groups include:

- BirdLife Northern New South Wales
- Fingal Head Community Association Incorporated
- Richmond Banana Growers Association.

Two other specific interest groups, Friends of the Koala and Save the North Coast, both had support from numerous submissions, 447 and 1,601 respectively. Due to the quantity and specific and detailed issues raised in relation to EZones and the Review they have been addressed separately, refer to Section 7.1.5.

7.1.1 EZone awareness in the Review Area

Across the Review Area, 223 participants identified an EZone or EZones on their property, of which 190 people indicated it, was not correct. Seven people noted they did not have an EZone and agreed it was correct. As detailed in Figure 7.1 there is some participant support for EZones, as 33 people indicated they agreed with the EZones on their property, additionally 12 people indicated they did not have EZones and stated this was incorrect.

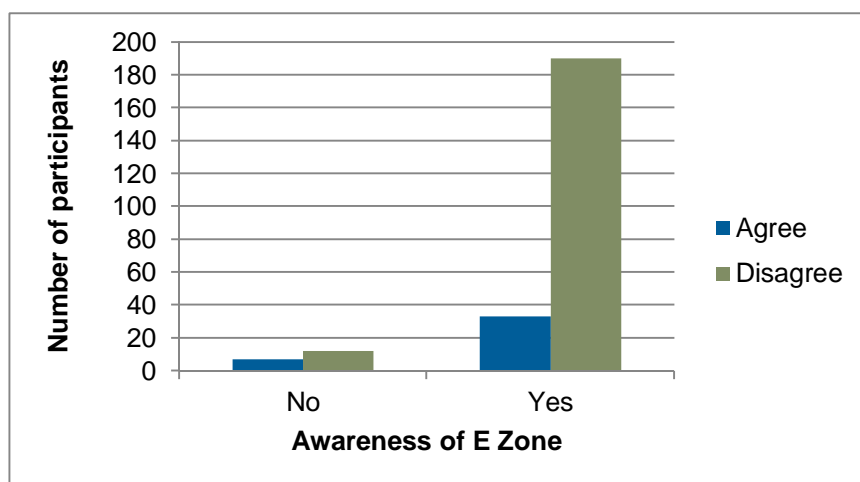


Figure 7.1 Awareness of EZones on property

7.1.2 EZone identification in the Review Area

Across the Review Area 223 participants identified an EZone or EZones on their property. Variance in EZone identification across the LGAs is illustrated in Figure 7.2.

There were few E1 Zones identified across each LGA. The most prominent differences in EZones identified across the LGAs were the proposed E4 Zones in Byron (21 properties) and no E2 Zones identified in Kyogle. Byron participants recorded the most E2 Zones (80 properties), however it should also be noted this LGA had the highest number of submissions. Tweed and Ballina participants identified slightly more E3 Zones than E2 Zones, whereas people in Lismore identified more E2 Zones.

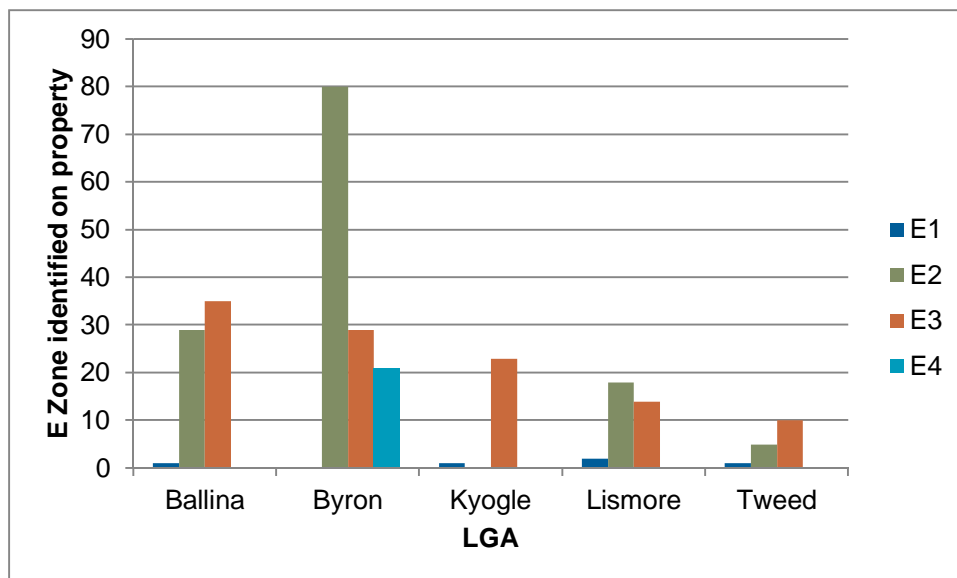


Figure 7.2 EZone identification per LGA

7.1.3 Issues overview

Across the Review Area the main issue group related to the planning process of the LEP's (44%). The second most frequent concern was property management occurring at a frequency of 23% and Environmental concerns at 17%. The lowest issue groups were economic (9%), department process (5%) and social concerns (2%).

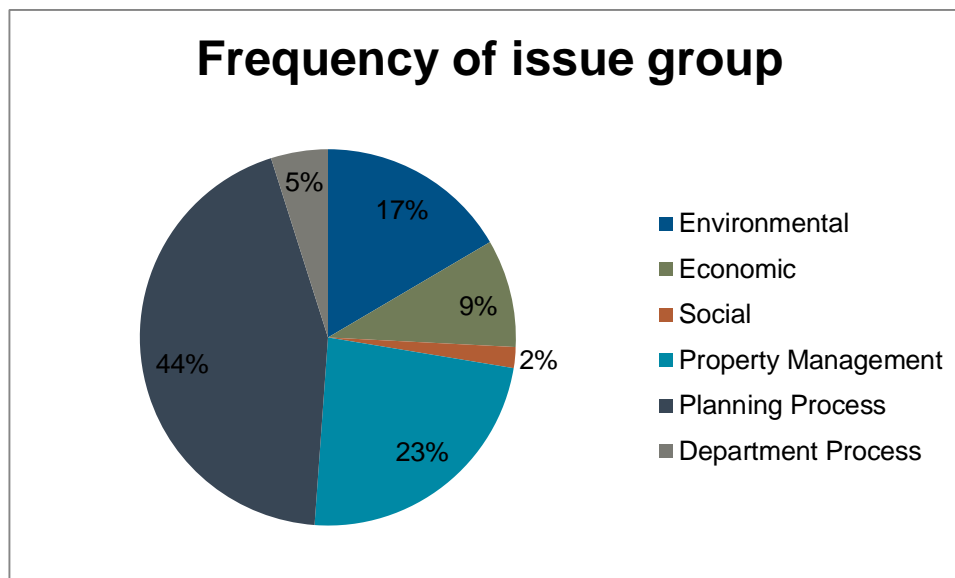


Figure 7.3 Issue group frequency across the Review Area

7.1.4 Issues analysis

7.1.4.1 Planning process

Key issues relating to the planning process accounted for 44% of the issues (3,041 issues). These were classified into four issue sub groups which include:

- consultation feedback
- LEP and draft LEP Process
- proposed EZone and overlay application and methodology
- EZone and overlay regulations.

Regarding the consultation process, 152 participants' detailed concerns about a lack of consultation in regards to the LEP and 55 noted a lack of formal notification of the proposed EZones. Whereas 19 participants indicated the consultation process was satisfactory during the draft LEPs.

Participants indicated a lack of communication (73) which related to a general lack of factual information (53) and misleading information (21). Specific comments included:

- a lack of specific and concise information about the impacts of the LEP on individual properties (47)
- a lack of information about EZones and what they mean (46) and uncertain information about overlays (11)
- a poor understanding about the need for a new LEP (35).

Participants highlighted the concerns regarding false scenarios being created, potentially due to the perceived lack of communication. Three scenarios identified are:

- misinformation and scaremongering has cause negative reactions to EZones and made landowners be fearful of conservation and overlays on their land (16)
- by changing zoning in the LEP, both at a Local and State Government level, it has created the perception that EZones are being eroded to enable development (11)
- misinformation and scaremongering regarding rural landowner's objections to EZones has portrayed them as environmental vandals (8).

Furthermore, 32 participants indicated concern about the complexity of the draft LEP document, noting it was lengthy and hard to understand. Submissions also identified that residents had insufficient time to respond (18). In many cases this was related to the poor distribution of information to landowners, particularly in rural areas. Key examples include insufficient newspaper readership and coverage and the lack of prominent advertising in selected newspapers. Content on the website, was also considered to be of poor quality and required landmarks or common identifiers for ease of property identification.

Finally, 60 submissions related to the perception that councils were being deceptive and 46 participants indicated constituent's objection and concerns were not being listened to or addressed.

There were 1,131 issues categorised as LEP and draft LEP process issues. The submissions highlighted issues regarding consistency of the EZone application across each LGA, Region and the State (88) and also between private and local government or developer-owned land (18). Multiple terms and definitions were used (28) and there was poor alignment with other government initiatives and legislation (53)

Participants noted a perception that councils incorrectly applied and interpreted the SILEP template (81), and the Department (SILEP) guidelines (41). Similarly, 60 participants specified that a transfer to a SILEP template should be 'like for like'. Further the SILEP template lacks equivalent zones; the 'one size fits all' approach does not work, particularly when addressing environmental values (18).

Other frequently raised comments regarding the LEP were noted in submissions, these include:

- the LEP should be fair for all (24) and needs to be balanced between environment and living/working on the land for long-term sustainability (39)
- planning tools should support farmers and rural practices to conserve both agricultural and environmental land (28), similarly there should be support for landowners that have shown a commitment to the environment (7)
- landowners are open to conservation methods but would rather work cooperatively and discuss specific environmental plans or negotiate a covenant or similar management strategies (35)
- the LEP has no strategic planning framework, lacks clear objectives, timelines and costs and fails to acknowledge impacts to social, economic and cultural values (30)
- the LEP is theoretical and should be more practical and money should be invested in education and practical methods (8).

There are concerns that the transfer of zones to the SILEP template was applied with a biased view (33). This includes perceptions that zones are being misused (26) and councils are driving an alternative agenda (20) or that councils are no longer ecologically responsible and they should be more proactive (4).

Feedback from the participants indicate that the LEP process was not run well (38) moreover some relayed that they are unhappy with the LEP process or mentioned that it is flawed due to the lack of formal processes (40) and some noted that it should be started again (5). Additionally there is the perception the process was rushed (9), others noted that the State government pressured councils to finalise the draft LEP before it was ready (6). On the contrary, five participants support the LEP and 10 commented they were in favour of the LEP process.

Overall there were 182 participants that disagree with EZones and overlays, whereas 145 indicated their support for EZones and overlays, 46 of which specified that their agreement was based on the EZones being applied to genuinely environmentally significant land.

Many submissions highlighted issues with the application and methodology of the proposed EZones and overlays (920). Of which, 38 individuals perceive a lack of methodology during the zoning exercise, with no justification or criteria being presented (68). This resulted resulting in a few people noting EZones are a 'Council land grab' (9) or compulsory acquisition (19). In addition, there is a strong perception that zoning and overlays should not be imposed on private or freehold land (57) further farming, rural and agricultural land should be exempt from E2 and E3 zones (23).

There were 64 participants that indicated background studies and expertise were insufficient during the LEP process, as out-dated studies were used (18) and there should have been additional studies conducted (18). Conversely, some participants highlighted the studies and expertise were sufficient (21) however there is a strong concern that a lot of work was done on studies that the draft LEP does not take into account (62).

The most frequently raised issue, from 103 submissions, was directed at the lack of field surveys and ground truthing during the LEP development. Additionally, 73 participants indicated concern toward the lack of tangible boundaries of the EZones, as there is no bearing to property boundaries or access roads. Further participants noted the application of multiple or split EZones and overlays on their property (63).

A total of 15 participants indicated mapping used during the development of the draft LEP was correct. Conversely many participants indicated concerns regarding the use of inaccurate (69), incorrect mapping (40), or old maps (26). Concern was also raised about the use of aerial photography as it does not adequately differentiate vegetation (49). Other concerns raised regarding mapping included:

- the quality and standards of mapping used by councils (22)
- flood mapping is incorrect and needs to be reviewed (9)
- creek mapping used for water management and riparian zones is too much and the existing buffers are adequate (31).

There were 245 issues categorised in the EZone and overlay regulations group. There were 28 submissions that mentioned that the SILEP is meant to standardise and simplify local planning across the State. However, Councils have overcomplicated the process with restrictions that defeat the purpose of the SILEP template. There is also some concern on the outcome of the zoning, especially around additional zones, the expansion of areas taken up by a particular zone, further connections and additional restrictions being implemented (8).

The most notable concerns related to agricultural practices being permitted with consent of Council (44) and horticulture being exempt under the watercourse zonings (44). Other specific concerns relating to consent issues include:

- reduction in floor space ratio (9) and ability to appeal to higher court of the State Environmental Planning Policy (Affordable Rental Housing) (SEPPAH) (3)
- lack of information on the provisions for regulatory clauses and articulate the degree of information required to satisfy them (8).

Lastly, 69 participants stated there is duplication in legislation between EZones and State and Federal laws and there is confusion as to the hierarchy in the law.

7.1.4.2 Property management

Submissions regarding property management highlighted 1,624 issues accounting for 23% of the issues raised in the Review Area. Comments were classified into the following groups:

- Development application concerns.
- Property use and management activities.
- EZone and overlay rights and restrictions.
- EZone and overlays application concerns.

Additional approvals and permits will be required under EZones due to changes in land use (75) and existing use rights lapsing after 12 months (32). Moreover, 49 submissions indicated concerns that relate to potential restriction on current development approvals and on future applications as well as on processing time and expense. Some participants indicated that Councils are not resourced to process applications in a timely fashion (9) or have expertise in agricultural practices (31). General anxiety is also conveyed regarding time and financial requirements of applying for a new development application when they are not guaranteed to be approved (75).

Property use and management activities relate to issues regarding current and future property use and management and the ability to continue these activities under EZones. A total of 86 participants outlined concerns about their ability to conduct current property management practices under EZones; such as slashing, removing dead vegetation or completing Routine Agricultural Management Activities and general agricultural activities (40). Specific issues of concern are:

- weed management (78) and the potential increased fire risk as a result of overgrown scrub (34)
- the ability to graze cattle or horses on land located under EZones (77) and concern for a loss of prime agricultural land (48)
- feral animal management (31)
- ability to clear trees (27) and the concern for safety issues as a result the tree maintenance restrictions (6).

Participants also indicated uncertainty in the ability to subdivide or have multiple dwellings (48) and ability to continue to run home business (11) under EZones.

Landowners noted that their existing rights would be restricted if land is classified with an EZone, as highlighted in 147 submissions. Specific concerns related to restrictions on land classified as E2 and E3 (14), water overlays (12) and the Koala Plan of Management (11) were also discussed. Further concerns relating to EZone restrictions on existing land use included:

- Farmers already have enough to deal with, without having to understand and implement more regulations (13).
- Freehold land should not have any controls or restrictions (13).
- Further regulations will drive farmers and businesses off land by making it harder to conduct day to day tasks (9).

Participants also mentioned a loss of control, including removal of rights such as existing use rights (66) and the perception that Council should not have the power to remove land use rights (20). This concern also stemmed from concerns regarding continuation of and reliance on existing property use rights (101). This has led to additional issues on restrictions of future land uses under zones and overlays (72) such as long term building, renovating or farm plans; diversifying opportunities and crop flexibility to meet the market or implementing innovative and more sustainable techniques.

There were 105 participants that indicated their respective council had a lack of knowledge about land where EZones had been applied, for instance 20 submissions highlighted the particular land would not satisfy EZone controls due to infrastructure or farming activities currently conducted at the location. Hence, the incorrect classification has been applied and the EZone should be a rural or residential zone (105). Moreover there were 20 submissions that expressed concern about the incorrect Zone on their property and perceived implications.

Participants indicated EZones are a punishment for looking after the land (31). There are also concerns if landowners initiate or continue rehabilitation and maintenance to restore native vegetation there will be consequence in the form of additional EZones or further restrictions (15).

Many participants (91) outlined they have conducted rehabilitation work and maintained the natural environment on their properties. They also noted that stewardship of the land has not been recognised when defining EZones. This is noted for both landowners who do not want EZones applied to the land they have rehabilitated; and landowners who have conducted restoration work that has not been acknowledged with an EZone. Therefore, there is some apprehension about continuing land rehabilitation and tree planting leading to an adverse impact on local environmental values.

7.1.4.3 Environmental

There were 1,145 issues categorised into the Environmental issue group, accounting for 17% of the issues raised. Community concerns on the environmental issue largely relate to three main areas:

- Environmental issues identified.
- Application of EZones and overlays.
- Perceived effects of EZones and overlays.

The issue analysis reveals that concerns related to flora (38) and fauna (54) conservation, and loss of habitat (66). Moreover, 29 participants indicated concern for Koala protection and disappointment that Koala plan of management had been excluded from the draft LEP. Participants also highlighted significant environmental values might have been overlooked (36) and therefore EZones should be extended to ensure protection (54).

There was a general concern indicated by 57 participants that development is occurring on land containing environmentally significant values. Furthermore, concerns were raised regarding the uncertainty surrounding habitat protection while zoning has been deferred (11).

Community perception ranges widely regarding the application of EZones and overlays. With 22 participants stating EZones are correct, while a further 27 agreed that environmental significant areas are located within them; additionally specific support was indicated for wildlife corridors (24), Koala plan of management (17) and water protection (9). On the contrary, 121 participants highlighted that EZones have been wrongly applied to non-environmentally significant land, whilst a large portion of the shire is already protected (12). In the latter, 77 participants noted disquiet toward the removal or downgrading of EZones, indicating E3, E4 and rural classifications would result in negative consequences to environmental conservation due to allowable uses (56). Correspondingly, some participants noted that EZones need to be strengthened or up-graded to E2 for better protection (12) and that protection of the environmental asset is paramount and that the full force of the law is required (19).

A total of 22 participants indicated that EZones will result in benefits for conservation. Other positive outcomes highlighted in submissions included the ability to:

- protect native vegetation, wildlife corridors, lands adjacent to waterways and habitat (85)
- help the region retain its natural biodiversity (65)
- ensure development is considered and assessed through more stringent approvals (25)
- help manage environmentally significant areas, on both private and public land (21)
- ensure riparian zones help protect water catchment areas which are crucial for local water quality and wildlife habitat (18)
- use EZones as additional protection for environmentally significant areas (15).

Conversely, 53 participants perceived EZones as having a negative impact on conservation and eight noted there would be little or no environmental gain. Specific comments include:

- management restrictions on landowners may result in mass land neglect (43)
- protected land is not looked after (32)
- there are no management plans to support EZones (10).

7.1.4.4 Economic

Financial disadvantage arising from the new EZones and overlays has appeared in submissions 30 times. The most frequent individual concern highlighted in submissions was concerns relating to reduced land values (137). Additionally participants indicated concern with decreased income and livelihood (77), loss of business (26), decreased superannuation or retirement plans (14), increased liability and impacts on insurance premiums (7) and negative effects on rates (5). More specifically, 77 submissions indicated a perceived loss of viability from maintaining land with EZones, as there is no return on investment. Further 41 people raised concerns with costs relating to proving existing use rights, and subsequently loss of income to abide with councils' land use rights under EZones (19).

Submissions highlighted that the LEP process is costly (10) and a cost-benefit analysis is necessary to measure effectiveness of rehabilitating and maintaining EZones. Nine participants indicated their preference for the funds spent on planning and rezoning to be spent on actual environmental enhancement. Finally 35 participants raised concerns over potential loss in tourism relating to two perceptions, the loss of agricultural land as a result of EZones that support agritourism and food tourism. Conversely participants noted EZones need to be implemented to protect the renowned natural environment that attracts visitors to the Review Area, leading to an investment in future tourism opportunities.

Submissions report on the need for funding to support and maintain EZones (46). Suggestions include rate discounts, access to catchment management authorities funding or community levy. Submissions also include general questions and comments about compensation and gaining owner consent to implement EZones on private land (76).

7.1.4.5 Department process

There were 339 issues regarding the Department Process, these issues were classified into four categories:

- Consultation feedback.
- Concerns about DP&I and consultants.
- LEP Review and deferral of EZones.
- Perceived outcomes of the Review.

The most prominent concern about the department process related to the consultation process (119). Of which 13 participants attend the community drop-in sessions to confirm information. Specific feedback on the community drop-in sessions noted in submissions included:

- an inability to attend the community drop-in session (13) or wait for a chance to have a one on one discussion (10)
- a lack of notification about the community drop-in sessions (9).

There were concerns regarding the lack of information (12) or that mixed information has been given by the department and councils (9). Participants indicated the rationale behind the Review and the methodology was not been communicated properly (12).

Nine participants expressed distrust in the State Government and eight participants' communicated their lack of trust in the Planning Minister.

Submissions indicated the perception that the state government is over ruling local government planning decisions (17) and that it does not have the right to defer and potential remove of EZones from the LEP (19). In addition, 15 participants noted concern that the state government is removing the control of local development.

There are two opposite perceptions on the outcome of the Review, 14 participants expect the Review will ensure protection of environmental values in the LEP by conducting a comprehensive assessment of environmental significant areas. However 19 participants indicated disquiet for EZones being potentially lost through the Review. Conversely, 18 participants indicated that they hope the Review will remove proposed EZones and overlays on private land and land used for agriculture, protecting the rights of landowners both residential and rural.

7.1.4.6 Social

There were 125 social issues noted, accounting for 2% of the issues in the Review area. The most frequent issue is for food security as a result of the loss in farming and prime agricultural land (29). Issues were classified into four categories, including:

- housing
- community wellbeing
- lifestyle
- future of the land.

Residents are concerned that EZones will impact their current lifestyle. There is the perception that EZones some participants indicated that EZones will impact their current lifestyle. There is the perception that EZones will restrict how landowners currently go about their day to day lives (26). Alternatively, people have chosen to live here due to the environmental surrounding and there is concern that not having the appropriate EZones will change the environment in which they have chosen to live and hence affect their lifestyle (15).

Submissions noted 32 comments about the future of the land. It comprises apprehensions for future generations being able to continue the family farm, which has been passed down for many generations (18) and more general concerns for the environment and the need to conserve it for future generations to enjoy (14).

A total of 11 submissions noted that EZones in LEPs will restrict provision for affordable housing and limit population growth due to the reduction in multiple dwelling opportunities and floor space ratio.

Lastly, seven submissions outlined community member's health and wellbeing being affected by the EZones and LEP process due to stress and anxiety.

7.1.5 Proforma submission issues analysis

As noted previously, Friends of the Koala and Save the North Coast Nature raised specific and detailed issues relating to EZones and the Review hence their concerns have been considered separately. These specific interest groups are prominent on the Review Area and are advocates for environmental conservation and future sustainability on the area natural biodiversity. The sections below provide information about each of the groups and acknowledge concerns raised in their submissions.

7.1.5.1 Friends of the Koala

Friends of the Koala is a non-profit community groups in the Northern Rivers region dedicated to conserving koalas in the area. The group offers a 24-hour Koala rescue service for sick, injured and orphaned Koalas which is operated by volunteer rehabilitators.

The groups website states that the group plays an active role in promoting habitat restoration in the Northern Rivers region including encouraging landholders to commit to new plantings and maintaining and looking after remnant vegetation.

The Friends of the Koala care, education and research centre is located in Lismore with plans for a larger centre to cater for the increasing numbers of admittances in progress. The care centre is completely run by volunteers and the costs associated with running the centre are raised by donations.

Friends of the Koala made 447 submissions detailing their community concerns a summary of which is detailed below:

- Request for details of identified areas of native vegetation that are not, but the groups believe should be protected by EZones.
- Request for acknowledgement of the support by the Tweed community in favour of EZones.
- Request for acknowledgement that the Tweed Shire Council did not include additional EZones in the draft LEP 2012 due to a perceived threat from State Government to remove new environmental protection zones.
- Request for consideration of a draft environmental strategy and draft Tweed Coast Koala plan of management together with Tweed Coast Koala habitat study to properly document Tweed Shire's future draft LEP 2012.
- Request for consideration that the Tweed Shire's draft LEP 2012 has excluded vital coastal and wider Tweed Heads environmental protection zones as recommended in the draft LEP 2010.

7.1.5.2 Save North Coast Nature

Save North Coast Nature is a campaign initiated by an alliance of professional ecologists, environmental planner and conservation organisations. The campaign's website encourages people to have a say about proposed Government reforms that may negatively impact on forests, wetlands and wildlife on the North Coast.

The Save North Coast Nature campaign relies entirely on donations and is supported by a number of local environment and conservation not-for-profit organisations.

Supporters of the Save North Coast Nature campaign made 1,601 submissions detailing their community concerns. The submission was amended multiple times with a summary of the final submission outlined below.

- Request for full consideration to the extensive scientific assessment, policy framework, and stakeholder consultation which underpin the application of environmental zones and overlays across the region.
- Request for identification of all environmentally significant areas not protected by environmental zones or overlays in the draft LEPs and justify their exclusion in detail.
- Request for inclusion of a comprehensive assessment of the:
 - validity of all arguments opposing Ezones and overlays
 - critical role LEP environmental zones and overlays play in the broader environmental legislation framework
 - relative environmental significance of the region.
- Request for justification of any wind-back of environmental protections against the government's own conservation policies and strategies.
- Request that our most sensitive environmental values remain protected from surface mining and petroleum production under clause 7, SEPP (Mining, Petroleum Production and Extractive Industries) 2007, by maintaining the current prohibition of agriculture and industry from E2 zones.
- Request for the identification of any mapping inaccuracies and outline appropriate means of rectifying them.

Save North Coast Nature also rejected claims that EZones and overlays:

- unfairly limit existing use rights
- significantly reduce land values
- unnecessarily duplicate existing law.

7.1.6 Issues by LGA

The LEPs have been developed by the five individual Local Councils located within the Review area. As the LEP process and draft LEPs are specific to each LGA specific feedback has been provided in the following sections.

7.1.7 Kyogle LGA

Kyogle LGA is located 32 kilometres northwest of the townships of Casino. It covers 3,589 square kilometres and includes the settlements of Kyogle, Bonalbo, Mummulgum, Cawongla, Old Bonalbo, Geneva, Wiangaree, Woodenbong, Mallanganee and Tabulam. Figure 7.4 illustrates the Kyogle LGA.

The 2011 Census shows the Kyogle LGA has a population of 9,228 (ABS 2011) and the primary industries in the local government area are agriculture, dairy farming and forestry (ABS 2011).

There specific interest groups that provided submissions in Kyogle. These submissions were in regards to the Kyogle draft LEP and issues raised by these groups were classified as general submissions and included in the data analysis.

The specific interest groups include:

- Richmond River Beef Producers Assoc
- Landcare
- Lismore Alstonville Branch of New South Wales Farmers.



Figure 7.4 Kyogle local government area

7.1.7.1 EZone awareness in Kyogle

There were 20 participants in the Kyogle LGA that identified having an EZone or EZones on their property. Of which 18 people indicated it was incorrect, only two agreed it was correct and four noted support as they did not have an EZone and it was incorrect. This is illustrated in Figure 7.5.

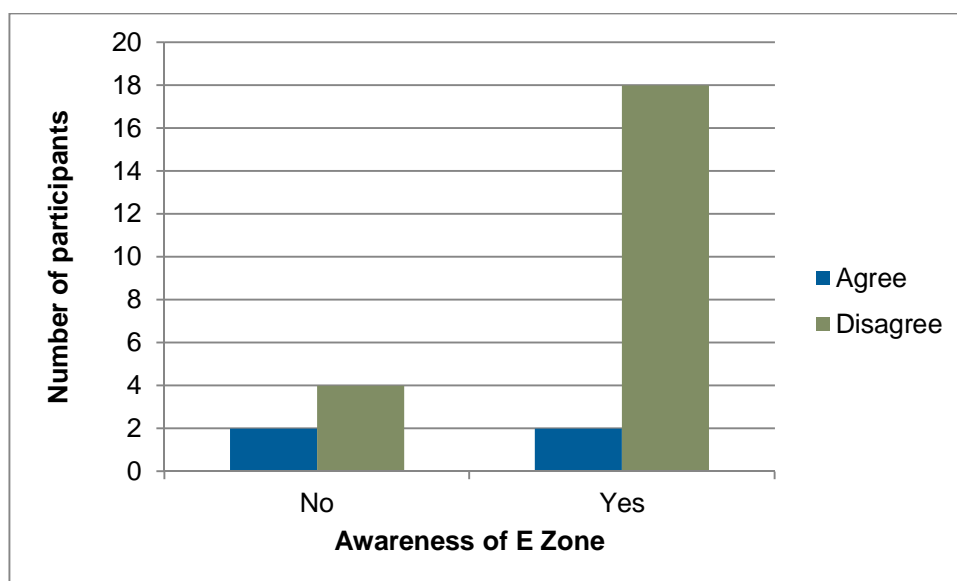


Figure 7.5 Awareness of EZones on property

7.1.7.2 Issues overview in Kyogle

Across the Kyogle LGA participant group there was a general concern for the planning process as this issue group had the highest frequency of 46%. Furthermore, a one third of all concerns related to the impact of EZones on property management (30%) and to a lesser degree economic issues (11%). Figure 7.6 demonstrates the frequency of issue groups during Review consultation.

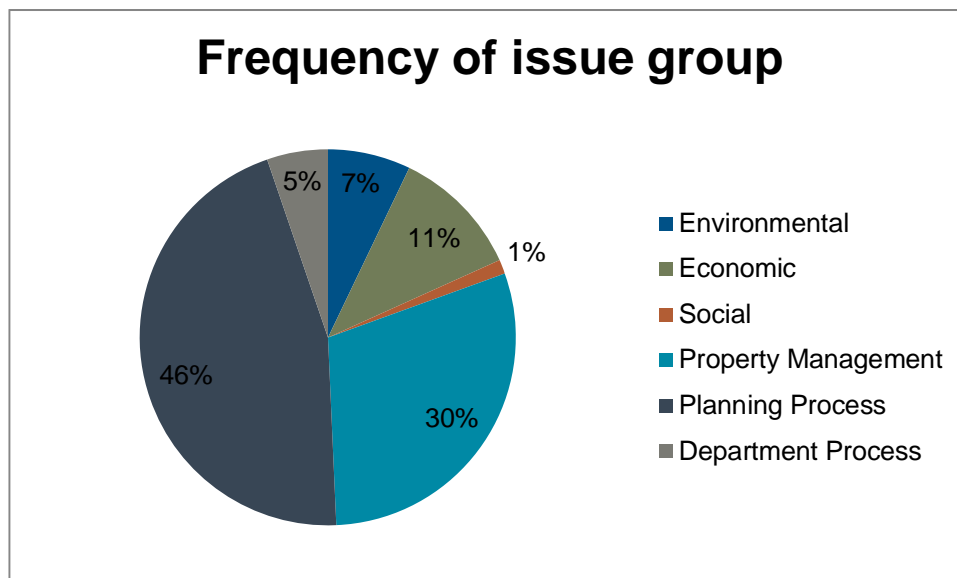


Figure 7.6 Issue group frequency in Kyogle

7.1.7.3 Issues analysis

Planning process

Of the issues categorised into the planning process there were 93 issues about the application and methodology of the proposed EZones and overlays. The perception that EZones and overlays should not be imposed on private freehold land was the most common (15) followed by the lack of field surveys and ground truthing during development of the LEP (13). Many submissions also indicated concerns regarding the use of inaccurate (9) or incorrect mapping (5).

There were 76 issues relating to consultation feedback, 11 participants indicated there was a lack of consultation during the LEP and seven were dissatisfied with the landowner notification process. A further 11 participants outlined their perception that Council had been deceptive in how it prepared the LEP. This could be a result of the communication issues such as:

- a lack factual information about the LEP from Council (8)
- a lack of understanding of the purpose and need for the new LEP and EZones (8)
- the need for concise information about individual properties that is not open to interpretation (8).

Overall there was dissatisfaction with the draft LEP Process (10) additionally four participants stated the process was flawed as there was a lack of due process. The most frequently raised concern related to the inconsistency of EZone application, both within Kyogle and between Kyogle and other LGAs (14); for example, one property had an E2 Zone while the property next door, with similar characteristics, had not. There were 11 participants stating they do not want EZones on their property and eight object to overlays, whereas only four indicated their support for EZones when applied to environmentally significant land.

Property management

The most frequently raised issues relating to property management was the perceived rights and restrictions EZones and overlays have on landowners. Specifically, 18 participants noted concern for the restrictions on existing land use (agricultural and rural) and access to areas of their properties. Moreover there is concern that EZones will remove landowner rights and reduce the landowner's control of their property (16). Lastly, 12 participants detailed their issues about the reliance on existing property use rights and expressed concern regarding the ability to continue current land uses.

There is concern for the ability to conduct current property management practices on land that is under EZones; such as slashing, removing dead vegetation or completing Routine Agricultural Management Activities (12) and general agricultural activities (4). Particular references were made to:

- the ability to graze cattle or horses on land located under EZones (13)
- concern about weed management (11) and the potential increased fire risk as a result of overgrown scrub (10).

Economic

Participants raised economic concerns 72 times, the most common being individual concerns including:

- decreased demand for land with EZones, due to the restrictions, resulting in reduced property values (25)
- concern for loss of income and livelihood (10) and financial disadvantage (8)
- land with EZones would require more maintenance at the expense of the owner; this is seen as impractical and not viable when the owner has no prospect for income return (9).

Additionally, 11 participants made comment about compensation if EZones were applied to their land, to balance individual economic concerns.

Environmental

There were 46 issues categorised under Environmental concerns from Kyogle submissions. These issues were mostly in regards to the application and perceived effects of EZones and overlays. There were seven participants that stated there was no valid evidence of environmental significance to justify EZones. A general concern is that protected land is not looked after (7) moreover that EZones will have a negative effect on conservation due to the management restrictions (5).

Department process

There were only 34 issues regarding the department process. Of these the most prominent was consultation feedback, which identified that six participants attended the drop in sessions to confirm EZones on their property and gain information about what EZones mean (3). Further, a lack of communication from DP&I was noted by three participants.

Four participants indicated a desire for DP&I to remove EZones from their land used for agricultures, protecting their rights as rural landowners.

Social

Social concerns accounted for 1% of the issues raised in Kyogle. Three participants noted concern for the future of the land.

7.1.8 Lismore local government area

Lismore LGA is located 860 km from Sydney, 45 minutes west of Byron and just 2.5 hours south of Brisbane. It extends from North Woodburn in the south to Nimbin in the north and from Clunes (east) and Goolmangar (west) and encompasses 1,289.6 square kilometres. The area is dominated by, in order of significance, the retail trade industry, manufacturing, in particular the food industry, and construction and agriculture (ABS, 2011). Figure 6.4 illustrates the Lismore LGA.

Lismore LGA has the second largest population in the Northern Rivers region with 42,766 individuals (ABS, 2011).

There specific interest groups that provided submissions in Lismore. These submissions were in regards to the Lismore draft LEP and issues raised by these groups were classified as general submissions and included in the data analysis. The specific interest groups include:

- Citrus Association
- Coo-eeEE Property Rights Group
- New South Wales Farmers.

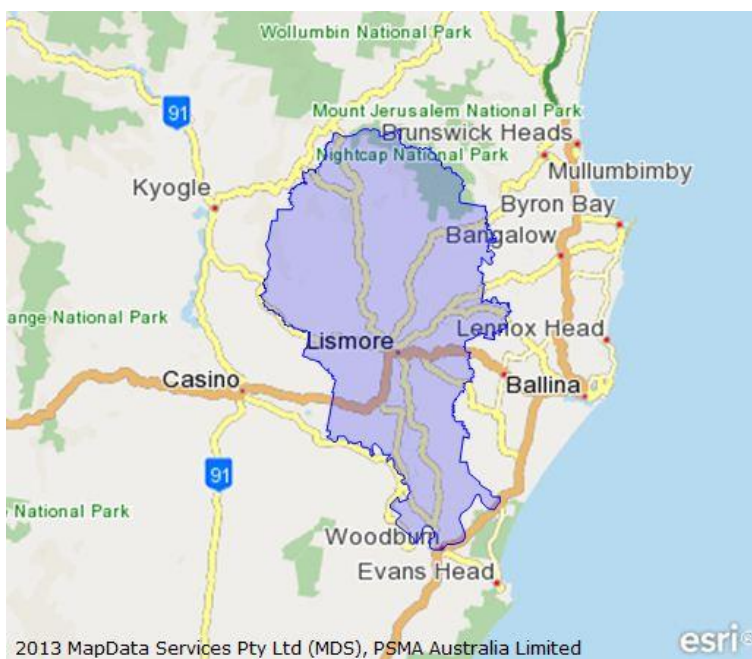


Figure 7.7 Lismore local government area

7.1.8.1 EZone awareness in Lismore

There were 29 participants across the Lismore LGA that identified an EZone or EZones on their property. Similar to Kyogle, the majority of participants (22) indicated the EZone was incorrect and only seven agreed it was correct. Figure 7.8 illustrates these findings.

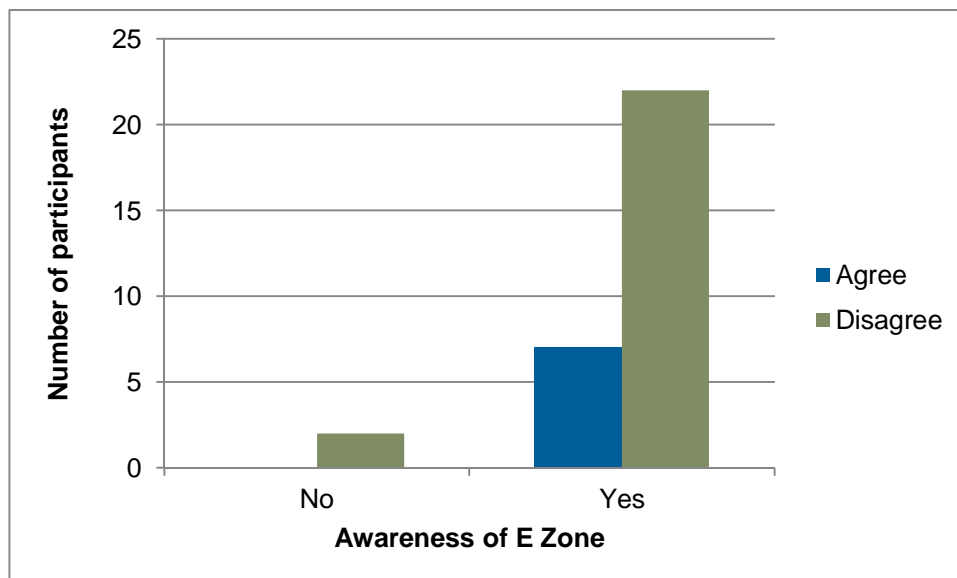


Figure 7.8 Awareness of EZones on property

7.1.8.2 Issues overview in Lismore

Lismore LGA issues are mostly related to the planning process (45%) and property management (29%). environment and economic issues were not as prominent (10% and 9% respectively). Participants noted few concerns regarding the department process (6%) and social (1%). Figure 7.9 demonstrates the frequency of issue groups during Review consultation.

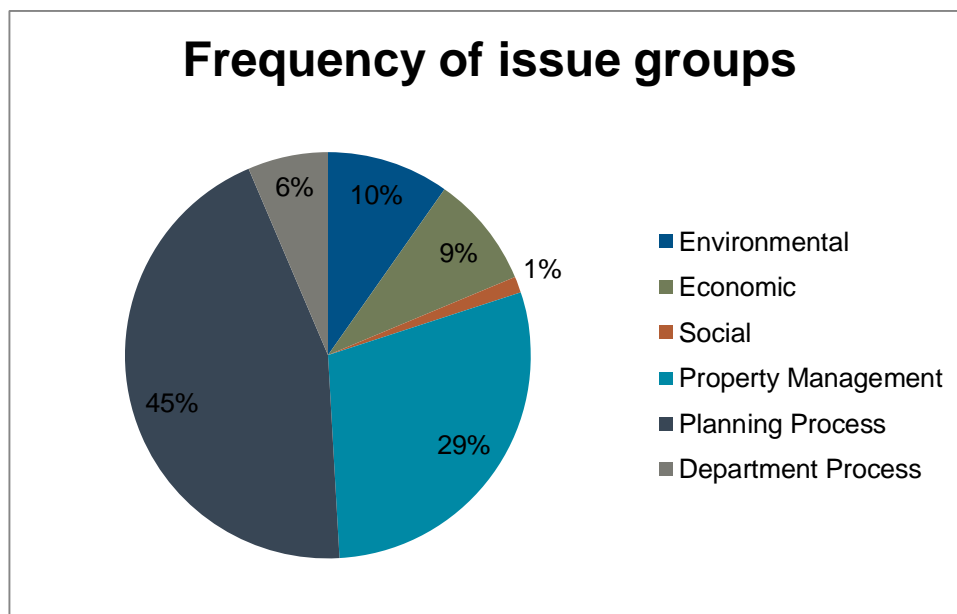


Figure 7.9 Issue groups frequency in Lismore

7.1.8.3 Issues analysis

Planning process

A total of 384 issues were categorised as a planning process issue, of which there were 143 issues about the application and methodology of the proposed EZones and overlays. The submissions highlighted the perception that EZones and overlays should not be imposed on private freehold land (13) and commercial farmers or agricultural land should be exempt from EZones (10). Several participants expressed concern about the split or multiple zoning on their property (13) and the extent of the Riparian buffer used (12) causing complexity and confusion to landowners. General concern was related to insufficient studies and expertise during the LEP development (12), also the lack of field surveys and ground truthing was noted by 13 participants. Many submissions also indicated concerns regarding the use of inaccurate (9) or incorrect mapping (10) and the poor quality and standards of the maps (9).

There were 102 issues relating to consultation feedback, 20 participants noted a lack of consultation during the LEP and 10 indicated a lack of communication. Furthermore, 16 participants expressed their perception of Council had been deceptive. This could be a result of the communication issues, such as the lack information about EZones and what they mean (10).

There was some dissatisfaction with the draft LEP process (5) submissions) and 10 participants stated the process was flawed. This is consistent with other issues raised in submissions indicating concern for Councils interpretation and application of zones into the SILEP template (8) and the incorrect use of the department (SILEP) guidelines (7). Further, inconsistency in EZone application, both within Lismore and between Lismore and other LGAs (7) was noted. There were nine participants that disagreed with the Koala plan of management, (8) participants disagreed with EZones and (7) objected to overlays. A total of 11 participants indicated their support for EZones, (5) of which specified their support only when they were applied to genuine environmentally significant land.

Lastly, nine submissions highlighted the perceived duplication in legislation between EZones and State and Federal laws and the confusion as to the hierarchy in the law.

Property management

The most frequently raised issues relating to property management was the perceived rights and restrictions EZones and overlays have on landowners. Specifically, 26 participants expressed concern about the reliance on existing property use rights and the continuation of current land use. Additionally, 19 participants indicated EZones would increase restrictions on existing land use (agricultural and rural) and limit access to certain areas of properties. There is also concern that EZones would remove landowner rights and reduce the landowner's control of their property (11) and restrict long term plans or future flexibility and diversify options of their land use (8).

The most common issues raised regarding property use activities was concern about the ability to conduct current property management practices under EZones; such as slashing, removing dead vegetation or completing routine agricultural management activities (17) and general agricultural activities (11). Specific issues were concern for:

- the ability to graze cattle or horses on land located under EZones (15) and the loss of prime agricultural land (7)
- weed management (14) and the potential increased fire risk as a result of overgrown scrub (6).

Under the proposed EZone application concerns; 17 participants highlighted that Council planners applied EZones without knowledge of what is located on the land and 10 indicated the EZone classification was incorrect and that the area should stay or return to either rural or residential zone. Further to this, participants detailed the time and money they had spent on rehabilitating vegetation on their property and expressed concerns that this had not been taken into account when EZones were applied (16). A total of eight participants noted that EZones were a punishment for good stewardship.

Lastly, Development Application concerns indicated by participants included EZones and overlays will require additional development approvals (5) and future development approvals will be restricted by EZones and overlays (6).

Environment

Environmental concerns were raised 84 times in submissions from Lismore. These issues were mostly in regards to the application and perceived effects of EZones and overlays. The most frequent issues raised by participants was that there was no valid evidence of environmental significance to justify EZones (20).

Five submissions agreed EZones are correct in the LEP and another four expressed support for extending them further in order to protect other endangered species in the area. Participants indicated that there is faith that EZones will result in positive impacts on conservation (5) and the perception they are important for the region to retain its natural biodiversity (4). Converse to these, there is also general concern that protected land is not looked after (9) and EZones will compromise environmentally significant areas (4). Concern was also raised about the negative effect of EZones on conservation due to the management restrictions potentially resulting in land neglect (5).

Economic

Participants in Lismore raised economic concerns 77 times, the most common being individual concerns. Specifically these included:

- decreased demand for land with EZones due to the restrictions, resulting in reduced property values (17)
- land that has EZones will require more maintenance at the expense of the owner; this is impractical and not viable when the owner has no prospect for income return (12)
- concern for loss of income and livelihood (10).

Additionally, 16 participants made comment about the need for compensation if EZones were applied to their land, to balance individual economic concerns.

Department process

There were 55 issues regarding the department process. Key issues related to consultation feedback, which identified that six participants were concerned about receiving misinformation regarding the Review. Additionally four participants stated there was a lack of notification of the Review being conducted by DP&I and a lack of information was also noted by three participants.

Four participants expressed distrust in the State Government and two participants' communicated their lack of trust in the Planning Minister.

Social

There were 11 social issues noted, accounting for 1% of the issues in Lismore. The most notable, both being highlighted by four participants were:

- concern the future of farming as the industry is already perceived as being too hard, the additional restrictions under EZones will discourage the next generation of farmers even more
- concern for food security as a result of the loss in farming and prime agricultural land and implications associated with importing food, for example reduced quality and health effects.

7.1.9 Ballina local government area

Ballina LGA is established on the northern shore of the Richmond River 35 km south of the Cape Byron and 35 km east of Lismore, Figure 7.10 illustrates the Ballina LGA. Ballina LGA has the highest population density with 39, 274 (ABS, 2011) inhabitants living in an area of 485.4 square kilometres. The main industries in the area are construction and retail trade.

There specific interest groups that provided submissions in Ballina. These submissions were in regards to the Ballina draft LEP and issues raised by these groups were classified as general submissions and included in the data analysis. The specific interest groups include:

- Ballina Coastcare Incorporated
- Ballina Environmental Society
- Ballina Property Owners Association
- Land and Fire Assessments
- South Ballina Community Association.

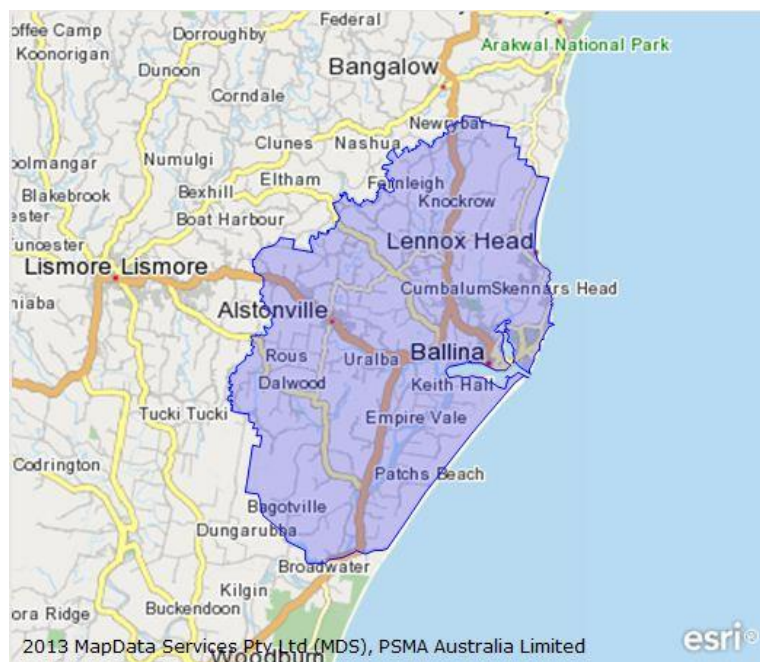


Figure 7.10 Ballina local government area

7.1.9.1 EZone awareness in Ballina

Out of the 59 participants in Ballina LGA that identified having an EZone or EZones on their property, 51 disagreed with EZones while (8) agreed it was correct. This is illustrated in Figure 7.11.

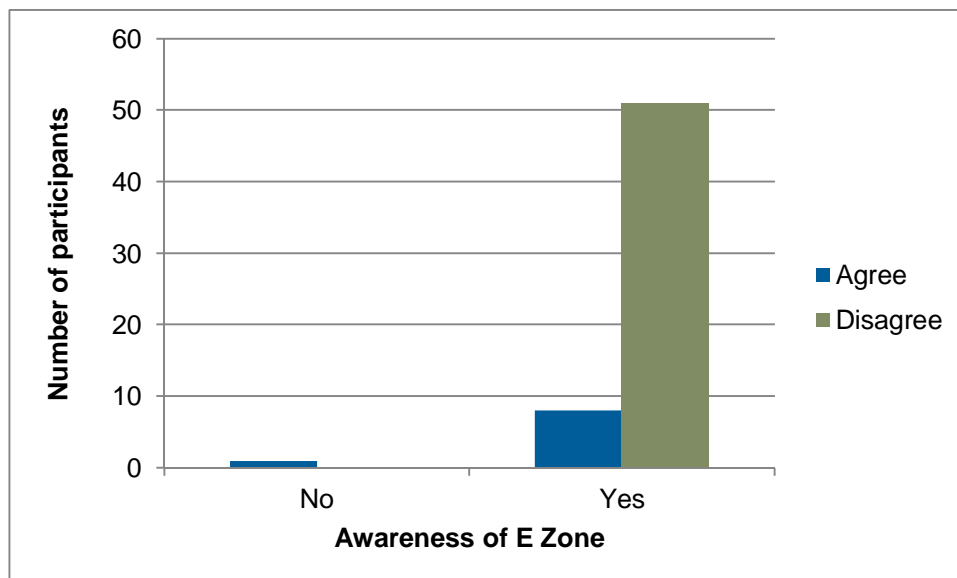


Figure 7.11 Awareness of EZones on property

7.1.9.2 Issues overview in Ballina

Consistent with Kyogle and Lismore, Ballina LGA issues mostly relate to the planning process (45%) and property management (28%). Environment concerns were noted slightly more often than the economic issues (13% and 10% respectively). Only a few participants raised issues concerning the department process (3%) and social (1%). Figure 7.12 demonstrates the frequency of issue groups during Review consultation.

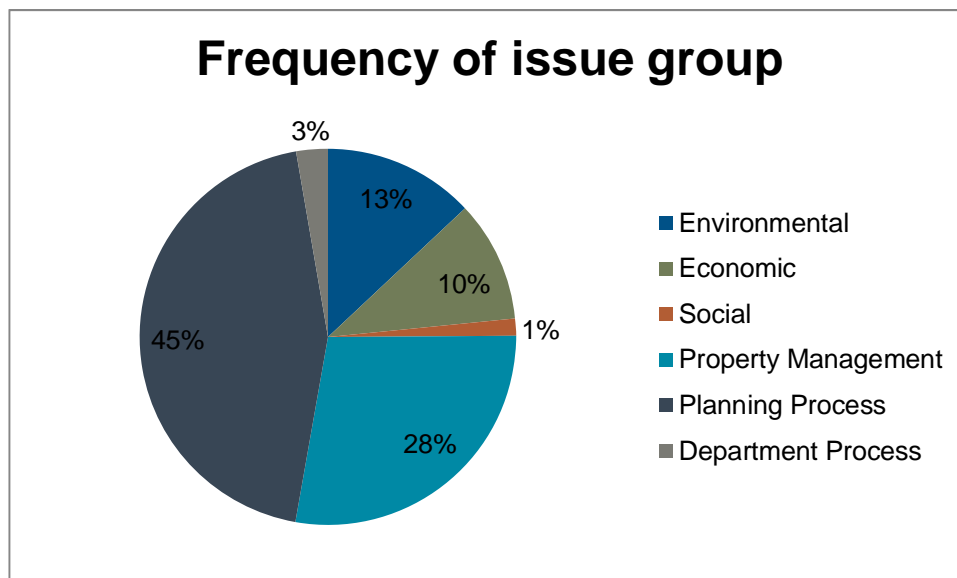


Figure 7.12 Issue groups frequency in Ballina

7.1.9.3 Issue analysis

Planning process

A total of 461 issues were categorised as a planning process issue, of which there were 116 concerns about the application and methodology of the proposed EZones and overlays. Participants indicated a lack of justification or criteria for EZone application (20) and noted their perception that EZones and overlays should not be imposed on private freehold land (10). The submissions also highlighted issues with the boundaries of EZones and the inability to locate a tangible mark or reference point for actual property boundaries (12). Several participants expressed concern with the lack of field surveys and ground truthing during the LEP development (14). A further (8) participants also indicated concerns regarding the use of inaccurate (8) or incorrect mapping (4) and the procedure involving aerial photography maps, as it does not adequately differentiate environmentally significant areas of vegetation and other vegetation (9).

There were 177 issues relating to consultation feedback, 35 participants noted poor consultation during the LEP, 18 indicated a lack of communication and 20 were dissatisfied with the landowner notification process. Furthermore, nine participants expressed their perception that Council had been deceptive. This could be a result of the communication issues highlighted in submission comments through:

- the lack information about EZones and what they mean (15)
- lack of understanding of the purpose and need for the new LEP and EZones (15)
- information about the impacts on individual properties are not concise and concern they are open to interpretation (11)
- lack factual information about the LEP from Council (9).

The main issue indicated in regards to the LEP and draft LEP Process was inconsistency in the application of EZones within Ballina and between Ballina and other LGAs (20). The submissions also highlighted a perception that Council had incorrectly applied and interpreted the SILEP template (17) and the department (SILEP) guidelines (8). Overall there were 18 participants that disagree with EZones and (2) object to overlays, whereas 20 indicated their support for EZones, 10 of which specified only when they were applied to genuine environmentally significant land.

Property management

There were a total of 289 issues related to property management, of which 90 concerns related to property use and management activities. The most common issue indicated by 19 participants was concern about conducting current property management practices under EZones; such as slashing, removing dead vegetation or completing routine agricultural management activities. Other concerns included:

- the ability to graze cattle or horses on land located under EZones (15) and indicated there would be a loss of prime agricultural land (6)
- weed management (12) and the potential increased fire risk as a result of overgrown scrub (10)
- the ability to conduct general agricultural activities (8).

Under EZones there were several issues regarding perceived rights and restrictions, 39 participants indicated EZones would increase restrictions on existing land use (agricultural and rural) and limit access to areas of their properties. Additionally, 17 participants expressed concern about the reliance on existing property use rights and the continuation of current land use. It was also highlighted by 11 submissions that EZones and overlays would restrict long term plans or future flexibility and the ability to diversify land use options.

Participants noted EZone application concerns, 28 participants indicated the EZone classification was incorrect and that the area should stay or return to either rural or residential zone. Additionally, 18 participants noted Council planners applied EZones without knowledge of what is located on the land. It was also indicated in 15 submissions that time and money had been spent rehabilitating vegetation on properties and concerns were expressed that this had not been taken into account when EZones were applied.

Development application concerns were also raised in detail and related to:

- future development approvals will be restricted by EZones and overlays (16)
- EZones and overlays will require additional development approvals and concern for the time and expense associated with the application (13)
- current development approvals have not been considered (7).

Environmental

There were 135 issues categorised under environmental concerns from Ballina submissions. These issues were mostly in regards to the application and perceived effects of EZones and overlays. However there were also environmental concerns identified. The most frequent issues raised by participants are there was no valid evidence of environmental significance to justify EZones (26).

Six participants indicated EZones are correct in the LEP and another six expressed concerns for the removal and or reduction of EZones in the LGA as this could result in a loss of protection for environmentally significant areas. There were also concerns raised about the allowable uses permitted with consent in E3 and E4 Zones as they have a negative effect on conservation (5).

The perceived positive effects of EZones related to the ability to:

- protect native vegetation, wildlife corridors, lands adjacent to waterways and habitat (11)
- help the region retain its natural biodiversity (6)
- provide additional protection of environmentally significant areas (5)
- ensure development is considered and assessed through more stringent approvals (5)
- help manage environmentally significant areas, on both private and public land (5).

Conversely, five participants noted a general perception that protected land is not looked after (9).

There were 30 submissions that expressed concern for environmental impacts; relating to fauna conservation (5) loss of habitat (5) and indicated a concern for inappropriate development in environmentally significant areas (10). There is support to extend EZones further in order to protect other endangered species in the area (6).

Economic

Participants in Ballina raised economic concerns 108 times, the most common being individual concerns. Specifically these include:

- decreased demand for land with EZones due to the restrictions, resulting in reduced property values (27)
- land that has EZones will require more maintenance at the expense of the owner; this is impractical and not viable when the owner has no prospect for income return (13)
- concern for loss of income and livelihood (10)
- concern about the cost and time associated with maintaining records for and providing evidence of existing use rights (7).

Additionally, 16 participants made comment about compensation if EZones were applied to their land to balance individual economic concerns aforementioned. Furthermore several submissions supported the use of incentives to encourage and increase acceptance of EZones on private land (7).

Department process

There were 28 issues regarding the department process. Of these the most prominent issues related to consultation feedback where three participants identified a lack of notification of the Review being conducted by DP&I and the inability to attend the community drop-in sessions (3).

Three participants hope DP&I's Review will remove EZones from their land used for agricultures, protecting their rights as rural landowners.

Social

There were 15 social issues noted, accounting for 1% of the issues in Ballina. There were three participants that expressed concern that their lifestyle would be impacted as a result of EZones; adversely two participants noted their concern for impacts to their lifestyle as a result of not having appropriate EZones. Similar support and opposition for EZones was noted in concerns for the next generation of farmers (2) and concern for the future of the land (2).

7.1.10 Byron local government area

Byron LGA is located 50 km south of the Queensland boarder and just 35 km north of Ballina. The LGA encompasses 566.6 square kilometres and has a population of 29,209 individuals according to the latest census (ABS 2011); Figure 6.4 illustrates the Byron LGA. The area is predominantly known for its tourism and holiday destination and retail trade is the main industry (ABS, 2011).

There specific interest groups that provided submissions in Byron. These submissions were in regards to the Byron draft LEP and issues raised by these groups were classified as general submissions and included in the data analysis. The specific interest groups include:

- Araucaria Community Association
- Bush Heritage Australia
- BEACON – Byron Environmental and Conservation Organisation
- Big Scrub Landcare (BSL)
- Brunswick Valley Landcare Inc
- Byron Bird Buddies

- Conservation of North Ocean Shores (CONOS)
- Dunecare groups – Suffolk Park Dunecare and Green and Clean Awareness Team
- EnviTE'
- Mullumbimby Community Action Group
- Wategos Beach Protection Association.

Additionally, there were two specific interest groups, New Brighton Village Association and Byron Rural Action Group (BRAG). Submissions from these two groups were classified as general submissions and included in the data analysis. However each group raised specific and detailed issues in relation to EZones in the Byron draft LEP. Furthermore as indicated in their submissions, these two groups represent many other members of the Byron community.

New Brighton Village Association has 157 members of the community that support their submission. Specifically areas affected by E4 Zones, including:

- New Brighton – Casons Road, Byron Street and River Road
- Suffolk Park – Broken Head Road
- Byron Bay – Old Bangalow Road, Cemetery Road and Orana Court
- Lilli Pilli Estate Byron Bay – Lilli Pilli Drive, Tristania Place, Blueberry Court, Bunjil Place and Luan Court.

These residents oppose the E4 Zoning to their properties. The group submission addressed many specific issues and provided extensive evidence, but the main concerns were regarding the invalid evidence of environmental significance and justification for an EZone over urban residential land. Further concerns indicated related to the restrictions under E4 Zones and the lack of notification and consultation from Council during the draft LEP process.

BRAG represents more than 600 rural landholders whom object the draft LEP and the application of EZones and overlays to land currently zoned rural and used for agricultural purposes. BRAGs submission noted 2,500 rural properties have had EZones and overlays applied and are concerned many of the landholders do not understand the impact the draft LEP will have on their land. BRAGs submission was extensive and highlighted the key issues with the proposed EZones, these include:

- transfer to a SILEP template should be 'like for like'
- the methodology used to develop the draft LEP was flawed due to:
 - ▶ the reliance on the Byron Biodiversity Strategy 2004
 - ▶ out-dated aerial photomaps and lack of ground truthing
 - ▶ lack of consultation and landowner notification
 - ▶ smoothing the EZone boundaries
- the complexity of the draft LEP document, noting it was hard to understand and a complicated process to access information on Councils website and identify the zoning changes on an individual property
- there is duplication in legislation between Local, State and Federal laws and confusion as to the hierarchy in the law; the draft LEP and its regulations should be consistent, integrated and complimentary of all legislation and regulative requirements
- the reliance on existing property use rights and the continuation of current land use
- concern for a loss of prime agricultural land due to state significant agricultural land is not recognised and an environmental bias in EZone application

- comment about Just Terms Compensation if the changes to land use are significant.

These two group submission have significant support, the issues highlighted above and the number of community members each group represents should be kept in mind throughout the context of the Byron issues analysis.

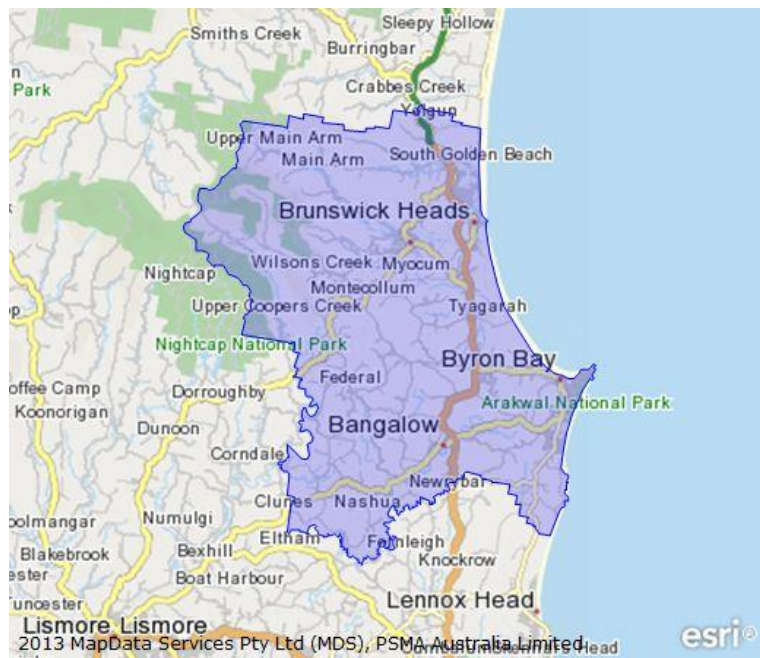


Figure 7.13 Byron local government area

7.1.10.1 EZone awareness in Byron

There were 99 participants across the Byron LGA that identified an EZone or EZones on their property. A total of 86 participants disagreed with the EZone and 13 agreed it was correct. Two people indicated they did not have EZones and that it was not correct. This is displayed in Figure 7.14.

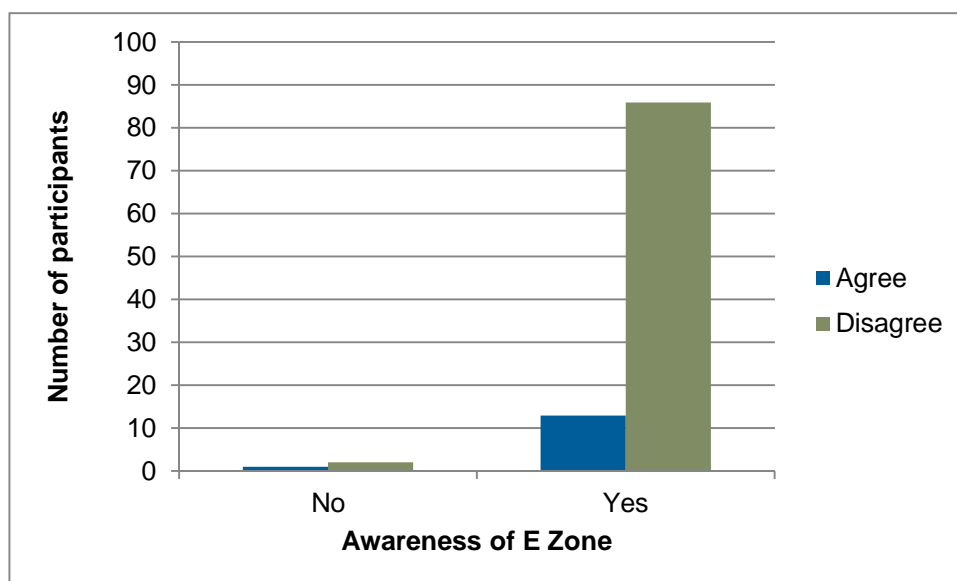


Figure 7.14 Awareness of EZones on property

7.1.10.2 Issues overview in Byron

The most frequently raised issues in the Byron LGA Byron LGA relates to the planning process (48%) which is almost half. There were also a large number of concerns regarding property management (25%), environmental and economic issues were of similar importance, accounting for 12% and 10% of the issues respectively. Department process (3%) and social (2%) concerns occurred less frequently. Figure 7.15 demonstrates the frequency of issue groups during Review consultation.

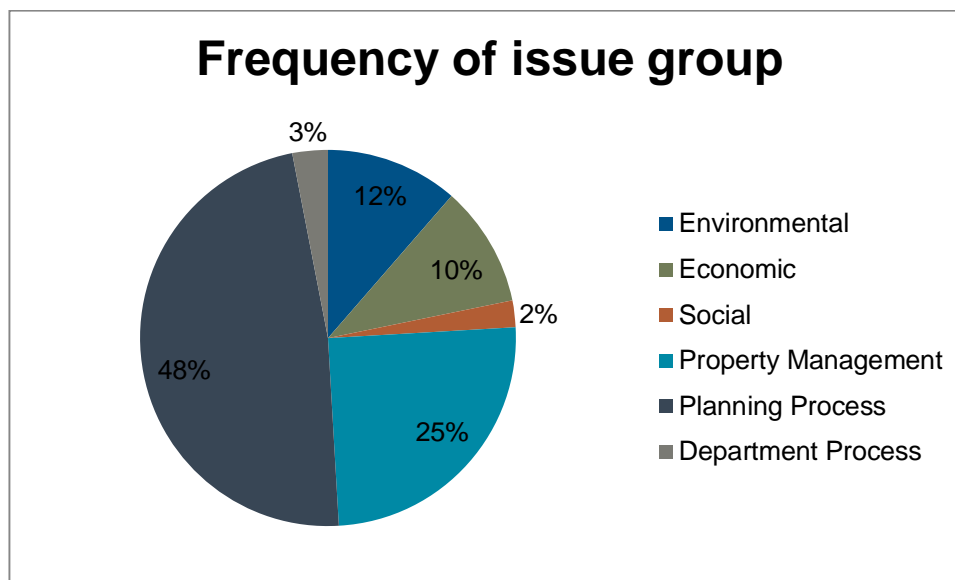


Figure 7.15 Issue groups frequency in Byron

7.1.10.3 Issues analysis

Planning process

There were 1,484 issues categorised as a planning process issue, of which 588 related to the LEP and draft LEP Process. The submissions highlighted Council's incorrect application and interpretation of the SILEP template (47), terminology used within the LEPs (27) and the department (SILEP) guidelines. Participants indicated EZones should have been consistently applied within Byron and between Byron and other LGAs (45) in addition to remaining consistent with other government initiatives and legislation (33). Other frequently raised comments regarding the LEP were noted in submissions, these include:

- participants stated the draft LEP is not 'like for like' (33)
- landowners support conservation and would rather work cooperatively to discuss environmental conservation on their property (28)
- the LEP has no strategic planning framework, lacks clear objectives, timelines and costs and fails to acknowledge impacts to social, economic and cultural values (26)
- planning tools should support farmers and rural practices to conserve both agricultural and environmental land (26), similarly that the LEP should balance environmental and agricultural needs (23)
- EZones are being misused in the draft LEP (26).

Overall there were 71 participants that disagree with EZones and 24 object to overlays, whereas 54 indicated their support for EZones and overlays, 23 of which specified only when they were applied to genuine environmentally significant land.

Many submissions highlighted issues with the application and methodology of the proposed EZones and overlays (455). The most frequently raised issue, from 56 submissions, was directed at the lack of field surveys and ground truthing during the LEP development. Additionally, participants indicated concern about the lack of tangible boundaries of the EZones (42) and the use of split or multiple EZones on their property (34). Furthermore, participants also indicated concerns regarding the use of inaccurate (39), incorrect mapping (20), or old (22) maps and the procedure involving aerial photography maps (33).

The following perceptions regarding the overall application and methodology of EZones was also expressed:

- the development of the LEP used a deficient methodology (23) and lacked a distinct criteria for EZone application which led to the inability to justify them (35)
- insufficient studies and expertise during the LEP development (27); recent studies conducted where overlooked or excluded (26); broader studies should have been conducted (12) and out-dated studies were used (11)
- EZones and overlays should not be imposed on private freehold land (13) and concern Council's application of EZones is compulsory acquisition (10).

There were 294 issues relating to consultation feedback, 56 submissions highlighted a lack of consultation during the LEP. Additionally, 27 participants indicated an absence of communication from Council and 15 specifically highlighted the landowner notification process. Furthermore, 26 participants raised issues on the complexity of the draft LEP document, noting it was lengthy and hard to understand.

Perceived Council deception was outlined in 13 submissions, this could be attributed to consultation and communication concerns in addition to specific communication issues raised, including:

- lack factual information about the LEP from Council (28)
- information about the impacts on individual properties or information is not concise and they are open to interpretation (22)
- the lack information about EZones and what they mean (11)
- lack of understanding of the purpose and need for the new LEP and EZones (10).

Lastly, 264 issues were categorised as relating to regulations and property rights. A total of 45 participants stated there is duplication in legislation between EZones and State and Federal laws and the confusion as to the hierarchy in the law. Submissions highlighted concern with the restrictions to land use under the draft LEP, which defeat the purpose of a simplifying and standardising planning (26). Participants also indicated issues with particular restrictions, such as:

- restrictions under the watercourse zonings and the impact or limiting controls on existing use, specifically reference was made to the clause exempting horticulture (35)
- restrictions on agriculture as a result of it being 'permitted with consent' under EZones (30)
- restrictions to house renovations and improvements, due to the reduction of floor space ratio (9).

Property management

There were a total of 775 issues categorised as property management issues, of which 235 issues related to EZones and overlay rights and restriction. There were 61 participants that indicated EZones would increase restrictions on existing land use (agricultural and rural) and limit access to areas of their properties. Furthermore, participants expressed concern about the reliance on existing property use rights and the continuation of current land use (43) and that EZones and overlays would restrict long term plans or future flexibility and diversify options of their land use (41). Additionally, participants also specified:

- EZones will remove landowner rights and reduce landowners control of their property (31)

- Council should not have the power to remove land use rights (16)
- restrictions under E2 and E3 zones are not practical and are unclear (14).

Of the 207 issues categorised under property use and activities, the ability to conduct current property management practices on land under EZones; such as slashing, removing dead vegetation or completing routine agricultural management activities was addressed in 33 submissions. Participants also indicated concern for:

- weed management (35), ability to clear trees (11) and the potential increased fire risk as a result of overgrown scrub (8)
- the ability to graze cattle or horses on land located under EZones (25) and indicated there would be a loss of prime agricultural land (25)
- feral animal management (20)
- the ability to conduct general agricultural activities (9).

The submission also highlighted issues regarding the ability to subdivide or have multiple dwellings (24) and indicated concern about the ability to continue to run a business from home.

A total 58 participants indicated the EZone classification was incorrect and that the area should stay or return to either rural or residential zone. Additionally, 47 participants noted Council planners applied EZones without knowledge of what is located on the land. However, 48 participants indicated they had spent time and money on rehabilitating vegetation on properties and the expressed concern that this had not been taken into account when EZones were applied. A further 18 stated EZones were a punishment for good stewardship.

There were a broad range of concerns regarding development applications and participants indicated:

- EZones and overlays will require additional development approvals (45)
- current development approvals have not been considered (17)
- future development approvals will be restricted by EZones and overlays (16).

Interestingly, Byron submission also indicated concern regarding the 12 month use limit and the ability to use unused areas after 12 months without the need for a development approval (24). Further concern was noted in the perceived lack of farming practices and agricultural knowledge by the Council approval officers (18).

Environmental

There were 354 issues categorised under environmental concerns from Byron submissions. These issues were mostly in regards to the application and perceived effects of EZones and overlays would have on the environment. However there were also general environmental concerns identified.

The most frequent issues raised by participants is there was no valid evidence of environmental significance to justify EZones (62). However 21 participants express concerns for the removal and or reduction of EZones in the in Byron as this could result in a loss of protection for environmentally significant areas, of which 13 participants agreed were located within EZones.

The perceived effects of EZones are generally positive conservation outcomes, as they will:

- protect native vegetation, wildlife corridors, lands adjacent to waterways and habitat (25).
- help the region retain its natural biodiversity (25)
- ensure development is considered and assessed through more stringent approvals (8).

Conversely, there were also perceived negative effects noted as a result of EZones, because they will:

- restrict the landowners ability to manage and maintain the vegetation, which will resulting in land neglect (28)
- place land under protection and there is the general perception protected land is not looked after (9)
- negatively affect conservation as there are not management plans to support guide rehabilitation (8)
- have little or no environmental gain (7).

There were 92 submission conveying concern for environmental impacts. These related to loss of habitat (14), and impacts to fauna (11) and flora (9). Furthermore, there were 19 participants that expressed concern about inappropriate development in the area (10) and that not all environmentally significant values have been identified (10). There is support to extend EZones further in order to protect other endangered species in the area (10).

Economic

Participants in Byron raised 321 issues relating to perceived economic impacts, the most common being individual concerns. Specifically these include:

- decreased demand for land with EZones due to the restrictions, resulting in reduced property values (61)
- concern for loss of income and livelihood (41) and financial disadvantage (12)
- land that has EZones will require more maintenance at the expense of the owner; this is impractical and not viable when the owner has no prospect for income return (40)
- concern about the cost and time associated with maintaining records for and providing evidence of existing use rights (30)
- general concern about loss of business and employment for both individuals and opportunities for the rest of the community (12).

Additionally, 31 participants supported the use of incentives to encourage and increase acceptance of EZones on private land (31). Alternatively, 22 participants made comment about compensation if EZones were applied to their land to balance individual economic concerns.

Interestingly, in Byron a community economic concern was raised by 21 participants whom identified the potential loss of tourism, agritourism and food tourism due to EZones being implemented or EZones are need to protect the natural environment that tourist come to see.

Department Process

There were 95 issues regarding the department process. Of these the most prominent was consultation feedback, which identified eight participants inability to attend the community drop-in sessions and a further seven who were unable to wait to be seen at the community drop-in session. Four participants informed they attended the community drop-in session to gain information about the EZones and what impact they will have on individual properties.

General issues regarding the LEP Review and deferral of EZones were also raised, concerns that planning and final decisions on the LEP will not be made at a local level (7) and the perception that the State government are control on local development (5).

Additionally, eight participants perceived that the outcome of the Review will result in the EZones being lost or removed.

Social

There were 72 social issues noted, accounting for 2% of the issues in Byron. Of these 19 participants indicated they were concerned that their lifestyle would be impacted as a result of EZones, adversely 10 participants noted their concern about impacts to lifestyle as a result of not having appropriate EZones.

The second most frequent issue is for food security related to the loss of farming and prime agricultural land and implications associated with importing food, for example reduced quality and health effects (18). This is a similar concern to the future of farming and disincentives for the next generation of farmers (8).

The Byron LGA had nine submissions convey disquiet regarding the reduced provisions of affordable housing under EZones and the potential impact this would have on population growth.

7.1.11 Tweed local government area

Tweed LGA is located adjacent to the Queensland boarder to the north and the Byron Bay LGA to the south (Figure 6.4 illustrates the Tweed LGA). It encompasses 1,309.3 square kilometres and has the highest population figure of the Northern Rivers region with 85,105 residents. Similarly to the Byron LGA, Tweed LGA is dominated by the retail trade industry closely followed by the construction industry.

There specific interest groups that provided submissions in Tweed. These submissions were in regards to the Tweed draft LEP and issues raised by these groups were classified as general submissions and included in the data analysis. The specific interest groups include:

- Byrrill Creek Landcare
- Caldera Environment Centre
- Citrus Association
- Coo-eeEE Property Rights Group
- Fingal Head Coastcare
- Friends of Cudgen Nature Reserve
- Local Residents Association
- Murwillumbah Community College
- Mt Misey/Terragon Landcare Group
- New South Wales Farmers
- North Casuarina Landcare
- Tweed Osprey Group
- Team Koala Incorporated
- Tweed Heads Environmental Group Inc.
- Tweed Valley Wildlife Carers.

Further, two specific interest groups noted the membership and support each represented in their submission. Details of these two groups are noted below:

- Local Farmers Association Combined Tweed Rural Land Association represents 1,100 rural ratepayers in the Shire.
- Pottsville Community Association represents 271 families (as per paid membership).

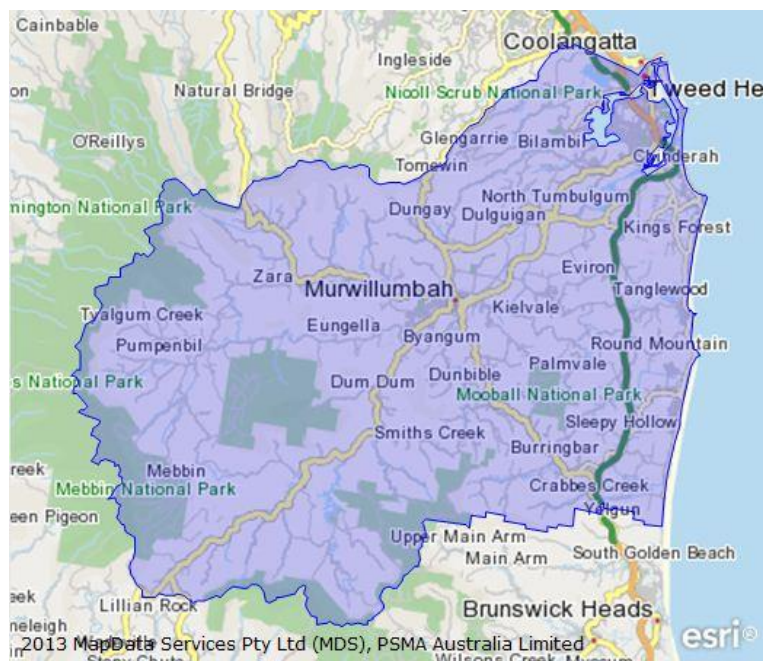


Figure 7.16 Tweed local government area

7.1.11.1 EZone awareness in Tweed

Among the submissions received for the Tweed LGA, 15 participants identified they had an EZone or EZones on their property. There were 12 participants that did not agree and three participants that did not have an EZone and agreed it was correct. Support for EZones was indicated by three people that agreed with the EZones on their property and four people indicated they did not have EZones and stated this was incorrect. This is illustrated in Figure 7.17.

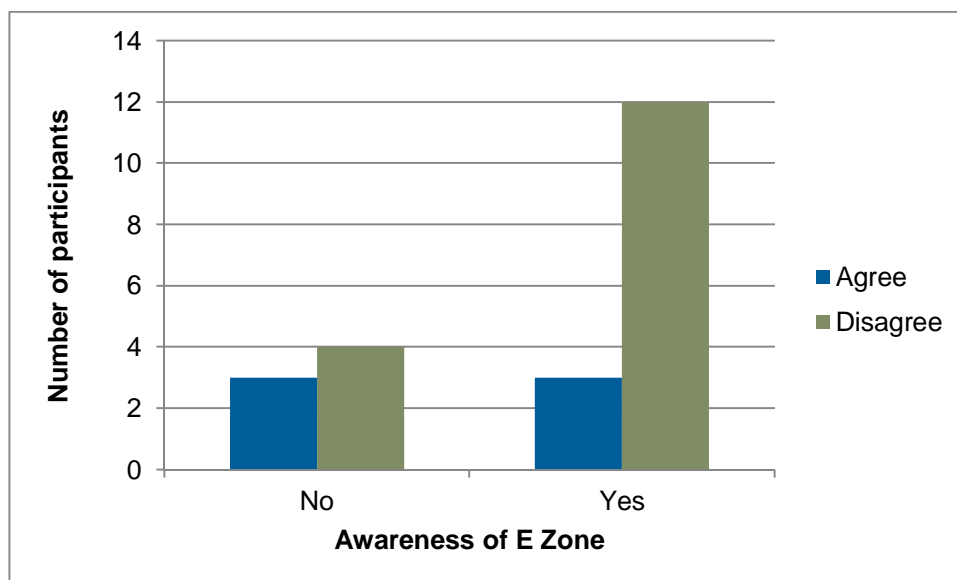


Figure 7.17 Awareness of EZones on property

7.1.11.2 Issues overview in Tweed

Dissimilar to the other LGAs in the Review Area, Tweed LGA's most frequent issue group is environmental (45%) followed by the planning process group (33%). The department process and property management issues groups were noted a similar amount of times, accounting for 9% each. Interestingly, Tweed submissions have more issues with the department process and less with property management which is contrary to other LGAs. Occurring the least frequent were economic (4%) and social (2%) issue groups. Figure 7.18 demonstrates the frequency of issue groups during Review consultation.

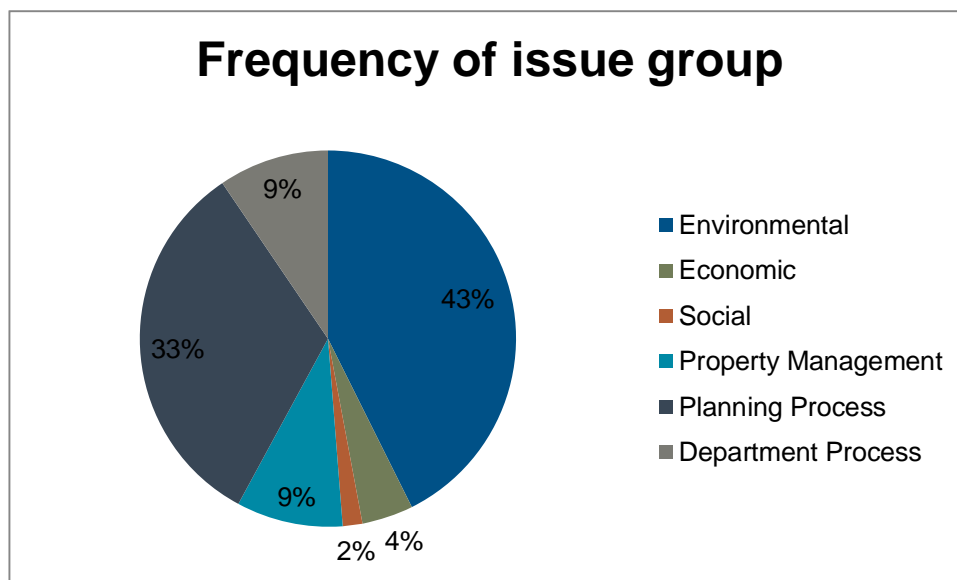


Figure 7.18 Issue groups frequency in Tweed

7.1.11.3 Issues analysis

Environmental

There were 466 issues categorised under environmental concerns, accounting for 43% of the issues raised in Tweed. These environmental concerns were mostly in regards to inadequate protection of environmentally significant areas including the 194 submissions conveying disquiet for environmental impacts. Participants indicated concern for loss of habitat (35), and impacts to fauna (31), and flora (20). Moreover, 27 participants indicated concern for Koala protection and disappointment that the Koala plan of management had been excluded from the draft LEP. Furthermore, 24 participants expressed concern about inappropriate development in environmentally significant areas and alarm that not all environmentally significant values have been identified (12). There is support to extend EZones further in order to protect other endangered species in the area; this was made evident in 17 submissions.

The application of EZones and overlays was the most frequently raised concern, 44 submissions highlighted concern for the removal or reduction in EZones resulting in a loss of environmental protection. Similarly, nine participants indicated EZones should be strengthened and eight stated environmental assets should be protected by the full force of the law. A total of 13 submissions noted support for the application of wildlife corridors.

Further, there is concern for adverse environmental impacts and loss of protection associated with incorrect or inadequate EZones, such as:

- areas zoned E3 and E4 should be zoned E2 for better protection of environment (23)
- allowable uses permitted without consent in E3 and E4 Zones would result in a negative effect on conservation (18)
- individual properties are zoned rural, which should have environmental protection (12).

Total of 10 participants indicated the EZones will result in positive impacts to conservation. Other positive outcomes highlighted in submissions noted they will:

- protect native vegetation, wildlife corridors, lands adjacent to waterways and habitat (36)
- help the region retain its natural biodiversity (28)
- ensure development is considered and assessed through more stringent approvals (8)
- help manage environmentally significant areas, on both private and public land (8).

Planning Process

A total of 356 issues were related to the planning process, of which 158 related to the draft LEP 2012, specifically indicating:

- the use of SILEP template fails to recognise unique environmental values in Tweed (13)
- by reverting to 2000 LEP in 2012 draft LEP and removing EZones is a step backwards in environmental conservation (12)
- EZones and overlays should be consistent with other Government initiatives and legislation (11)
- would prefer like for like from the previous LEP (8).

Dissimilar to the other LGAs, overall in the Tweed LGA there were only three participants that disagreed with EZones and two objected to overlays, whereas 28 indicated their support for EZones and overlays, five of which specified only when they were applied to genuine environmentally significant land.

Tweed LGA participants main concerns relating to the application and methodology of the proposed EZones and overlays was stipulated by nine participants, in that the 2012 LEP is not sufficient as it was formed from the LEP 2000 and does not take into account any of the studies specific to the unique environment and ecosystems. Furthermore 31 participants indicated their perception that the draft LEP 2012 failed to acknowledge and include results from multiple previous studies. This is further reflected by the 12 participants that noted studies and expertise were insufficient in the LEP process. On the other hand, nine participants highlighted the studies and expertise as being sufficient.

There were 91 issues relating to consultation feedback, 20 participants indicated a lack of consultation during the LEP, nine indicated a lack of communication from Council and eight were dissatisfied with the landowner notification process. Furthermore, 10 participants indicated perceived deception from Council. This could be a result of the communication issues.

Department Process

There were 104 issues regarding the department process. Of these the most prominent issue was the LEP Review and deferral of EZones, where identified 12 participants disagreed with the Review of the LEP and concern with the deferral and potential removal of EZones. In addition, eight participants noted issues with planning and final decisions on the LEP not made at a local level and the perception that the State government are controlling of local development (7).

Further, concerns were expressed about the perceived outcome of the Review, nine participants have faith that the Review process will ensure protection of environmental values in the LEP by conducting a comprehensive assessment of environmental significant areas and consultation to retain and increase the level of protection in the LEP. On the other hand, seven participants will result in the EZones being lost or removed.

There were also a few concerns relating to consultation feedback, in which there is a perceived lack of communication (4), information (3) and consultation (3) from DP&I about the Review and in particular why the five LGAs have been chosen.

Property Management

There were a total of 100 issues categorised into the property management group, of which the majority related to property use and activity concerns (44). Specifically these concerns include:

- the ability to graze cattle or horses on land located under EZones (9)
- the ability to partake in general agricultural activities (8)
- the ability to conduct current property management practices under EZones; such as slash, remove dead vegetation or complete Routine Agricultural Management Activities – RAMAs (12)
- concern about weed management (6) and the ability to clear trees (5)
- concern regarding the ability to subdivide or have multiple occupancy (5).

Participants noted concerns regarding perceived rights and restrictions under EZones, particularly regarding the restrictions on existing land use (agricultural and rural) and access to areas of their properties (7).

Under proposed EZone application concerns, nine participants highlighted that they had spent time and money on rehabilitating vegetation on their property and expressed concerns that this had not been taken into account when EZones were applied. This flows through to another issue identified regarding the perception that Council planners applying the EZones lack the knowledge of what is located within the EZone proposed (7).

Lastly, six participants had concerns involving development applications and the foreseeable increase in the need for additional approvals or permits and the time, expense and anxiety associated with them as by submitting them does not guaranteed approval.

Economic

Participants in Tweed raised 48 issues regarding economic concerns, the most frequently occurring being community economic concern regarding the potential loss or impact to tourism (9).

There were 19 issues relating to individual economic concerns including:

- concern for loss of income and livelihood (5) and financial disadvantage (4)
- decreased demand for land with EZones due to the restrictions, resulting in reduced property values (4) on the other hand five participants disagreed with this concern
- land that has EZones will require more maintenance at the expense of the owner; this is impractical and not viable when the owner has no prospect for income return (3).

Additionally, seven participants made comment about compensation; if EZones were applied to their land to balance individual economic concerns aforementioned.

Social

There were 19 Social issues noted, accounting for 2% of the issues in Tweed. Two of the most notable highlighted were:

- Concern future of farming as farming is already perceived as being too hard, the additional restrictions under EZones will discourage the next generation of farmers even more (4).
- Concern for food security as a result of the loss in farming and prime agricultural land and implications associated with importing food, for example reduced quality and health effects (4).

8. Key consideration

8.1 Current consultation approach

Communication and consultation issues were identified through Parsons Brinckerhoff's observations. These observations were supported by participant feedback in their submissions. An overview of these potential issues is listed below.

- Community expectations regarding ongoing consultation. Including, consultation on the interim report.
- Community and individual expectations regarding zoning changes on their properties or specific areas of land, as a result of Parsons Brinckerhoff's Review.
- Community expectations around site inspections – specifically, the high demand for site investigations, the methodology adopted to identify sites and the arrangement and coordination of site investigations.
- Risks associated with landowner contact during the field investigation phase.
- Perception that existing communication methods adopted for community consultation for the Review to date is not enough.
- Lack of understanding on the Review process, its purpose and objectives.
- Lack of understanding in general on the LEP and council's LEP processes.
- Consultants and the department not following through with commitments to stakeholders in a timely manner.
- Community expectations on what will be done with feedback received external to the scope (for example, feedback on non-environmental zonings and overlays).
- Changing scope and deliverables schedule, particularly delivery dates for the interim and final report.
- Ongoing consultation may exacerbate the divide between communities.
- Extension of consultation period and the flow on effect this will have on other timeframes.
- Management of ongoing council consultation and interactions.
- Ongoing negative media.

8.2 Desirable outcomes

Based on consultation activities and results, the consultants understanding of stakeholder and community concerns, and the analysis of land use and environmental issues, Parsons Brinckerhoff recommends a number of changes to the current processes for engaging communities, affected individuals and other key stakeholders in LEP planning and implementation.

Parsons Brinckerhoff recognises that in most cases Councils did follow the recommended guidelines for consultation, further assessment of the consultation during the LEP making process is provided in Section 2.4.2.1 of the interim report.

The following sections outline this approach that could be adopted by the state government to support local governments to increase participation, understanding and the practical inclusion of community views during SILEP planning and implementation. Further there are a number of general changes that are included within this approach that could be adopted to assist ongoing consultation activities at both the local and state government levels to improve ongoing SILEP and general planning activities.

9. Recommendations

9.1.1 Consultation planning

Parsons Brinckerhoff recommends DP&I develop a consultation toolbox for SILEP planning and implementation. The consultation toolbox would outline a 'best practice' approach for consultation for the LEP in local communities and includes details on implementing certain measures to assist LEP development. managing zoning issues in individual areas can be a difficult and complex task. Changes to zones can often bring about negative community sentiment regarding impacts to the local residents, economy, environment, social and broader public perceptions of the area and the intentions of Council.

The SILEP consultation toolbox would assist Council's with the level of detail and information included in communication materials, the mix and type of consultation activities they use and how community input is used in ongoing processes and reported back to the community. This recommendation is based on community feedback, the consultant's experience in effective community consultation and international guidelines such as those outlined by the International Association for Public Participation (IAP2).

Recommended overarching objectives of the consultation toolbox are outlined below:

- Ensure the consultation process and activities support DP&I's SILEP during the planning and implementation process.
- Provide adequate, transparent and relevant information to all stakeholders and interested parties.
- Articulate key messages clearly and consistently.
- Establish, maintain, and where possible, enhance relationships with the local community throughout the development and implementation of the LEP.
- Ensure stakeholders impacted by the LEP are identified and provided with appropriate information, timeframes and avenues for feedback.
- Maintain and enhance Council's and DP&I's reputation.
- Provide integral data to the technical studies for input to the LEPs.
- Minimise community disturbance and maximise community acceptance and ownership of the LEPs.

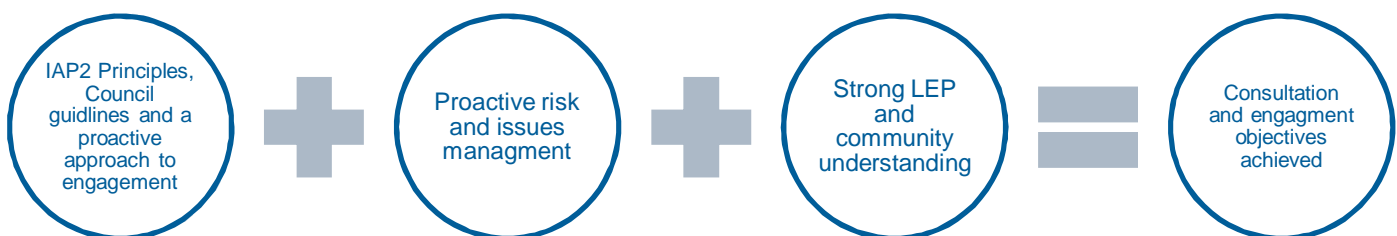


Figure 9.1 Approach to SILEP consultation

Through the development of SILEP consultation toolbox three key areas can be improved in ongoing LEP and general planning activities, these are addressed below, and include:

- communication and information sharing
- consultation activities
- issues identification and resolution.

9.1.1.1 Communication and information

A critical part of engaging stakeholders is to ensure participants are aware of the issues early, the potential impacts on their own property or interests and the opportunity to discuss any concerns and ask questions. During the Review community members outlined their concerns about not being informed of the need for a new LEP, the changes of zones on their property, what the EZones mean and the notification periods. To assist with managing these concerns Parsons Brinckerhoff recommends the following:

- Use consistent plain English in all documentation; avoid jargon and the excessive use of acronyms.
- Prepare upfront information that clearly outlines the purpose of consultation to ensure community expectation matches the potential outcomes.
- Use more than one information source to advertise the LEP and consultation process, this includes using newspapers with broader distribution across the Council area and advertise across the entire public comment period.
- Use free advertising such as media releases and social media to develop interest and discussion.
- Use an integrated communication approach that considers the needs and requirements of stakeholders and their current understanding of the planning framework in NSW.
- Prepare summary documents to ensure time-poor community members can understand and interpret information.
- Report how community and stakeholder input is used in the planning process.
- While it is not a requirement of the LEP process, direct mail outs or information letters in rates notices should be used to notify affected landowners of potential zoning changes.
- Provide more than two weeks' notice before the start and completion of the public comment period.
- Consider the extension of public comment period, if limited comments are coming in early and there are public requests.
- Develop mapping of areas with limited internet access to ensure different communication methods are put in place and stakeholders have different ways of accessing documentation.

9.1.1.2 Consultation activities

Consultation with local stakeholders plays a pivotal role in the development of LEPs and managing potential community concern. Early and ongoing consultation activities that align with the LEP will encourage stakeholders and the community to actively contribute to the planning process and develop a sense of buy-in. Consultation activities would be outlined in a plan that forms part of the consultation toolbox that will help to prepare and promote LEPs across the LGAs in a consistent and effective manner.

It is important that a number of varying types of consultation activities are provided at once. This will allow all stakeholders to become involved in discussion with Council. Information about the LEP planning process and milestones for consultation should be clearly highlighted to participants. By providing a path for information sharing, stakeholders are more likely to continue the discussion with Council.

Stakeholder consultation is designed to proactively involve the local community and key stakeholders in the planning process to encourage local ownership of the LEP and its outcomes. Gaining an understanding of the community and identifying any concerns, issues, needs or expectations early and proactively will help ensure that potential obstacles are avoided as the LEP is developed and implemented.

The following provides an overview of activities, methods, and techniques that will help to engage stakeholders and community these recommendations have been carefully selected to complement the LEP process:

- Conduct an evaluation process, which includes random surveys to understand the reach of information and community understanding; modify approaches depending on the success rate.
- Conduct consultation activities in areas frequented by the community such as shopping centres and markets.
- Provide forums for potentially affected landowners to understand their issues, this could include setting up a drop in centre at local libraries to discuss and clarify issues.
- Prepare a social profile of the LEP area to understand consultation activities that suit the local area and conditions, an example of this is internet use and previous involvement in consultation activities.
- Use more than one activity to engage with the community – community workshops, public displays and drop in days and have your say websites should be used in conjunction.
- Recognise that community members are time poor and provide feedback forms and surveys that allow them to make submissions quickly and clearly.
- Engage with interest groups and representative bodies to provide information and encourage members to participate.
- Provide technical experts to discuss particular issues or interests during the public comment period.

These activities will help to manage community and stakeholder issues and concerns and capture ongoing feedback.

9.1.1.3 Issues identification and reporting

To determine the significance of issues and ensure they are addressed appropriately, it is essential to assess the potential impact and risk of the issues then consider strategies to address them. In the event of such an issue, measures need to be implemented to ensure a rapid and effective communication response is made. This is to maintain public confidence and minimise damage to the LEP, Council's and DP&I's reputation. Issues can be grouped into minor, moderate and major.

The integration of community and stakeholder views in the development of the draft and final LEP is critical to community acceptance and ownership of outcomes. Key recommendations to identify and report community and stakeholder issues clearly and accurately include:

- report community consultation outcomes as part of the final LEP display
- use a database program to collate and report issues
- prepare the LEP in plain English to remove confusion and misinformation
- provide feedback on where community information was used and where it wasn't and the reasons why
- where possible provide written responses to the submissions made
- provide staffed displays or a contact officer to discuss the final LEP and what it means for individuals and the broader community.

9.1.2 SILEP consultation funding

By developing the consultation toolbox and templates for key information this will reduce the cost and resources required by local Council's in developing the LEP. However in order to actively engage constituents and encourage understanding and acceptance of the LEP communication and consultation activities are required, these activities should be supported by DP&I. These activities can help build relationships and maintain the reputation of both Local Councils and State Government.

9.2 Consultation recommendations

These recommendations support and align with planning requirements and recommended consultation activities. It is critical that practical recommendations are made that consider time, budget and information constraints involved in developing and implementing a LEP in a local government area. Below are the key recommendations included in Section 3.4.2 and 3.4.3 of the interim report.

9.2.1 Consultation between LGA and community

1. DP&I should develop a community consultation toolbox that will complement and align to the LEP process and set minimum requirements for Councils' stakeholder engagement activities. At a minimum, this toolbox will contain:
 - a) a standard method for identifying and reporting stakeholder issues and their views by developing a consultation plan template
 - b) a list of typical stakeholder groups that should be consulted as a minimum
 - c) plain English information materials that should be presented as part of the consultation strategy, for example fact sheets, frequently asked questions and mapping
 - d) DP&I and Councils should develop communication templates that articulate technical information in plain English terms
 - e) when consultation should occur, outlining the phases of consultation required for the LEP process with a focus on upfront issues identification and early consultation
 - f) detail how consultation should be undertaken for example presentations, websites, face to face discussions and branding.
2. DP&I should consider mandatory requirements for Councils to utilise social media as a cost-effective method of consultation as part of exhibiting a LEP.
3. DP&I should encourage and support Councils to engage and communicate with their community, through the establishment of a specific fund for consultation activities associated with a draft LEP.

9.3 Community perceptions generally

Evaluation at the end of consultation is required to determine if key performance indicators (KPIs) have been met. Measurable by the level of participation across the identified groups, such as:

- Council consultation programs reach a full cross section of their respective communities.
- Community leaders and groups become involved with the process of preparing and implementing a LEP.

Appendix A

Detailed stakeholder list



A1. Detailed stakeholder list

Group	Stakeholder
Landowners	<p>All landowners located in:</p> <ul style="list-style-type: none"> ■ Kyogle ■ Lismore ■ Ballina ■ Byron ■ Tweed
Directly affected landowners	<p>Landowners that identified as having a proposed environmental zoning or environmental overlay on their property located in:</p> <ul style="list-style-type: none"> ■ Kyogle ■ Lismore ■ Ballina ■ Byron ■ Tweed
Specific interest groups	<p>Community:</p> <ul style="list-style-type: none"> ■ Ballina Property Owners Association ■ Coo-eeEE Property Rights ■ Fingal Head Community Association Inc. ■ Lismore ratepayers group ■ Local Residents Association ■ Mullumbimby Community Action Group ■ Murwillumbah Community College ■ New Brighton Village Association (supporting 157 residents) ■ Pottsville Community Association (supporting 271 families) ■ Progress groups (e.g. Lennox Head Residents Association) ■ South Ballina Community Association <p>Environmental:</p> <ul style="list-style-type: none"> ■ Araucaria Community Association ■ Ballina Coastcare Inc ■ Ballina Environmental Society ■ BEACON - Byron Environmental & Conservation Organisation ■ Big Scrub Landcare (BSL) ■ BirdLife Northern New South Wales ■ Bush Heritage Australia ■ Byron Bird Buddies ■ Caldera Environmental Centre ■ Conservation of North Ocean Shores (CONOS) ■ Dunecare groups – Suffolk Park Dunecare and Green and Clean Awareness Team ■ Environmental Defenders Office (EDO) ■ EnvITE'

Group	Stakeholder
	<ul style="list-style-type: none"> ■ Fingal Head Coastcare ■ Friends of Cudgen Nature Reserve ■ Friends of the Koala ■ Landcare Groups- Byrrill Creek, Brunswick Valley, Mt Misey and Terragon and North Casuarina ■ Nature Conservation Council ■ North Coast Conservation Council ■ Save North Coast Nature ■ Team Koala Incorporated ■ Total Environment Centre (TEC) ■ Tweed Heads Environmental Group Inc. ■ Tweed Osprey Group ■ Tweed Valley Wildlife Carers ■ Wategos Beach Protection Association ■ Wires Northern Rivers
	<p>Agricultural:</p> <ul style="list-style-type: none"> ■ Byron Rural Action Group (supporting over 600 local rural landholders) ■ Citrus Association ■ Lismore Alstonville Branch of New South Wales Farmers ■ Local Farmers Association Combined Tweed Rural Land Association (supporting over 1,100 rural ratepayers) ■ National Farmers Federation ■ NSW Farmers Association Lismore and Tweed LGA ■ Richmond Banana Growers Association ■ Richmond River Beef Producers Assoc.
Industry	<p>Developers:</p> <ul style="list-style-type: none"> ■ CSG Industry (Santos and Metgasco) ■ Tourism ■ Quarries and their operators (e.g. Boral) ■ Byron Bay and Beyond - Northern Rivers Tourism ■ Regional Development Australia – Northern Rivers (RDA-NR)
Elected Representatives	<p>The Hon. Brad Hazzard Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW</p> <p>The Hon. Don Page Member for Ballina, Minister for Local Government and Minister for the North Coast</p> <p>The Hon. Thomas George – Member for Lismore</p> <p>The Hon. Geoff Provest – Member for Tweed</p> <p>The Hon. Robyn Mary Parker Member for Maitland, Minister for the Environment, and Minister for Heritage</p> <p>Janelle Saffin, Federal Member for Page</p> <p>Justine Elliot, Federal Member for Richmond</p> <p>Cr David Wright (Mayor) Ballina Shire Council</p> <p>Cr Simon Richardson (Mayor) Byron Shire Council</p> <p>Cr Diane Woods</p> <p>Cr Jenny Dowell (Mayor) Lismore City Council</p>

Group	Stakeholder
	Cr Barry Longland (Mayor) Tweed Shire Council Cr Ross Brown (Mayor) Kyogle Shire Council Council staff
Media	Byron Shire Echo Byron Shire News Ballina Shire Advocate Daily news (Tweed) Tweed Border Mail Tweed Coast Weekly Northern Rivers Echo Northern Star Local TV Channels – 7 Prime, and 10, NBN, ABC Local radio ABC Landline
Agencies	Ballina Council Byron Council Kyogle Council Lismore Council Tweed Council Council staff Department of Planning and Infrastructure (DP&I) Office of Environment and Heritage (OEH) NSW Environmental Protection Agency (EPA) Department of Primary Industries - Agriculture (DPI)

Appendix B

Project communications



B1. Project communications

Media release



Planning &
Infrastructure

Tuesday, 5 February 2013

Far North Coast environmental zones review: Have your say

The NSW Government today invited community members across the Far North Coast region to have their say about key environmental issues in council plans.

The Department of Planning and Infrastructure has organised five meetings to allow people to speak one-on-one to staff from the government-appointed consultant conducting the review.

The consultant, Parsons Brinckerhoff, will review environmental issues in planning instruments in the Ballina, Byron, Kyogle, Lismore and Tweed council areas.

The review will in particular look at concerns that areas which were clearly rural land were being zoned for environmental protection or subject to environmental mapping (known as overlays).

Members of the community are invited to attend drop-in sessions organised in each of the region's five council areas to run from **11am-2pm** and **4pm-7pm**.

LGA	Venue	Address	Date
Kyogle	Kyogle Memorial Hall, Banquet room	Stratheden St, Kyogle	Monday 18 February
Lismore	Lismore Workers Sports Club	202 Oliver Ave, Goonellabah	Tuesday 19 February
Ballina	Lennox Head Cultural & Community Centre	1 Mackney Lane, Lennox Head	Wednesday 20 February
Byron	Mullumbimby Civic Memorial Hall	55 Dalley St, Mullumbimby	Thursday 21 February
Tweed	Murwillumbah Community Centre	Nullum St, Murwillumbah	Monday 25 February

Those wanting to attend the sessions do not need to register.

Parsons Brinckerhoff was appointed after a competitive tender process and will ensure an independent, arm's length assessment of this issue.

Their project team includes specialists in environmental planning and ecology.

Parsons Brinckerhoff has already met with each of the five councils to obtain background information and will consult with other government agencies and stakeholders.

As part of the review, it will also visit sites which have been earmarked for the environmental zones.

If you can't attend the drop-in sessions, you can make comments to the consultants in writing. This can be done:

- By emailing ezonesreview@planning.nsw.gov.au or;
- Mailing E Zones Review Project, Attention: Stephanie Schofield, Planning Operations Coordination Branch, Department of Planning and Infrastructure, GPO Box 39, Sydney, NSW, 2001.

Submissions may become publicly available.

The closing date for comments is 5pm on Monday 11 March 2013.

For more information, visit the department's website at www.planning.nsw.gov.au/reviews, email ezonesreview@planning.nsw.gov.au or contact departmental officer Stephanie Schofield on (02) 9228 6247.

Media contact: Mark Skelsey, (02) 9228 6275



Planning &
Infrastructure

Have your say about the environmental zones review

The NSW Government is reviewing the application of environmental zones on the Far North Coast.

The NSW Department of Planning & Infrastructure has appointed independent consultants, Parsons Brinckerhoff Australia, to conduct the review. It will look at the application of environmental zones in the standard instrument local environmental plans for the Tweed, Byron, Ballina, Lismore and Kyogle local government areas.

People are invited to ask questions and raise issues about the review at any of the following **drop-in sessions** between 11am and 2pm or 4pm and 7pm.

Local Council	Venue	Address	Date
Kyogle	Kyogle Memorial Hall, Banquet room	Stratheden St, Kyogle	Monday 18 February
Lismore	Lismore Workers Sports Club	202 Oliver Ave, Goonellabah	Tuesday 19 February
Ballina	Lennox Head Cultural & Community Centre	1 Mackney Lane, Lennox Head	Wednesday 20 February
Byron	Mullumbimby Civic Memorial Hall	55 Dalley St, Mullumbimby	Thursday 21 February
Tweed	Murwillimbah Community Centre	Nullum St, Murwillimbah	Monday 25 February

If you can't attend the drop-in sessions, you can make comments to the consultants by emailing ezonesreview@planning.nsw.gov.au or post to E Zones Review Project, Attention: Stephanie Schofield, Planning Operations Coordination Branch, Department of Planning and Infrastructure, GPO Box 39, Sydney, NSW, 2001. Submissions may become publicly available.

The closing date for comments is 5pm on Monday 11 March 2013.

For more information, visit the department's website www.planning.nsw.gov.au/reviews email ezonesreview@planning.nsw.gov.au or contact departmental officer Stephanie Schofield on (02) 9228 6247.

URGENT PROOF

Please read & check all information is correct.



Z54612_111			Version:	3
Client: Dept of Planning				
Publication:	Run Date	Size	Type	Colour
Ballina Shire Advocate	6/2	16x3	EGN	Mono
Ballina Shire Advocate	13/2	16x3	EGN	Mono
Lismore Northern Star	6/2	16x3	EGN	Mono
Lismore Northern Star	13/2	16x3	EGN	Mono
Casino Richmond River Express	6/2	16x3	EGN	Mono
Casino Richmond River Express	13/2	16x3	EGN	Mono
Lismore Northern Rivers Echo	7/2	16x3	EGN	Mono
Lismore Northern Rivers Echo	14/2	16x3	EGN	Mono
Tweed Daily News	9/2	16x3	EGN	Mono
Tweed Daily News	16/2	16x3	EGN	Mono
Lismore Northern Star	9/2, 16/2	16x3	EGN	Mono

Please advise Strategic Comms of changes or forward approval ASAP to your advertising officer. The final responsibility for the accuracy of your advertisement rests with you.

OK TO GO: Signed
DATE:
TIME:

Dept Contact: Danielle

Strategic Comms Officer: George

Adcorp Account Manager: Alex

Adcorp Artwork: Matrika

FINAL APPROVAL TO ADCORP REQUIRED BY
Date: **Thursday 31 January 2013**
Time: 12pm

PROOF READ/ CHECKED:

AUTHORS ALTERATION

PROOF 2	PROOF 3	PROOF 4	PROOF 5	PROOF 6	PROOF 7	PROOF 8
MT	MT					

ADCORP ALTERATION

PROOF 2	PROOF 3	PROOF 4	PROOF 5	PROOF 6	PROOF 7	PROOF 8



Review of environmental zones in new council-wide plans on the Far North Coast

WHY IS THE REVIEW TAKING PLACE?

- There are concerns that environmental zones are being applied to rural and agricultural land without evidence of the environmental significance of the land.
- Some landowners are concerned these zones unfairly limit existing agricultural and rural activities
- The NSW Department of Planning and Infrastructure has commissioned an independent planning consultancy to review this issue.

WHAT ENVIRONMENTAL ZONES ARE SUBJECT TO THIS REVIEW?

- Environmental Conservation Zone (Zone E2), Environmental Management Zone (Zone E3) and Environmental Living Zone (Zone E4).
- These zones are part of a standard Statewide template which councils across NSW are using when updating their council-wide local environmental plans (LEPs).
- In general, the E2 zone ensures the highest level of environmental protection and least land-use flexibility, with progressively lower levels of protection and more flexibility under the E3 and then E4 zones.

WHAT OTHER ISSUES ARE BEING REVIEWED?

- In addition to the environmental zones, some councils also use environmental overlays in their LEPs.
- These overlays map areas with particular environmental values, such as water-courses or native vegetation. The overlays mean that additional information must be considered when a development application is lodged for the land.

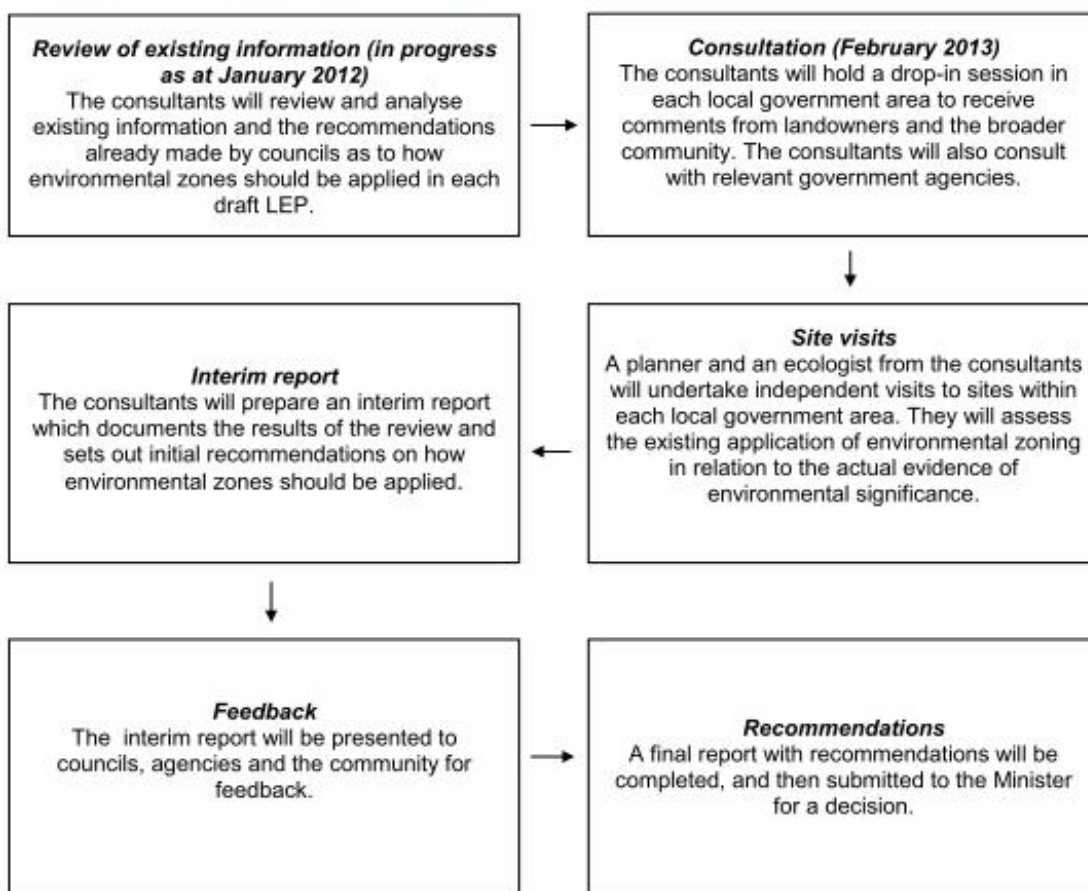
WHO WILL UNDERTAKE THE REVIEW?

- Parsons Brinckerhoff Australia Pty Ltd will conduct an independent review.
- The consultants have long-standing experience and particular expertise in investigating ecological and environmental issues as part of the planning process.

Frequently Asked Questions

- The review applies to the LEPs for the local government areas of Tweed, Byron, Ballina, Lismore and Kyogle.

HOW WILL THE REVIEW BE CONDUCTED?



WHAT HAPPENS TO LOCAL ENVIRONMENTAL PLANS WHILE THE REVIEW OF E ZONES IS IN PROGRESS?

- Draft standard template LEPs for the five council areas will be progressed while the review is completed.
- However, all land proposed to be zoned E2, E3 or E4 in draft plans will be deferred when the LEP is finalised.

Frequently Asked Questions

- All deferred areas will maintain their existing zoning. Following completion of the review, the zoning of these lands may change.

WHEN WILL THE COMMUNITY DROP-IN SESSIONS BE HELD?

- Members of the community are invited to attend drop-in to run from **11am-2pm** and **4pm-7pm**.

LGA	Venue	Address	Date
Kyogle	Kyogle Memorial Hall, Banquet room	Stratheden St, Kyogle	Monday 18 February
Lismore	Lismore Workers Sports Club	202 Oliver Ave, Goonellabah	Tuesday 19 February
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Byron	Mullumbimby Civic Memorial Hall	55 Dalley St, Mullumbimby	Thursday 21 February
Tweed	Murwillumbah Community Centre	Nullum St, Murwillumbah	Monday 25 February

- There is no need to register to attend the sessions. You just turn up.
- The drop-in sessions will allow community members to speak one on one with the consultants. There will be no formal presentation.

WHAT IF I CAN'T MAKE IT TO A DROP-IN SESSION?

You can make comments in writing:

- email ezonesreview@planning.nsw.gov.au; or
- post a letter to E Zones Review Project, Attention: Stephanie Schofield, Planning Operations Coordination Branch, Department of Planning and Infrastructure, GPO Box 39, Sydney, NSW, 2001
- The closing date for comments is 5pm on Monday 11 March 2013.

HOW DO I GET FURTHER INFORMATION

- For more information, visit the department's website at www.planning.nsw.gov.au/reviews or email ezonesreview@planning.nsw.gov.au or contact departmental officer Stephanie Schofield on 02 9228 6247.

Appendix C

Feedback form



C1. Feedback form



Feedback Form Northern EZone Review

Date:				Time:			
Location:				Team Member:			
Conversation with:							
Company/organisation: (if applicable)							
Postal address:							
Property address: (lot and plan if known)							
Property description: (please tick relevant box/s)		<input type="checkbox"/> Residential <input type="checkbox"/> Cropping, horticulture, etc. <input type="checkbox"/> Livestock (i.e. grazing or poultry farming) <input type="checkbox"/> Tourism <input type="checkbox"/> Vacant land <input type="checkbox"/> Other: _____					
Phone (h):				Phone (w):			
Mobile:				Preferred method of contact:			
Email:				Preferred contact hours:			
Are you aware of any environmental zones proposed over your property? (tick relevant box)				<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable			
If yes, what are they? (tick relevant box/s)				<input type="checkbox"/> E1 <input type="checkbox"/> E3 <input type="checkbox"/> E2 <input type="checkbox"/> E4			
Do you believe your zoning is correct? (tick relevant box)				<input type="checkbox"/> Yes <input type="checkbox"/> No			
Please provide reasons for your answer?							
If your property contains an environmental zone would you agree to a site inspection of your property as part of the review process? (tick relevant box)				<input type="checkbox"/> Yes <input type="checkbox"/> No			



Feedback Form
Northern EZone Review

Interview notes (provide any additional feedback here or attach separate page):

Action (for consultants use only)	Due date	Completed

Appendix D

Statistics and reports



D1. Statistics and reports

D1.1 Review Area issues

Issue Group	Sub groups	Issue	Number
Environmental	Environmental issues identified	EN1.13 - Concern for the preservation of WIRES	1
		EN1.9 - Concern about gunman	1
		EN1.12 - Concern for the preservation of landcare and similar groups	2
		EN1.14 - Concern about the emphasis on agricultural health and not enough emphasis on environmental protection	2
		EN1.10 - Perception Koala plans are flawed and concern for Koala conservation	3
		EN1.11 - Concern rezoning will result in loss of Native habitat that was put aside years ago for protection	4
		EN1.5 - Concern for loss of visual amenity due to loss of natural environment	4
		EN1.18 - Area is not suitable for agriculture as the land is becoming less viable for farmers	5
		EN1.3 - Concern inappropriate application of Wildlife corridor or EZone put animals at risk, e.g. adjacent to and across Pacific Highway	5
		EN1.4 - Concern putting species at risk of extinction	8
		EN1.1 - Concern about deferral of EZones and risk of loss of habitat protection while in limbo (EZones are deferred matter)	11
		EN1.16 - Concern for lack of Koala protection and Koala plan of management should be included in the LEP	29
		EN1.2 - Concerned not all environmental values have been identified	36
		EN1.8 - Impacts to flora conservation	38
		EN1.15 - Believes EZones should be extended further to protect endangered species in the area	41
		EN1.7 - Impacts to fauna conservation	54
		EN1.17 - Concerned about development is occurring on land containing environmentally significant values, it is not appropriate	57
		EN1.6 - Concern about loss of habitat	66

Issue Group	Sub groups	Issue	Number
	Application of EZones and overlays	EN2.8 - Generally supports environmental overlays	2
		EN2.14 - Perception E3 and E4 zones are flawed and offer no protection to environment	4
		EN2.6 - Believe that water protection should be included in the LEP	9
		EN2.11 - Perception large portion of shire is already protected	12
		EN2.3 - Perception zones should be strengthened rather than removed or less	12
		EN2.12 - Concern that people want areas protected that are zoned rural	17
		EN2.7 - Support Koala plans of management	17
		EN2.9 - Perception that full force of the law is needed to protect environmental assets	19
		EN2.4 - Believes environmental zoning is correct	22
		EN2.5 - Support wildlife corridors	25
		EN2.15 - Concern areas are E3 and E4 zones that should be E2 zone for better protection of environment	26
		EN2.2 - Agrees environmentally significant areas are located in zoning	27
		EN2.16 - Concern about allowable uses permitted without consent in E3 and E4 zones, negative effect on conservation	28
		EN2.10 - Concern for the removal or reduction of EZones as it will result in a loss of protection for environmental significant areas	77
		EN2.1 - Invalid evidence of environmental significance on land proposed to be EZones	121
	Perceived effect of EZones and overlays	EN3.15 - Perception EZone will result in less protection for the environment and negative effects on conservation	1
		EN3.5 - Believe that areas with stands of native trees should be included in EZones to protect Koala habitat and other native species	2
		EN3.7 - Believe eucalypt forest needs to be protected and clearing controlled	3
		EN3.9 - Perception EZones will have little or no environmental gain	8
		EN3.1 - Concern there is no management plans to support EZones	10
		EN3.14 - Areas of environmental significance will be compromised as a result of EZones	10
		EN3.13 - Perception that zoning is additional protection of environmentally significant areas	15
		EN3.4 - Support riparian zones, they need to be protected as they are crucial for local water quality and wildlife habitat	18

Issue Group	Sub groups	Issue	Number
		EN3.6 - Perception EZones will help manage environmentally significant areas, these areas need to be managed whether on private land or not	21
		EN3.3 - Perception that EZones will result in positive impacts on conservation	22
		EN3.11 - Supports zoning to ensure development is considered and assessed through more stringent approvals	25
		EN3.10 - Perception that protected land is not looked after	32
		EN3.2 - Perception that EZones will cause negative impacts to conservation due to management restrictions on landowner possibly resulting in mass land neglect	43
		EN3.12 - Believe EZones are important for the region to retain the natural biodiversity	65
		EN3.8 - Believe EZones should protect native vegetation, wildlife corridors, lands adjacent to waterways, habitat	85
Economic	Individual economic concerns	E1.10 - Concern about inability to relocate infrastructure (lack of suitable flat land on property and high cost) that does not satisfy overlay/EZone controls	1
		E1.2 - Concerned for land tax due to incorrect zoning increase land value (Rural rather the EZone)	5
		E1.9 - Perception that EZones will increase liability, concern for the impact to insurance	7
		E1.8 - Concern about impact on superannuation	14
		E1.6 - Landowner does not have time or money to go through all of the processes involved in the LEP	19
		E1.3 - Concern about loss of business and employment	26
		E1.7 - Concern that changes to property Zoning will cause financial disadvantage	30
		E1.1 - Landowner concerned about cost (monetary and time) and anxiety of fighting Council to continue to use land they own; providing evidence of existing use to prove what they do or have done	41
		E1.11 - Perception land that has EZones will require more maintenance at the expense of the owner; this is impractical and not viable when the owner has no prospect for income return	77
		E1.5 - Concern about loss of income or livelihood	77
		E1.4 - Concern about reduced property value and/or lack of property demand	137
	Community economic concerns	E2.7 - Perception that the affects EZones have on property value is small in comparison with the market in general	1
		E2.1 - Concern for proposed land and money invested in off-set sites as part of development approval, with removal of EZones this land will not be protected and developers will want their money back	3
		E2.3 - Perception zoning is a Government money making scheme with the increased need of approvals and permits	3

Issue Group	Sub groups	Issue	Number
		E2.8 - Perceptions that Council spent a lot of money on incorrect studies could have just asked the landowners	3
		E2.4 - Concern no cost-benefit analysis was conducted to measure cost effectiveness of rehabilitating and maintaining EZones; LEP lacks details on funding budget once implemented	5
		E2.5 - Concern the current design of the LEP will be extremely costly to individuals and the public	7
		E2.2 - Perception that money spent on planning and replanning could have been better spent on actual environmental enhancement or rehabilitation	9
		E2.9 - Perception that EZones and overlays will significantly reduce land values is incorrect	17
		E2.6 - Concern for loss of tourism	35
	Incentives, funding and compensation	E3.2 - Believe that a levy should be paid by residents in the community to fund land in EZones	2
		E3.3 - Perception that EZones will attract funding for looking after these areas	2
		E3.4 - Concern for funding need in order to maintain EZone areas and continue rehabilitation efforts	5
		E3.1 - Believes there should be incentives to support EZones such as rates discounts, access to catchment management authority funding or help to manage areas	39
		E3.5 - Questions about compensation such as Council should buy land (just compensation), change rates so that they reflect the remaining workable land, reimburse the difference in land value or negotiate with owners consent	76
Social	Housing	S1.4 - Perception that buffer zones restrict town expansion	1
		S1.1 - Concern that EZones will reduce the provision of affordable housing and limit population growth	11
	Community wellbeing	S1.3 - Concern for outcome of consultation	4
		S1.2 - Perception health and wellbeing of the community is being affected as a result of LEP and zoning changes	7
	Lifestyle	S1.9 - Impact to lifestyle by not having appropriate EZones	15
		S1.6 - Impact to lifestyle by having EZones	26
	Future of the land	S1.7 - Concern for next generation of farmers, perceived too difficult from young farmers to get involved and limitations put on next generation	18
		S1.5 - Concern for food security and implications importing food e.g. health effects, famine in war or cyclone	29
		S1.8 - Concern for future of the land – need to conserve the environment for future generations to enjoy	14
Property management	Development Application	PM1.5 - Question regarding ability to submit a development approval, now or not until the Minister has made a decision	1
		PM1.8 - Concern land uses permissible with consent contradict development approvals on the land	8

Issue Group	Sub groups	Issue	Number
	concerns	PM1.4 - Perception that Biodiversity overlays/EZones will restrict development applications	9
		PM1.6 - Concern for loss of income as Council is not resourced to process the increase in development approvals in a timely fashion	9
		PM1.7 - Concern Council and decision-makers lack knowledge of farming practices and they have the power to control what farmers do	31
		PM1.9 - Concern about 12 month use limit – ability to use unused areas after 12 months and the need for a development approval	32
		PM1.1 - Concern current development approvals have not been considered in selecting land for EZones	33
		PM1.2 - Concern EZones will restrict development approvals and future applications	40
		PM1.3 - Concern the overlays/EZones will require additional development approvals and permits, and time, expense and anxiety associated with them as it they are not guaranteed approval	75
	Property use and management activities	PM2.13 - Concern about ability to have community title under EZone	1
		PM2.10 - Concern tree maintenance restrictions in overlays and EZones will cause safety issues	6
		PM2.7 - Concern about ability access to watercourses	7
		PM2.3 - Concern about ability to continue to run business from home	11
		PM2.6 - Concern about ability clear trees	27
		PM2.11 - Concern about feral animal management	31
		PM2.9 - Concern about increased fire risk	34
		PM2.1 - Concern about ability farm or conduct agricultural activities	40
		PM2.2 - Concern for loss of productive farming or prime agricultural land	48
		PM2.5 - Concern about ability subdivide or have multiple occupancy	48
		PM2.4 - Concern about the ability to graze cattle or horses on land located under EZones	77
		PM2.8 - Concern about weed management	78
		PM2.12 - Concern about ability to continue current management practices such as slash land and remove dead vegetation or Routine Agricultural Management Activities(RAMAs)	86
	EZone and overlays rights	PM3.1 - Perception that Government take farmers rights away via native vegetation act	3
		PM3.5 - Concern for change in people assessing zoning and the restriction under them in future will have a different	5

Issue Group	Sub groups	Issue	Number
	and restrictions	interpretation	
		PM3.7 - Perception Koala plan of management are inaccurate and conditions are unrealistic for landowners	5
		PM3.12 - Koala plan of management hinder the continuation of existing property use	6
		PM3.8 - Perception that regulations drive farmers and businesses off land	9
		PM3.11 - Perception that Water overlays will restrict continuation of existing use	12
		PM3.14 - Concern about 12 month use limit can hamper general property management and ability to generate income	12
		PM3.3 - Perception that freehold land should not have any controls or restrictions	13
		PM3.9 - Perception that farmers already have enough to deal with such as the weather and bank manager without more regulations	13
		PM3.13 - Perception E2 and E3 zone restrictions are not practical and it is unclear what farmers can and cannot do	14
		PM3.15 - Perception that EZones and overlays will unfairly limit existing use rights is incorrect	14
		PM3.6 - Believe Council should not have the power to remove land use rights	20
		PM3.2 - Perception that EZones will remove landowner rights and reduce landowners control of their property	66
		PM3.4 - Concern EZones and overlays will restrict long term plans and future land use such as limit crop flexibility, limit diversifying opportunities and reduce ability to claim carbon credits	72
		PM3.10 - Concern about continuation of and reliance on existing property use rights	101
		PM3.16 - Concern that EZones will restrict existing land use such as agricultural and rural activities and access to areas of property	147
	EZone and overlays application concerns	PM4.4 - Perception work done by landowners to add value (including restoration and rehabilitation) will cause implications	15
		PM4.1 - Concerned zoning on property is not correct and the implications associated with incorrect zone	20
		PM4.5 - Perception overlay and EZone on the proposed land is unfeasible as current use of that land will not satisfy strict controls (for example the homestead or farming infrastructure)	20
		PM4.7 - Perception that landowners are being punished with EZones for doing the right thing and looking after their land	31
		PM4.3 - Landowner has done the right thing as land stewardship, maintained and rehabilitated land abiding to conservation laws where applicable and this has not been considered in applying EZones	91
		PM4.6 - Perceived lack of Council knowledge of land EZone or overlay is proposed to be implemented on – open and cleared paddock, crops, exotic plants, orchard, etc.	98

Issue Group	Sub groups	Issue	Number
		PM4.2 - Perceive EZone is incorrect, property should return or stay as a rural/residential classification	105
Planning process	Consultation feedback	P1.1.1 - Perceived lack of Council consultation with conservation agencies and associations in the area (Northern Rivers Catchment Management Authority (CMA) or Landcare)	1
		P1.4.3 - Perception that misinformation, scare-mongering from environmental groups are portraying farmers as environmental vandals	1
		P1.4.4 - Perception that the changes to the LEP have caused uncertainty which has led to false scenarios reasoning that the changes are to enable development	1
		P1.2.7 - The LEP process was well publicised by Council	2
		P1.3.5 - Feel abandoned and that concerns are not being addresses	3
		P1.4.2 - Perception farmers are over reacting and being short sighted in regards to EZones as farming practices can still occur	3
		P1.4.5 - Perception that newspapers and media have had a negative impact to the planning process	3
		P1.1.6 - Believes Council consultation process was satisfactory	7
		P1.4.7 - Perception farming practices are detrimental to the environment is incorrect, farmers know how to look after the land, it is their livelihood so in their best interest to do so	7
		P1.2.6 - Lack of understanding and information on the mapping process to apply zones	8
		P1.3.3 - Concerned that anyone can make a submission, submissions should be restricted to ratepayers/landowners	9
		P1.3.4 - Perception that landowners have been given no respect	9
		P1.2.9 - Perceived lack of documented information by Council	10
		P1.4.6 - Perception Council is supporting development by eroding environmental protection and changing EZones	10
		P1.2.2 - Lack of understanding of the implications the overlays have	11
		P1.1.4 - Believe a lot of consultation regarding the EZones	12
		P1.3.2 - Perception that landowners and residents are not being listened to	13
		P1.4.1 - Perception that misinformation and scare-mongering has been spread to make people fearful of conservation zones and overlays on their land	13
		P1.2.1 - Insufficient time given to respond to Council	18
		P1.1.5 - Perception that Council consultation process for LEP was not run well	21

Issue Group	Sub groups	Issue	Number
		P1.2.12 - Misleading information or behaviour from Council	21
		P1.3.6 - Perception that Council did not listen to objections to EZones in submissions	30
		P1.2.4 - Concern the LEP document is to large and difficult to follow, too complex to understand	32
		P1.2.3 - Lack of understanding of the purpose or need for the LEP including EZones and rezoning	35
		P1.2.11 - Lack of information about EZones and what they mean	46
		P1.2.8 - Perceived lack of concise information about impacts on individuals property, the restrictions are open to interpretation	47
		P1.2.10 - Lack of information from Council, uncertainty of facts	53
		P1.1.3 - Perception that Council's notification process was unsatisfactory	55
		P1.3.1 - Perceived Council deception	60
		P1.2.5 - Perceived lack of communication from Council during LEP	73
		P1.1.2 - Perceived lack of Council consultation during the LEP	131
	LEP and draft LEP Process	P2.1.1 - Perceptions Council is no longer ecologically responsible	1
		P2.1.3 - Perception Council should invest money in practical koala conservation methods (fencing, underpasses; education, reducing speed limits, wild dog control) rather than inaccurate and unscientific plans	1
		P2.1.7 - Perception that plans and processes should be seen as a code of ethics not just legislation	1
		P3.2.7 - Perception removal of E3 zones will impede long term infrastructure planning and introduce more risks	1
		P2.3.4 - Perception the like for like argument as the previous LEP is out-dated	2
		P3.2.8 - Perception E4 zones should be considered in all shires	2
		P2.1.2 - Perception Council needs to be more proactive in environmental conservation	3
		P3.1.1 - Perception the 2010 LEP was never invalidated, section 65 certificate passed all requirements	3
		P3.1.6 - Confusion between 2010 draft LEP and 2012 draft LEP	3
		P3.2.1 - Agrees with zoning	3
		P3.1.2 - Supports new LEP	5
		P3.1.9 - Perception LEP should be started again	5

Issue Group	Sub groups	Issue	Number
		P3.2.2 - No issues with EZones	5
		P3.1.8 - Perception DP&I pressured Council to finalise LEP before it was ready and to removed or reduce EZones (in line with Ministers media release)	6
		P2.1.11 - Perception landowners, Council and Government need to cooperate to ensure conservation	7
		P2.1.9 - Believe if farmer or landowner has shown commitment to environment then should let them continue with a plan in place to support conservation, work and live	7
		P2.2.4 - Perception Labour government had a socialist approach to applying EZones	7
		P2.1.5 - Believe people should be educated to understand how to manage land, reduce weeds and conserve native flora	8
		P2.2.3 - Perception there are no solutions for farmers, there was an anti-rural view in applying zones in the LEP	9
		P3.1.4 - Perception the Council LEP process was rushed	9
		P3.3.1 - Believes the natural resources sensitivity -biodiversity overlay map be reinstated and enforced	9
		P2.1.12 - Believe it is Local and State Government's responsibility to conserve natural environment	10
		P3.1.7 - Council's planning and LEP process was done well	10
		P3.3.2 - Disagrees with wildlife corridors as they are illogical and contrary to actual landforms based on lack of education, e.g. as animals follow creek lines not through crop or plantations	10
		P3.2.3 - Does not agree to zoning or EZones	11
		P3.1.5 - Perception that reverting to 2000 LEP in 2012 draft LEP, and removing EZones is a step backwards	12
		P3.3.3 - Disagrees with Koala habitat management plan	14
		P2.2.2 - Perception EZones have been inappropriately applied due to 'Green' Council and environmental lobby	17
		P3.3.4 - Agrees with overlays	17
		P2.3.1 - Perception that there are two standards - one for Government and industry and another for landowners and ratepayers	18
		P2.3.6 - Perception use of SILEP template fails to recognise unique environmental values, 'one size doesn't fit all'	18
		P2.2.7 - Perception that Council are driving an alternative agenda	20
		P3.3.6 - Perception biodiversity overlay and conservation strategy is flawed and should not be included in the LEP	23
		P2.2.5 - Perception the LEP is meant to be fair for all	24

Issue Group	Sub groups	Issue	Number
		P2.1.10 - Believe agricultural land is conservation land; farmers protect land and soil as it is their livelihood; planning tools should support not restrict their practices	28
		P2.3.5 - Concern terminology used is inconsistent and definitions have been changed	28
		P2.1.4 - Perceived lack of strategic planning framework, the LEP has no clear objectives, timelines and costs and does not considered trade-offs between social, economic and cultural values	30
		P2.2.6 - Perception that zones are being misused	34
		P2.1.8 - Landowner supports conservation but would rather work cooperatively and discuss specific environment plan for their property or negotiate covenant or similar	35
		P3.1.10 - Perception that Council LEP process was not run well	38
		P2.2.1 - Believe there needs to be a balance between natural environment and living/working on land (residential and rural) for long-term sustainability	39
		P3.1.3 - Perception that the LEP process is flawed and not happy with the way it was conducted; it has not followed due process	40
		P2.3.2 - Perception Council incorrectly used department (SILEP) guidelines when applying zones	41
		P3.3.5 - Does not want overlays applied to property	43
		P3.2.4 - Support introduction of EZones on private land if land has genuine environmental significance from accurate assessment and consultation with and consent of owner	46
		P2.3.9 - EZones and overlays should be consistent with other Government initiatives and legislation	53
		P2.3.3 - Would prefer like for like from the previous LEP	60
		P3.2.5 - Support EZones	65
		P2.3.7 - Concern with SILEP template, Council's interpretation and application and lack of equivalent zones	81
		P3.2.6 - Does not want EZones on property	81
		P2.3.8 - Perception that zoning is inconsistent across the LGA and between the LGAs	88
	Proposed EZone and overlay application and methodology	P4.1.8 - Concern about being penalised if let people on property to investigate	1
		P4.1.9 - Concern no mapping was done	1
		P4.1.12 - Perception existing buffer is adequate	2
		P4.1.6 - Correct mapping used	5

Issue Group	Sub groups	Issue	Number
		P4.1.11 - Concerned about flood mapping, believes it should be reviewed	9
		P4.1.7 - Perception the zoning is correct, maps are incorrect - need to fix mapping	10
		P4.1.2 - Concern with the quality and standards of Council maps	22
		P4.1.1 - Old mapping used	26
		P4.1.13 - Concern about the extent of riparian buffer zone	31
		P4.1.5 - Incorrect mapping used	40
		P4.1.10 - Concern aerial photograph maps were used as they do not adequately differentiate vegetation	49
		P4.1.4 - Inaccuracies in mapping	69
		P4.1.3 - Lack of field work/ground truthing during the LEP	103
		P4.2.1 - Concern the 2012 LEP is not good enough as it was formed from LEP 2000 and does not take into account any of the studies specific to the unique environment and ecosystems.	10
		P4.2.6 - Out-dated studies were used during the LEP	18
		P4.2.2 - Studies and expertise were sufficient during the LEP process	21
		P4.2.3 - There should have been broader studies completed during the LEP process	26
		P4.2.5 - Concern that a lot of work was completed on studies that were not included in the 2012 LEP	62
		P4.2.4 - Studies and expertise were insufficient during the LEP process	64
		P4.3.5 - Perception that EZones have been applied because the adjoining property has development e.g. a quarry	1
		P4.3.4 - Perception EZones and overlays have no justification and are a Council land grab	9
		P4.3.1 - Concerned Council can just take land from landowners, compulsory acquisition	19
		P4.3.9 - Commercial farmers and rural and agricultural land should be exempt from overlays and E2 and E3 zones	23
		P4.3.3 - Perceived lack of methodology in applying EZones	38
		P4.3.8 - Perception that EZones and overlays should not be imposed on properties that are private/freehold land	57
		P4.3.7 - Question the need for multiple or split zones and overlays – adds complexity and confusion; conflicting requirements and objectives; what is the hierarchy	63
		P4.3.6 - Perceived lack of justification why EZone has been applied to land - no criteria or land does not match criteria	68

Issue Group	Sub groups	Issue	Number
		P4.3.2 - Concern with EZone boundaries; through middle of properties, unclear, no bearing to property boundaries; crosses access to and around property; use of 'smoothing'	73
	EZone and overlay regulations	P5.1.3 - Concern with the concept of EZones and what it means to the farmers	3
		P5.1.5 - Agrees with requirement of development application for change in agricultural use under EZones	3
		P5.1.1 - Concern for what EZones will lead to in the future – additional zones, connecting zones, zone expansions planned, and more restrictions added	8
		P5.1.4 - Perception land located in EZones should have additional restriction	8
		P5.1.2 - Perception SILEPs are meant to standardise and simplify local planning across the State, Council has overcomplicated with restriction and defeats the purpose of the SILEP template	28
		P5.2.12 - Perception people do not understand State Government regulations	1
		P5.2.8 - Concern planned retreat is included in E2 zones and the potential injustice this could have on coastal properties	1
		P5.2.6 - Concern that restrictions in E2 are inconsistent - no agriculture but you can have roads	2
		P5.2.1 - Concern about EZones unjustified reduction in floor space ratio, which is inconsistent with state SEPPAH; removes building entitlements such as redevelop original dwelling, dual occupancy and lacks concise info about what is/isn't included e.g. d	3
		P5.2.2 - Concerned the new 2012 LEP will remove landowner's right to appeal to the higher court of the SEPPAH	3
		P5.2.4 - Concern there is a lack of concise differences between E2 and E3 zones, open to interpretation	6
		P5.2.11 - Perception that EZones and overlays unnecessarily duplicate existing laws is incorrect	7
		P5.2.3 - Perceived lack of information on the provisions for regulatory clauses (e.g. 6.11-14), failure to articulate the degree of information required to satisfy Council for different land uses	8
		P5.2.9 - Concern about EZones unjustified reduction in floor space ratio	9
		P5.2.7 - Perception the watercourse zonings rational is not clear and limit existing use; incorrect mapping used and concern with extent of buffer and horticulture is exempt under it	42
		P5.2.5 - Concern that agriculture is permitted with consent of Council under EZones	44
		P5.2.10 - Perception that EZones and overlays duplicate existing State and Federal government legislation on land with environmental value; added complexity as unclear what the hierarchy is	69
Department Process	Consultation feedback	D1.1 - Dissatisfied there is no one with technical knowledge to talk to	1
		D1.17 - Question why previous objections cannot be used by DP&I	1

Issue Group	Sub groups	Issue	Number
		D1.2 - Believe ministerial approval is not enough, affected landowner should be consulted and LEP must go back for public comment	1
		D1.3 - Waited a long time at drop in session, but ok	1
		D1.4 - Perception there are too many Government departments, confusion around who to contact	1
		D1.13 - Concern about consultation times	2
		D1.6 - Appreciative of the opportunity to raise concerns at the drop-in session	2
		D1.10 - Unsatisfied with length of time it took at drop in session	3
		D1.5 - Question DP&I consultation process after Council consultation process made no difference to LEP	3
		D1.7 - Perception that DP&I consultation process is being run well	3
		D1.9 - Perception EZones should be renamed – word 'environment' triggers concern	3
		D1.8 - Perception that DP&I consultation process was not run well	4
		D1.11 - Perceived lack of consultation from DP&I	6
		D1.15 - Perceived lack of notification for DP&I review	9
		D1.21 - Concerns regarding mixed information from DP&I	9
		D1.16 - Inability to wait at drop in sessions	10
		D1.19 - Attended drop-in session to gain information on EZones and the implications	11
		D1.12 - Perceived lack of communication from the DP&I regarding the LEP review process	12
		D1.18 - Lack of information from DP&I	12
		D1.20 - Attended drop-in session to confirm zoning on property	12
		D1.14 - Inability to attend drop in sessions	13
	Concerns about DP&I and consultants	D2.1 - Perception consultants were used to buffer elected representatives	1
		D2.2 - Concerned Parsons Brinckerhoff are not local and perceived to lack local knowledge	1
		D2.3 - Believe environmental consultants appointed by DP&I have a conflict of interest under ICAC; they should be changed	1
		D2.4 - Concern for lack of information regarding what Parsons Brinckerhoff have been engaged to do and that they have misunderstood the scope of work required	1

Issue Group	Sub groups	Issue	Number
		D2.14 - Perception State Government does not support environment protection and viability	2
		D2.5 - Perceived lack of Parsons Brinckerhoff's independence	2
		D2.6 - Perception election funding and legalised corruption is behind the review	2
		D2.7 - Perceived lack of criteria to review application of EZones and overlays by DP&I and Parsons Brinckerhoff	2
		D2.8 - Perception that DP&I review process is being driven by National MP's	2
		D2.9 - Concerned different levels of government have competing agendas	3
		D2.10 - Lost faith in government representatives	4
		D2.13 - Perceived lack of trust in planning minister	8
		D2.11 - Perceived lack of trust in State Government and departments (including DP&I)	9
		D2.12 - Perception that DP&I have a political agenda behind the review	11
		D2.1.6 - Perception that LEP are theoretical and should be more practical	13
	LEP Review and deferral of EZones	D3.10 - Perception that removal of EZones from the LEP may affect legal standing of the plan, regulations support current zones	1
		D3.4 - Question why DP&I are reviewing the EZones for a few individuals when they have done nothing to support anti-CSG protestors	1
		D3.5 - Perception that timing of DPI review of zoning coincides with North Coast coal seam gas licences	1
		D3.6 - Perception EZones were not implemented because they are wrong	2
		D3.8 - Concern that the review by DP&I and Parsons Brinckerhoff should not be conducted on the draft 2012 LEP until the issues are resolved	2
		D3.9 - Perception the Ministers media release deferring EZones while validation the remainder of the 2012 LEP is in breach of the governments legal obligation	2
		D3.11 - Perception that the Ministers media release deferring EZones is not legally valid hence previous 2009 directive under the EPA Act is still valid	3
		D3.1 - Concern there are no mechanisms for identifying what is and what isn't agricultural, to support comments regarding EZones not being applied to agricultural land	4
		D3.13 - Concern with the approach to temporarily remove EZones from LEP while in review; areas are not zoned in isolation, needs to be assessed as a whole	4
		D3.2 - Oppose DP&I's Review of EZones	4

Issue Group	Sub groups	Issue	Number
		D3.7 - Concern review is being pushed by a rural lobby	4
		D3.3 - Support review being conducted by minister/ DP&I	6
		D3.14 - Concern that DP&I review means removing local control over local development	15
		D3.15 - Concern with planning process, decisions not made at a local level	17
		D3.12 - Perception NSW Government/Minister has no right to defer and potentially remove E2 and E3 zones, planning should be left to local Councils	19
	Perceived outcomes of DP&I's Review	D4.2 - Believe the review will put effective processes in place to ensure protection given by zonings cannot be undermined by local councils or lobby groups	1
		D4.3 - Believe community have the right and precedence to appeal to land and environment court; if things are not changed request an allocation of \$250,000 from state government to engage a rural defenders officer	1
		D4.4 - Believe that if the LEP goes through, it gives cause of action for trespass against Council	1
		D4.7 - Concerned that EZones will be increased and restriction greater through DP&I's Review	1
		D4.1 - Perception DP&I Review process will remove EZones and overlays proposed on private residential land, protecting the rights of landowners	2
		D4.5 - Concern that if DP&I Review cannot stop Council's EZones proposal who can	4
		D4.9 - Perception the DP&I Review will find the Tweed draft LEP 2012 does not meet legislative requirements (SEPP44, TSC Act and EPBC Act)	5
		D4.11 - Changes to zoning will open up the maximum area to CSG	9
		D4.6 - Perception DP&I Review process will ensure protection of environmental values in the LEP by conducting a comprehensive assessment of environmental significant areas and consultation to retain and increase the level of protection in the LEP	14
		D4.8 - Perception DP&I Review process will remove EZones and overlays on private land used for agricultural, protecting the rights of rural landowners	16
		D4.10 - Concern that EZones will be lost through DP&I's review	19