

»» new c zones background

FACT SHEET 6. CONSERVATION ZONE REVIEW

ballina
shire council

Local Environmental Plans (LEPs) are the main legal documents that guide Council's land use and planning decisions. They define different land use zones and the types of developments that are permitted or prohibited in each zone. Ballina Shire has two active LEPs.

Since 2006, all Councils in NSW must write new LEPs using a standard template set by the NSW Government called the Standard Instrument LEP. *Ballina Local Environmental Plan 2012* was written in the Standard Instrument format, but *Ballina Local Environmental Plan 1987* was written before the standard template was published, so uses an old format and old zone names.

»» **The Northern Councils E Zone Review**

When Council was revising its LEP and transferring it into the Standard Instrument format, consideration of development standards and land use zoning, including environmental protection zone matters, involved an extensive community engagement program over a period of five years.

In 2012, in response to community concerns about how and why some land was being zoned for environmental protection, the NSW Minister for Planning directed Ballina, Byron, Kyogle, Lismore and Tweed Shire Councils to delay zoning any land for environmental protection in their new LEPs until the Department of Planning and Environment could review and provide input into the process.

By that time, the Department's regional office in Grafton had endorsed Ballina Shire Council's new Standard Instrument LEP, but it was not yet finalised. Any land that had been identified for environmental protection on the draft zone maps was then **deferred** from being zoned under the new LEP, pending the outcome of the Department's **Northern Councils E Zone Review** (E zone review).



The new format *Ballina Local Environmental Plan 2012* was subsequently approved without any environmental protection zones. These **deferred matter** lands remain zoned and mapped under the previous *Ballina Local Environmental Plan 1987*.

The E zone review was completed in 2015, and the Department of Planning and Environment published the **Northern Councils E Zone Review Final Recommendations Report**, which provides several recommendations to Council on how they should apply C zones, including a standard set of ecological criteria that land must meet before it can be zoned for environmental protection. Deferred matter land that does not meet the criteria for a C zone will have an alternative zone applied.



»» **What about existing environmental protection zones in the Ballina LEP 1987?**

In April 2017, Council decided to keep the existing **deferred matter** environmental protection zones in the *Ballina Local Environmental Plan 1987* and to transfer all other **deferred matter** areas into the *Ballina Local Environmental Plan 2012*.

The reason for keeping the existing environmental protection zones is because the NSW Government's review recommendations meant that Council could no longer apply environmental protection zones to areas on the basis of scenic and amenity value, coastal value, or water catchment and urban buffer characteristics. This is a significant change in long standing Council planning policy as environmental protection zones have been part of Ballina Shire since 1987 and have been very successful in managing areas that have environmental values.

»» **Where are we now?**

Ballina Shire Council has now developed and refined its own method for applying Conservation zones in line with the NSW Government's requirements, Council's existing strategic plans and policies and the community's expectation to protect our high value natural areas.

We have reviewed all deferred matter land (other than the deferred land zoned as environmental protection under the *Ballina Local Environmental Plan 1987*) by applying this new method to identify new C zones. We have produced draft mapping to show where the C zones are located, and drafted new LEP land use tables to include objectives for the new C2 Environmental Conservation and C3 Environmental Management zones as well as the types of land uses that are permitted and prohibited in each zone.

A planning proposal to amend the *Ballina Local Environmental Plan 2012* has been submitted to the NSW Government and a Gateway determination has been issued allowing the planning proposal to proceed subject to conditions. These conditions require Council to update some of the information provided in the planning proposal before Council consults with affected landholders, the community and government agencies.

The planning proposal has been updated and Council is now ready to consult with affected landowners, followed by the broader community, to help them understand how the mapping has been developed and review the draft mapping to ensure the new Conservation zones have been correctly applied.

The feedback received will be used to refine the mapping and planning proposal documentation and introduce C2 Environmental Conservation and C3 Environmental Management zones into the Ballina LEP 2012.

»» **For further information:**

visit yoursayballina.com.au/czones
or contact Council's Strategic Planning Group, ph 1300 864 444