

Appendix 3 – Details of E zones public consultation and engagement

E zones Engagement Process

In implementing the final review report recommendations, one of Council's primary goals was to restore community trust, goodwill and buy-in to the E zone review process. An early consultation program with affected land owners to verify existing vegetation and primary use of the land has been underway since mid-October 2017.

As part of the verification process, notification letters were sent to all potentially affected E zone landowners requesting feedback in early October 2017, with follow-up letters sent in March 2018 and June 2019. Landowners were invited to review the mapping with Council staff in order to understand the planning process and E zone criteria. This enabled more informed landowner feedback which in turn provided more accurate and up-to-date information to inform the rezoning of land to an environmental, rural and/or urban zone.

Landowner Notification Letters

Approximately 2600 letters were issued to landowners where Council's records suggested that all or part of their land may meet the criteria for an environmental zoning. This included the Shire's traditional custodians — namely Tweed Byron Local Aboriginal Land Council, Jali Aboriginal Land Council and Bundjalung of Byron Bay Aboriginal Corporation.

In addition to providing information about the E zone process and vegetation mapping, the letter requested feedback from landowners to:

- verify the Council's records on the criteria used to apply the E Zone, namely
 - vegetation mapping
 - primary land use
- clarify the landowner's position on the application of the proposed E Zone designation (ie. agreement/disagreement)

A template copy of this letter is provided in Attachment 3 below.

Another 560 letters were issued to landowners where Council's records suggested that none of their land meets the criteria for an environmental zoning. The letter simply advised that the land did not meet the criteria for applying an E Zone and of the next steps going forward. The letter was intended to be informative only and did not require a response from the landowner.

A template copy of this letter is provided in Attachment 4 below.

A template copy of the follow-up letters sent in March 2018 and June 2019 are provided in Attachments 5 and 6, respectively, below.

Other engagement

Other activities and methods of communication to maximise the potential for understanding and feedback from affected landowners included:

- three (3) targeted stakeholder meetings to explain and pilot-test the process used in applying the State Government's E Zone criteria to land in the Shire; these meetings intentionally targeted local planning, environmental, agricultural & landowner representatives whose views about the process could potentially have a considerable influence within the wider community.
- use of [Council's website](#), public media (eg ABC radio), Facebook, newspaper

advertisements and an e-newsletter to advertise the engagement opportunities for landowners;

- provision of supporting material on [Council's website](#) including: an overview of review process; electronic access to interactive mapping; an online (FAQ) video, FAQs and fact sheets including information on proposed uses and objectives in the E2 and E3 zones;
- one on one meetings in Council's offices (beneficial for all landowners including those who were not computer savvy or unable to use Council's website to see what part of their land may be affected by a potential E2 or E3 zone and/or understand how primary land use was determined);
- where required or requested, site visits to ground truth Council's vegetation mapping enabled verification of high environmental value vegetation and determination of appropriate environmental conservation and management zones; and
- responding to stakeholder phone enquiries and emails, many of which were able to be easily and quickly resolved by staff emailing more detailed vegetation and E zone mapping information at a 'close-up' property scale.

The above process ensured that all stakeholders were given the opportunity to participate and was made as simple as possible, with many landowners not requiring the engagement of planners or ecologists to assist in their representations to Council.



BSC Ref: #E2017/84062

9th October 2017

****POSSIBLE LAND SATISFYING E2-E3 ZONE CRITERIA****

Dear Landowner

Update on Northern Councils Environmental Zone Review Process

I am writing to provide an update on the Northern Councils Environmental Zone Review process and you are receiving this letter as some or all of your property (Parcel no/s: **74170, 121220, 121230, 213010 and 228550**) is affected by this review.

Council's records suggest that all or part of your land may meet the criteria for an environmental zoning. Please read on for further information.

What is the Northern Councils Environmental Zone Review?

The Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones in Local Environmental Plans (LEPs) on the Far North Coast. The purpose of the review is to provide a balanced approach to environmental zonings on the Far North Coast, as well as greater certainty for landowners, councils and the community on how environmental zoning will be applied. The review applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

Environmental Zones - or 'E zones' - are designed to protect or manage land that is of important environmental value. These zones were removed from all Northern Rivers Councils' LEPs in 2012 pending the outcome of the review process. This has resulted in broad areas across Byron Shire being mapped as "Deferred Matter" (or DM) in Byron LEP 2014. This means that a land use zoning under Byron LEP 2014 has not been applied to all or part of your land, and consequently Byron LEP 1988 continues to apply to these areas.

What is the status of this review?

The State government released its *Northern Councils E Zone Review Final Recommendations Report (E zone Report)* in October 2015. It also released supporting legislation in March 2016 to ensure environmental zones are to be applied in accordance with the *E zone Report* recommendations. Council is now assessing the future zoning of "Deferred Matter" (or DM) areas under Byron LEP 2014, in accordance with the legislation.

How is Byron Shire Council implementing the review outcomes?

Council is committed to an open and transparent planning process for resolving deferred matter areas in Byron LEP 2014. This includes working with landowners to achieve agreed outcomes wherever possible. As the first stage of the assessment process Council is consulting with affected landowners to verify information relating to existing vegetation and primary use of the land. This will ensure the



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most up to date information is used to inform the future rezoning of affected land (the next stage).

The outcome of this process may result in some areas of the Shire being rezoned as E2 Environmental Conservation and/or E3 Environmental Management, while other areas that do not meet the *E zone Report* criteria will have an alternative zone applied (most likely a rural zone) and any applicable mapped planning controls (known as "overlays").

What do Council's records identify for my property?

Council has undertaken a preliminary assessment to determine a possible zone for the DM area of your property. The assessment is based on: (i) information collected during the recent Shire wide Vegetation Mapping Review and (ii) primary land use (the predominant use of the land over the last two years).

Based on the *E zone Report* criteria, **Council's vegetation mapping indicates that all or part of your land has potential for an E2 or E3 zone.**

Based on Council's property information, **the primary land use of all or part of your land has been identified as 'Agricultural/Environmental/Other'.**

Where can I go to find out more?

To see what part of your land may be affected by a potential E2 or E3 zone or understand how primary land use was determined, you can view this and other supporting information on Council's website at <http://www.byron.nsw.gov.au/environmental-zones-e-zones>.

How can I have a say about the accuracy of this information

Council strongly encourages you to review the above information for your property and notify Council of any inaccuracies by **10 November 2017**. This can be done by:

- requesting a site inspection or making an appointment to speak with staff at Council's Mullumbimby offices by emailing joanne.green@byron.nsw.gov.au. Appointment times during the review period are between 9.00 and 12.00, Monday to Wednesday;
- talking to staff at various "drop-in" locations during October (see Council's website for dates/times);
- providing written feedback, which can be emailed to council@byron.nsw.gov.au or posted to Byron Shire Council, PO Box 219 Mullumbimby 2482 no later than **10 November 2017**.

Please include reference to the E Zone Review process, along with your property address and parcel number, contact details and a description of the changes you consider are required. You may also choose to include supporting information relating to primary land use and/or vegetation on your land. Council will review your feedback and may request your permission to carry out a site inspection of the vegetation on your property to inform amendments to the mapping.

If you require further assistance or advice regarding the above information, please contact Council's Environmental and Economic Planning division on ph (02) 6626 7126.

Yours sincerely



Alex Caras 1 Land Use Planning Coordinator



BSC Ref: #E2017/84064

9th October 2017

**** LAND NOT SATISFYING E2-E3 ZONE CRITERIA ****

Dear Landowner

Update on Northern Councils Environmental Zone Review Process

I am writing to provide an update on the Northern Councils Environmental Zone Review process and you are receiving this letter as some or all of your property (Parcel no/s: **131540**) is affected by this review.

Council's records suggest that NO part of your land meets the criteria for an environmental zoning. Please read on for further information.

What is the Northern Councils Environmental Zone Review?

The Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones in Local Environmental Plans (LEPs) on the Far North Coast. The purpose of the review is to provide a balanced approach to environmental zonings on the Far North Coast, as well as greater certainty for landowners, councils and the community on how environmental zoning will be applied. The review applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

Environmental Zones - or 'E zones' - are designed to protect or manage land that is of important environmental value. These zones were removed from all Northern Rivers Councils' LEPs in 2012 pending the outcome of the review process. This has resulted in broad areas across Byron Shire being mapped as "Deferred Matter" (or DM) in Byron LEP 2014. This means that a land use zoning under Byron LEP 2014 has not been applied to all or part of your land, and consequently Byron LEP 1988 continues to apply to these areas.

What is the status of this review?

The State government released its *Northern Councils E Zone Review Final Recommendations Report (E zone Report)* in October 2015. It also released supporting legislation in March 2016 to ensure environmental zones are to be applied in accordance with the *E zone Report* recommendations. Council is now assessing the future zoning of "Deferred Matter" (or DM) areas under Byron LEP 2014, in accordance with the legislation.



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How is Byron Shire Council implementing the review outcomes?

Council is committed to an open and transparent planning process for resolving deferred matter areas in Byron LEP 2014. This includes working with landowners to achieve agreed outcomes wherever possible. As the first stage of the assessment process Council is consulting with affected landowners to verify information relating to existing vegetation and primary use of the land. This will ensure the most up to date information is used to inform the future rezoning of affected land (the next stage).

The outcome of this process may result in some areas of the Shire being rezoned as E2 Environmental Conservation and/or E3 Environmental Management, while other areas that do not meet the *E zone Report* criteria will have an alternative zone applied (most likely a rural zone) and any applicable mapped planning controls (known as "overlays").

What do Council's records identify for my property?

Council has undertaken a preliminary assessment to determine a possible zone for the DM area of your property. The assessment is based on information collected during the recent Shire wide Vegetation Mapping Review.

Based on the *E zone Report* criteria, Council's vegetation mapping indicates that **NO part of your land meets the criteria for an E2 or E3 zone.**

Council will investigate a suitable alternative zone (most likely a rural zone) for the DM area of your property as part of the next stage of the assessment process. You will be notified in writing and have an opportunity to provide feedback when the next stage commences.

Where can I go to find out more?

For further information about the E zone review process and to view supporting mapping of the proposed environmental zones, please go to Council's website at <http://www.byron.nsw.gov.au/environmental-zones-e-zones>.

If you feel the above assessment of your land is incorrect, or you require further assistance or advice regarding the E zone review process, please contact Council's Environmental and Economic Planning division on ph (02) 6626 7126 by **10 November 2017**.

Yours sincerely



Alex Caras 1 Land Use Planning Coordinator

BSC File No: E2017/84065
Contact: Jo Green / Alex Caras 6626 7126

11 October 2017

****LAND AFFECTED BY A REGISTERED FORESTRY
OR TIMBER PLANTATION AGREEMENT****

Dear Landowner

Update on Northern Councils Environmental Zone Review Process

I am writing to provide an update on the Northern Councils Environmental Zone Review process and you are receiving this letter as some or all of your property (Parcel no/s: 218320) is affected by this review.

Council's records suggest that NO part of your land meets the criteria for an environmental zoning. Please read on for further information.

What is the Northern Councils Environmental Zone Review?

The Minister for Planning and Infrastructure, in September 2012, announced a review of the application of environmental zones in Local Environmental Plans (LEPs) on the Far North Coast. The purpose of the review is to provide a balanced approach to environmental zonings on the Far North Coast, as well as greater certainty for landowners, councils and the community on how environmental zoning will be applied. The review applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.

Environmental Zones - or 'E zones' - are designed to protect or manage land that is of important environmental value. These zones were removed from all Northern Rivers Councils' LEPs in 2012 pending the outcome of the review process. This has resulted in broad areas across Byron Shire being mapped as "Deferred Matter" (or DM) in Byron LEP 2014. This means that a land use zoning under Byron LEP 2014 has not been applied to all or part of your land, and consequently Byron LEP 1988 continues to apply to these areas.

What is the status of this review?

The State government released its *Northern Councils E Zone Review Final Recommendations Report (E zone Report)* in October 2015. It also released supporting legislation in March 2016 to ensure environmental zones are to be applied in accordance with the *E zone Report* recommendations. Council is now assessing the future zoning of "Deferred Matter" (or DM) areas under Byron LEP 2014, in accordance with the legislation.

How is Byron Shire Council implementing the review outcomes?

Council is committed to an open and transparent planning process for resolving deferred matter areas in Byron LEP 2014. This includes working with landowners to achieve agreed outcomes wherever possible. As the first stage of the assessment process Council is consulting with affected landowners to verify information relating to existing vegetation and primary use of the land. This will ensure the most up to date information is used to inform the future rezoning of affected land (the next stage).

The outcome of this process may result in some areas of the Shire being rezoned as E2 Environmental Conservation and/or E3 Environmental Management, while other areas that do not meet the *E zone*

Report criteria will have an alternative zone applied (most likely a rural zone) and any applicable mapped planning controls (known as "overlays").

What do Council's records identify for my property?

Council has undertaken a preliminary assessment to determine a possible zone for the DM area of your property. Based on Council's records your property is identified as being subject to a registered forestry or timber plantation agreement. Therefore **an E2 or E3 zone is NOT proposed over any part of your land.**

Council will investigate a suitable alternative zone (most likely a rural zone) for the DM area of your property as part of the next stage of the assessment process. You will be notified in writing and have an opportunity to provide feedback when the next stage commences.

Where can I go to find out more?

For further information about the E zone review process please go to Council's website at <http://www.byron.nsw.gov.au/environmental-zones-e-zones> ,

If you feel the above assessment of your land is incorrect, or you require further assistance or advice regarding the E zone review process, please contact Council's Environmental and Economic Planning division on ph (02) 6626 7126, before **10 November 2017**.

Yours sincerely



Alex Caras | Land Use Planning Coordinator



March 2018

****Follow-up letter sent to landowners in March 2018**

Dear Landowner

UPDATE ON ENVIRONMENTAL ZONE REVIEW PROCESS

You are receiving this letter as a follow up to correspondence sent to you in October 2017 regarding Environmental Zones (E zones) for your property (Parcel no/s: _____). The purpose of this letter is to provide an update on the:

- review of E zone feedback currently underway;
- process from here for rezoning of land (where required).

How is Council considering E Zone feedback?

The Council letter you received in October 2017 sought your feedback on information we have regarding the existing vegetation and primary use of your land. This was necessary to:

- verify Council's records on the criteria used to apply a possible E Zone; and
- clarify your position on the application of a possible E Zone on the land (ie. agreement or disagreement).

Council has received feedback from more than 750 landowners in the Shire. Staff are currently reviewing this feedback on a locality-by-locality basis starting with the coastal areas in the following order:

- * Southern coastal localities: Broken Head – Suffolk Park – Byron Bay
- * Central coastal localities: Tyagarah – Brunswick Heads
- * Northern coastal localities: Ocean Shores – New Brighton – South Golden Beach - Wooyung

As part of this review staff are working with affected land owners to get agreed outcomes wherever possible. Once the review of coastal areas has been completed staff will continue with the rural and hinterland areas.

Please note: Land currently zoned under LEP 2014 (i.e. not a Deferred Matter) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.

What is Council's timeframe for reviewing all feedback received?

The review of landowner feedback will take some time given the high volume of submissions received, the need for site inspections on certain land and any follow-up discussions to support agreed landowner outcomes.



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As part of the review process a number of landowners have already confirmed agreed zoning outcomes on their land. Staff will continue to work through the remaining submissions as quickly as possible, however it may be up to **6 months** before Council can respond to all feedback received and confirm agreed outcomes. In the meantime Council's E zone web page will be updated regularly to reflect the progress of this review. This can be viewed at <https://www.byron.nsw.gov.au/Services/Building-development/Planning-in-progress/Environmental-Zones-E-Zones>.

What is the process for rezoning land?

Some landowners have already confirmed agreed zoning outcomes on their land and are now awaiting commencement of the formal rezoning process (known as a 'planning proposal'). This includes both 'Deferred Matter' and 'Non-Deferred Matter' areas identified in Byron Local Environmental Plan (LEP) 2014. Given the scale of likely rezonings across the Shire, a logical staging of planning proposals is required to deliver more timely and effective outcomes for affected landowners. An overview of the proposed stages is enclosed.

Where can I go to find out more?

A more comprehensive update on the E Zone process will be reported to the 22 March 2018 Council meeting. The report details the engagement and review processes to date along with a staged planning proposal process to enable more timely and logical zoning outcomes. The report also proposes a new LEP 2014 zone, RU6 Transition, to be applied to land currently zoned 7(d) Scenic Escarpment in LEP 1988 that does not meet the criteria for an environmental zoning.

A copy of this report as well as other supporting information on the E Zone implementation process can be viewed on <https://www.byron.nsw.gov.au/Services/Building-development/Planning-in-progress/Environmental-Zones-E-Zones>.

Key takeaways from this letter

- Staff are working through the E zone feedback as quickly as possible, however it may be up to 6 months before Council can respond to all feedback received; Council's E zone web page will be updated regularly to reflect the progress of this review.
- A comprehensive update on the E Zone process is being reported to the 22 March 2018 Council meeting, which can be viewed on <https://www.byron.nsw.gov.au/Services/Building-development/Planning-in-progress/Environmental-Zones-E-Zones>
- Land currently zoned under LEP 2014 (i.e. not Deferred Matter land) where the landowner received an E Zone notification letter but did not request an E Zone designation, will be excluded from further consideration under the E Zone review process.

Council looks forward to further engagement with you, as well as keeping you updated on the outcomes of this process.

Yours sincerely



Alex Caras | Land Use Planning Coordinator

17 May 2019

****Follow-up letter sent to non-response group in May 2019****

Dear Landowner

FINAL OPPORTUNITY FOR INPUT TO THE ENVIRONMENTAL ZONE REVIEW PROCESS

You are receiving this letter as a follow up to correspondence sent to you in October 2017 and March 2018 regarding Environmental Zones (E zones) for your property (Parcel no/s: 70). The purpose of this letter is to make you aware that this is the **final** opportunity to provide feedback on the proposed environmental rezoning of all or part of your land.

What was the purpose of Council's previous letters?

The two previous Council letters sought your feedback on mapping information we have regarding (i) the existing vegetation and (ii) primary use of your land and to provide you with information about how these relate to the future zoning of your land. Our records show that to date we have not received any feedback from you and it is very important that you contact us in order to:

- verify the accuracy of Council's vegetation mapping of your land; and/or
- advise us of any issues or concerns the proposed environmental zoning of all or part of your land

What do I need to do?

If you have not yet contacted Council about the proposed environmental zoning of your land, or if you are a new landowner and this is the first correspondence you have received about the E zone review process, then please contact one of the following staff by **14 June 2019**:

- Jane Wickers on ph (02) 6626 7280 or by email jane.wickers@byron.nsw.gov.au OR
- Alex Caras on ph (02) 6626 7097 or by email alex.caras@byron.nsw.gov.au.

Where can I go to find out more?

Further information and fact sheets on the E Zone Review process can be viewed at <https://www.byron.nsw.gov.au/Services/Building-development/Planning-in-progress/Environmental-Zones-E-Zones>.

Council looks forward to receiving your feedback on this matter, as well as keeping you updated on the outcomes of this process.

Yours sincerely



Alex Caras | Land Use Planning Coordinator