

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 218 DP 253899, 5 Banjo Place, 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.

The review of 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 process of inadequate landowner consultation, inaccurate broad scale mapping and lack of scientific evidence appears to be allowed to roll over into each new zoning and mapping assessment. This presents the danger of old inaccurate assessments & labelling of land being embedded into planning documents and at the expense of landowners.

A vast majority of the issues arise from the lack in planning law of an overarching, clear set of principles protecting historical and current land uses and the associated landholder rights into the future. Planning and zoning in particular should reflect such uses, not the intentions of Local or State governments to change them without the landholders permission.

Whilst 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. It does, however, recommend that these instances should be protected through an environmental overlay on the LEP map with an accompanying clause, which in effect, would continue to restrict existing and future uses. Our land would then presumably revert to residential zoning as this is its primary (future) use, it is currently vacant and unusable for rural purposes. 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 considered for these purposes.

Further, there has been no recommendation that this procedure of overlay mapping be done in consultation with the landowner or be based on any strategy or study 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. This has not been the case where urban buffers were imposed on landowners after development had already taken place, with no compensation from the developer or council and no strategy to mitigate conflict of land use between rural and urban areas.

This is also a chance to review split or partial E zoning on one lot. The current review support multiple zonings without taking into account the impracticalities of this such as: At whose expense would the survey be done? How would such boundaries and limitations be enforced? Would inter zone fencing be required?

The simpler and more sensible approach would be to convert the block into the zoning that reflects the highest intrinsic value of the land, its current use and/or a use compatible with zonings on its boundaries; which in the case of our block would be residential not rural. The bordering of urban areas along three of its boundaries renders normal farming practices impossible due to high levels of children and adults trespassing, the many residential

neighbours that restrict/ interfere with certain rural activities and the access being via a quiet suburban cul de sac.

If the classification of State Significant Farmland had not been incorrectly applied our land in the past, it could be 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' as there would be some improved outcome for a settlement, such as: the alleviation of existing land use conflict (eg by the incorporation of a buffer) and efficient and economic use of infrastructure.

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

This review of zonings is a great time to resolve long-standing land use conflicts by engaging the landowners and community and producing positive, sustainable outcomes on all levels: environmentally, socially and financially.

Thank you for considering our submission.