

To: Department of Planning & Infrastructure

RE: NORTHERN COUNCILS EZONE REVIEW

Thank you for the opportunity to contribute this submission regarding the review of Northern Councils E zones and the development of the Ballina Local Environment Plan. We are making this submission as land owners with respect to Lot 2 DP 253899, 1336 Teven Road, Alstonville as we deeply understand the functional and operational aspects as well as intrinsic values of this property; the submission also generally refers to neighbouring properties that have been proposed as E3 zoning in the Draft LEP.

Break the cycle of poor planning assumptions

The review of Northern Councils E zones and the new Ballina LEP is the ideal opportunity to remove inappropriate zoning, reduce the number of multi-zoned lots and improve the strategic growth management processes. However, the historical cycle of inadequate landowner consultation, inaccurate broad scale mapping and lack of scientific and data based decision making must be stopped.

Assumptions which have (in the past) been applied to lots and rolled-over into subsequent zoning, overlay and mapping assessments used by numerous planning instruments must be validated and transparent planning logic applied. Failure to arrest the historic cycle of planning based on inaccurate, low-fidelity models that have poor community engagement presents the danger of old, inaccurate assessments and labelling of land being embedded into new planning instruments potentially at the expense of the community and its landowners, supported by opaque and irrelevant decisions.

Manage overlays transparently and with extensive consultation

The E zone consultant recommends that E3 zoning should not apply to lands that do not contain significant environmental values such as land that has been revegetated by the landowner or labelled as such for the purposes of scenic protection. However, the consultant also recommends that these instances should be protected through an environmental overlay on the LEP map with an accompanying clause, which in effect, would continue to maintain the significant conflict of land use currently experienced, restricting existing and future uses without clear value to the community.

In this situation our land (Lot 2 DP 253899) would then presumably revert to rural zoning (as this has been its primary use to date, while that use has been severely hindered by urban neighbour concerns). Council could then overlay a restriction of

'scenic protection' or 'natural areas and habitat' on us if the previous Urban Buffer 7(i) zoning was effectively re-applied for these purposes. The possible reapplication of 7(i) is not in the spirit of the planning instrument, particularly since the previously applied 7(i) zoning was not subject to an appropriate or acceptable level of landowner consultation nor was it supported by scientific or data based decisions.

Fair and proper planning

There is a compelling case for any process of applying overlay mapping if it is done in consultation with the landowner and is based on a clearly communicated, well understood strategy or study as developed from robust data sources and analysis. This is particularly important where land is identified as exhibiting high cultural or aesthetic values outside national parks and nature reserves. Under such a strategy or study, zoning, overlay mapping and development controls would need to be appropriate and land uses would need to be capable of being sustained. The currently experienced significant conflict of land use associated with the zoning of 7(i) on Lot 2 DP 253899 demonstrates that appropriate land uses within that zoning are not sustainable. The application of urban buffers imposed on landowners after development had already taken place is unfair - this injustice is amplified without appropriate compensation from the developer or council or without a strategy owned by the council to mitigate and minimise conflict of land use between rural and urban areas.

Respect the data & reduce conflict of land use

The review of Northern Councils E zones and the new Ballina LEP presents a valuable opportunity to correctly classify on relevant rural mapping and, for instance, remove inaccurately and incorrectly designated areas of 'State Significant Farmland' and/or 'Regionally Significant Farmland' on the Northern Rivers Farmland Protection Project – Final Map 2005. The review also presents a valuable opportunity for land that does not contain significant environmental value to be given the appropriate rural zoning.

For instance, our land, according to published mapping consists of the soil classification "Wollongbar variant (wob)" and as such has been included in the State Significant Farmland category. The reality is however that a significant portion of the inherent soils within our property are either marginal or completely unproductive due to inconsistent depth and drainage, as well as the presence of rock outcrops, all of which combine together to make the land impractical to use for higher intensity agricultural pursuits that are characteristic to the State Significant Farmland classification.

The above physical realities of our land are inconsistent with the criteria for state significance, namely: soils that are generally deeper than 1 metre, well drained landscape and rock outcrop less than 10%. Additionally, and perhaps of equal significance with respect to agricultural capability or long term potential, the close proximity to urban areas along the entire length of our longest boundary renders normal farming practices exceedingly difficult due to high levels of land use conflict as arising from both children and adults trespassing through the property, and many residential neighbours that historically have and continue to restrict/interfere with certain rural activities.

Furthermore, the narrow nature of our property means that the area of land that is practically available for more intensive or State Significant pursuits is significantly reduced by virtue of minimum buffer zone requirements as relating to urban and non-urban uses.

The incorrect classification of 'State Significant Farmland' has prevented Lot 2 DP 253899 being included in a 'Minor rounding-off', which means developing a small area of land occupying a gap in an urban zone. This would make 'good planning sense' with improved community and environmental outcome while also alleviating existing land use conflict (eg by the incorporation of a buffer imposed on the developer) as well as efficient and economic use of infrastructure.

Community value & ownership maximised

The council could acquire and establish community owned buffers in the new LEP, such as parks, water management zones, scenic areas and outdoor recreational areas that resolve or minimise land use conflicts between urban and rural areas.

This review of zonings is a great time to get the correct, transparent planning zones and guidelines established and break the cycle that has been based on incorrect and inaccurate assumptions. With care and meaningful consultation it will be possible to resolve long-standing land use conflicts by engaging directly with the landowners and community thus helping to produce positive, sustainable outcomes on all levels: environmentally, socially and financially. We welcome the opportunity to work with Council to this end.

Thank you for considering our submission.