

Department of Planning & Infrastructure

**Re: Northern Councils EZone Review Interim Report**

I lodge the following submission in regard to the interim report.

**1). Balance, local government role and response to submissions**

It is disappointing to see a review which is so heavily biased and where the outcome is so transparently pre-determined.

The majority of submissions received in regard to this matter were supportive of E2 zoning, and raised a number of scientifically validated points in defence of this position. However these submissions have been completely ignored by the review. I use the term 'ignored' rather than 'rejected' as the points raised have not been vigorously countered – rather any supportive case for the zoning has simply been refused consideration.

It is acknowledged that at a fine-scale the mapping of E2 zones has been poorly undertaken. However at no time has the overall extent nor the general location of such zones been rigorously challenged.

The present review is reflective of a growing politicisation of planning in NSW and a desertion of informed debate as the basis of transparent and fair planning. This review has been openly used as the pretext for overriding local government control of LEP development where the outcomes are not favourable to party-political interests.

An absolutely classic example is the review of the Ballina region LEP as originally proposed. This outlines:

‘The results of the site inspections show that 100% of the E2 zoned sites inspected within Ballina SC contained some high conservation value biodiversity assets’ (interim report p 18; my highlighting)

Having ascertained that all E2 zoned sites are ‘*high conservation value biodiversity assets*’ the review notes that only ‘*those areas which have important environmental values*’ should be zoned E2. It then recommends removal of much of the E2 zoning in Ballina under the following changes:

- extensive agriculture should be permitted with consent on E2 zoned land
- Land located within a drinking water catchment area... should be designated as ‘Drinking Water Catchment’ not E2
- Land zoned for ‘terrestrial biodiversity purposes’ should be relegated to an overlay, not E2 zoning

There is no justification for the grossly self-contradictory approach of the report and of DP&E in this regard. The reports own assessment found 100% of E2 zoned sites in Ballina were high conservation value biodiversity assets. Similarly for Lismore *'none of the sites zoned E2 inspected contained incorrectly zoned land or features that should not be included within the E2 Zone'*. These findings demonstrate there was no justification of a review into the respective LEPs as proposed, yet the review proceeds to recommend sweeping reductions. This is unacceptable, grossly unprofessional and a breach of public trust.

## **2). Proposed criteria for E2 zoning**

As touched upon above, the review recommendations for E2 and E3 zoning for each LGA essentially dictate that only mapped Endangered or Critically Endangered Ecological Communities should be eligible for E2 zoning.

This approach fails to respond to the ever-increasing list of new communities becoming endangered because of vegetation clearing in NSW. After 200 years of intensive clearing native vegetation of all types has suffered extensive loss in NSW. Any native vegetation in good condition is of significant environmental value. This reality is not addressed by the recommendations.

## **3). Intensive agriculture and E2 zoned land**

The review recommends amendment of all subject LEPs to permit 'extensive agriculture' (sic.) on E2 zoned land. Intensive agriculture –indeed any form of agriculture - should not be permitted even with consent on E2 zoned land. This activity is directly contrary to the primary use of E2 land (for nature conservation).

## **4). Extension of scope and implications for other LEPs**

The review has breached due process and public trust by incorporating a proposal to apply the new E2 criteria to all LEPs in NSW as they come up for review:

*'The outcomes of this review will form the basis to determine criteria for applying E2 and E3 zones... when councils across the state update their LEPs.'*

The present review has been clearly advertised as specific in scope to the northern LEPs. Any proposed state-wide changes are outside the scope of the review and must be rejected outright. Further any proposal to adopt changes to LEPs across the state must be clearly advertised as such under public consultation and subject to their own review.

I further note the cynicism of the DP&E in putting the present review for public consultation for a mere 21 days, when DP&E and affiliates have held the recommendations report since 30 September 2013 (over 7 months). This is unacceptable practice.

The implications of the review across the State are significant, and merit a valid, unbiased and rigorous review by DP&E and the community. The public have not been afforded this review. The political process must be disconnected from planning in the interest of the NSW community.