

Not Agreed E zone Properties – Summary table and supporting information

APPENDIX A – Information Sources for Ezone Criteria applied

APPENDIX B – Supporting site visit information

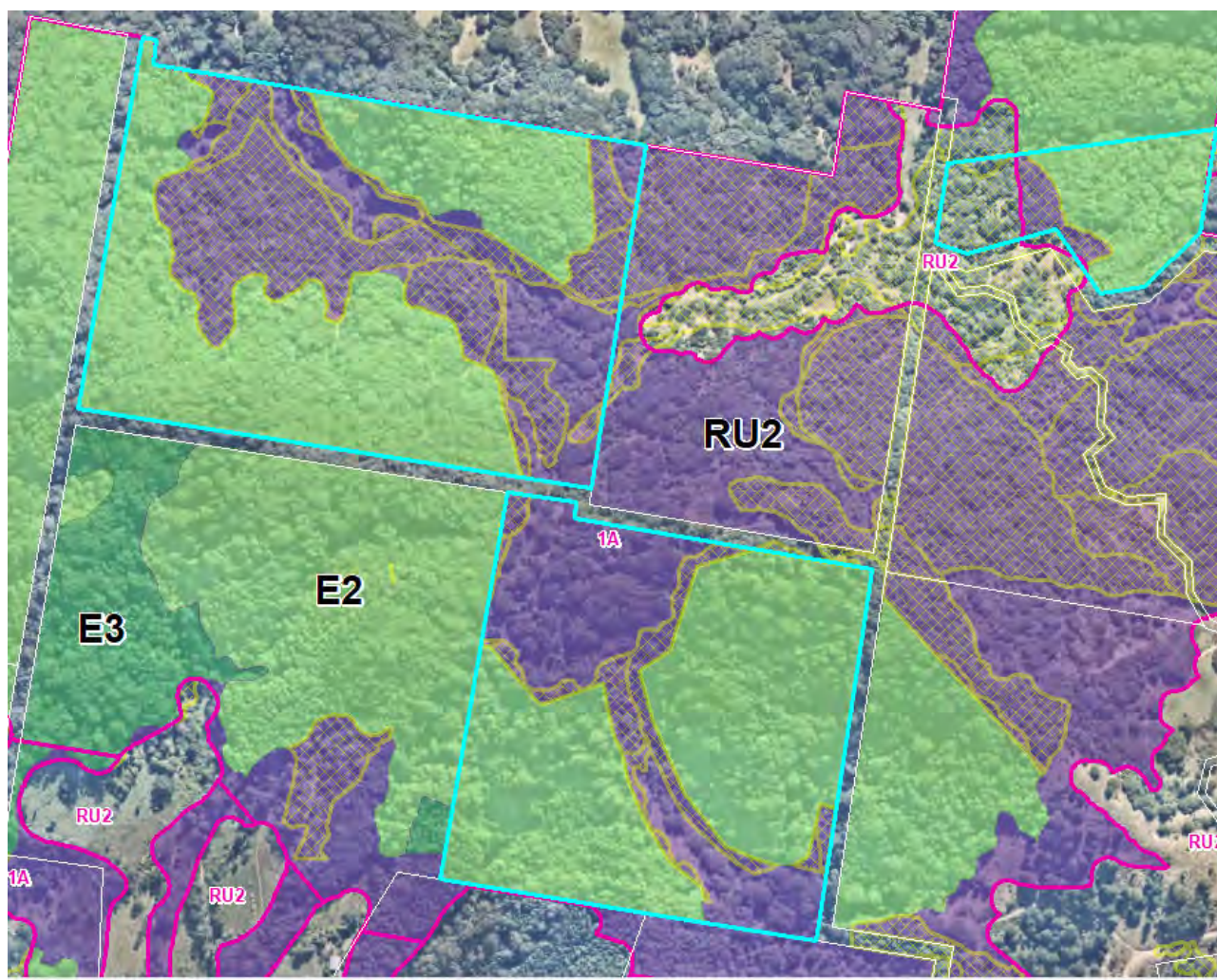
Summary Table of 'Not Agreed' E zone properties

	Address	Parcel Number	Site Visit
1.	Chinamans Hill Rd, Yelgun	236901, 219560, 236951	No
2.	Blindmouth Rd Middle Pocket	131750	Refused.
3.	557 Middle Pocket Rd Middle Pocket	52050 & 182350	Refused.
4.	660 The Pocket Rd The Pocket	268240	Refused.
5.	201 Skyline Rd The Pocket	84640	Refused.
6.	194 Billinudgel Rd Billinudgel	110550, 164170, 164180 and 267676	Not required.
7.	140 The Tunnell Rd Billinudgel	4920	Offered, no response.
8.	9 Muli Muli Ct Ocean Shores	227280	Offered, no response.
9.	195 New Brighton Rd Ocean Shores	59650	Not required.
10.	163 Tandys Lane Brunswick Heads	89320	Offered, no response.
11.	Riverside Cr Brunswick Heads	77270 and 134720	Yes. Refer to Appendix B.
12.	Gulgan Road & Pacific Hwy Brunswick Heads	151720, 141850, 141960, 224530, 224560 & 231800	Yes. Refer to Appendix B.
13.	146 Tandys Lane Tyagarah	89260	Offered, no response.
14.	Middle Ridge Rd Upper Main Arm	52460	Refused
15.	133B Middle Ridge Rd Upper Main Arm	52500	Refused.
16.	470 Main Arm Rd Main Arm	48030	Not required.
17.	Coolamon Scenic Dr Mullumbimby	164070, 164100, 164110	Offered, no response.
18.	80 Vallances Rd Mullumbimby	96030	Partial site visit.
19.	Casuarina St Mullumbimby	9470	Offered, no response.
20.	803 Wilsons Creek Rd Wilsons Creek	98840	Offered, no response.
21.	1021 Wilsons Creek Rd Wilsons Creek	98920	No.
22.	392 Upper Wilsons Creek Rd Upper Wilsons Creek	99220	Yes. Refer to Appendix B.

	Address	Parcel Number	Site Visit
23.	346 Goonengerry Mill RD Goonengerry	115280	Yes. Refer to Appendix B.
24.	11 Garrong Rd Goonengerry	115290	Yes. Refer to Appendix B.
25.	73 Coopers Creek Rd Upper Coopers Creek	238615	Offered, no response.
26.	135 Coopers Creek Rd Upper Coopers Creek	134960	Refused.
27.	159 Coopers Creek Rd Upper Coopers Creek	14910	Refused.
28.	44 Ti Tree Rd Byron Bay	94240	Not required.
29.	Butler St Byron Bay	7600	Yes. Refer to Appendix B.
30.	Cemetery Rd Byron Bay	10020	Yes. Refer to Appendix B.
31.	Bangalow Rd Byron Bay	60550	Yes. Refer to Appendix B.
32.	154 Old Bangalow Rd Byron Bay	119350	Offered, no response.
33.	Skidders Shoot Rd Skidders Shoot	84150	Yes. Refer to Appendix B.
34.	486 Broken Head Rd Broken Head	3700	Yes. Refer to Appendix B.
35.	368 Broken Head Rd Broken Head	221850	Yes. Refer to Appendix B.

1. Chinamans Hill RD Yelgun PN 236901, 219560, 236951

Site Visit:	No. Submission too late (30/9/21) to arrange a site visit.
Current zoning:	1A/RU2
Current primary landuse:	Aerial photography indicates no primary production in the last 2 years. No dwellings as no dwelling entitlements.
Area of Proposed Ezone:	E2 – 304, 796 sqm
Vegetation Types in Proposed E2:	Wattle-Rainforest-Camphor Laurel 1, 006 sqm
	Mixed Eucalypt 15, 250 sqm
	Brush Box Eucalypt 9, 554 sqm
	Brush Box-Blackbutt-Pink Bloodwood 1,053 sqm
	Blackbutt 17,964 sqm
	Blackbutt-Bloodwood-Brush Box 71, 556 sqm
	Brush Box-Flooded Gum 13, 924 sqm
	Rainforest 103, 185 sqm
Brush Box-Rainforest	70, 632 sqm
Private Native Forestry Agreement:	No





EZone Removed

Proposed Zone

E2

E3

RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 118, 701 sqm of E2 zone removed (as shown by yellow hatching).

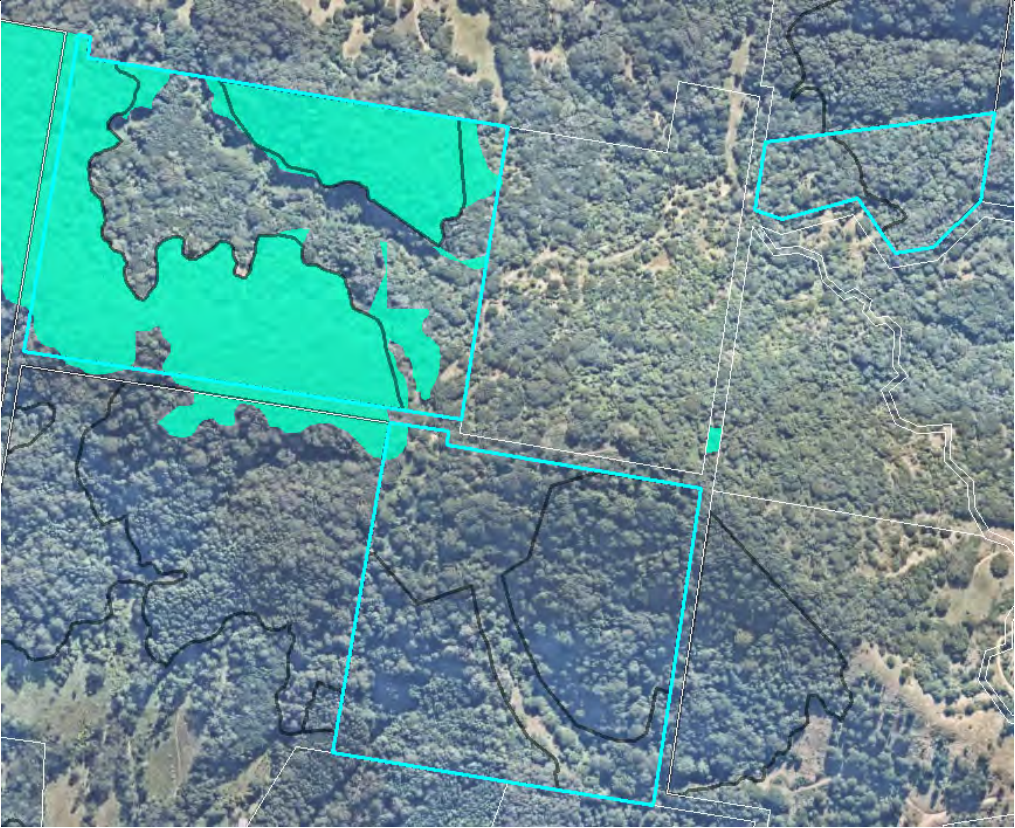

Consultation with Owner:

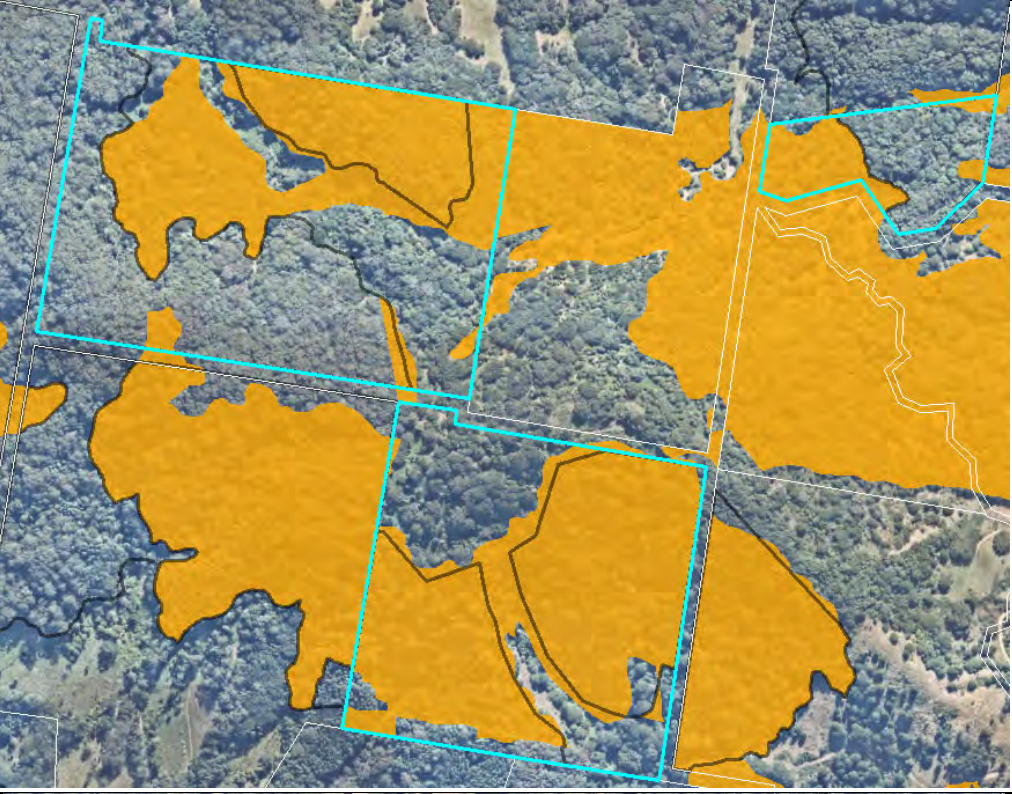
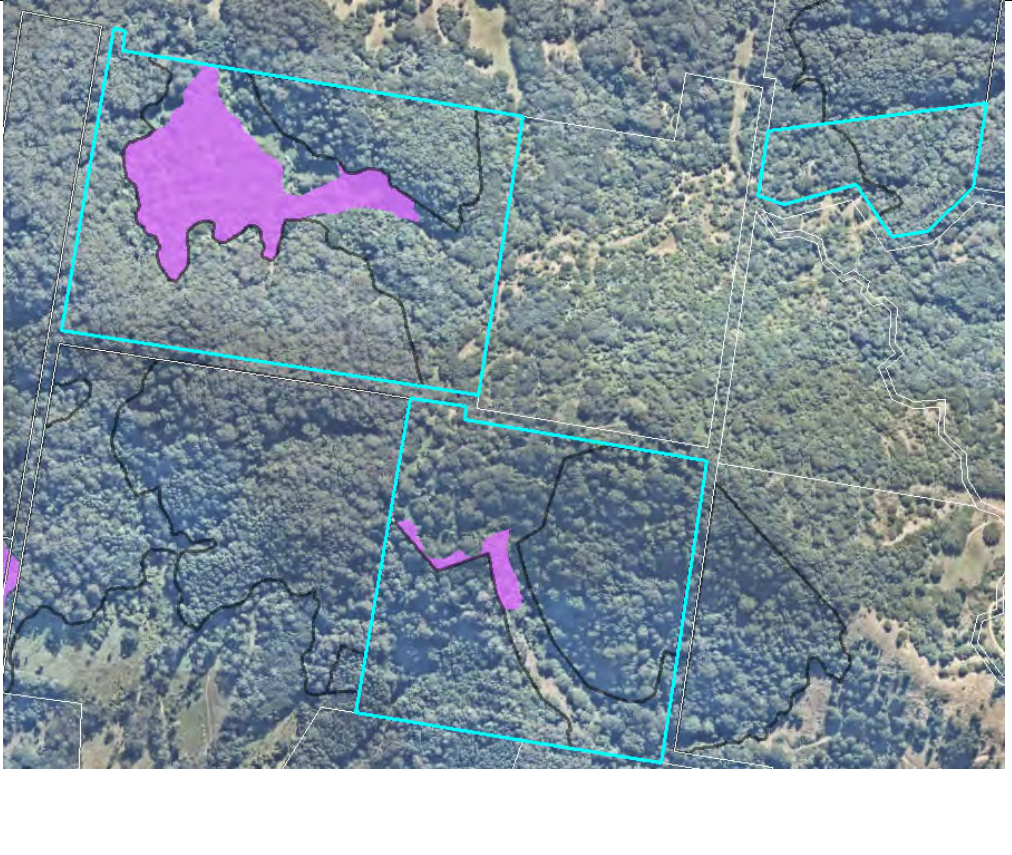
Letter sent October 2017, March 2018. Submission from Planning Consultant for previous owner in 2018. Notified of public exhibition for Planning Proposal 3 (PP3) March 2021. Contacted by owners August 2021 and arranged meeting (cancelled by owner). Offered meeting and further discussions via multiple emails and phone calls. Sent map and links to owner's representative.

Owner's reasons for not agreeing and Council's response:

Reason	Council response
Owner bought the property to build 10 eco-cabins. E2 zone would prevent the construction of a dwelling house and/or development of any form of tourist accommodation.	These uses are permitted in the RU2 zone, although none of the land parcels currently have a dwelling entitlement.
Owner wants to carry cattle and sheep and have veggie gardens/fruit trees.	Existing use rights are preserved in the E2 zone. These activities are permitted in the RU2 zone.
Ezone denies a landowner the basic right to live on their land within their site affected by the Environment zone.	Dwellings are permitted in the RU2 zone, although the land parcels currently have no dwelling entitlement. Future (non-environmental) land uses in the proposed E2 zone are significantly constrained by poor access, steep slopes (>50%) and extreme bushfire hazard.
Ezone denies the landowner from implementing some forms of agriculture.	Agriculture is permitted in the RU2 zone and existing use rights are protected in the E2 Zone.
The proposed rezoning's are misguided as most of the tree canopy under the coloured E2 and E3 re-zonings is Camphor laurel – and NOT endemic to the area.	The proposed EZones do not include the Camphor Laurel areas. The 2017 vegetation mapping shows high quality Eucalypt and Rainforest. The 2021 aerial photography confirms the vegetation mapping. Council would be happy to verify the vegetation mapping but were unsuccessful in arranging a meeting with landowners.
It sets aside land for a public benefit in denial of private rights. If this is pursued compensation will be sought by my client and every other affected land owner.	Compensation is not available or required under current planning legislation.

Reasons for proposed E2 zoning (see following page):

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.</p>	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	

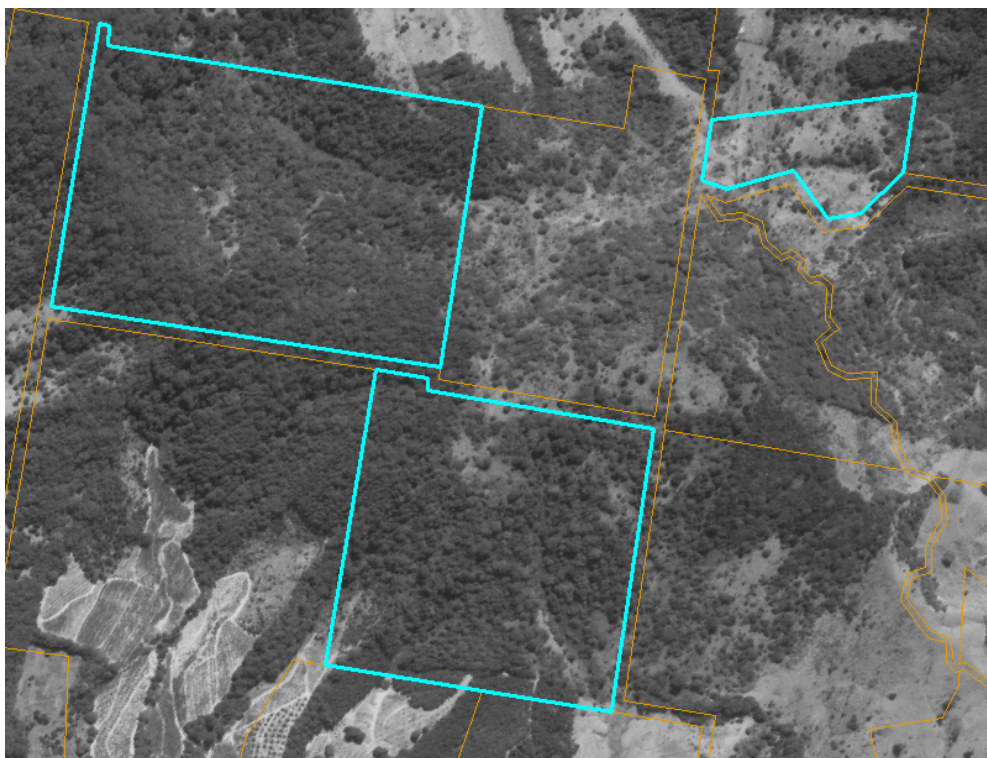
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> Swamp sclerophyll forest on coastal floodplains Lowland Rainforest 	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

Additional notes:

None of the parcels have a dwelling entitlement.

Connectivity to EZones in Tweed Shire likely in the northern boundary of Byron Shire.


Historic aerial photography from 1989 shows the property containing mature vegetation in the areas mapped as old growth vegetation (see below):



Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor across the spur from Inner Pocket Nature Reserve in the west (see map below).




 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

2. Blindmouth Rd Middle Pocket PN 131750

Site Visit:	Refused.
Current zoning:	1A
Current primary landuse:	Aerial photography and discussions with owner indicates rural living with agricultural landuse in the northern part of the property. No dwelling in Byron Shire part property (northern half is in Tweed Shire).
Area of Proposed Ezone:	E2 – 128, 057 sqm
Vegetation Types in Proposed E2:	Blackbutt (123, 784 sqm) Brush Box-Rainforest (3, 730 sqm) Rainforest (428 sqm) Rainforest-Lantana (38 sqm)
Private Native Forestry Agreement:	No



E2 zone Removed

Proposed Zone

E2

E3

RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 17 926 sqm of E2 zone removed (as shown by yellow hatching above).


Consultation with Owner:

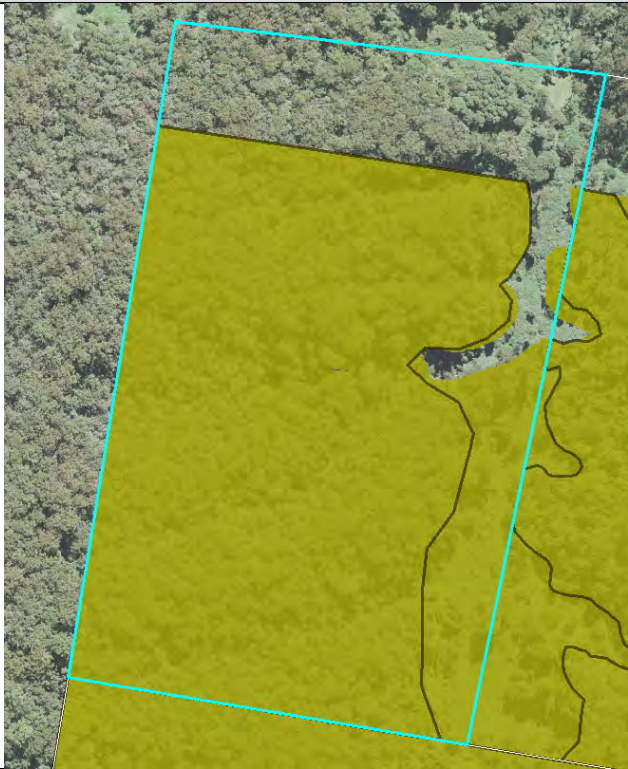

Letter sent October 2017, March 2018 and May 2019. Phone discussion June 2019; owner wants Ezone removed from gullies where vegetation is disturbed. Email from owner agreeing to updated Ezone map. Notified of public exhibition for Planning Proposal 3 (PP3) in March 2021. Phone call and email from owner that he no longer supports EZones. Offered site visit or meeting via phone call and email in September 2021.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Owner does not want any restrictions on landuse.	<ul style="list-style-type: none">o Vegetation meets the E2 criteria (Old growth vegetation) determined from aerial photos and onground survey in vicinity.o Future (non-environmental) land uses significantly constrained by poor access, steep slopes (>50%) and extreme bushfire hazard.

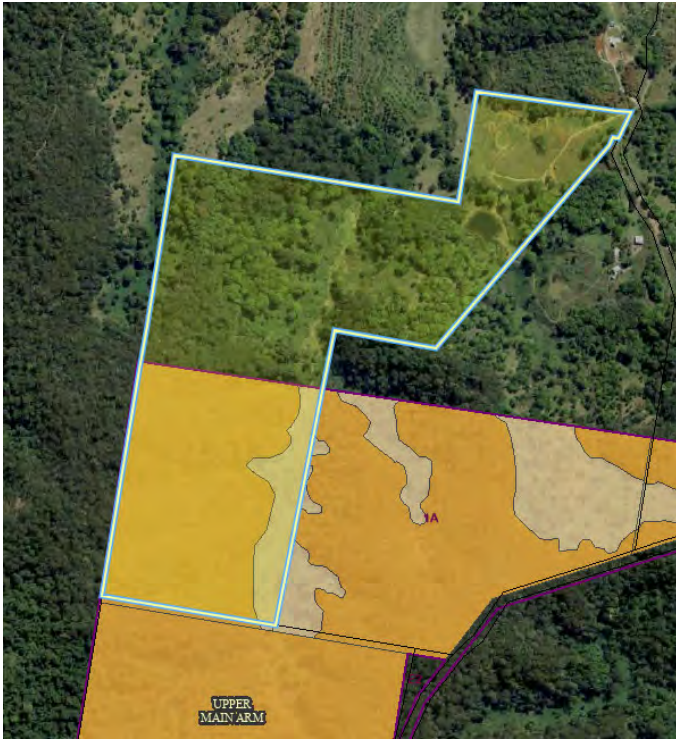
Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	

Northern Councils Ezone Review DPE Criteria	Affected Area	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>		
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 		

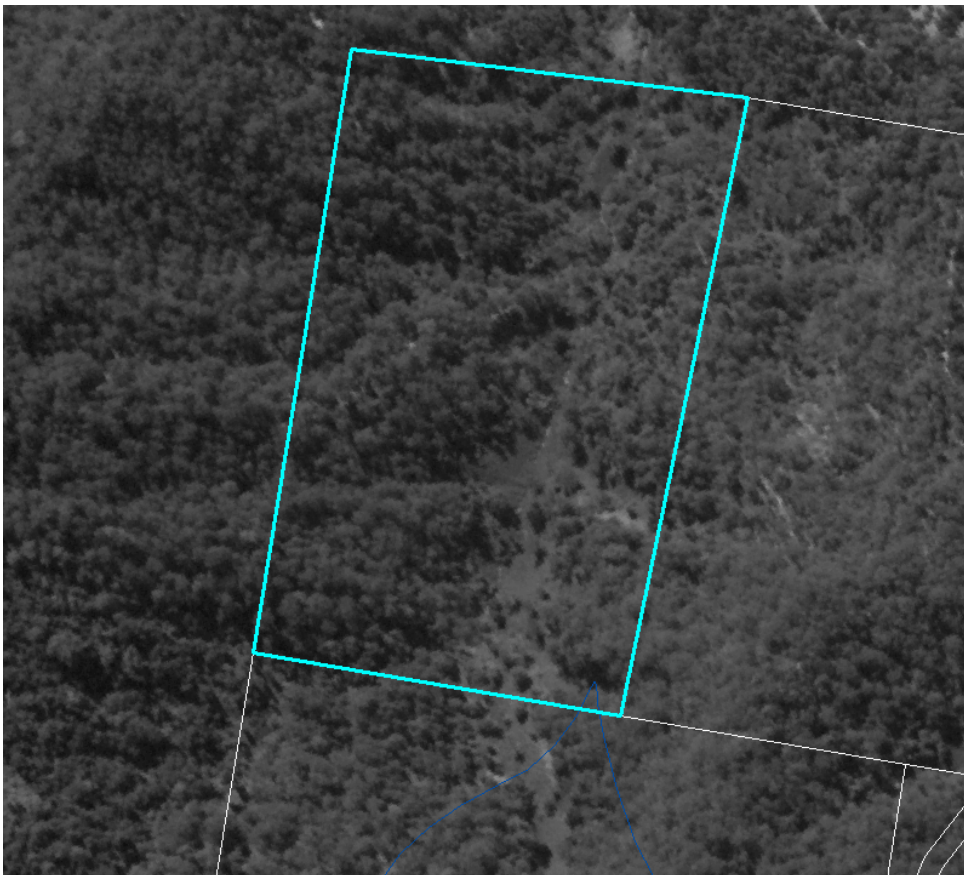
Additional notes:

The northern half of the property is in Tweed Shire. See Map below.



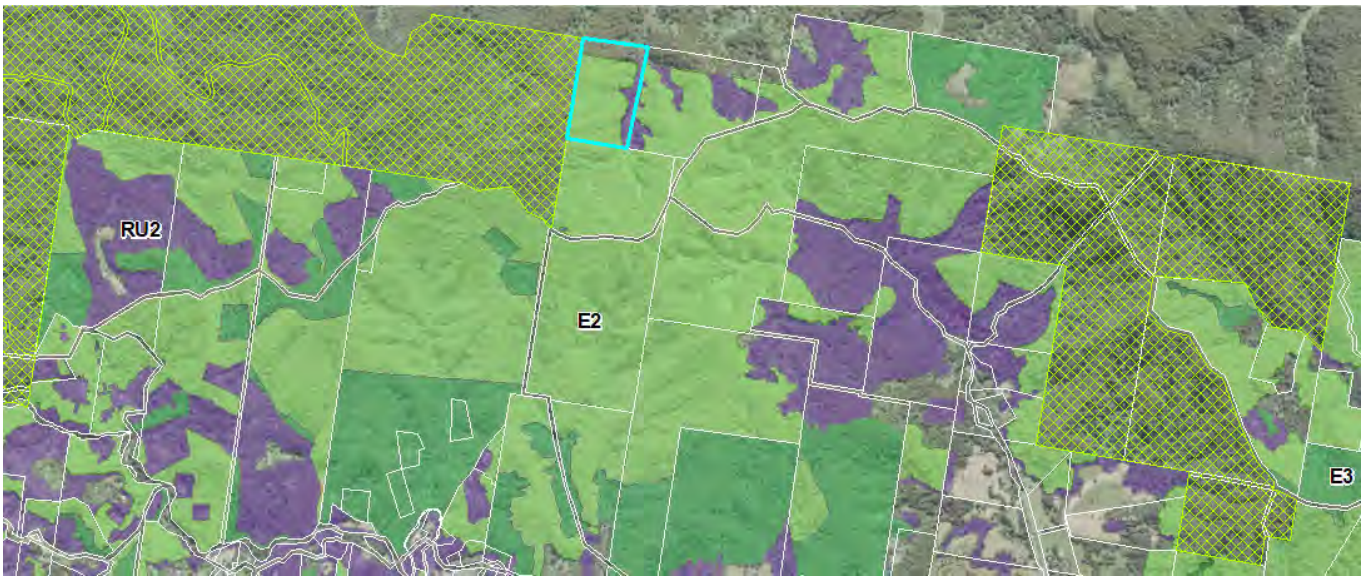
Borders Mount Jerusalem National Park in the west.


Historic aerial photography from 1979 shows the property containing mature vegetation in area mapped as old growth forest. (see below):



Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor across the Pocket Spur from Mount Jerusalem National Park to Inner Pocket Nature Reserve in the west (see map below).



 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

3. 557 Middle Pocket Rd Middle Pocket PN 52050 & 182350

Site Visit:	Refused.
Current zoning:	1A/RU2.
Current primary landuse:	Aerial photography and discussions with owner indicates rural living with no agricultural landuse in the previous 2 years. Dwelling on property. Ezone consistent with primary landuse on surrounding land.
Area of Proposed Ezone:	E2 – 18, 160 sqm
Vegetation Types in Proposed E2:	Mixed Eucalypt (12, 827 sqm)
	Blackbutt+Brush Box, Bloodwood, Tallowwood (1,000 sqm)
	Brush Box-Mixed Eucalypt (2, 438 sqm)
	Brush Box+Eucalypt (1, 893 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

	E2
	E3
	RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 11 449 sqm of E2 zone removed (as shown by yellow hatching above).

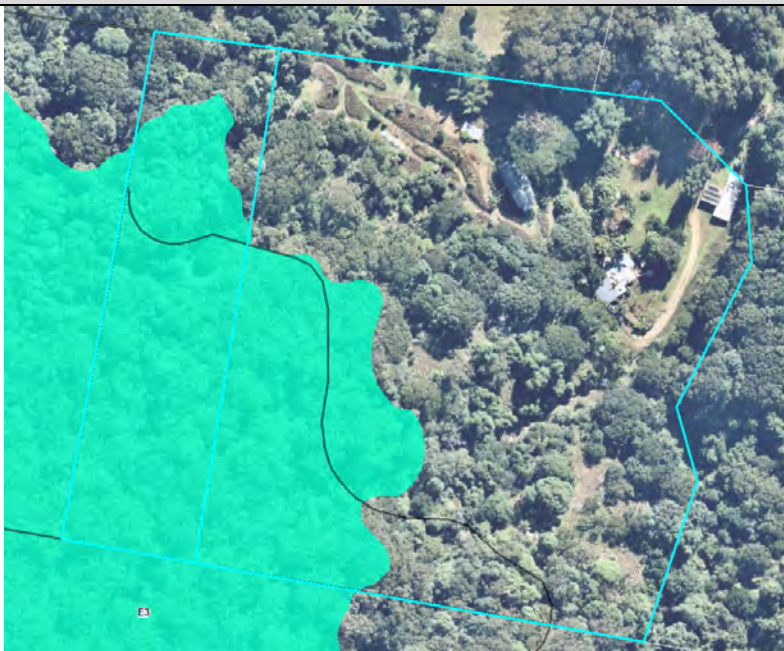
Consultation with Owner:



Letter sent October 2017, March 2018 and May 2019. Multiple email exchanges between June and October 2019, one phone conversation between owner and ecologist and offer of meeting or site visit. Notified of public exhibition for Planning Proposal 3 (PP3) March 2021. Follow up phone call where owner confirmed she does not agree with proposed zoning.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Owner not informed of proposed EZones prior to purchase.	Previous owner informed of proposed zoning.
Wants to build a house in the future in E2 area where there are ocean views.	<ul style="list-style-type: none">○ This area is mapped as old growth vegetation and also Category 1 Bushfire.○ Future (non-environmental) land uses significantly constrained by poor access, steep slopes (>50%) and extreme bushfire hazard. Contour intervals in E Zone area (160 - 230m).
No compensation for change in zoning.	Compensation is not available or required under current planning legislation.
Weeds in proposed Ezone area.	Areas dominated by Camphor laurel are not included in the E2 zone. 2021 aerial photography and vegetation mapping (2017) indicate low level of weeds. Zoning is consistent with polygons on surrounding properties.
Vegetation is regrowth.	E2 area is mapped as predominantly old growth vegetation. Offer of site visit to verify vegetation mapping was refused. See historical aerial photo below. Vegetation includes Koala habitat.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as Preferred Koala Habitat.</p>	

Additional notes:

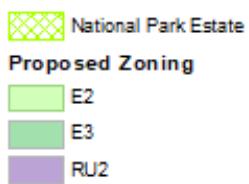
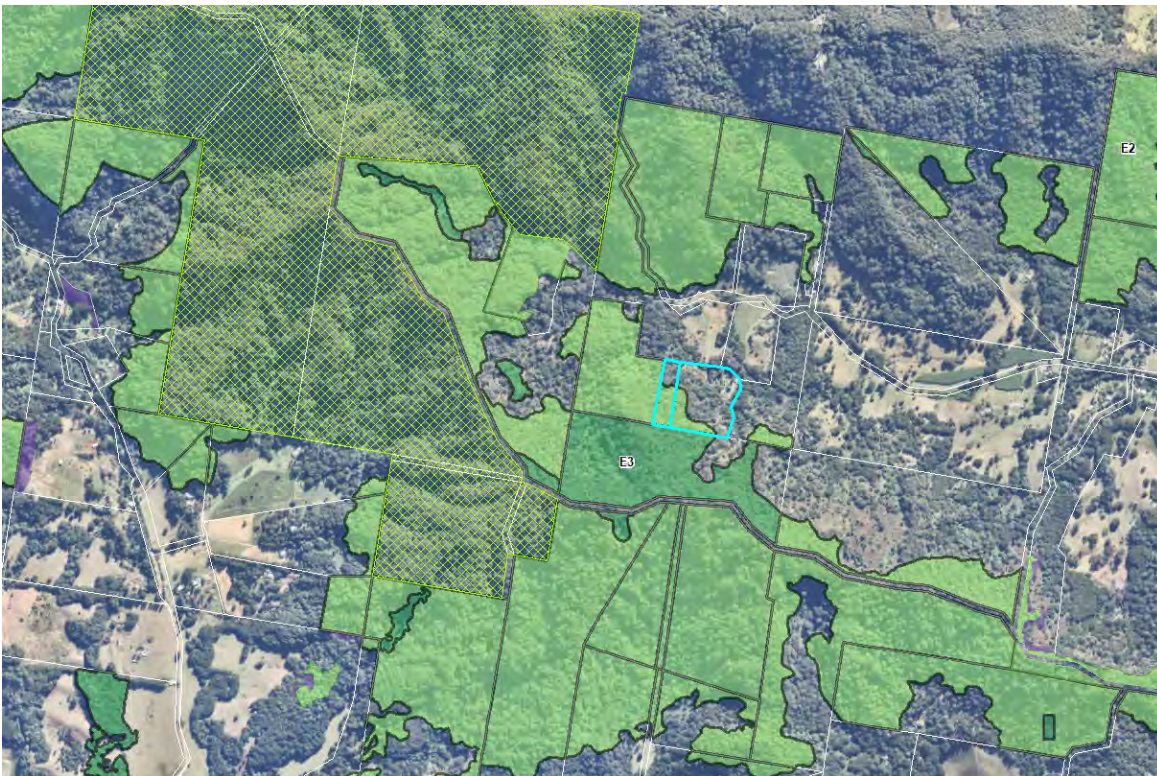
The property to the south has been zoned E3 because a Private Native Forestry Agreement is in place; otherwise it would have met the criteria for an E2 zone.

Historic aerial photography from 1979 shows the property containing mature vegetation in the area mapped as old growth:



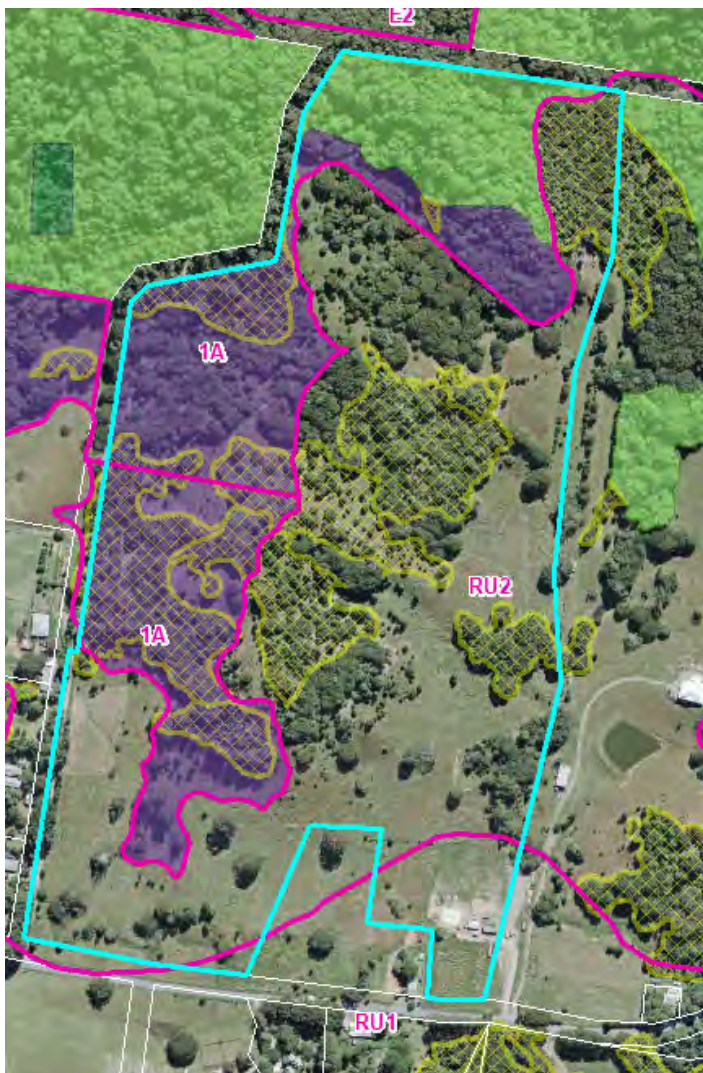
Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor across the Pocket Spur from Mount Jerusalem National Park to Inner Pocket Nature Reserve in the west (see map below).



4. 660 The Pocket Rd The Pocket (PN 268240)

Site Visit:	Refused.
Current zoning:	1A/RU2/RU1.
Current primary landuse:	Rural living, Farm Stay and Agriculture.
Area of Proposed Ezone:	E2 – 24, 567 sqm
Vegetation Types in Proposed E2:	Blackbutt+Brush Box, Bloodwood, Tallowwood (8, 561 sqm)
	Brush Box-Rainforest (1, 288 sqm)
	Brushbox (8, 484 sqm)
	Brush Box-Rainforest-Camphor Laurel (6, 234sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2

E3

RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 86,534 sqm (8.6ha) of E2 zone removed.

Consultation with Owner:



Letter sent October 2017, March 2018. Multiple email exchanges between Jan and July 2019, 1 phone conversation and offer of meeting or site visit. Notified of public exhibition for PP3 in March 2021 and 1 phone conversation. Offer for meeting or site visit refused.


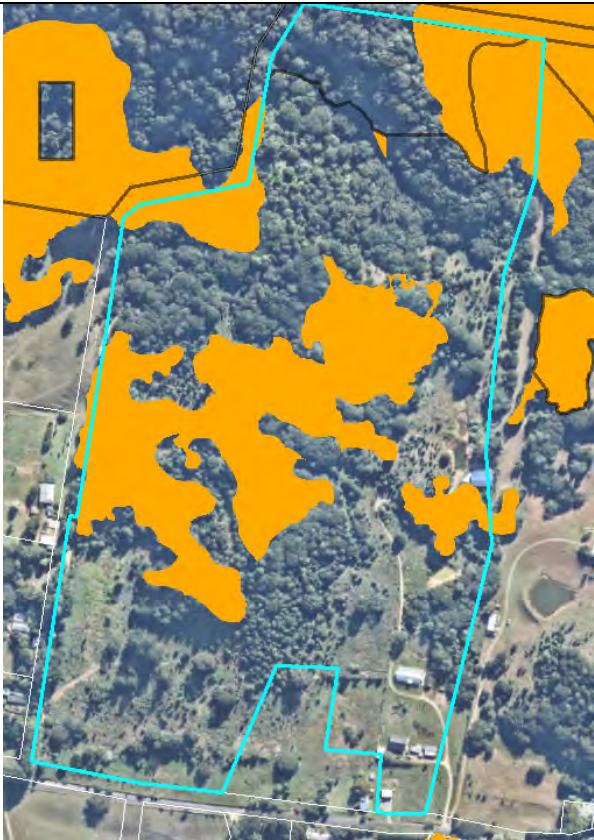
Owner reasons for not agreeing and Council's response:


<u>Reason</u>	<u>Council response</u>
The new E zones are based on out-of-date mapping	Vegetation mapping was updated in 2017, with ongoing updates following Council's access to 2021 aerial photography Nearthmaps.
The new E zones do not appropriately consider the historical mapping.	Ezone mapping is based on current vegetation attributes and recent landuse history.
Areas of camphor laurel, old banana plantations, orchards have been mapped as E zone.	These areas were removed from Ezone based on feedback from owner.
The primary use of this property has been agriculture for over a hundred years including Dairy, Beef, timber, bananas, vegetables, fruit.	Primary production areas were removed from Ezone based on feedback from owner.
Recent approvals and additions to the property including dwellings, sheds, 2 Rural Tourist Facilities with 8 buildings, Existing and new internal access roads have not been considered in the new E zoning.	These areas were removed from Ezone based on feedback from owner.
A large part of the new E zone is pursuant to LEP 2014 being RU2.	Areas that weren't Deferred matter (eg. RU2) were only included if agreed to by landowner. For this site, such areas were removed from Ezone based on feedback from owner.
As per the E zone review, determination of the primary use will require the use of methodologies such as site visits, property development records, farm management plans, up-to-date air photography, Private Native Forestry or Property Vegetation Plan approvals, conservation records and discussion with landowners. Council has not used any of the required methodologies to determine the primary use of the land.	Request for site visit and discussions with owner were refused. Recent data including aerial photography, flora and fauna records and 2017 vegetation mapping was utilised for Ezone mapping. Rural Living and tourist accommodation appear to be the primary uses of the land. E Zone area is consistent with mapping and landuse, and vegetation types on surrounding properties.
A one rule fits all approach by a bureaucrat sitting at a desk looking at an out-of-date map will not achieve the councils stated objective and penalizes those landowners that are committed to ecological enhancement.	Scientific methodology was applied to generate Ezone layer and owner feedback invited to validate the mapping. Much of the original proposed Ezone areas have now been removed based on owner feedback.
Some sections of my property to regeneration, and substantial plantings of native high value cabinet timber plantations that will not only regenerate the rainforest but allow for my children and grandchildren to harvest responsibly selectively some of these timbers in years to come, whilst regenerating the native forest.	Planted areas and Private Native Forestry areas will be excluded from E Zones once identified. Contour interval indicates that the terrain goes from 70m to 160m in the Ezone area, indicating that it would be steep for forestry.
There is substantial conflict with the E zone guidelines and bushfire APZ management and fire hazard minimisation around dwellings. Rezoning land that prevents	LEP zonings do not prevent ability to undertake fire hazard management in accordance with the Rural Fires Act . Identified APZs will be excluded from EZones once identified.

Reason	Council response
residents from clearing fire safety zones creates serious risk to residents in the future.	

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area	
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.		
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.		

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as preferred koala habitat.</p>	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).	 <p>The image is an aerial photograph of a landscape. A large, irregular area is outlined with a thick cyan line. Within this cyan-outlined area, there are several smaller, irregular regions shaded in pink. The surrounding landscape consists of dense green forest, some cleared areas with buildings, and a road at the bottom. The pink shaded areas appear to be specific habitat zones within the larger cyan-outlined area.</p>

Additional notes:

Large amounts of Ezone were removed (based on landowner feedback), however core habitat with connectivity to surrounding vegetation was retained.

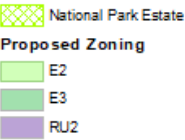
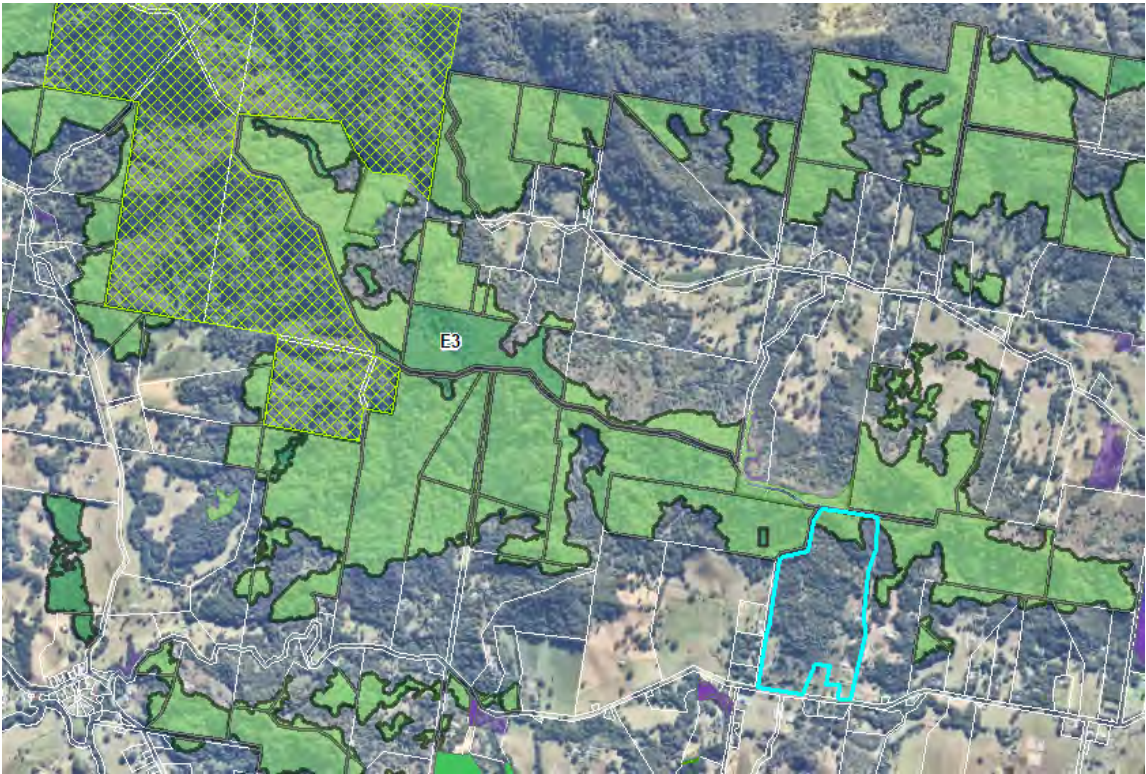
The vegetation is classed as North Coast Wet Sclerophyll Forests Blackbutt-Mixed Eucalypt-Brush Box (Moist Blackbutt), with Tallowwood which provides as corridor for Koala and other threatened species.

Historic aerial photography from 1979 shows the property containing mature vegetation in the northern corner, consistent with the old growth mapping. Regrowth areas and camphor laurel dominated areas have not been included in proposed Ezone areas.



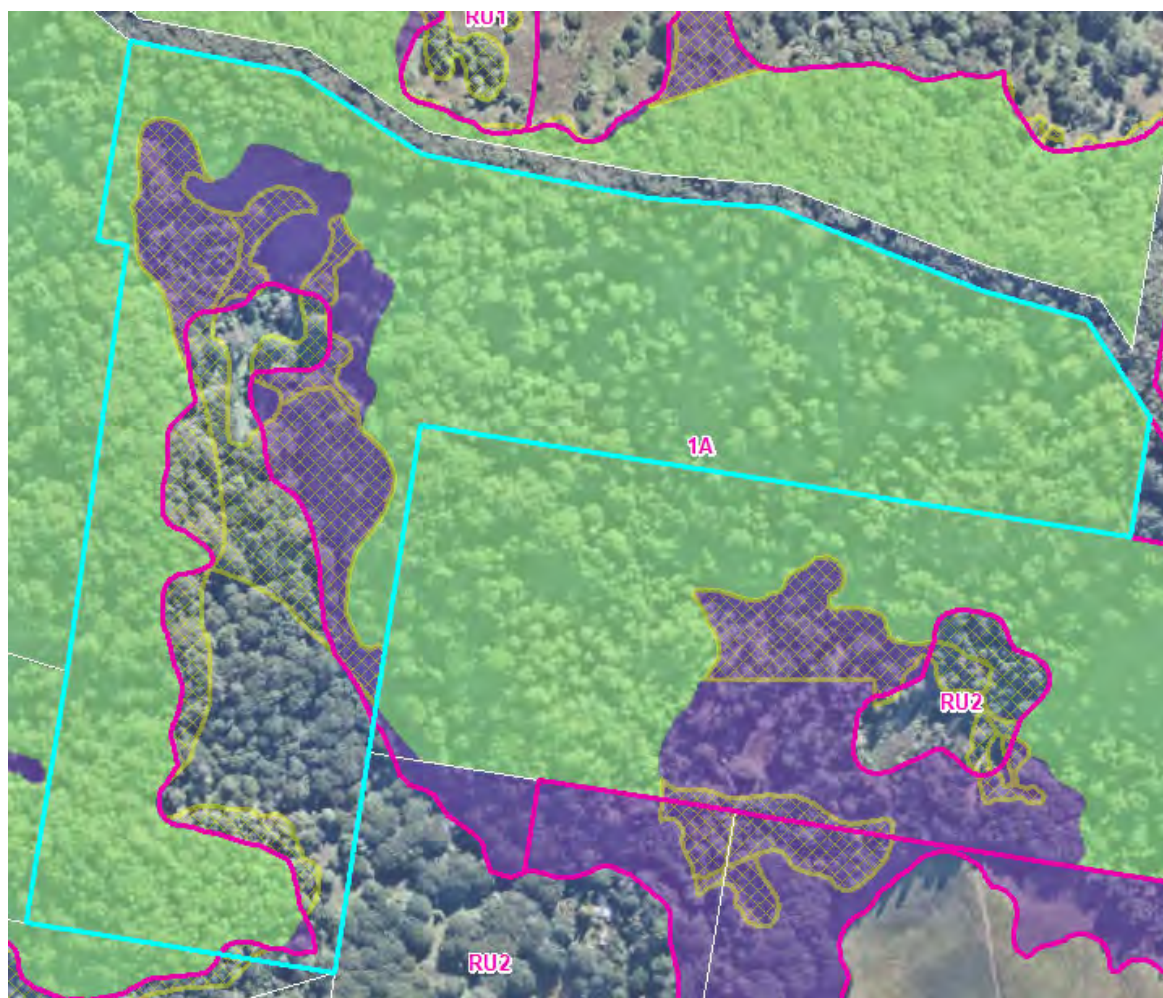
Landscape Connectivity:

The E2 on this property is part of a wildlife corridor across the Pocket Spur to Inner Pocket Nature Reserve in the west.



5. 201 Skyline Rd The Pocket (PN 84640)

Site Visit:	Refused.
Current zoning:	1A/RU2.
Current landuse:	2001 aerial photography analysis indicates 'rural living' with no recent agricultural landuse. Not farmland rated and no dwelling present.
Area of Proposed Ezone:	E2 – 202, 579 sqm
Vegetation Types in Proposed E2:	Blackbutt (13,080 sqm)
	Blackbutt+Brush Box, Bloodwood, Tallowwood (88, 256sqm)
	Brush Box-Mixed Eucalypt (68, 448 sqm)
	Rainforest (32, 245 sqm)
	Rainforest+10-50% Camphor Laurel (439 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2
E3
RU2

Changes to original mapping:

After reviewing vegetation mapping, 52, 585 sqm (5.3ha) of E2 zone was removed (see yellow hatching).

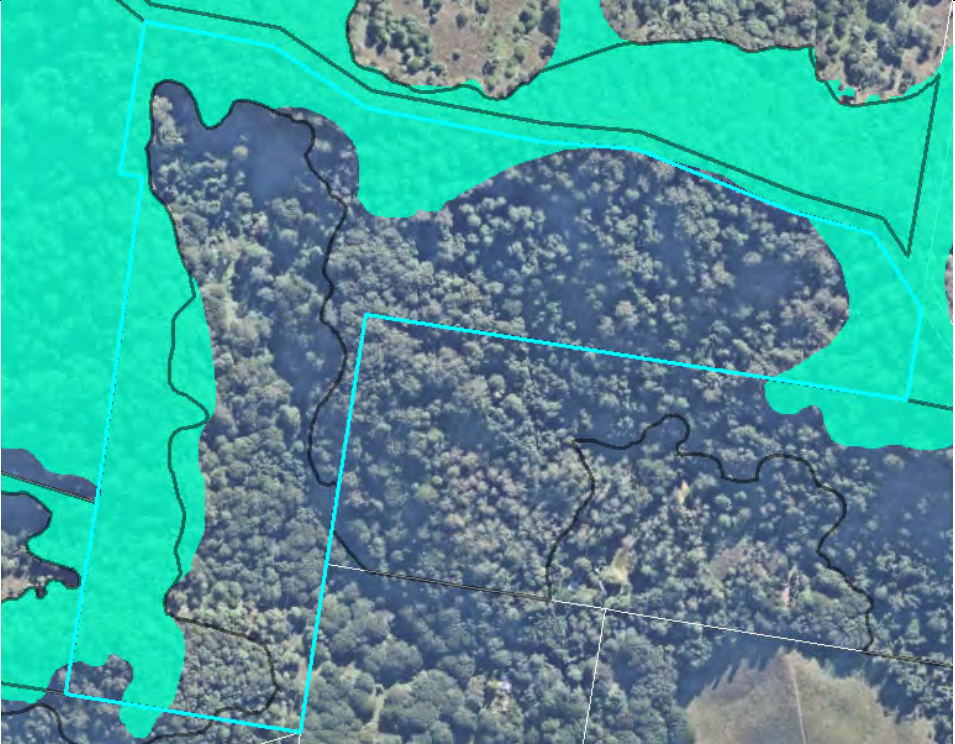
Consultation with Owner:


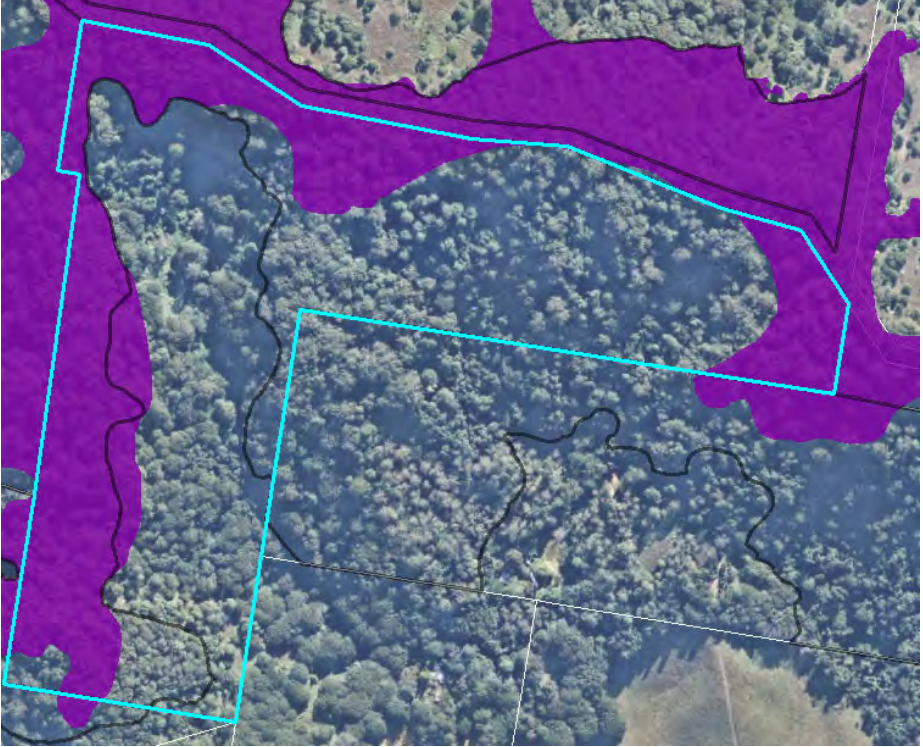
Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021 and follow up email inviting meeting or site visit. Offers of meeting and site visit refused.

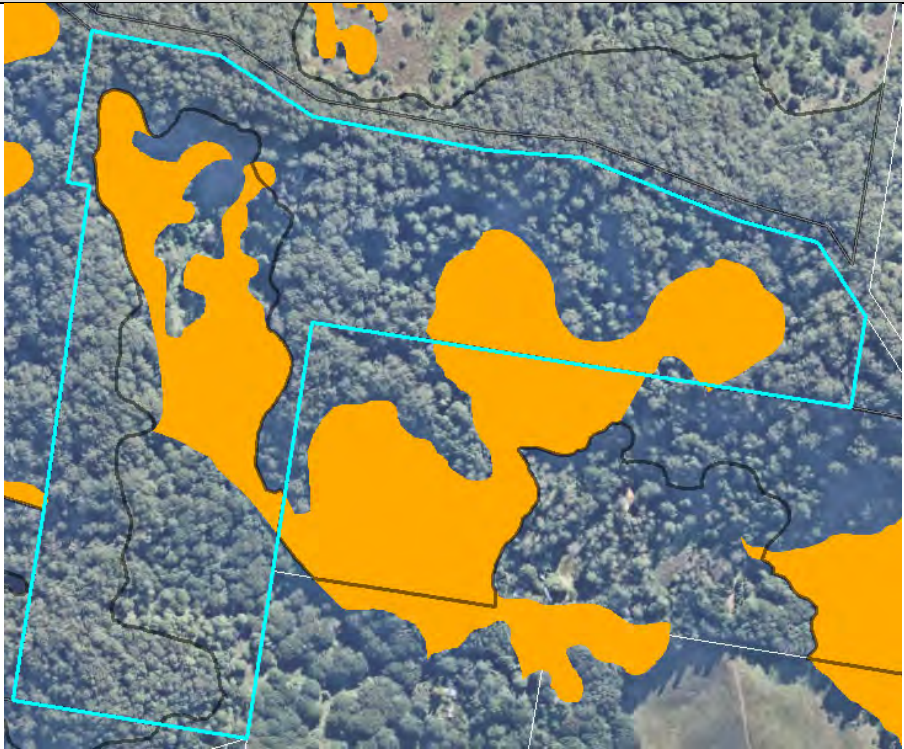
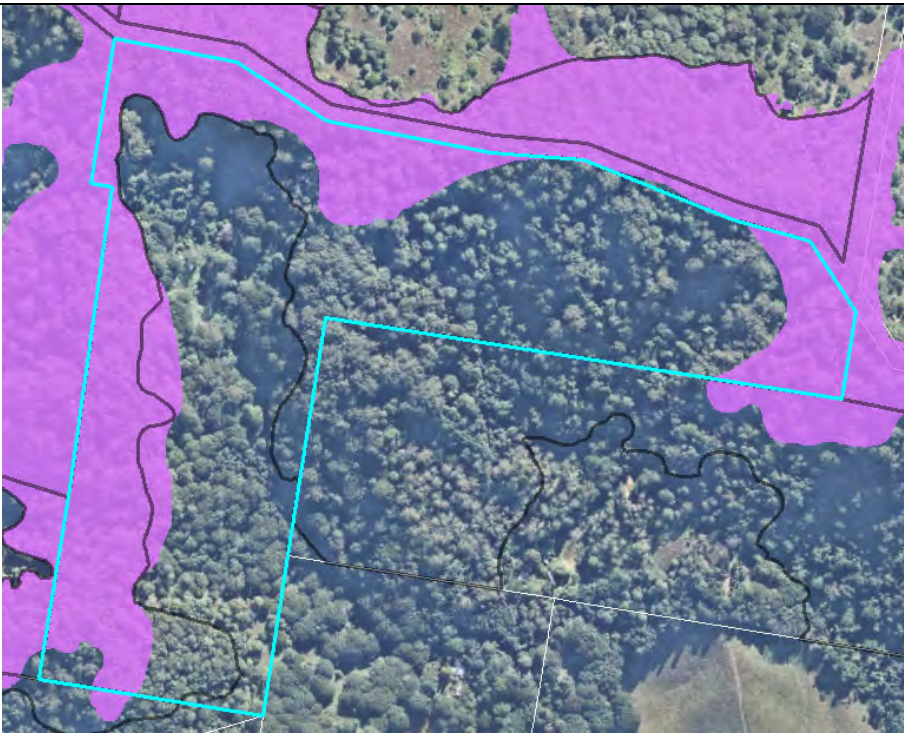
Owner reasons for not agreeing (from email 6/5/21):

Objection submitted by neighbour on behalf of owner. No reason given.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	

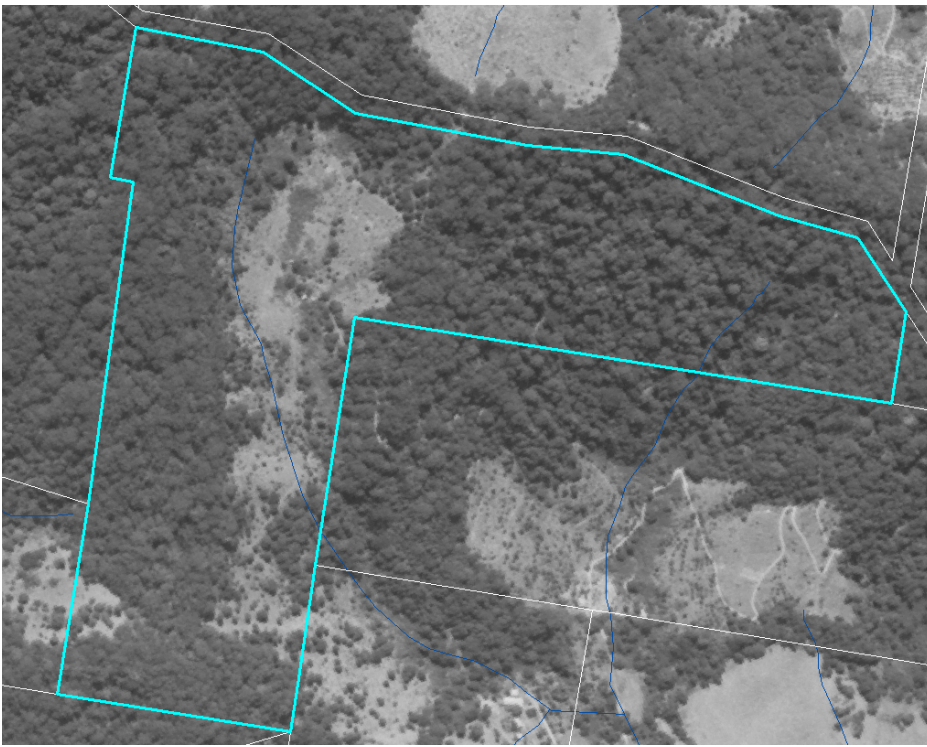
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	 <p>An aerial photograph of a forested area with a yellow overlay. The yellow area is irregularly shaped, following the contours of the forest and surrounding land. It includes several small, dark, irregular shapes that appear to be water bodies or wetlands. The yellow area is outlined by a thick black line. The surrounding area is a mix of green forest and brownish, cleared land.</p>
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as preferred koala habitat.</p>	 <p>An aerial photograph of a forested area with a purple overlay. The purple area is irregularly shaped, following the contours of the forest and surrounding land. It includes several small, dark, irregular shapes that appear to be water bodies or wetlands. The purple area is outlined by a thick black line. The surrounding area is a mix of green forest and brownish, cleared land.</p>

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

Additional notes:

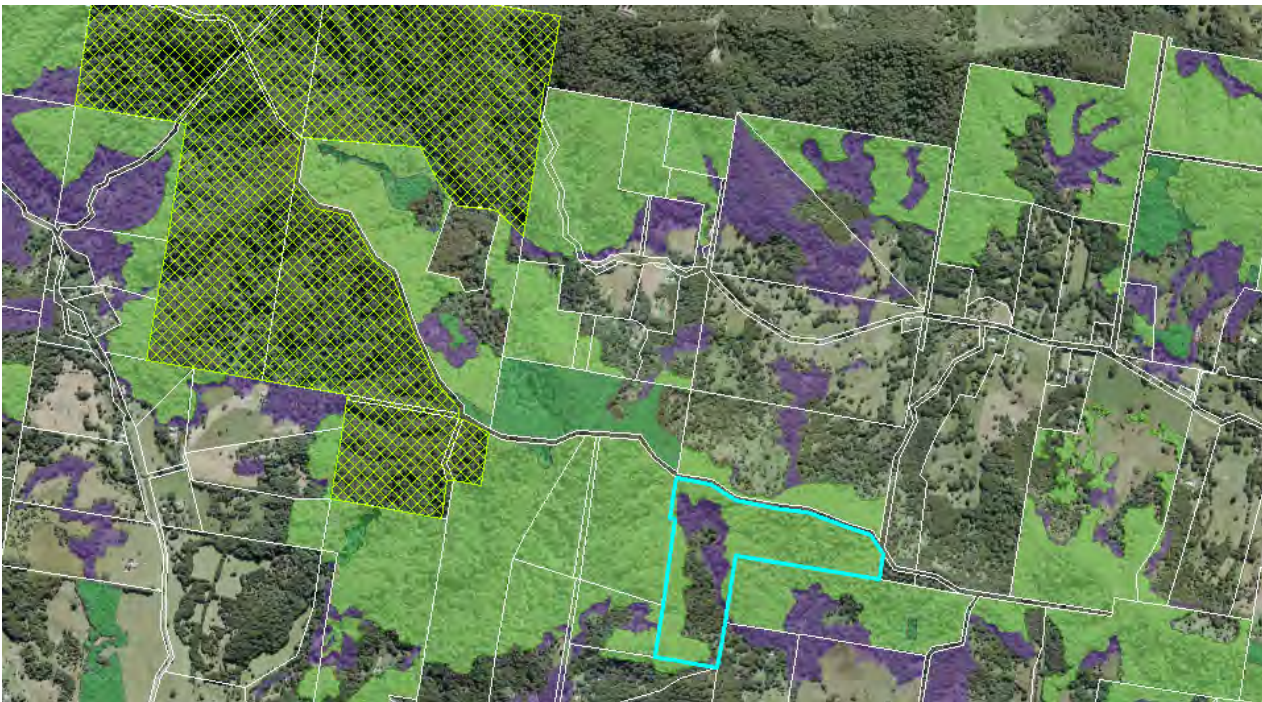
No dwelling entitlement for the property.


Historic aerial photography from 1979 shows the property containing mature vegetation consistent with the old growth mapping:




Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor across the Pocket Spur to Inner Pocket Nature Reserve in the west. (Inner Pocket Nature reserve hatched yellow on map).




 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

6. 194 Billinudgel Rd Billinudgel PN 110550, 164170, 164180 and 267676

Site Visit:	Not required
Current zoning:	1b1
Current landuse:	Rural living and Residential
Area of Proposed Ezone:	0 sqm (RU1 zone proposed)
Vegetation Types in Proposed E2:	N/A
Private Native Forestry Agreement:	No



Consultation with Owner:

Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021. Followed up email submission with phone call, meeting, and emails.

Owner's reasons for not agreeing and Council's response:

Owner wants residential zoning, not RU1.

Additional Notes:

Vegetation does not meet Ezone criteria.

Advice from Land Use Planning Coordinator is that parcels are not suitable for Residential or Village zoning as too far from Billinudgel Village, with poor access in/out during flood events.

7. 140 The Tunnell Rd Billinudgel PN 4920

Site Visit:	Offered once, but no response.
Current zoning:	RU2/1a
Current landuse:	Rural Living. No agricultural activities (based on aerial photography). Large shed on site used for business purposes.
Area of Proposed Ezone:	E2 – 7, 039 sqm
Vegetation Types in Proposed E2:	Brush Box+ Grey Ironbark (333 sqm)
	Paperbark+ Swamp Mahogany (6, 705 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2

E3

RU2

Changes to original mapping:

No change to original mapping.


Consultation with Owner:

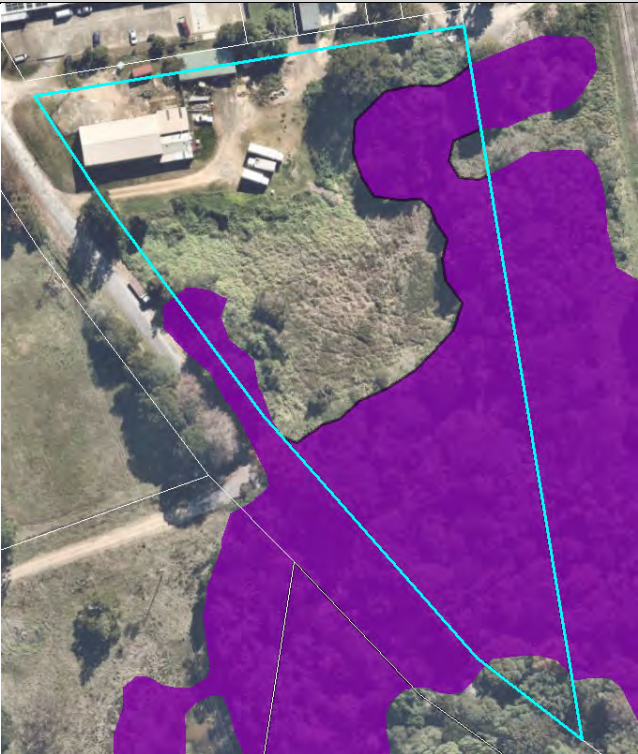

Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021. Meeting with owners to discuss zoning. Email sent offering site visit, but no response received.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
EZones will reduce the value of the property.	Noted.
Plan to build in the proposed E2 area.	<ul style="list-style-type: none"> ○ This area is mapped as Category 1 Bushfire and Threatened Ecological Community (TEC). ○ All of proposed E2 area is mapped as having High Hazard Flood risk.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as Preferred Koala Habitat.</p>	
<p>Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes</p>	

Additional notes:

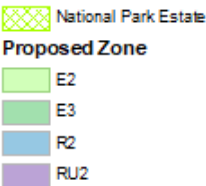
Part of railway line will likely be zoned E2 in Planning Proposal 4 providing landscape connectivity.

Historic aerial photography from 1979 shows forested areas on the property.



Landscape Connectivity:

The E2 on this property is part of a koala wildlife corridor.



8. 9 Muli Muli Ave Ocean Shores (PN 227280)

Site Visit:	Offered, but no response received.
Current zoning:	7k Habitat
Current landuse:	No house or agricultural activities (based on 2021 aerial photography). APZ from house on adjoining property (same owner).
Area of Proposed Ezone:	E2 – 8, 478 sqm
Vegetation Types in Proposed E2:	Brush Box-Pink Bloodwood+Coast Banksia (2,743 sqm)
	Coast Banksia-Pink Bloodwood-Swamp Box (4,724 sqm)
	Paperbark-Rainforest (295 sqm)
	Rainforest+Paperbark (709 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2

E3

RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 709 sqm of E2 zone removed. This was to accommodate the bushfire APZ of the adjoining property (same owner).



Consultation with Owner:



Submissions from 2 different Planning Consultants in 2017 and 2021. Notified of public exhibition for PP3 March 2021. Email sent offering site visit and listing reasons that the property meets the Ezone criteria.

Owner's reasons for not agreeing and Council's response:

Owner requests E3 zone, not E2. Reasons not provided.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act</i> 1995 and/or the <i>Environment Protection and Biodiversity Conservation Act</i> 1999</p> <ul style="list-style-type: none">• Swamp sclerophyll forest on coastal floodplains• Lowland Rainforest		
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>		

Northern Councils Ezone Review DPE Criteria	Affected Area	
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes		
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).		

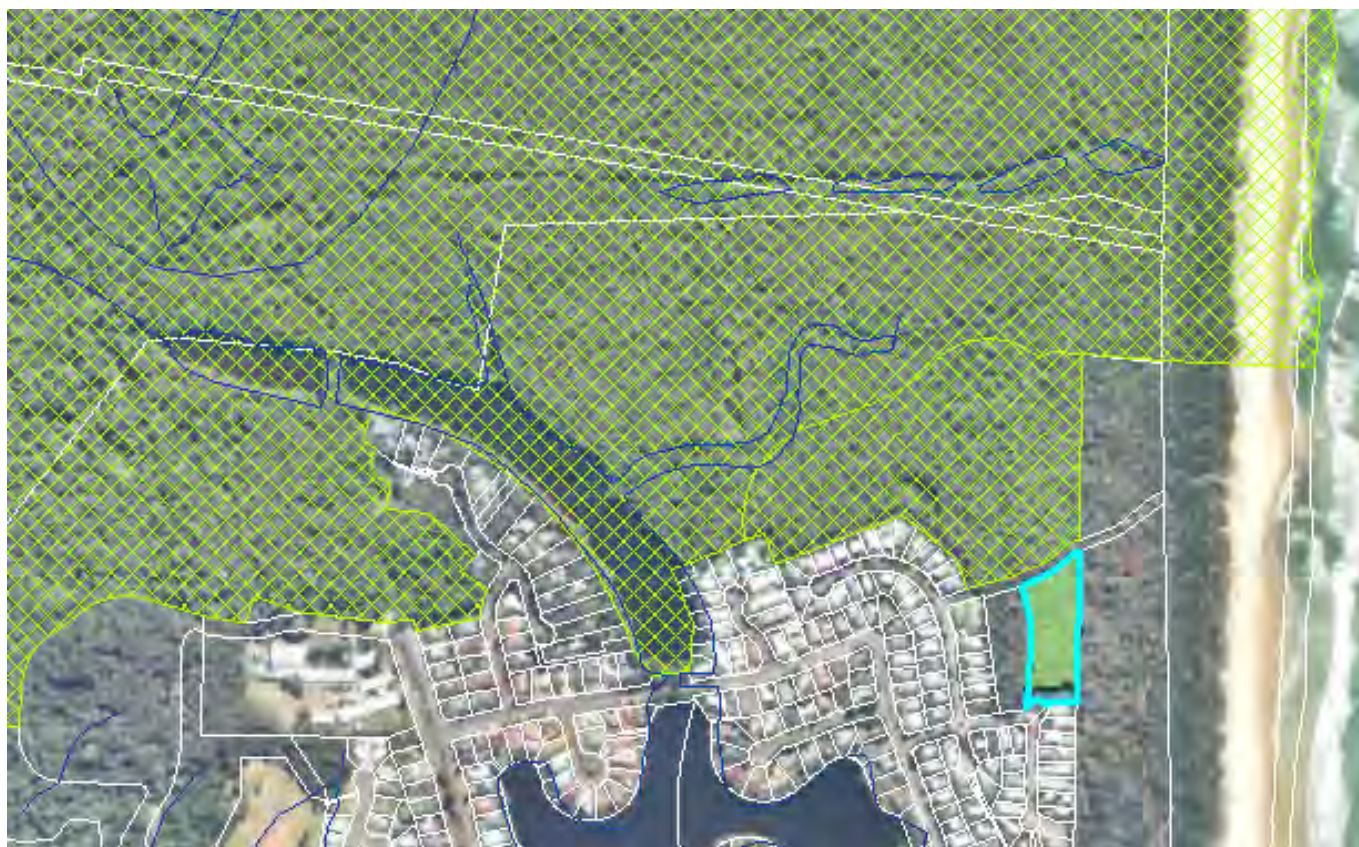
Additional notes:


A VMP was approved by Council in June 2019 to restore, enhance and preserve the native vegetation plant communities at Lot 19 (ie. PN 227280). Implementation of the VMP was a condition of DA 10.2018.252.1.

The original submission from a Planning Consultant was accepted by Council (ie. R2 zone in bushfire APZ). An updated submission during Planning Proposal 3 consultation requested different zoning (E3).


Landscape Connectivity:


The proposed E2 area on this property is part of a forested wildlife corridor connecting to the Billinudgel Nature Reserve. Parcel to the west is owned by Byron Shire Council and will be considered as part of Planning Proposal 4.




 National Park Estate

Proposed Zone

 E2

 E3

 R2



 RU2

9. 195 New Brighton Rd Ocean Shores PN 59650

Site Visit:	Not required.
Current zoning:	7k Habitat
Current landuse:	House and garden.
Area of Proposed Ezone:	E3 – 1, 241 sqm
Vegetation Types in Proposed EZone:	Nil
Private Native Forestry Agreement:	No



Proposed Zone

	E2
	E3
	RU2

Changes to original mapping:

The parcel was originally zoned E2 but changed to E3 to reflect the lack of vegetation, residential living and adjoining National Park (on all 3 sides).

Consultation with Owner:

Email conversations with owner after initial submission in 2017. Notified of public exhibition for PP3 March 2021 and new submissions received. Meeting at Council and phone conversation.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Owner requests R2 zone as has been a residential property since before the 1960s.	Disagree for the following reasons: <ul style="list-style-type: none">○ The site does not form part of a contiguous urban residential area, so cannot be zoned R2; and○ future flood hazard for this site is a mix of 'intermediate/high' hazard and any zone that allows further intensification of development is not supported.
Prior to the Byron Shire Council LEP 1988 the property was still zoned 1 (a).	7k zoning has been in place since 1988.
7 (k) Habitat in the Byron LEP 1988 is not appropriate.	Surrounded by high environmental value vegetation and National Park. Not suitable for residential or rural zoning.
Similar neighbouring properties do not have Ezone.	Similar properties with 7k zoning have been zoned E2 or E3.

Reasons for E3 zoning:

Currently 7k zoning and surrounded by E1 (National Park) zone.

Small parcel that is part of a wildlife corridor.

Additional notes:


The future flood hazard for this site is a mix of 'intermediate/high' hazard and any zone that allows further intensification of development is not supported.

Consistent with other similar blocks of this type.

Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor connecting Billinudgel Nature Reserve and the Marshall Creek Nature Reserve.




 National Park Estate

Proposed Zone

 E2

 E3

 R2

 RU2

10. 163 Tandys Lane Brunswick Heads PN 89320

Site Visit:	Offered once, but no response received.
Current zoning:	1D/RU2
Current landuse:	Rural living (based on 2021 aerial photography). Includes house and gardens. No agricultural activities.
Area of Proposed Ezone:	E2 – 15,244 sqm
Vegetation Types in Proposed E2:	Paperbark-Rainforest (15,243 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

After reviewing aerial photography and vegetation mapping, 17, 557sqm (1.75ha) of E2 zone was removed.

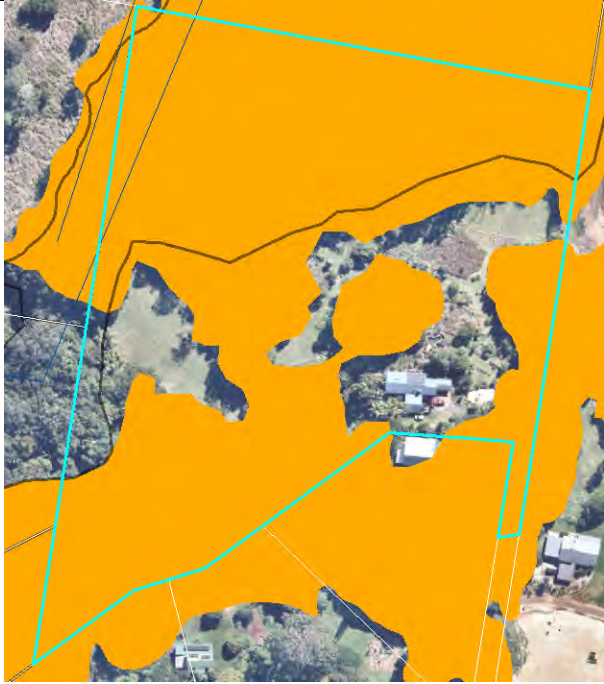

Consultation with Owner:

Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021. Multiple emails sent to owner inviting discussion or site visit.

Owner's reasons for not agreeing and Council's response:

Objects to zoning but no reasons given.

Reasons for E2 zoning:

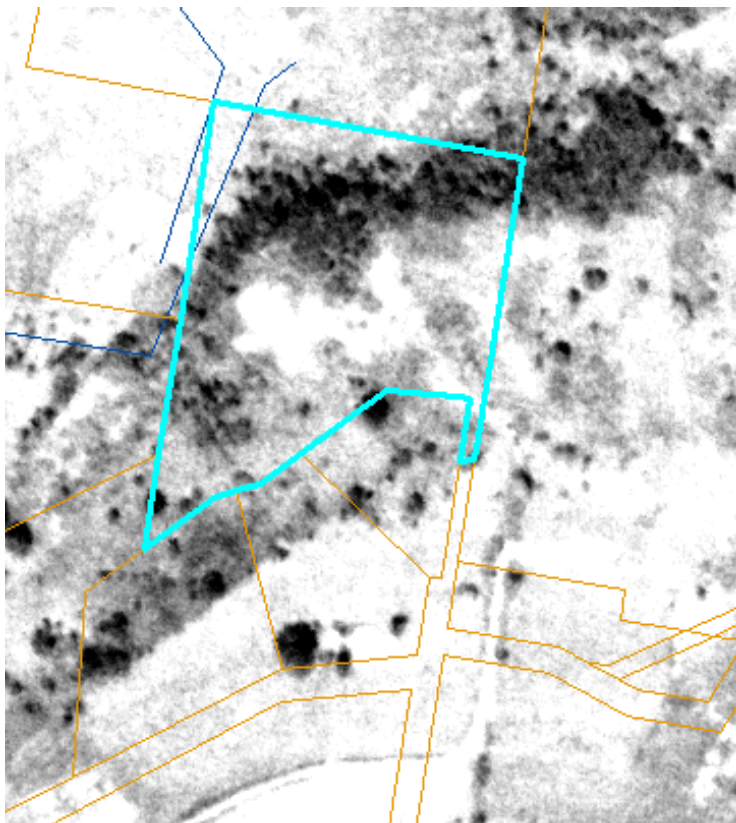
Northern Councils Ezone Review DPE Criteria	Affected Area	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none">• Swamp sclerophyll forest on coastal floodplains• Lowland Rainforest		
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>		

Northern Councils Ezone Review DPE Criteria	Affected Area	
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes.		
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).		

Additional notes:

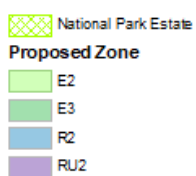
The connectivity to surrounding Paperbark Swamp forest with Koala habitat and EEC status are fundamental to this part of the property (previously 1D- scientific investigation) being zoned E2. As low lying and wet features of the Paperbark Swamp forest severely limit future opportunities for non-environmental land uses, E2 is best zoning.

Historic aerial photography from 1966 shows forested areas on the property.



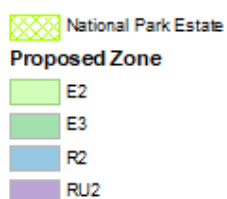
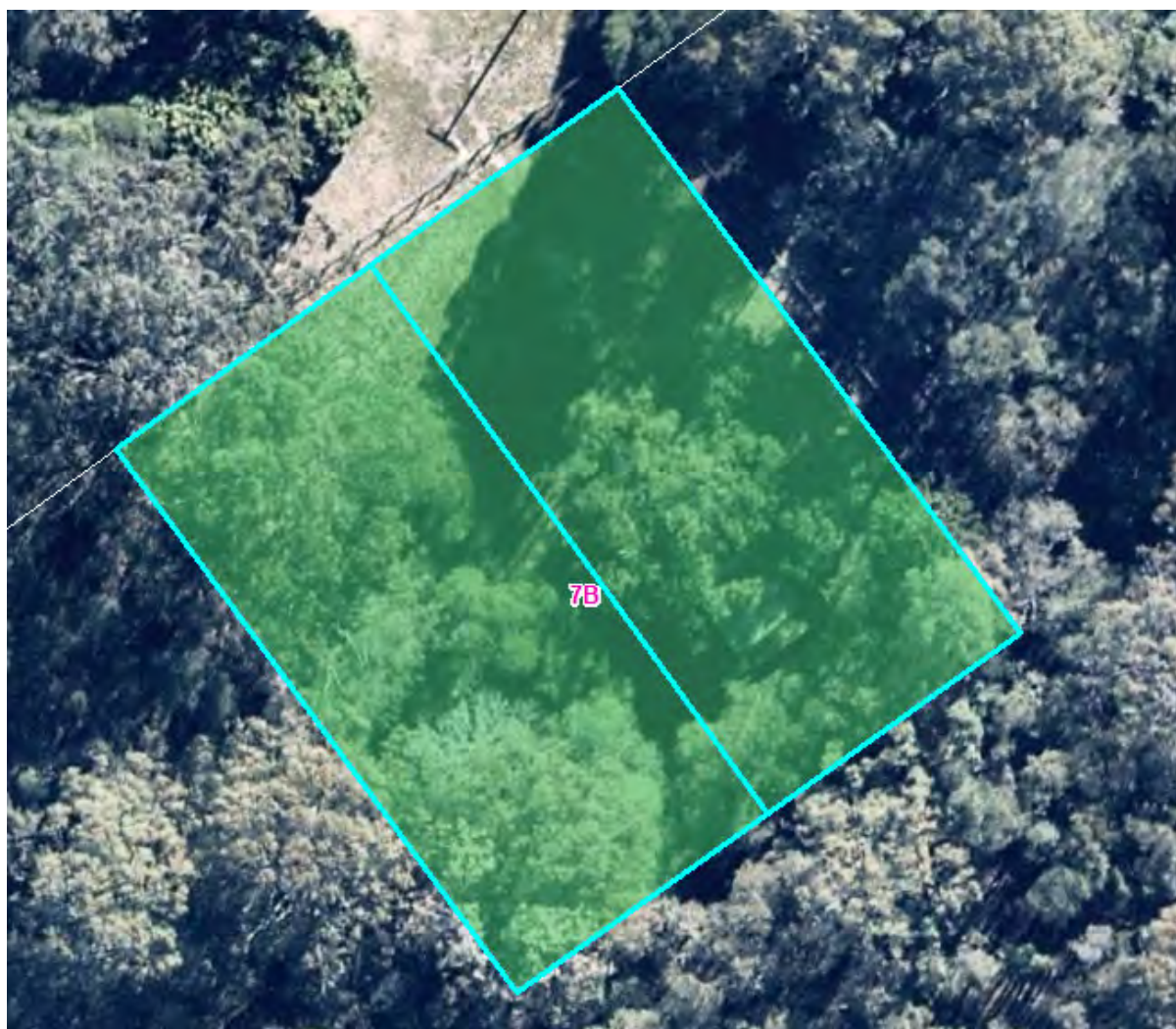
Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor extending west from the Tyagarah Nature Reserve.



11. Riverside Cr Brunswick Heads PN 77270 and 134720

Site Visit:	Yes. Dec 2018.
Current zoning:	7b Coastal Habitat
Current landuse:	No dwelling or residential landuse, No agricultural landuse. Access via Crown land along river, land within 26 m of Brunswick River and Cape Byron Marine Park.
Area of Proposed Ezone:	E3 – 1, 438 sqm
Vegetation Types in Proposed E2:	Forest Red Gum (502 sqm) Cleared/exotics (936 sqm)
Private Native Forestry Agreement:	No



Changes to original mapping:

After a site visit by Council's Ecologist, the original E2 zoning was changed to E3 as limited native vegetation didn't meet E2 criteria; however close proximity (<40m) to Cape Byron Marine Park (Brunswick River) means E3 is better zoning as technically part of riparian zone (criteria 1, Table 2 (Northern Councils E Zone review)).

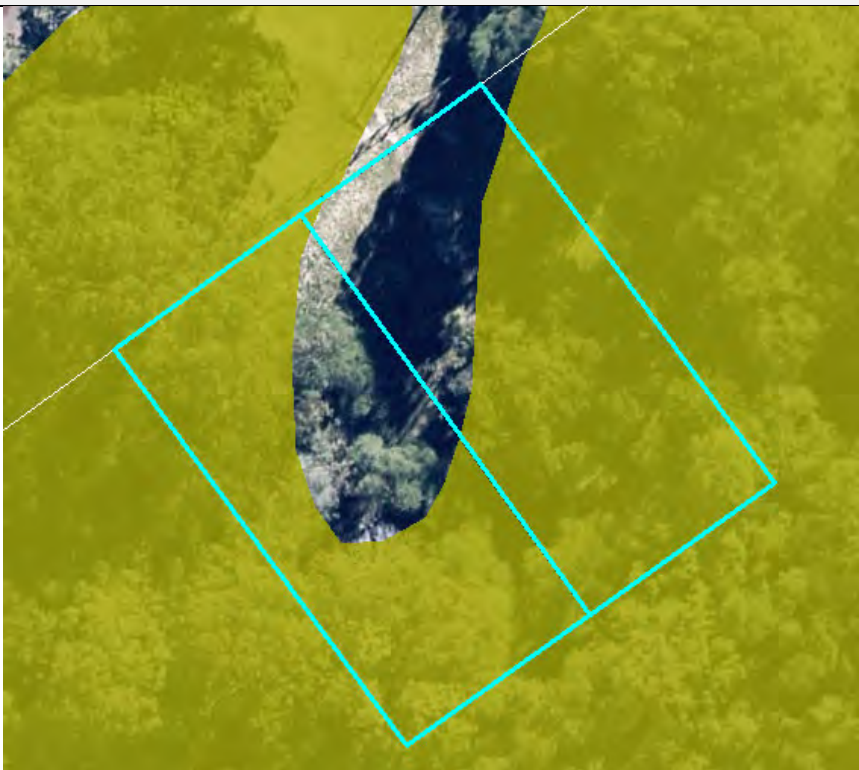
Consultation with Owner:



Letter sent October 2017, March 2018 and May 2019. Multiple email exchanges and phone conversations between owner and Council, including a site visit. Notified of public exhibition for PP3 March 2021. Submission from Planning consultant.



Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Vegetation not all native.	Agree. From aerial photos it appears that native vegetation has been removed/ kept cleared since 2000. Forest Red Gum (<i>Eucalyptus tereticornis</i>) and grassed understorey on southeast boundary.
Does not meet the criteria listed in Tables 1 and 2 of the final recommendations report for the Northern Council's E Zone Review.	Meets criteria (Table 2) for E3 Riparian and estuarine vegetation and wetlands.
The land is not mapped as being coastal wetlands nor is it mapped under the Biodiversity Values Map.	Properties are within 40m of the Brunswick River, Cape Byron Marine Park and flood affected.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as Preferred Koala Habitat.</p>	
<p>Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	
<p>Riparian and estuarine vegetation and wetlands. Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands. Waterfront land is defined under the NSW Water Management Act 2000 as the bed of any river, lake or estuary and any land within 40 metres of the river banks, lake shore or estuary mean high water mark.</p>	

Additional notes:

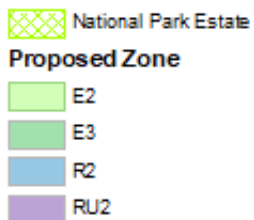
No dwelling entitlement.

Submission lodged by Arakwal people (Registered Native Title Body Corporate) supporting E2 zoning.

Surrounded by High Environmental Value vegetation Crown Land which will likely be zoned E2 in Planning Proposal 4.

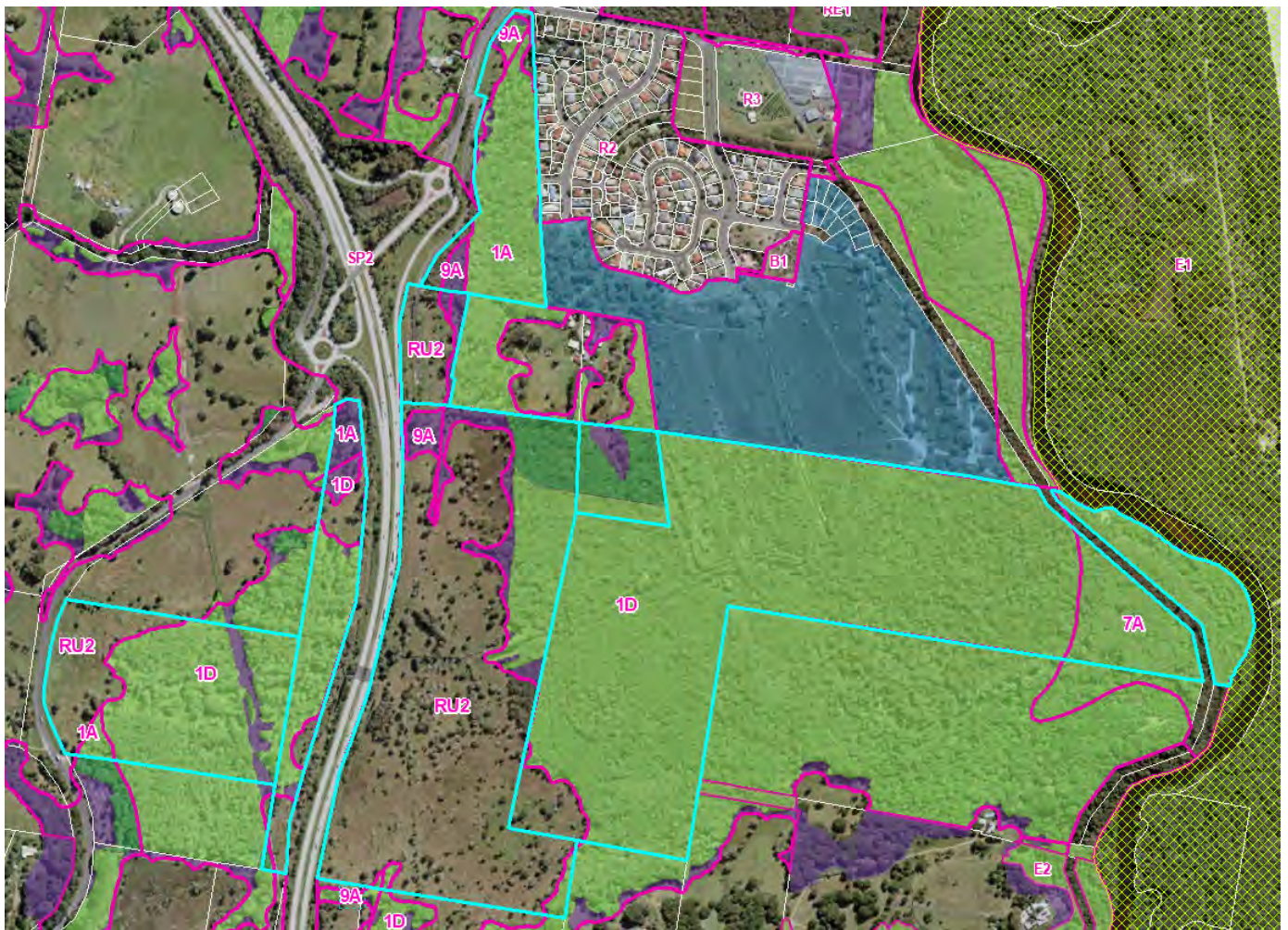
Landscape Connectivity:


The E3 on this property is part of a forested wildlife corridor from Brunswick Heads, west along the Brunswick River.



12. Gulgan Road & Pacific Hwy Brunswick Heads PN 151720, 141850, 141960, 224530, 224560 & 231800

Site Visit:	2 site visits by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	1A/1D/7A – Wetlands Zone/9A/RU2.
Current landuse:	Cattle grazing on PN 151720, 224560, 224530. Other parcels largely vegetated. Currently no dwelling constructed on any parcels, but most have a dwelling entitlement.
Area of Proposed Ezones:	E3 – 14, 393 sqm / E2 – 615, 628 sqm (61.5ha)
Vegetation Types in Proposed E2/E3:	Paperbark (155, 894 sqm) Forest Red Gum-Paperbark+Rainforest (14, 876 sqm) Paperbark-Black Sheoak-Swamp Mahogany (72, 950 sqm) Paperbark – Rainforest (13, 015 sqm) Paperbark-Willow Bottlebrush (1, 089 sqm) Rainforest (4, 966 sqm) Rainforest-Paperbark (17, 085 sqm) Scribbly Gum (76, 007 sqm) Scribbly Gum-Swamp Mahogany (41, 406 sqm) Scribbly Gum-Swamp Mahogany-Wallum Banksia (14, 736 sqm) Scribbly Gum+Rainforest (16, 843 sqm) Swamp Mahogany-Scribbly Gum (55, 426 sqm) Wallum Banksia-Scribbly Gum (141, 190 sqm) Mangrove (19, 741sqm)
Private Native Forestry Agreement:	No



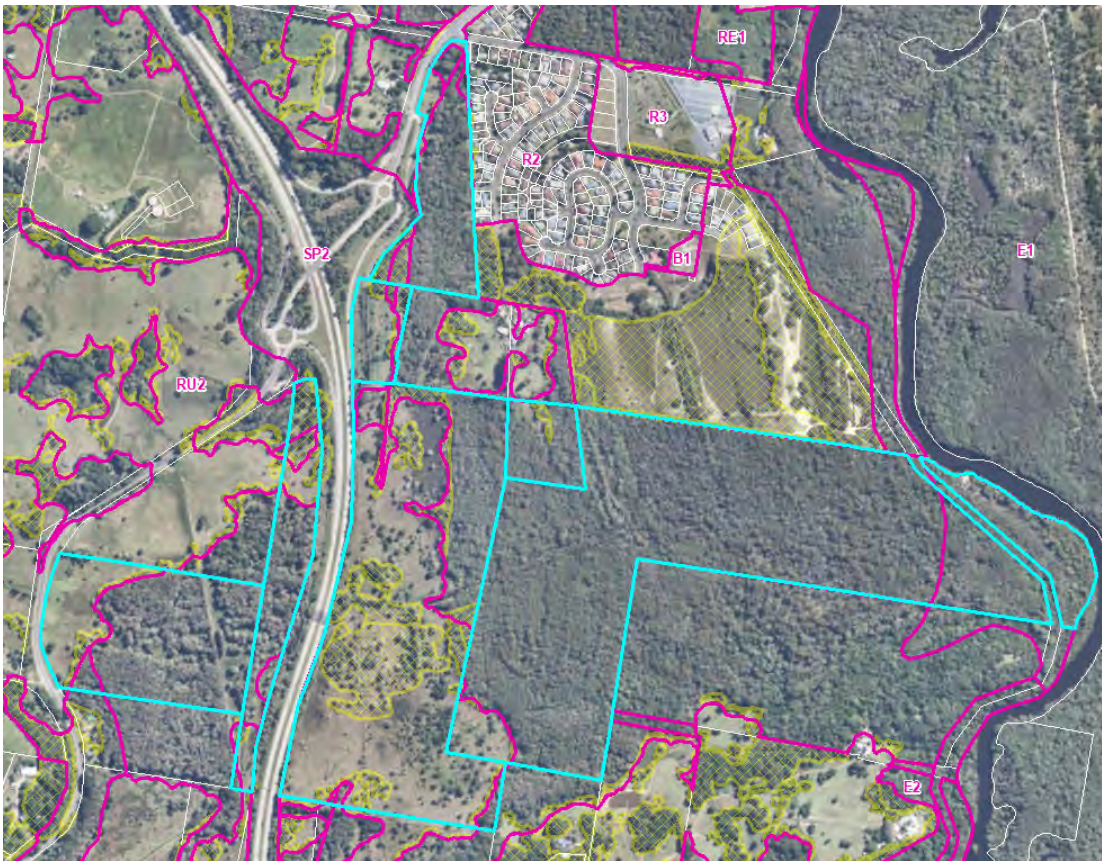
 National Park Estate

Proposed Zone

-  E2
-  E3
-  R2
-  RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 97 747 sqm (9.7ha) of E2 zone removed and 28, 418 sqm (2.8ha) changed from E2 to E3.



Removed EZone

Consultation with Owner:

Letter sent October 2017, March 2018. Meeting January 2019 with landowner and daughter. Phone meetings by ecologist with consultant Peter Dobson consultant Nov 20-19 and April 2020. Notified of public exhibition for PP3 March 2021. Multiple emails exchanges.

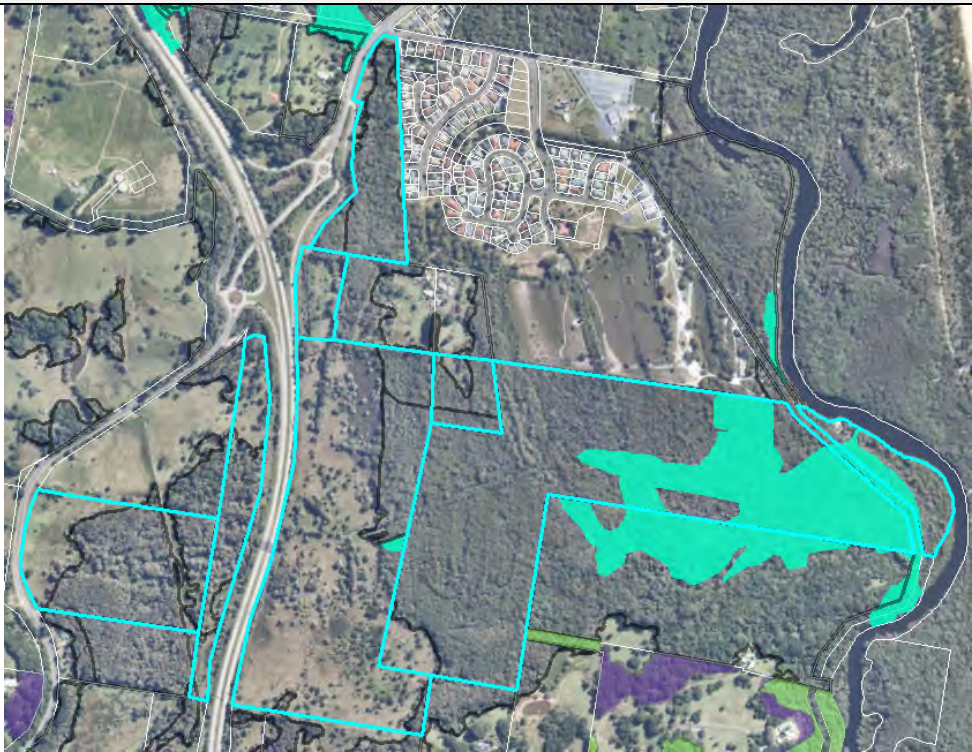
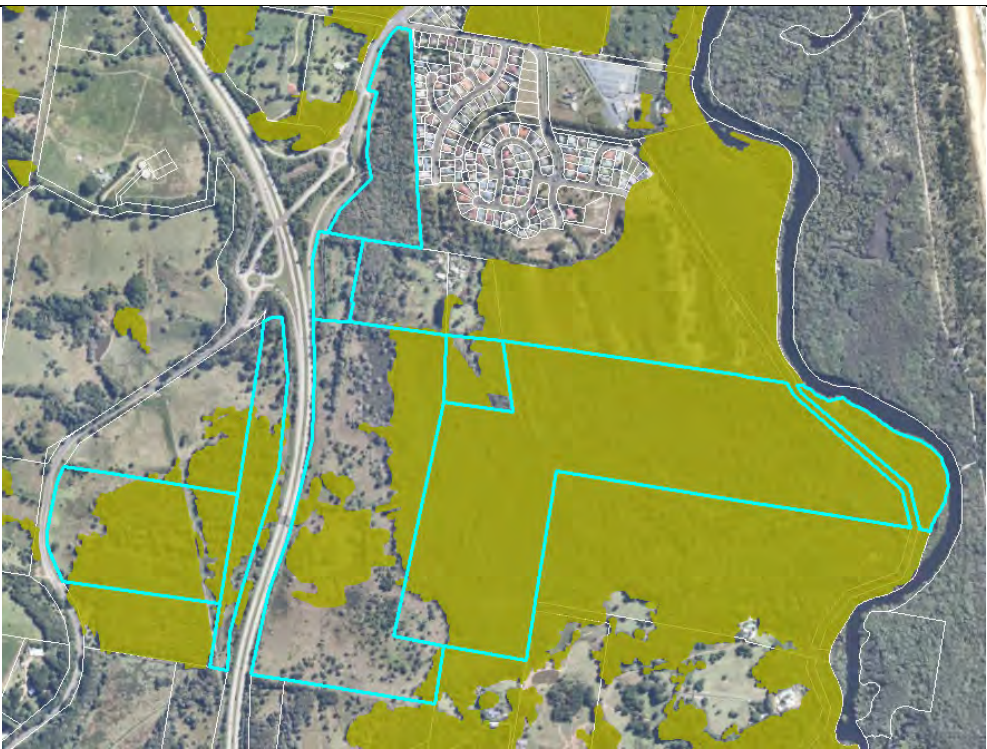
Owner reasons for not agreeing (see map below for lot references):

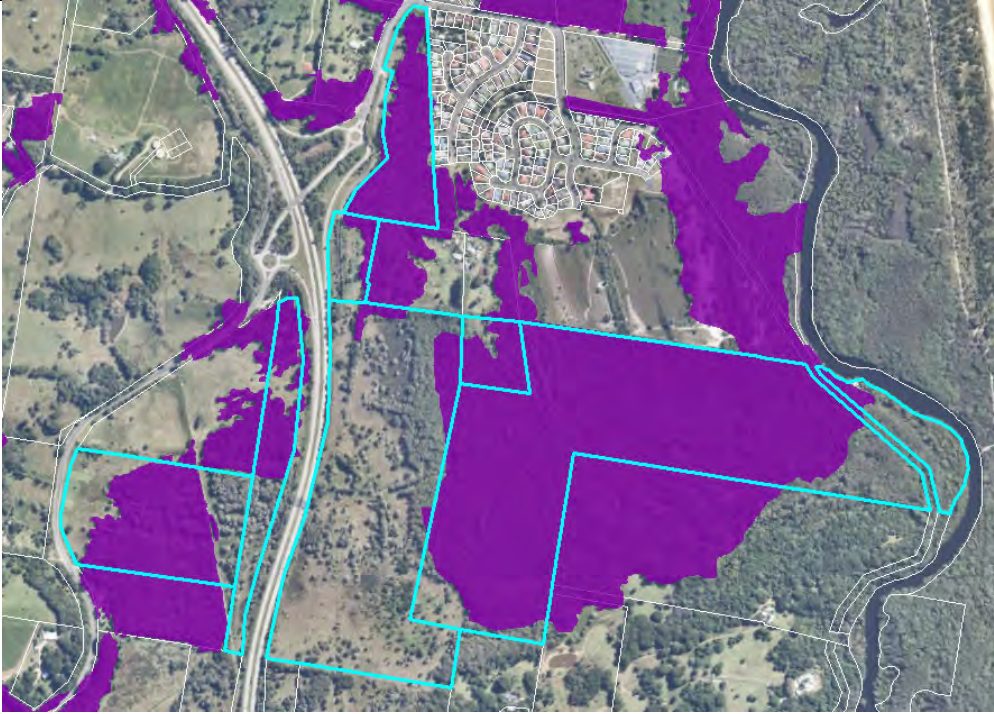
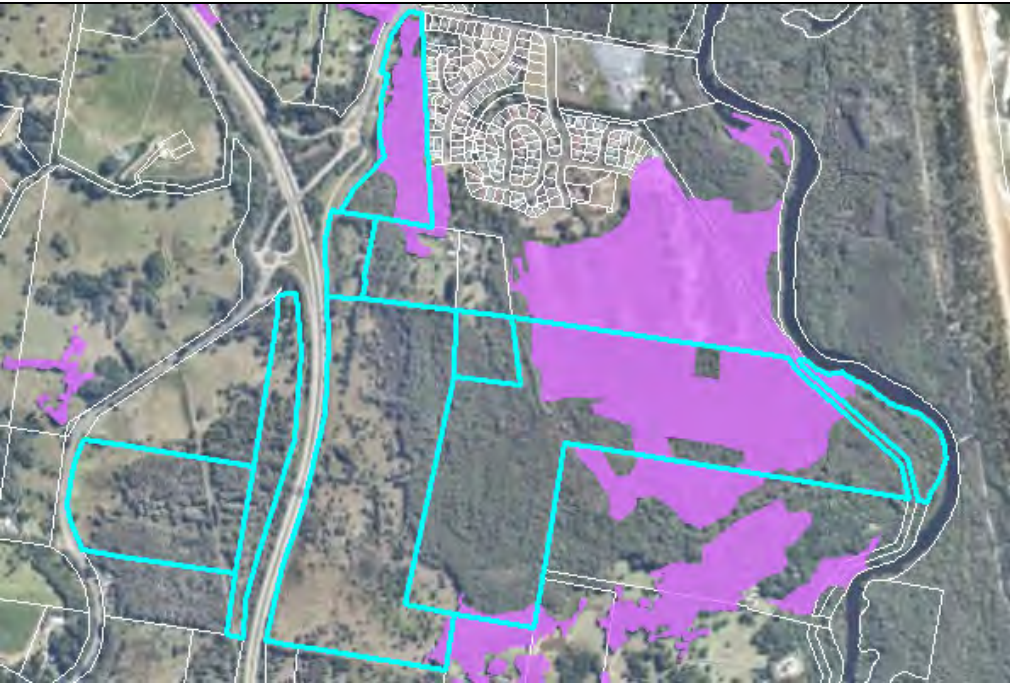


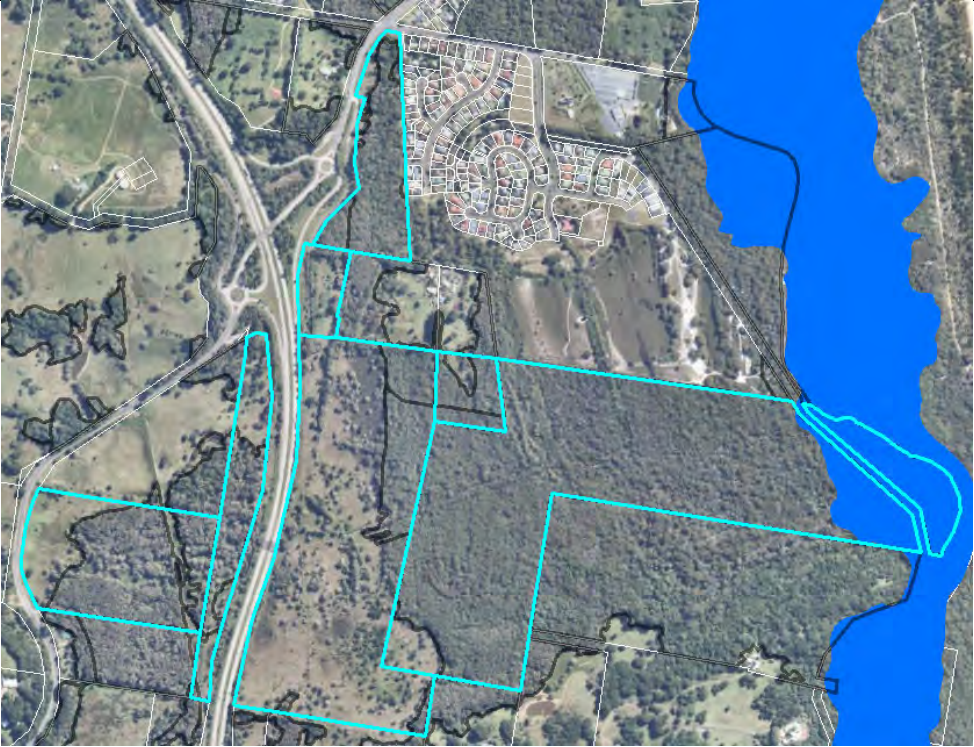
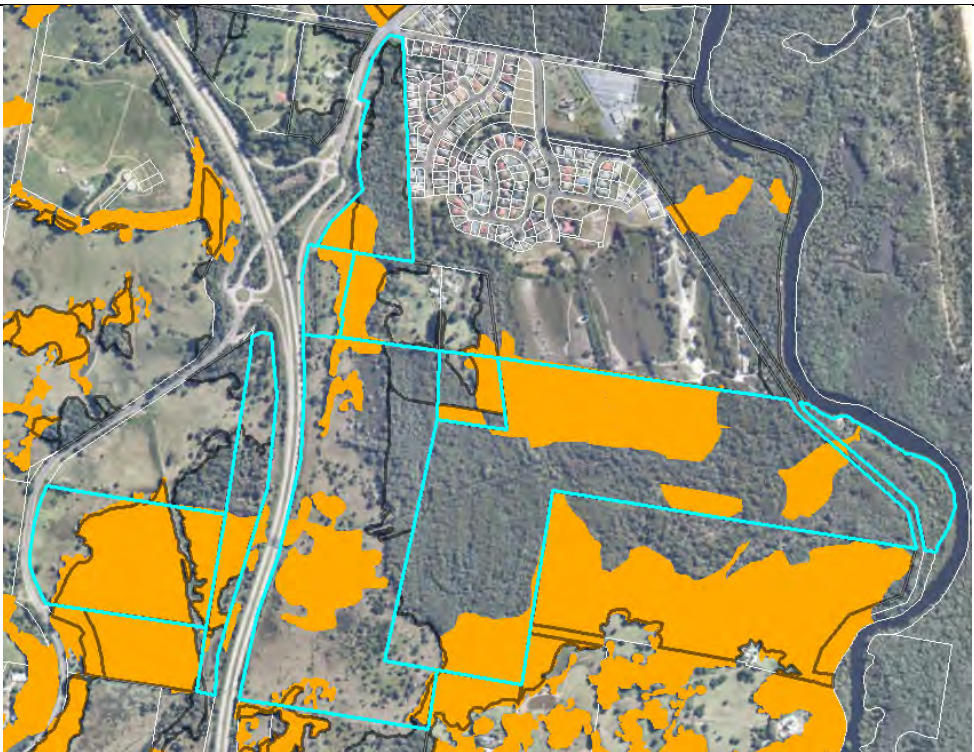
Reason	Council response
Primary Use of Land has not been verified and given the proximity of the Key Lands to established and planned urban development and infrastructure, their primary use is not "environmental conservation".	Primary land use can vary across the site. E2 Environmental Conservation is justified if areas contain vegetation that meets one or more E2 zone criteria (see below) and unsuitable for other land uses due to significant flooding and/or bushfire constraints. Current and historic aerial photography confirms the primary land use of some areas as being 'environmental'.
The environmental criteria required for an E2 zoning are not present across the Site.	Refer to reasons for E2 Zone below.
<p><u>Lot 4</u> – A Crown road bisects the land to the east and an easement for maintenance access and drainage has been granted for the intended purpose of facilitating residential development of land given a Part 3A Concept Plan Approval. The Client has granted an easement for maintenance access and drainage purposes. It is consistent with the Part 3A Concept Plan Approval. The easement, including a maintenance access track, is 30m wide until it reaches Everitts Creek. It then becomes 50m wide along the course of Everitts Creek until its confluence with Simpsons Creek. Illegal campers that forge tracks is a recurring issue on Lot 4. The Bayside Brunswick Estate Masterplan under Council's adopted Development Control Plan shows a possible collector road which would bisect Lot 4. The land has an urban edge and adjoins an area identified by the NCRP as 'Urban Growth Area'.</p>	<ul style="list-style-type: none"> • The easement for drainage is no longer applicable because DA for the subdivision to the north was withdrawn in August 2021. An updated DA (10.2021.575.1) has been lodged for Bayside Brunswick and does not rely on using drainage easement on this land for future stormwater management. • Illegal camping is a compliance matter and not relevant to applying LEP zones. • The updated DA (10.2021.575.1) lodged for Bayside Brunswick does not propose a collector road that bisects Lot 4. • The NRCP has been superseded by more comprehensive land suitability assessment undertaken for both the ezone review and draft residential strategy processes. The above assessments have determined that the site has no future residential development potential, other than a dwelling house in the far southwestern corner (currently zoned RU2).
<p><u>Lot 11</u> - includes land clearing and disturbance near the north western boundary. It is 'sandwiched' between established residential development and road infrastructure. Lot is located within the Bayside Brunswick Estate Masterplan under Council's adopted Development Control Plan which details indicative access road extension shown from estate, including notation, stating 'assessment of suitability and extent of residential rezoning following finalising of Brunswick Heads by-pass design'. Lot 11 has an urban edge and adjoins an area identified by the NCRP as 'Urban Growth Area'</p>	<ul style="list-style-type: none"> • Site contains threatened fauna habitat with local recent sightings of koalas. • Further investigation has listed the vegetation community as Coastal Swamp Forest, recently remapped by BCD (formerly OEH). • The cleared areas of RU2 zoning in northwest and southwest are sufficient for a dwelling. • Bayside Brunswick Estate Masterplan under Council's adopted Development Control Plan which details indicative access road extension shown from estate. Alex? • The NRCP has been superseded by more comprehensive land suitability assessment undertaken for both the ezone review and draft residential strategy processes. The above assessments have determined that the site has no future residential development potential, other than a dwelling house in the far northwestern corner (currently zoned RU2).
<p><u>Lot 2</u> - The northern portion of the lot has been cleared. The lot adjoins lands to the north that have also been cleared. Lot 2 has an interface to the Part 3A Concept Plan Approval. Lot 2 has an urban edge and adjoins an area identified by the NCRP as 'Urban Growth Area'.</p>	<p>An RU2 zone is proposed for the cleared area and the area adjacent to the urban edge has been zoned E3 to allow for flexible landuses and reflect vegetation types.</p>

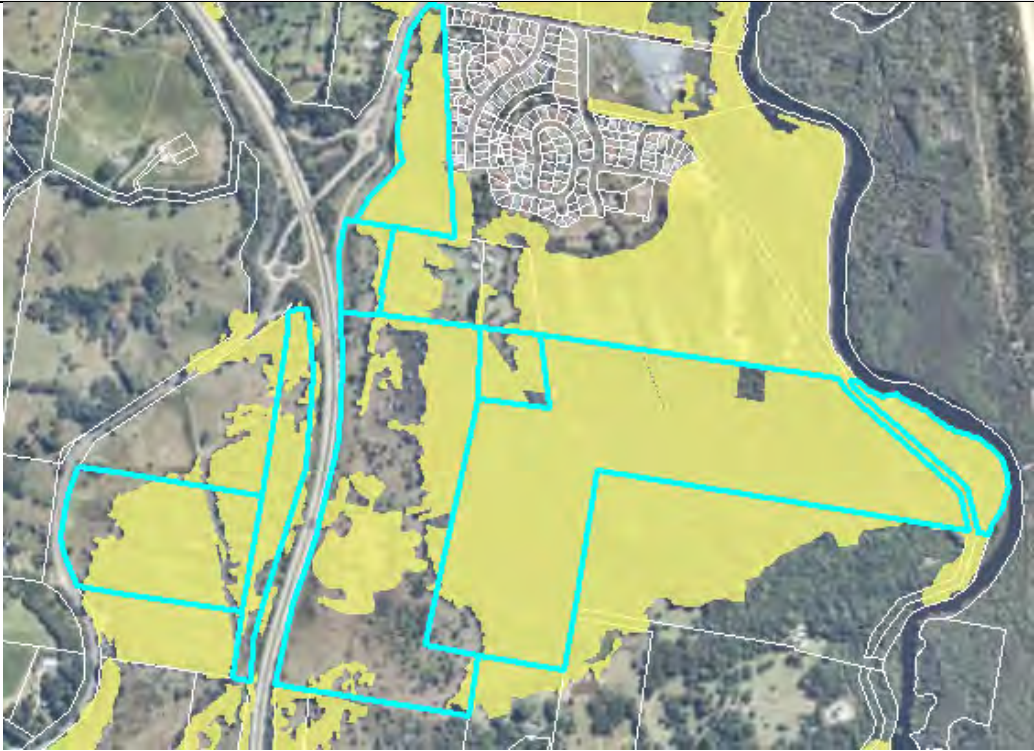
<u>Reason</u>	<u>Council response</u>
<u>Lot 14</u> - The lot has predominately been cleared and rezoned rural under LEP2014.	Noted. Cleared and disturbed areas have been zoned RU2.
The current and planned urban uses surrounding the Key Lands have the potential to impact and alter their environmental qualities. Such impacts will include but not limited to, runoff, erosion, drainage infrastructure, water storage and quality, weed disbursement, rubbish dumping, illegal parking and storage of equipment, clearing and slashing of overhanging vegetation and APZs and the keeping of domestic pets.	The proposed zoning is based on existing environmental values and current landuse. Impacts from future surrounding land uses will need to be appropriately managed through the DA assessment process.
Proximity to Residential Development – sites adjoin the established residential stages of the Bayside Brunswick estate and the land the subject of a Part 3A Concept Plan Approval.	The NRCP has been superseded by more comprehensive land suitability assessment undertaken for both the ezone review and draft residential strategy processes. The above assessments have determined that the site has no future residential development potential, other than a dwelling house/dual occupancy in the RU2 zone of each parcel (subject to development consent).
Development Application DA10.2020.24.1 (DA) is associated with the Part 3A Concept Plan Approval. It is being assessed by Council. The DA is for a subdivision to create 145 residential lots, 1 medium density lot, 2 lifestyle lots, 2 public reserve lots, associated roads and other infrastructure over 7 Stages.	This DA was withdrawn in August 2021. An updated DA (10.2021.575.1) has been lodged for Bayside Brunswick that seeks to deliver much better environmental planning outcomes.
The land adjoining Lot 4 and Lot 11 is shown as an 'Urban Growth Area' for the Byron Local Government Area in the NRCP. Although the Key Lands are not inside the identified 'Urban Growth Area', the NCRP is subject to a five-yearly review, or as necessary, to update and revise the strategies. The Byron Draft Residential Strategy (DRS) only provides for the minimum dwelling requirement. The Key Lands, in the medium to long-term, could be considered to be a potential 'Urban Growth Area' variant under the NCRP, given locational benefits and access to services and infrastructure.	The NRCP has been superseded by more comprehensive land suitability assessment undertaken for both the ezone review and draft residential strategy processes. The above assessments have determined that the site has no future residential development potential, other than a dwelling house/dual occupancy in the RU2 zone of each parcel (subject to development consent).
Each allotment on the Site benefits from a dwelling entitlement under the current planning controls. The negation of such entitlements are prejudicial and not intended by the rezoning program. The Review should not sterilise lands nor remove current land use entitlements.	The Planning Proposal does not impact on the existing dwelling entitlements. Each of the parcels contains a portion of RU2 zone where a dwelling/dual occupancy can be built.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.</p>	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as preferred koala habitat.</p>	 <p>This aerial map displays a section of a river and an adjacent road. The area between the river and the road is predominantly covered by purple-shaded regions, which represent Key Threatened Species Habitat. Several large, irregularly shaped areas are outlined in cyan, indicating Preferred Koala Habitat. The surrounding landscape includes green fields, some residential development, and dense forested areas.</p>
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	 <p>This aerial map shows the same geographical area as the top map, but with a different mapping of threatened species habitat. The purple-shaded regions, representing Key Threatened Species Habitat, are more extensive and cover a larger area, particularly along the riverbank and in the central part of the map. The cyan-outlined areas, representing Preferred Koala Habitat, remain in the same locations as in the top map. The background features are consistent with the top map, including the river, road, and surrounding land use.</p>



Northern Councils Ezone Review DPE Criteria	Affected Area
SEPP 14 (Coastal Wetlands).	 <p>An aerial photograph of a coastal area. A large, irregularly shaped area of land is outlined with a thick cyan line. This area is primarily composed of dark, dense vegetation, likely wetlands. To the right of this area is a body of water, colored solid blue. To the left and top of the cyan-outlined area are residential developments with houses and roads. A road or railway line runs vertically through the left side of the cyan area.</p>
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	 <p>The same aerial photograph as above, but with different highlighting. The cyan-outlined area is still present. Additionally, several other areas of land are highlighted in solid orange. These orange areas are scattered around the cyan-outlined area, particularly to the left and bottom. They appear to be patches of forest or wetland. The blue body of water and the residential areas remain visible.</p>

Northern Councils Ezone Review DPE Criteria	Affected Area
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes	

Additional notes:

The adjacent property to the north (Bayside Brunswick) is likely to have additional E2/E3 zoning included in Planning Proposal 4 (pending outcome of the current DA – 10.2021.575.1).


Analysis of historic and current aerial photographs shows the vegetation of heathland has been present since the 1960s in key areas:

1966 Aerial Photograph	2015 Aerial Photograph
	

Landscape Connectivity:

The E2/E3 on this property is contiguous with Tyagarah Nature Reserve in the east and forms part of the coastal habitat corridor.




 National Park Estate

Proposed Zone

 E2

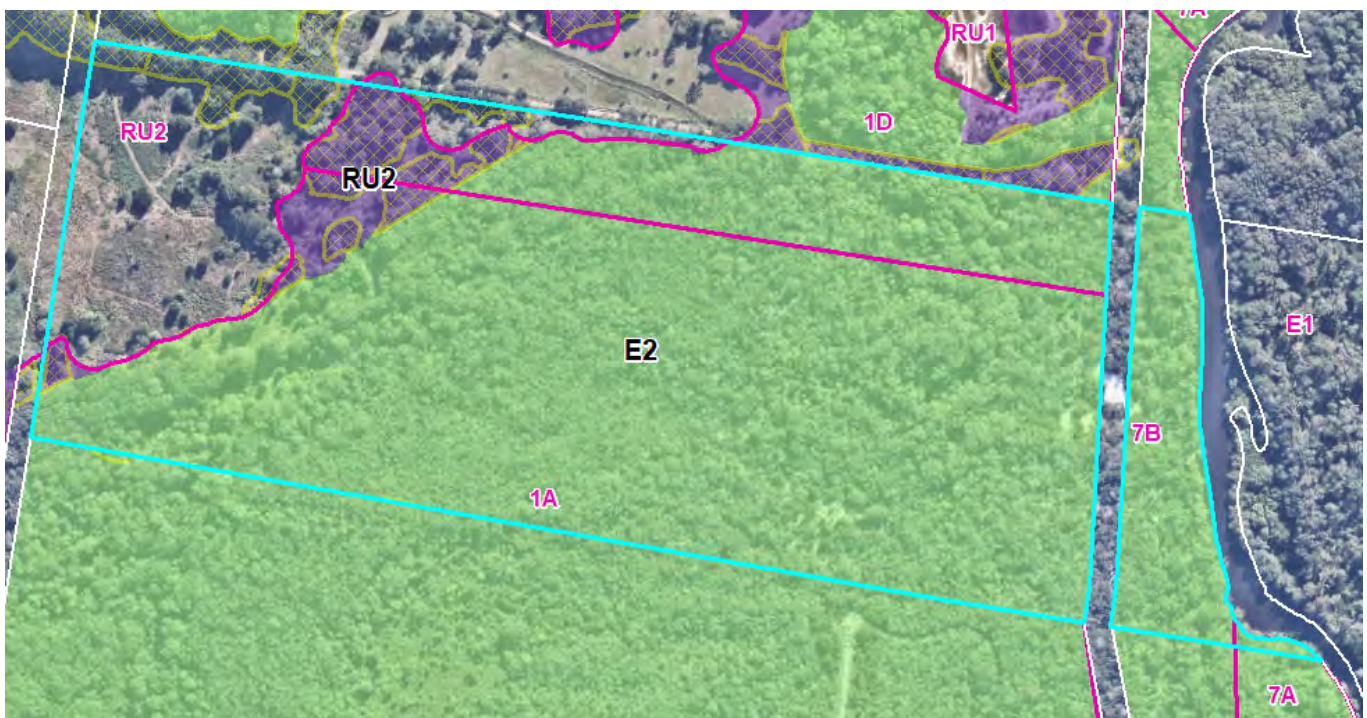
 E3

 R2

 RU2

13. 146 Tandys Lane Tyagarah (PN 89260)

Site Visit:	Offered twice, but no response received.
Current zoning:	1A/RU2/1D/7B – Coastal Habitat Zone/7A – Wetlands Zone.
Current landuse:	Vacant land. No dwelling entitlement.
Area of Proposed Ezone:	E2 – 192,296 sqm (19ha)
Vegetation Types in Proposed E2:	Brush Box on sandplain (3,976 sqm)
	Mangrove (384 sqm)
	Paperbark (8,885 sqm)
	Paperbark-Swamp Box-Swamp Mahogany (35,541 sqm)
	Paperbark-Swamp Mahogany-Swamp Box (21, 371 sqm)
	Paperbark-Swamp Oak (304 sqm)
	Paperbark-Teatree (42,731 sqm)
	Scribbly Gum (34, 513 sqm)
	Scribbly Gum-Swamp Mahogany (37, 124 sqm)
	Swamp Mahogany (4,568 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 12 359 sqm of E2 zone removed.

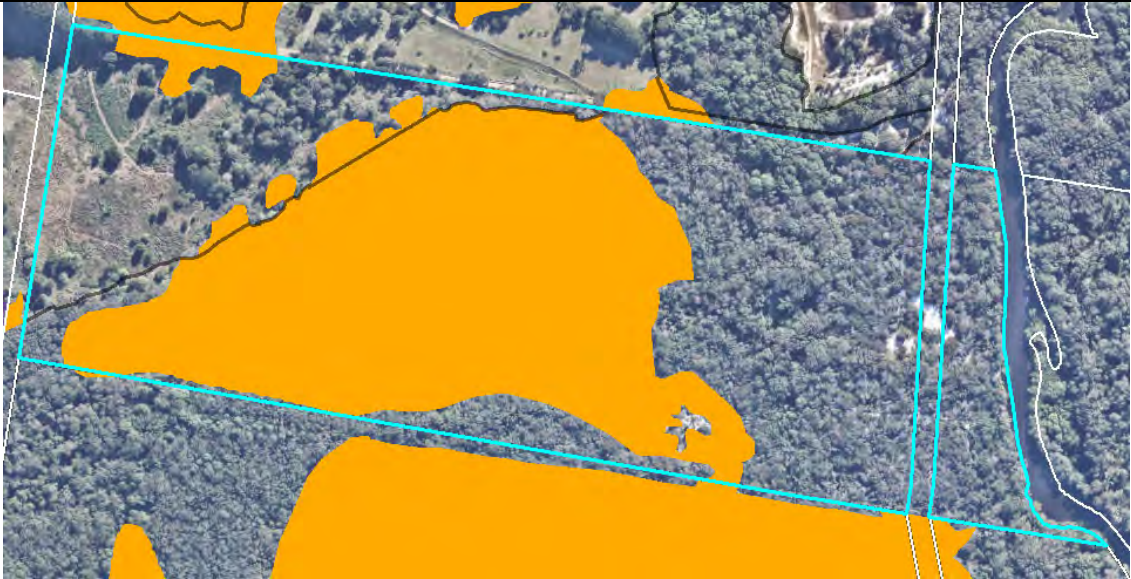
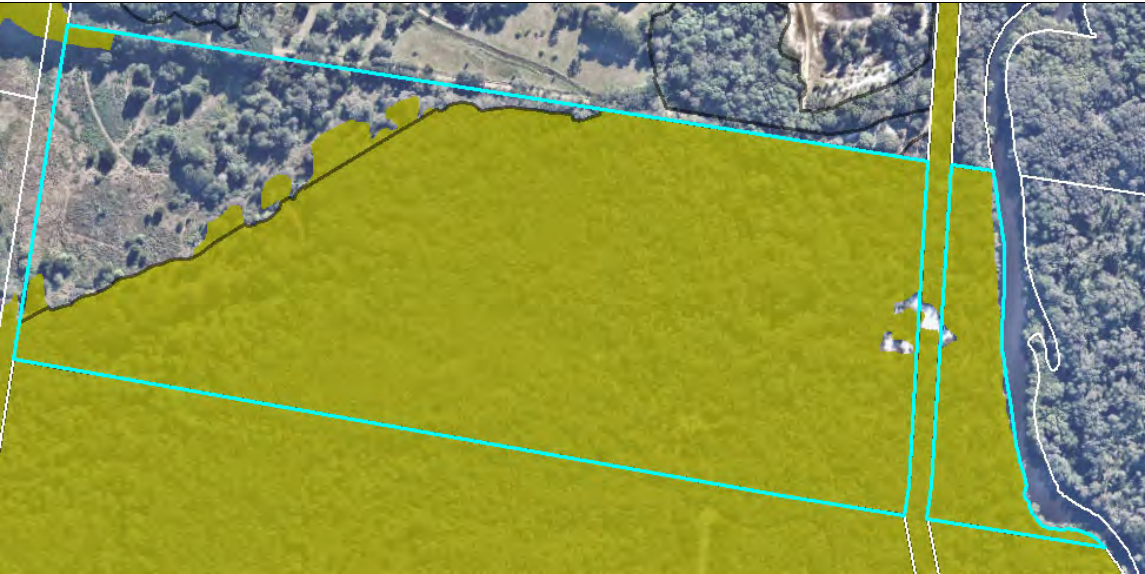
Consultation with Owner:



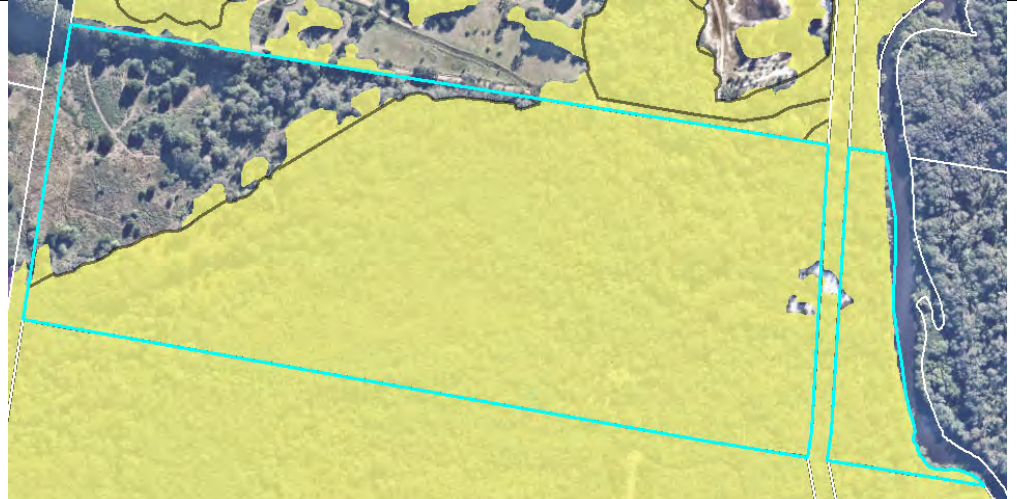
Letter sent October 2017, March 2018 and May 2019. Email and meeting in 2019. Notified of public exhibition for PP3 March 2021. Submission from Planning consultant. No response to Council's offer for meeting or site visit.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Will agree to E2 zone if Council agree to a dwelling entitlement on the parcel.	'Dwelling entitlements' can only be addressed at a strategic (Shire wide) level and therefore site-specific proposals cannot be supported at this point in time.

Reasons for E2 zoning:

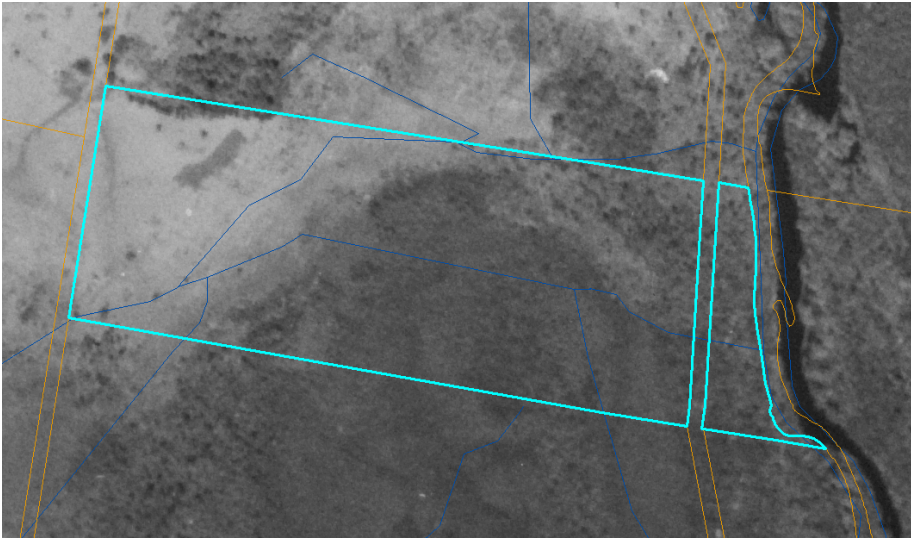
Northern Councils Ezone Review DPE Criteria	Affected Area
Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> <ul style="list-style-type: none">• Swamp sclerophyll forest on coastal floodplains• Lowland Rainforest	
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped a preferred koala habitat.	
SEPP 14 (Coastal Wetlands).	
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes	

Additional notes:

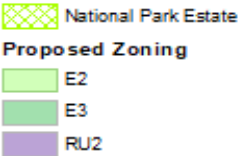
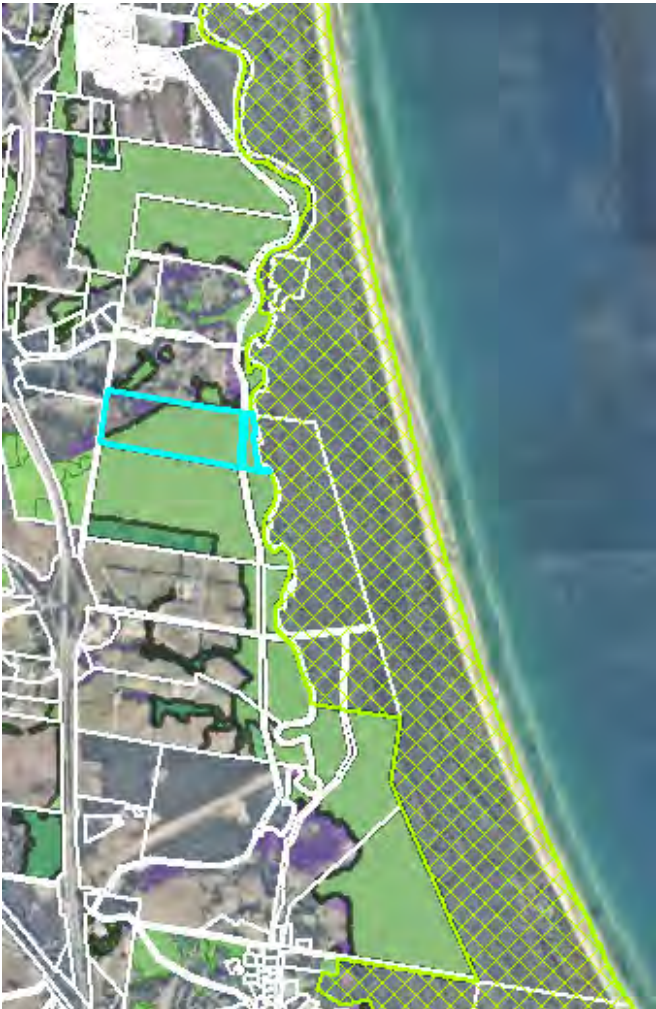
Property currently has no dwelling entitlement.

Historic aerial photography from 1966 shows vegetated areas on the property.



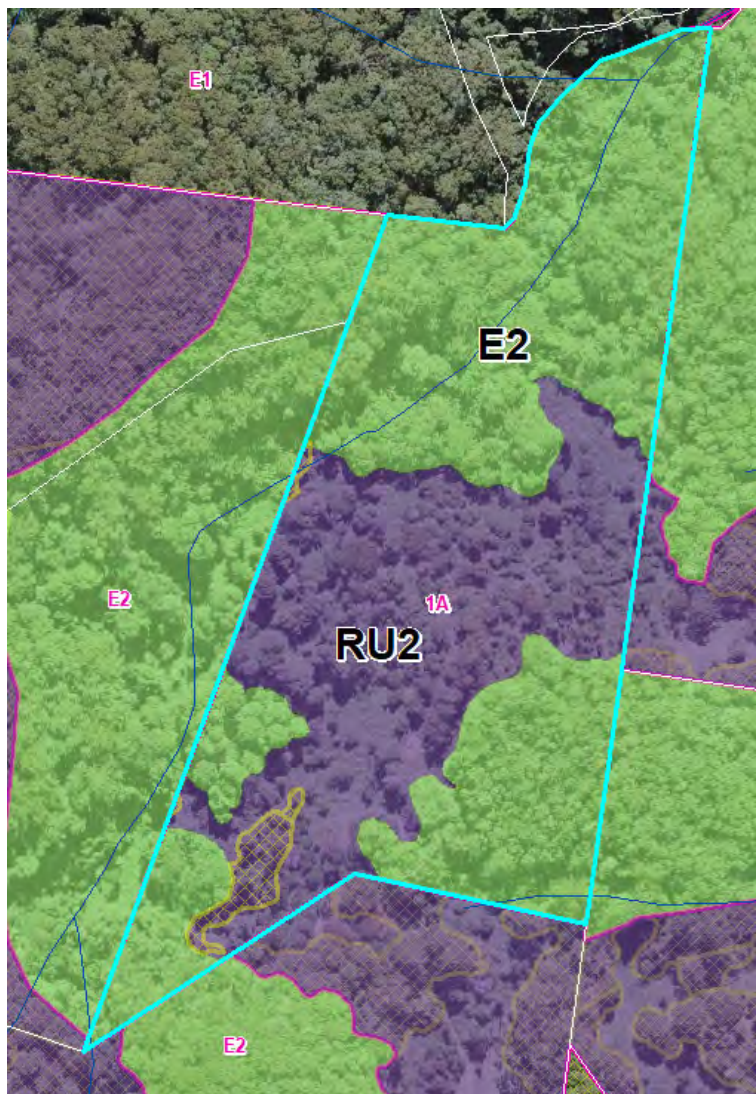
Landscape Connectivity:

The proposed E2 on this property is part of a coastal wildlife corridor running north -south along the coastline, adjacent to Tyagarah Nature reserve.



14. Middle Ridge Rd Upper Main Arm (52460)

Site Visit:	Refused.
Current zoning:	1A
Current landuse:	Aerial photography indicates 'rural living' with no agricultural activities. No dwelling on property.
Area of Proposed Ezone:	E2 – 45, 153 sqm
Vegetation Types in Proposed E2/E3:	Blackbutt (11, 688 sqm)
	Rainforest (1, 566 sqm)
	Brush Box-Mixed Eucalypt (1, 784 sqm)
	Flooded Gum-Brush Box (9,187 sqm)
	Mixed Eucalypt (19,064 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2

E3

RU2

Changes to original mapping:

After reviewing vegetation mapping, 1, 585 sqm of E2 zone removed.


Consultation with Owner:


Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021. Meeting with Council staff September 2021; owner wants no Ezone and no site visit. No formal submission.

Owner reasons for not agreeing:

<u>Reason</u>	<u>Council response</u>
Owner wants no restrictions on landuse.	Ezone areas meet the criteria. Existing use rights are protected.
Trees and other plants are worth a lot of money if sold.	Current landuse isn't horticulture but future potential still available over most of the property. The vegetation is mature trees which could not be "sold".

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 		

Additional notes:

The E2 on this property is connected to Mount Jerusalem National Park.

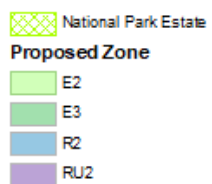
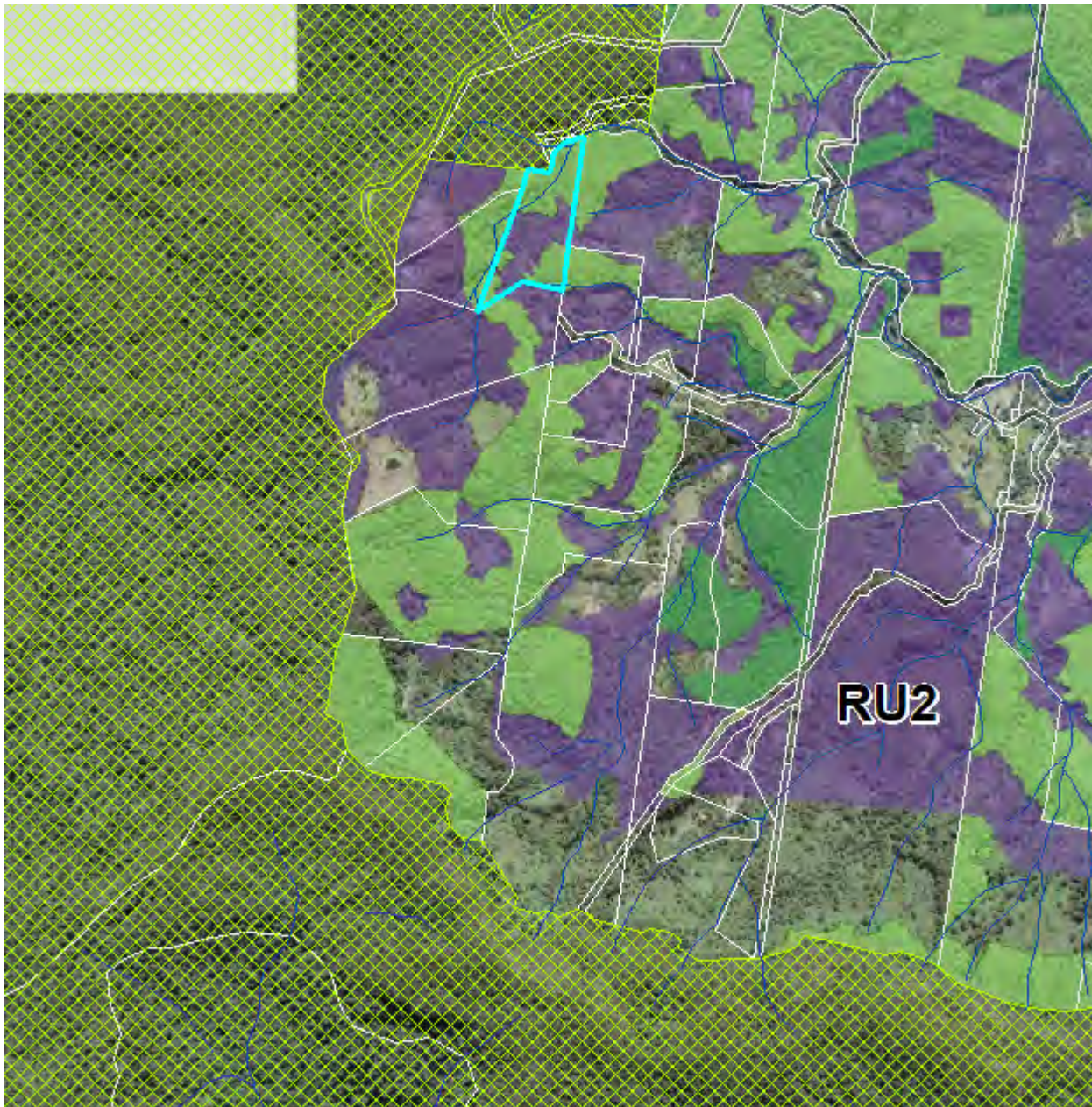
Mature forest >40 years old with Brushbox and Eucalypts forming potential Koala habitat.

Historic aerial photography from 1989 shows vegetated areas on the property.



Landscape Connectivity:

The E2 on this property is connected to Mt Jerusalem National Park.



15. 133B Middle Ridge Rd Upper Main Arm (52500)

Site Visit: Refused.

Current zoning: 1A/7D/RU1.

Current landuse: Aerial photography indicates rural living with no agricultural activities.
Dwelling present.

Area of Proposed Ezone: E2 – 140,967 sqm (14.1ha)

Vegetation Types in Proposed E2/E3: Wattle-Rainforest (172 sqm)
Mixed Eucalypt (107,174 sqm)
Brushbox – Rainforest (33,586 sqm)

Private Native Forestry Agreement: No



Removed EZone

Proposed Zone

E2
E3
RU2

Changes to original mapping:

After reviewing vegetation mapping, 28, 106 sqm of E2 zone removed.


Consultation with Owner:

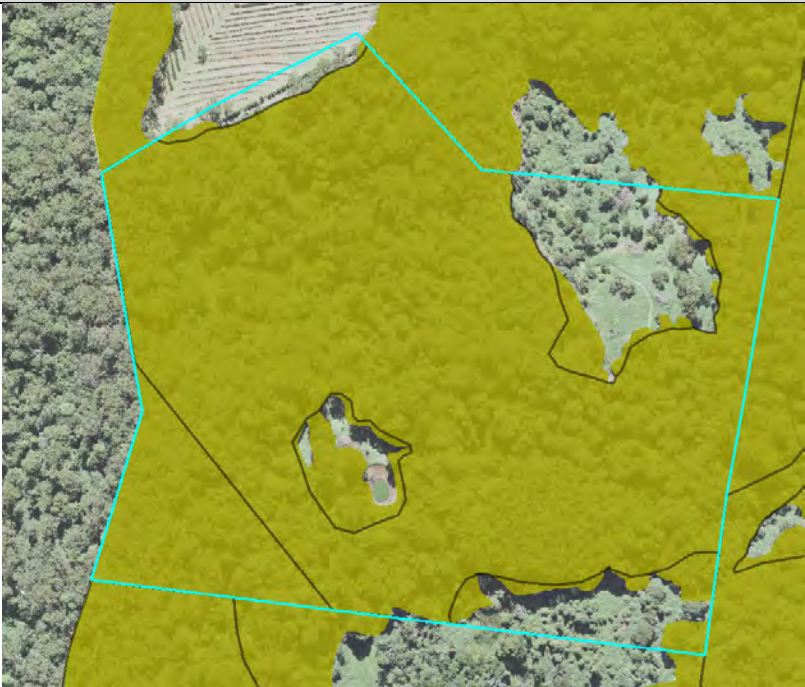
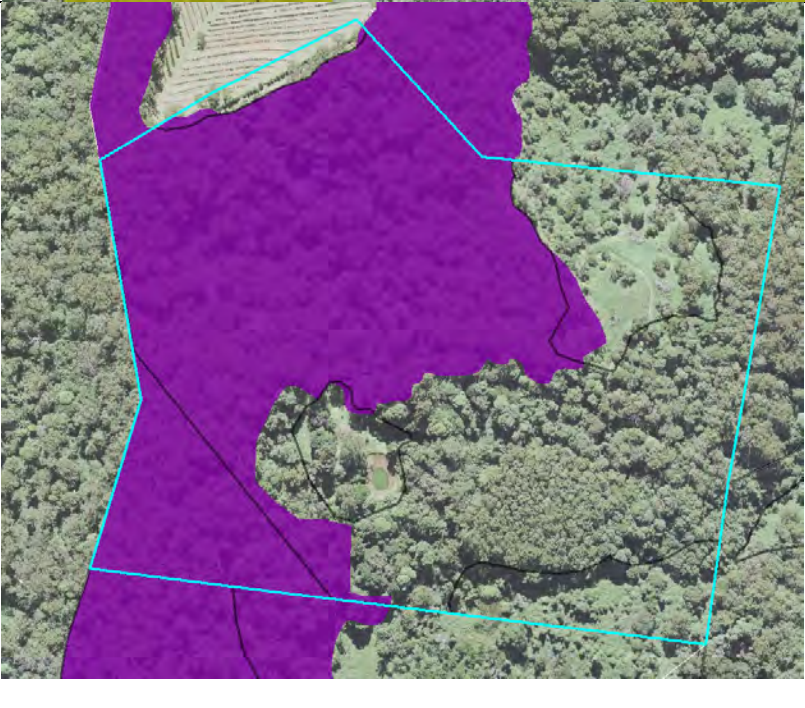
Letter sent October 2017, March 2018, and May 2019. Notified of public exhibition for PP3 March 2021 and follow up email inviting meeting or site visit. Initially agreed to a site visit but then was not available.

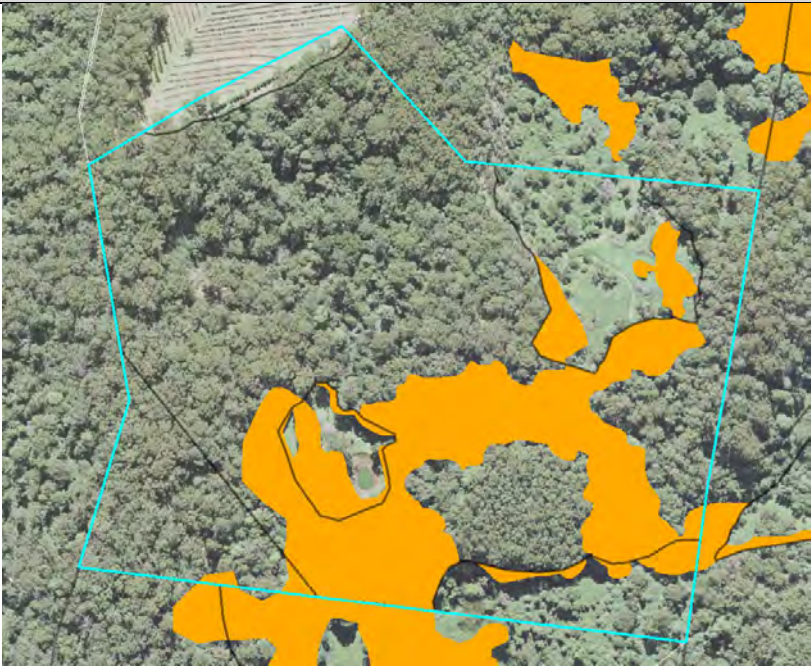
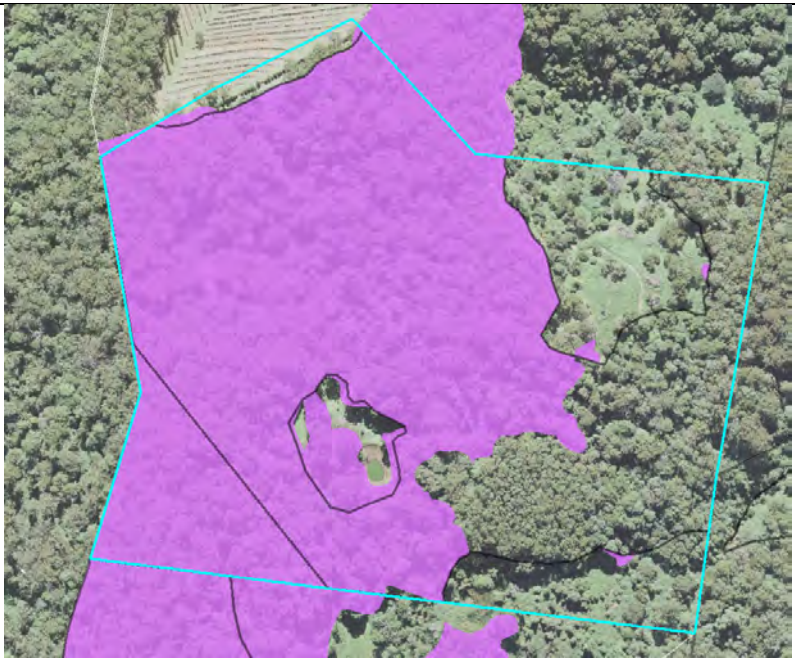
Owner reasons for not agreeing:

<u>Reason</u>	<u>Council response</u>
Ezone will be detrimental to current regeneration work and plans moving forward.	Regeneration permitted in all zones.
BSC required that an environmental impact report for a DA less than three years ago, sufficient environmental information provided to Council < 3 years ago for a DA, therefore site visit not required.	Report verifies the Ezone mapping.
Owners have the best environmental intentions.	Ezone based on criteria and environmental mapping.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	

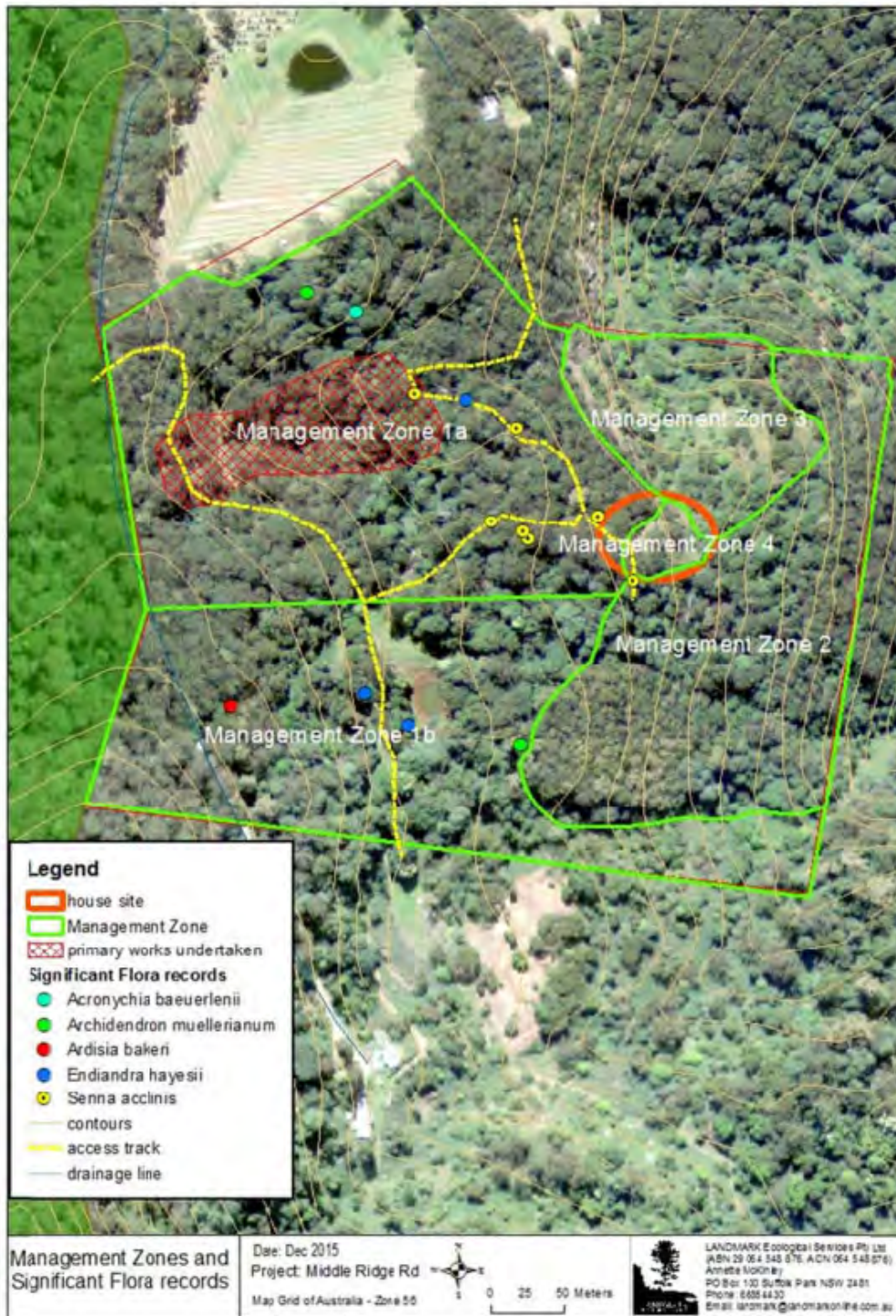
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as Preferred Koala Habitat.</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> Swamp sclerophyll forest on coastal floodplains Lowland Rainforest 	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present.</p>	

Additional notes:

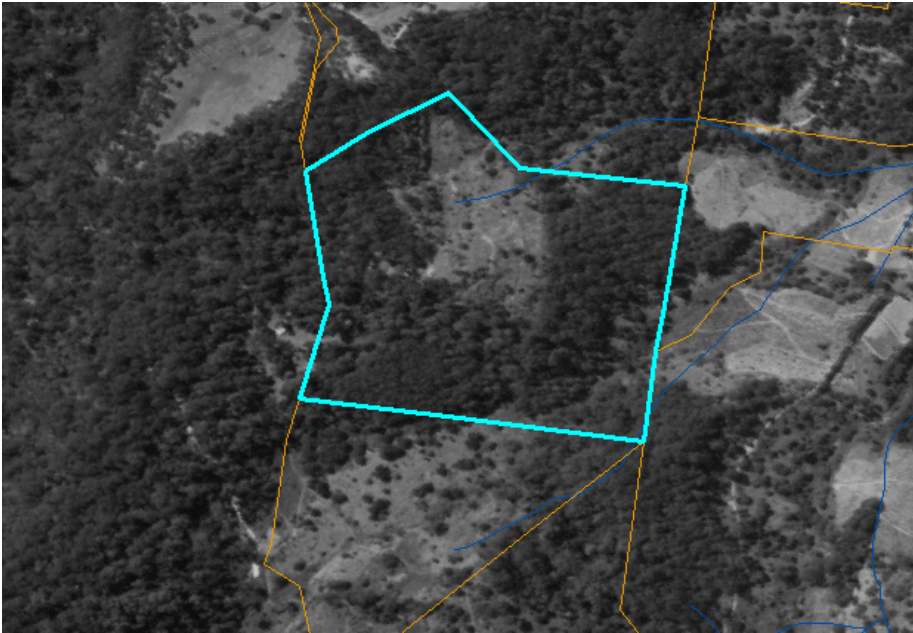
This is one of the 'Not Agreed' properties identified in Council Resolution 20-614 (ie. for the 7D Scenic Escarpment portion to be deferred and collectively considered as part of a future strategic review of remaining 7D land in the Shire).

See extracts from *Environmental Enhancement and Management Plan for 133B Middle Ridge Rd Upper Main Arm* (Jan 2016, Landmark Ecological Services) on following page:



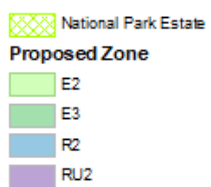
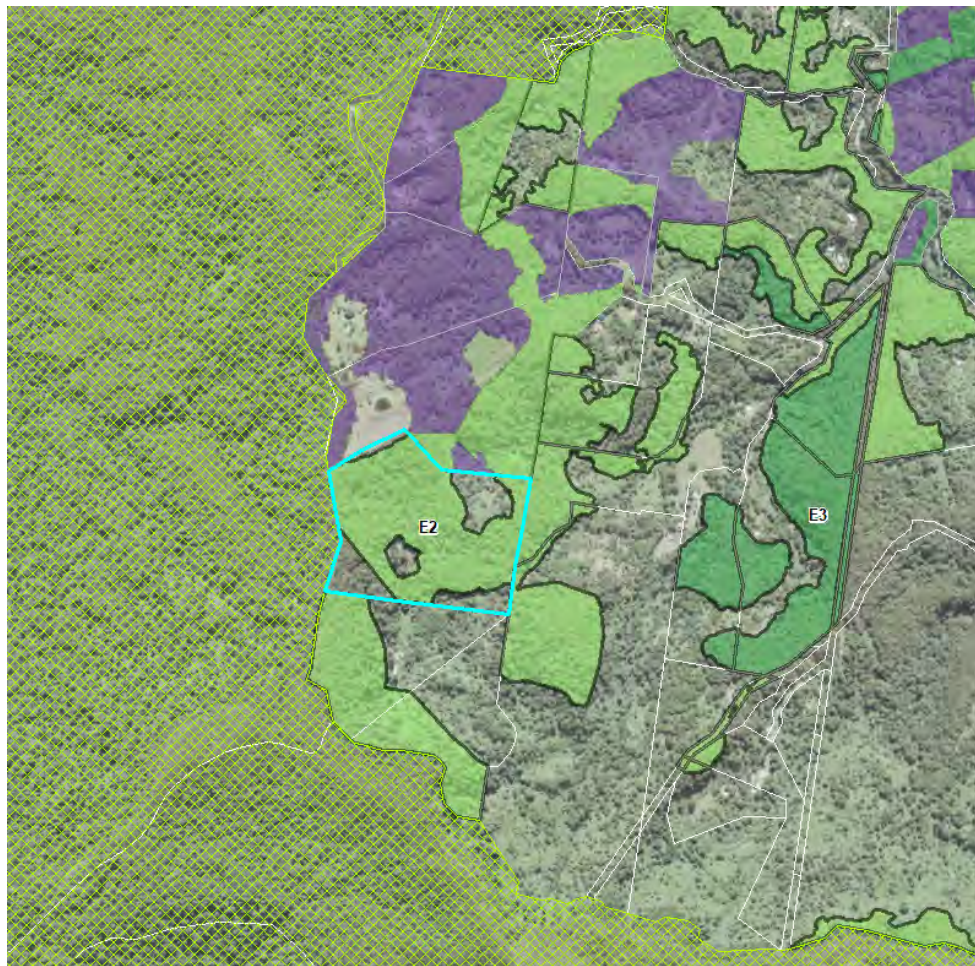
The vegetation covering most of the site is described as follows: A very tall to extremely tall mixed eucalypt forest with a well-developed tall rainforest understorey and a high proportion of old growth hollow-bearing trees and stags in the overstorey. The upper stratum included *Blackbutt Eucalyptus pilularis*, *White Mahogany E. acmenoides*, *Tallowwood E. microcorys*, *Flooded Gum E. grandis* and *Pink Bloodwood Corymbia intermedia*. *Yellow Bloodwood C. trachyphloia* was also recorded. There was a diversity of rainforest species in the understorey including *Black Bean Castanospermum australe*, *Black Walnut Endiandra globosa*, *Yellow Carabeen Sloanea australis* and *Red Cedar Toona ciliata*. Large patches of *Lantana Lantana camara* were scattered throughout. *Mistweed Ageratina riparia* and *Crofton Weed A. adenophora* were common in open areas. The eucalypt forest grades into a small area of rainforest on the south-eastern slope.

Historic aerial photography from 1989 shows vegetated areas on the property.



Landscape Connectivity:

The E2 on this property is connected to Mt Jerusalem National Park.



16. 470 Main Arm Rd Main Arm (48030)

Site Visit: Not required.

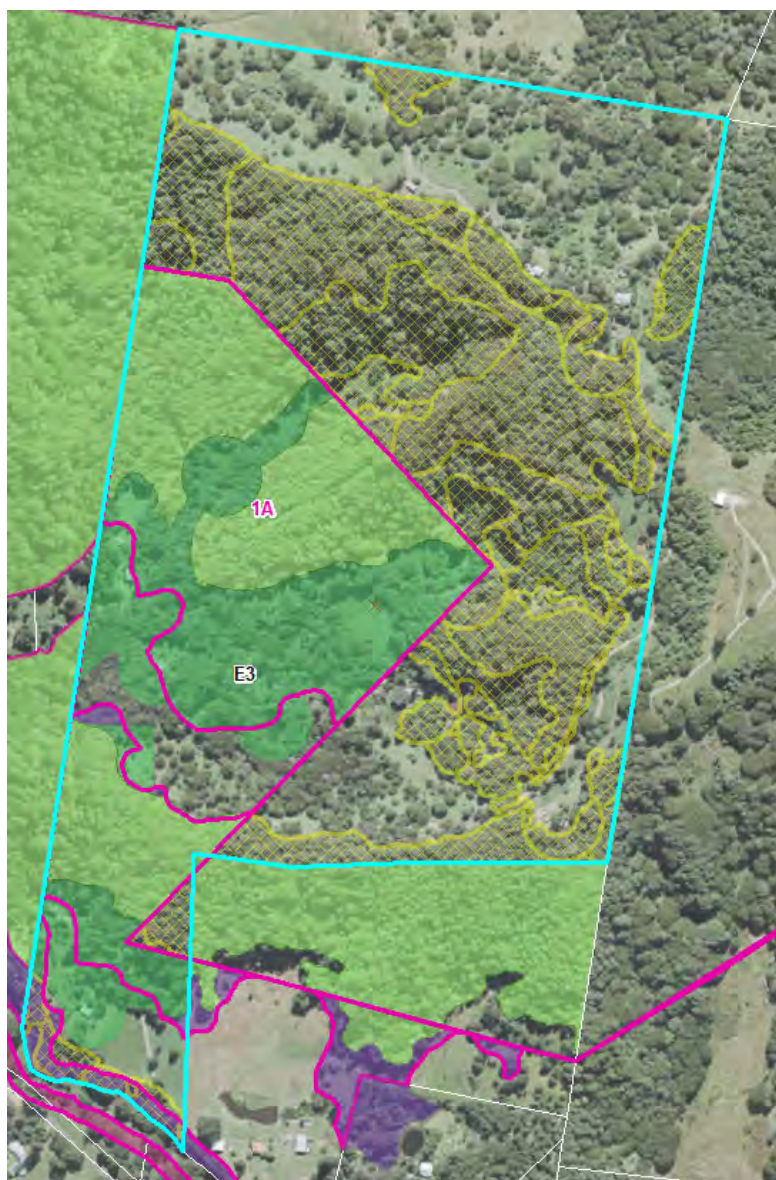
Current zoning: 1A/7D/RU2

Current landuse: Aerial photography indicates rural living with no agricultural activities.
Multiple Occupancy with multiple shareholders.

Area of Proposed Ezone: E3 – 133,835 sqm; E2 – 119,805sqm

Vegetation Types in Proposed E2/E3: Wattle-Rainforest (172 sqm)
Mixed Eucalypt (107,174 sqm)
Brushbox – Rainforest (33,586 sqm)

Private Native Forestry Agreement: No



Removed EZone

Proposed Zone

E2

E3

RU2

Changes to original mapping:

298,205 sqm (29.8ha) of Ezone removed (199,170 sqm E2 and 99,035 sqm of E3).

Council have not been applying an E3 Environmental Management zone on existing 7D land (only E2 at present) because the range of land uses permitted in E3 is too broad compared to 7D, particularly *dual occupancies* and *eco tourist facilities*. These other uses have the potential to erode the scenic values of these areas and conflict with community values and Council's policy framework.

As agreement could not be reached regarding EZones in the 7D zone, they were removed from this zone.

Consultation with Owner:

Letter sent October 2017, March 2018, and May 2019. Notified of public exhibition for PP3 March 2021 and follow up email inviting meeting.

Owner reasons for not agreeing (from email 15/06/2021):

The MO shareholders support the EZones in 1a/RU2 zones, but do not support decision to exclude application of E3 in the 7D zone and instead leave the 7D zone as "Deferred Matter".

Reasons for E2 Zone:

7D land not included as owners agree with EZones only in non-7D areas.

Agreed outcome of E2/E3 zones in non-7D areas.

Other Notes:

This is one of the 'Not Agreed' properties identified in Council Resolution 20-614 (ie. for the 7D Scenic Escarpment portion to be deferred and collectively considered as part of a future strategic review of remaining 7D land in the Shire).

17. Coolamon Scenic Dr Mullumbimby PN 164070, 164100, 164110

Site Visit:	Offered twice, no response.
Current zoning:	7a Wetlands / 7b Coastal Habitat
Current landuse:	Primitive camping site and some cattle grazing. No dwelling.
Area of Proposed Ezone:	E2 819, 274 sqm
Vegetation Types in Proposed E2:	Blackbutt+Brush Box (128, 058 sqm) Brush Box-Camphor Laurel-Cabbage Palm (324 sqm) Flooded Gum (78,669 sqm) Flooded Gum-Pink Bloodwood-Swamp Box+Cabbage Palm (316 sqm) Flooded Gum+Cabbage Palm (106,513 sqm) Grey Mangrove (8,842 sqm) Mangrove-Saltmarsh (34,672 sqm) Mixed Eucalypt (11,667 sqm) Mixed Eucalypt-Brush Box-Rainforest (80, 451 sqm) Paperbark-Rainforest-Eucalypt-Brush Box (30, 217 sqm) Rainforest (8,787 sqm) Rainforest+Flooded Gum (62, 718 sqm) Swamp Mahogany-Pink Bloodwood-Brush Box-Tallowwood (3,233 sqm) Saltmarsh (14, 885) Swamp Mahogany-Rainforest (121,244 sqm) Swamp Oak-Cabbage Palm (37, 973 sqm) Swamp Oak+Paperbark (86, 991 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

After reviewing the vegetation mapping, 1,370 sqm of E2 zone removed.



Consultation with Owner:


Letter sent October 2017, March 2018, and May 2019. Multiple emails and left phone messages between 2018 and 2021 but no response. Notified of public exhibition for PP3 March 2021.

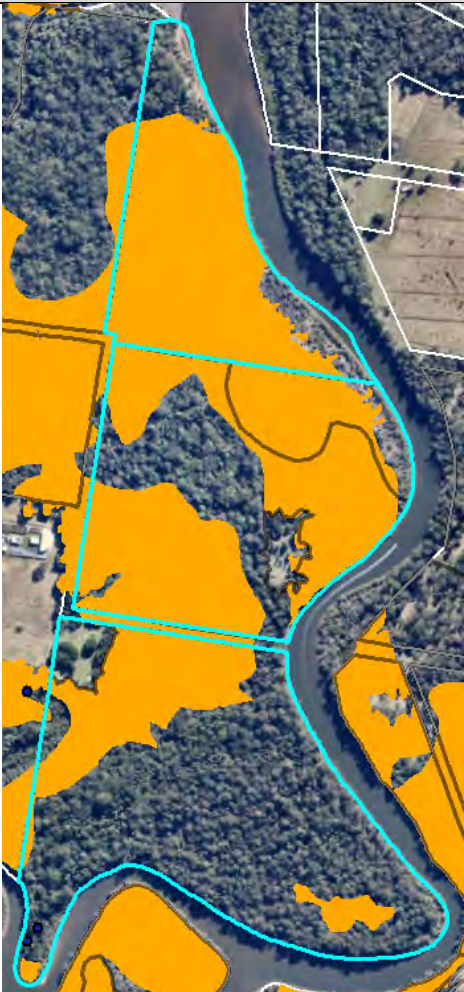
Owner's reasons for not agreeing and Council's response:

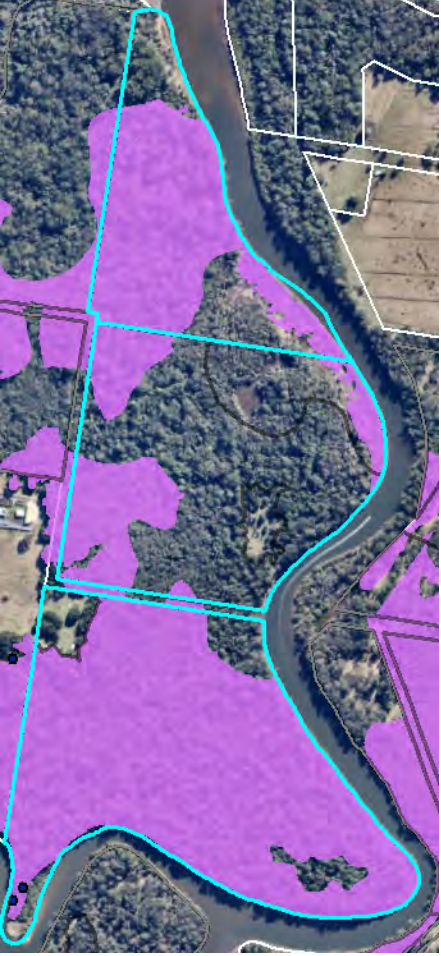
Verbally indicated not agreed but no reason given and no submission received.



Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as preferred koala habitat.</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 		 <p>The image is an aerial photograph of a riverine landscape. A winding river flows from the top right towards the bottom left. Large areas of land, primarily on the left and right banks, are shaded in bright orange, indicating they are designated as Endangered Ecological Communities (EECs). A cyan-colored line outlines a specific area that follows the river's course and encompasses several of the orange-shaded regions. The surrounding landscape includes patches of green vegetation and some cleared land.</p>

Northern Councils Ezone Review DPE Criteria	Affected Area	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>		

Northern Councils Ezone Review DPE Criteria	Affected Area	
SEPP 14 (Coastal Wetlands).		
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes		

Additional notes:

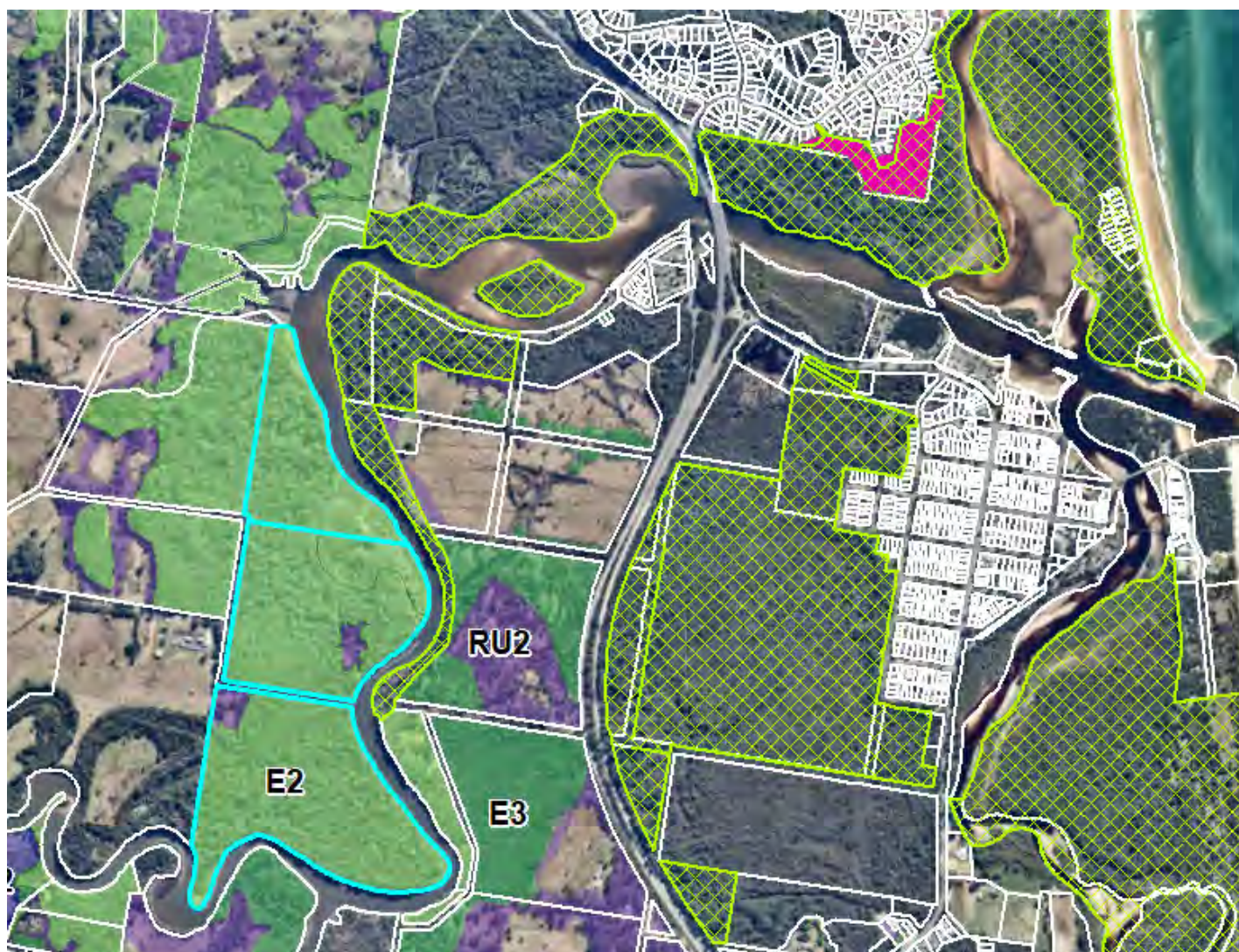
Parcels border the Cape Byron Marine Park (Brunswick River).


Historic aerial photography from 1965 shows the forested areas are consistent with the old growth mapping on the property.




Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor from the coast along the Brunswick River.




 National Park Estate

Proposed Zoning

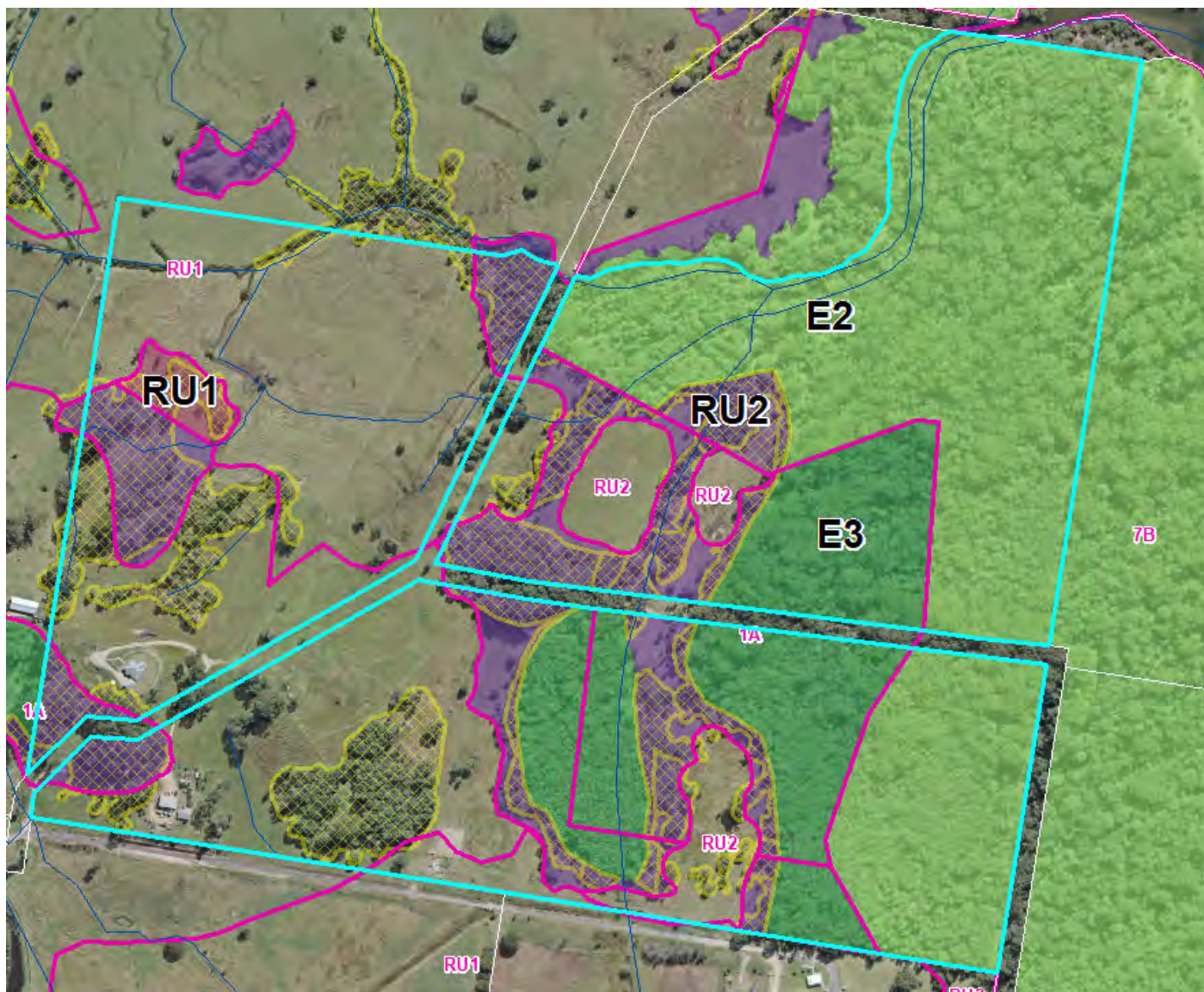
 E2

 E3

 RU2

18. 80 Vallances Rd Mullumbimby (PN 96030)

Site Visit:	2 site visits by ecologist but did not access 7b zone. Refer to Appendix B for site visit details and photo points.
Current zoning:	RU1/RU2/1A/1B1/7B – Coastal Wetland
Current landuse:	Agricultural, rural living and dwelling.
Area of Proposed Ezone:	E2 237, 822 sqm and E3 105,175 sqm
Vegetation Types in Proposed E2:	Blackbutt+Brush Box 41, 491 sqm Eucalypt-Swamp Oak-Rainforest 26, 691 Flooded Gum-Paperbark 2338 Forest Red Gum 442 Grey Mangrove 6117 + 1237 = 7354 Mixed Eucalypt 118,044 Mixed Eucalypt-Brush Box-Rainforest 654 Paperbark-Swamp Mahogany 29057 Swamp Mahogany-Rainforest 9172 Swamp Mahogany-Swamp Box-Pink Bloodwood 1186 Willow Bottlebrush-Rainforest 966
Vegetation Types in Proposed E3:	Mixed Eucalypt (8, 659 sqm) Blackbutt+Brush Box (32, 412 sqm) Swamp Mahogany-Swamp Box-Pink Bloodwood (23, 291 sqm) Flooded Gum-Paperbark (6, 143 sqm) Paperbark-Swamp Mahogany (3, 936 sqm) Paperbark+Swamp Mahogany, Swamp Box (30, 734 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

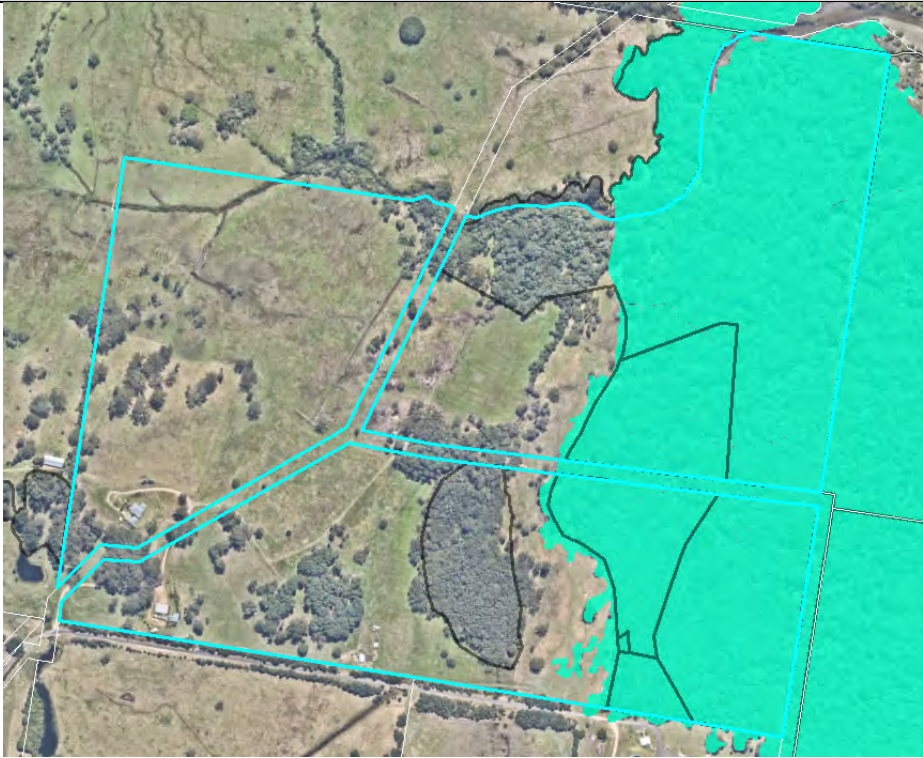
Letter sent October 2017, March 2018. Multiple emails and a site visit by Council Ecologist in 2019 but agreement was not reached. Notified of public exhibition for PP3 March 2021. Further discussions with previous and new owner, including multiple emails., Zoom meetings and another site visit by Council Ecologist.

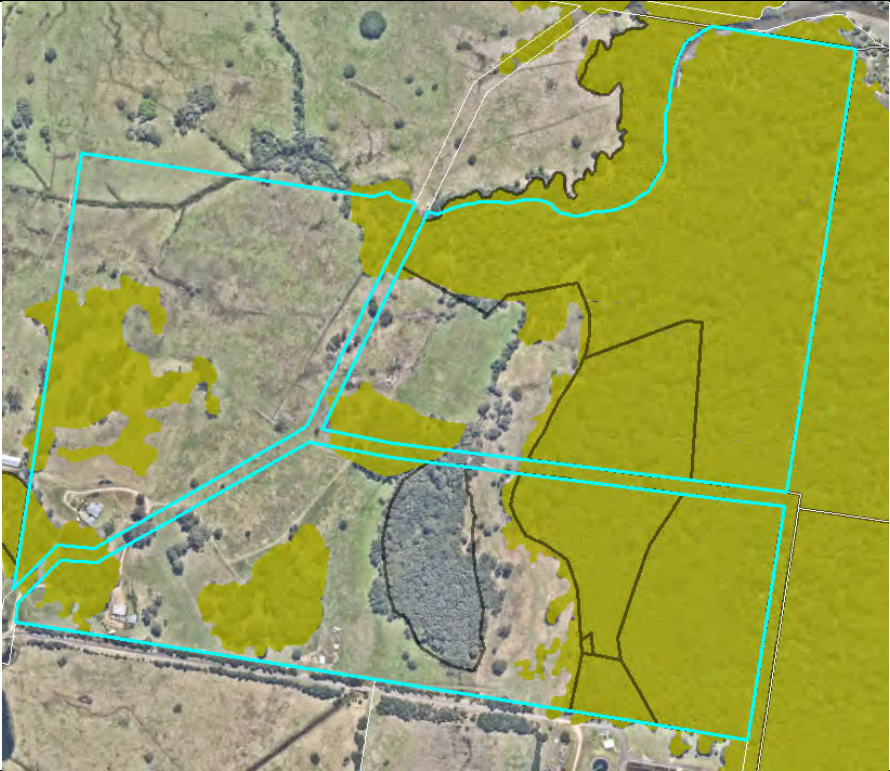
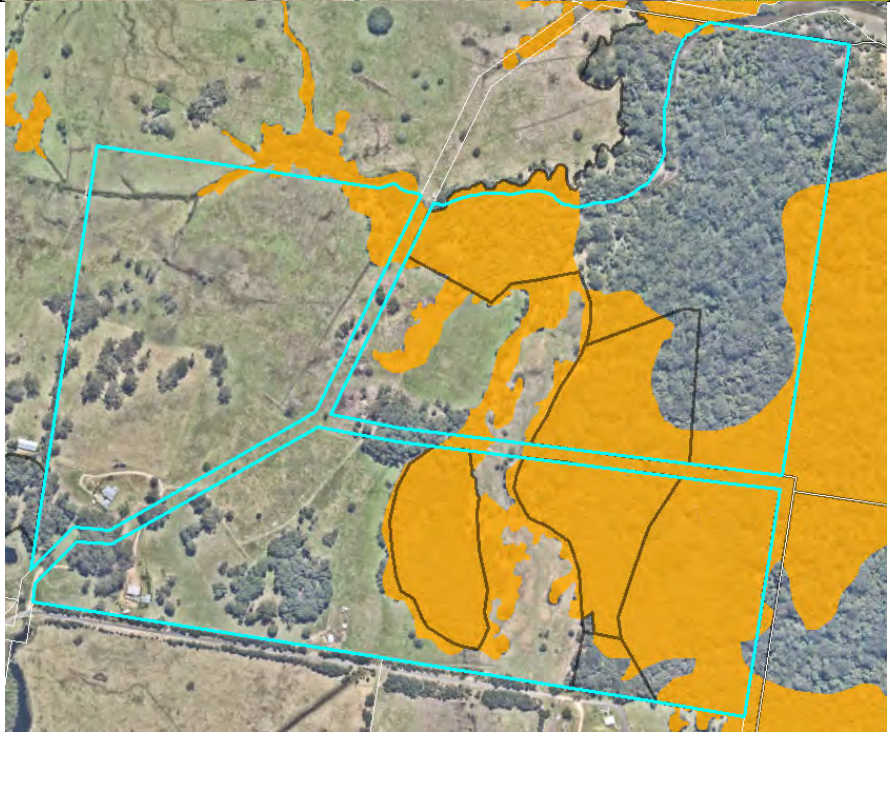
Owner's reasons for not agreeing and Council's response:

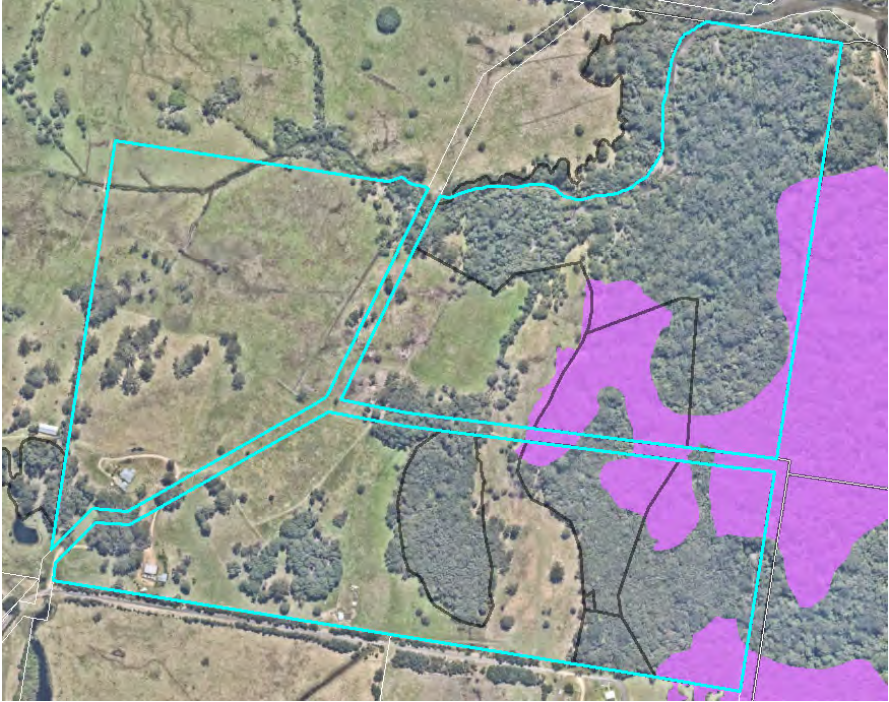
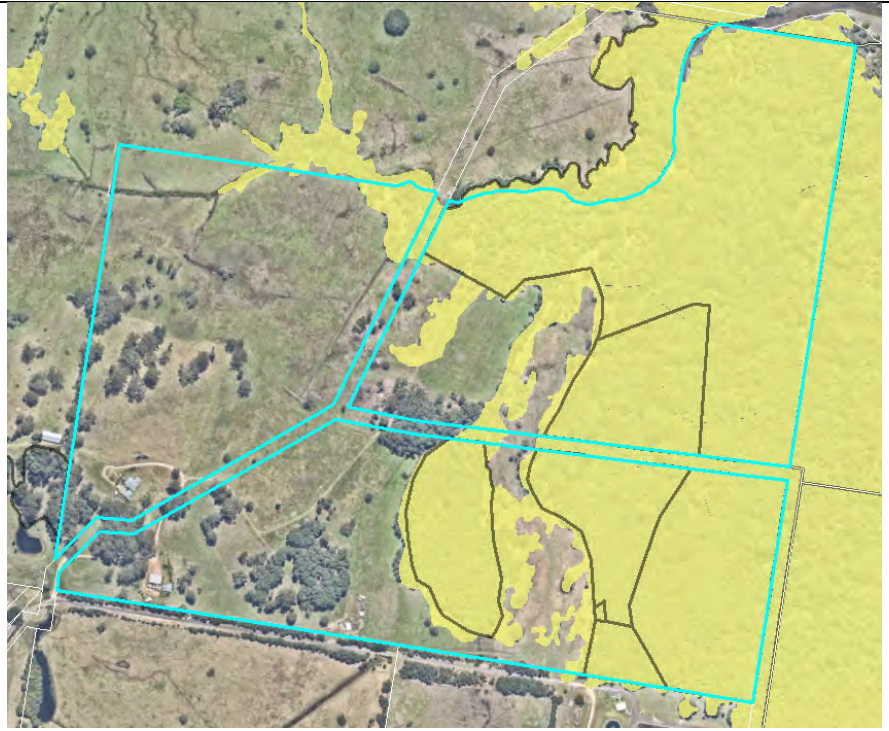
<u>Reason</u>	<u>Council response</u>
There have never been any ground studies of vegetation or wildlife undertaken on the farm	Refer to Appendix A for information on Ezone mapping. Council's vegetation mapping is current to 2017 and Near Maps aerial photography is current to 2021. Whilst site visits were undertaken by Council's Ecologist, access to the 7B areas was not permitted.
NSW Office of Environment and Heritage in 2011 study found there was no old growth forest on the property - there are some old seed trees. In aerial photographic surveys from 1958, 1965,	Old growth is based on age classes, not size. Some trees can be very old but may only have small diameter. Our own aerial photos show that vegetation was there in 1965. Refer to Appendix A for Old growth mapping determinations. Council

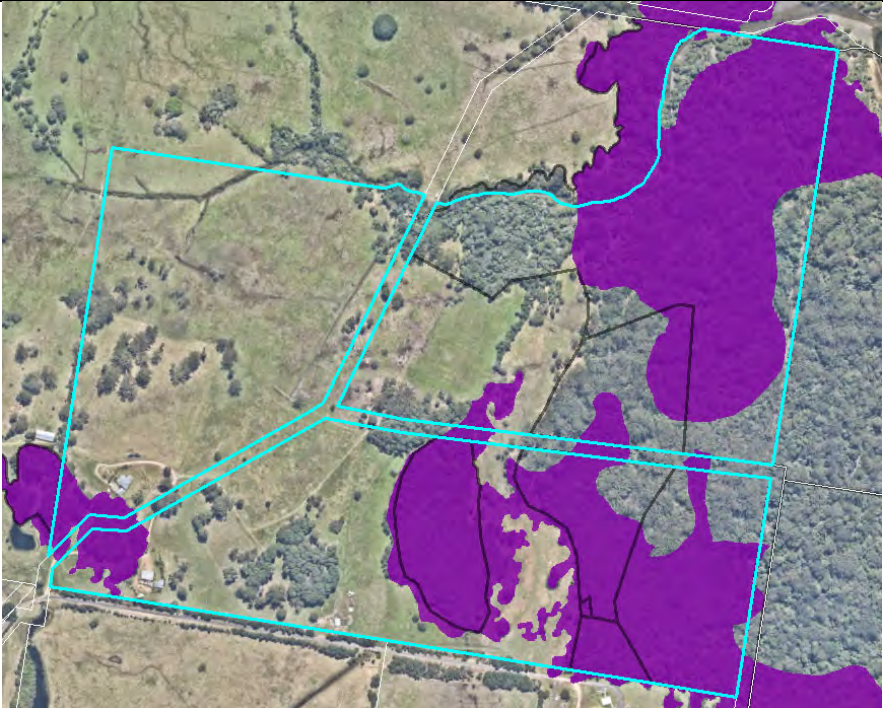

1975 we can see that there is little forest in much of the claimed E2 council areas. There is scrub and grassland very apparent and this substantiates the December 2011 Department of Environment and Heritage findings. The use by Council of aerial mapping and overlays while recommended and widely used is obviously showed to be flawed and inaccurate and incorrect based on the above.	offered to verify the old growth mapping with a Council Ecologist however this offer was not taken up. Council requested a copy of the NSW OEH report to verify the findings however this was not provided.
The zoning in 1988 of 7B to areas of the farm is very seriously challenged with the above evidence showing regrowth, not old growth or even forestry.	Council mapping indicates that the 7B zoning is appropriate. The 7b zone has been in place since 1988.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or	

<p>endemic invertebrates.</p>	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	

<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	 <p>An aerial photograph of a rural landscape with green fields, brown patches, and some trees. A large, irregular area is outlined in cyan. Within this cyan-outlined area, several regions are filled with a solid magenta color, representing Threatened Species Habitat. The magenta areas are primarily located in the upper right and lower right portions of the cyan-outlined region.</p>
<p>Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes</p>	 <p>An aerial photograph of the same rural landscape as above. A large, irregular area is outlined in cyan. Within this cyan-outlined area, several regions are filled with a solid yellow color, representing Over-cleared vegetation communities. The yellow areas are primarily located in the upper left and lower right portions of the cyan-outlined region.</p>
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot</p>	

<p>withstand further loss where the threatened species or endangered population is present. Preferred koala habitat.</p>	
<p>SEPP 14 (Coastal Wetland)</p>	

Additional notes:

Site visits undertaken but at interview with previous owner at house and interview with current owner at the shed only. Access to the 7B (E2 zone) was requested of the current owner but not permitted.

Historic aerial photography from 1989 shows the forested areas on the property, consistent with the old growth mapping.




Historic aerial photography from 1965 shows the forested areas on the property, consistent with the old growth mapping.



Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor from the coast along the Brunswick River.



 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

19. Casuarina St Mullumbimby PN 9470

Site Visit:	Offered, no response.
Current zoning:	Unzoned (DM).
Current landuse:	Residential.
Area of Proposed Ezone:	E2 7,261 sqm and E3 20, 217 sqm
Vegetation Types in Proposed E2:	Hoop Pine-Swamp Oak (2002 sqm) Camphor Laurel 51 – 80% (12, 111 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

After reviewing the vegetation mapping, 42 sqm of E2 zone changed to E3 zone.


Consultation with Owner:

Letter sent October 2017, March 2018. Multiple emails between 2018 and 2021 but no response. Notified of public exhibition for PP3 March 2021.

Owner's reasons for not agreeing and Council's response:

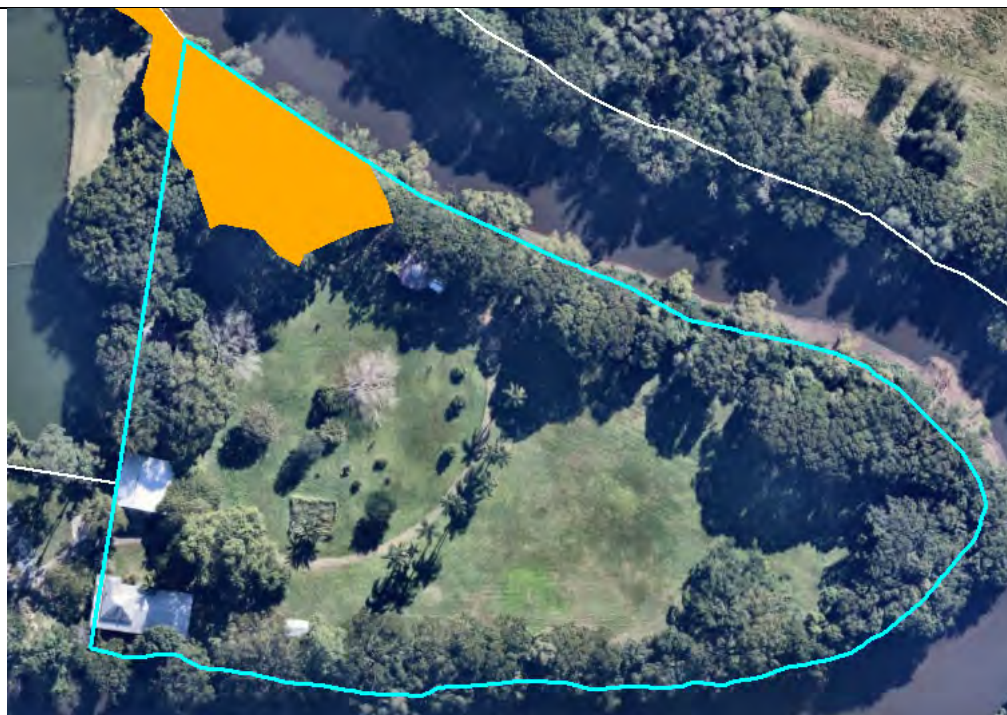
<u>Reason</u>	<u>Council response</u>
Vegetation mapping is not correct.	Disagree. The vegetation in E2 are contains significant littoral rainforest and has camphor laurel with rainforest elements along the river and is part of a continuous riparian corridor.
Owner wants RU2 zoning.	The site has significant flooding issues (High/Intermediate hazard), therefore best suited to an E3 zone as technically part of riparian zone.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	



Endangered Ecological Communities (EECs) listed under the *Threatened Species Conservation Act 1995* and/or the *Environment Protection and Biodiversity Conservation Act 1999*

- Swamp sclerophyll forest on coastal floodplains
- Lowland Rainforest



Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).



<p>Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes</p>	
<p>Riparian and estuarine vegetation and wetlands (E3)</p>	

Additional notes:

Parcel borders the Cape Byron Marine Park.

High/Intermediate flood hazard and generally not suitable for further housing.




100 Year Flood model.

Landscape Connectivity:

There is currently no connectivity, however this is likely to change when other Council/Crown Land is included in EZones Planning Proposal 4.




 National Park Estate

Proposed Zoning

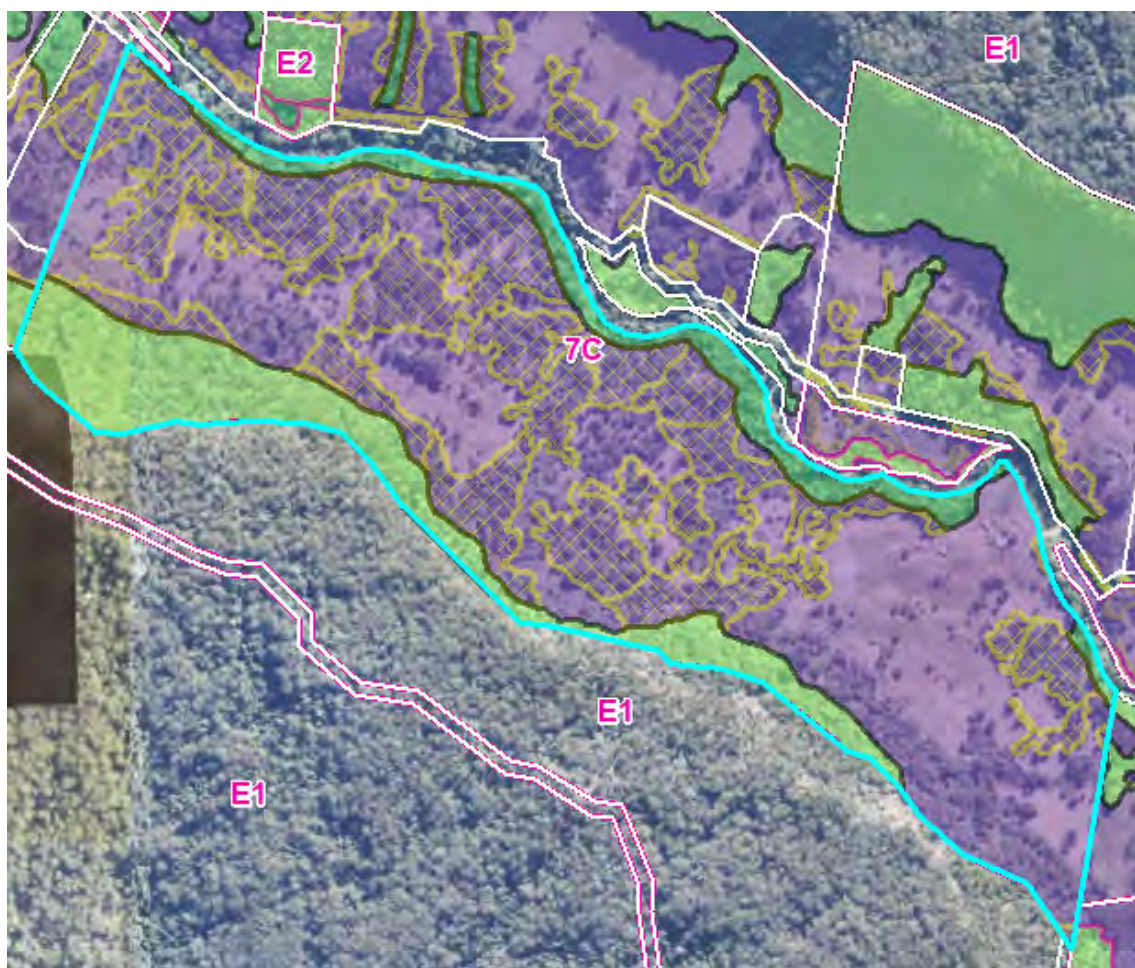
 E2

 E3

 RU2

20. 803 Wilsons Creek Rd Wilsons Creek PN 98840

Site Visit:	No.
Current zoning:	7C Water Catchment
Current landuse:	Rural living. Dwelling present. Primary production.
Area of Proposed Ezone:	E2 – 123, 589 sqm (12.3ha); E3 – 51, 905 sqm (5.2ha)
Vegetation Types in Proposed E2:	Blackbutt (30,936 sqm) Eucalypt (92,653 sqm)
Vegetation Types in Proposed E3:	Rainforest+10-50% Camphor Laurel (19,732sqm) Rainforest-Lantana (1,222 sqm) Rainforest (26, 775 sqm) Lantana-Rainforest regrowth (3010 sqm) Lantana-Rainforest (3, 182 sqm) Flooded Gum-Rainforest (716 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

After reviewing the vegetation mapping via a site visit, 332 311 sqm (33ha) of EZone zone removed.


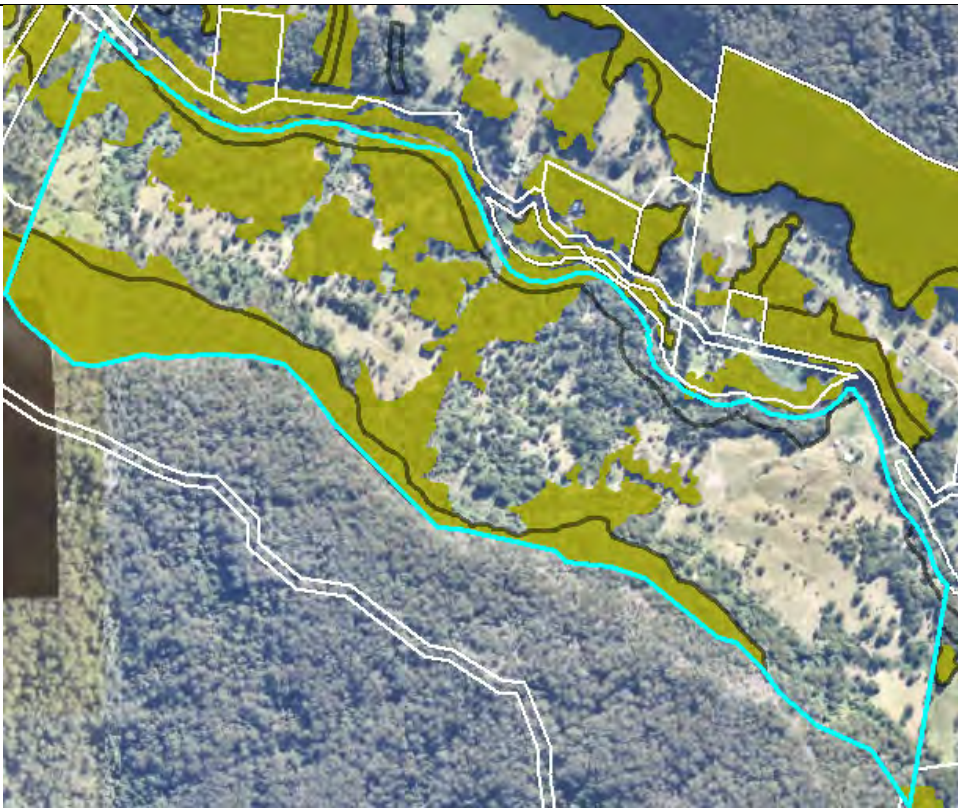
Consultation with Owner:

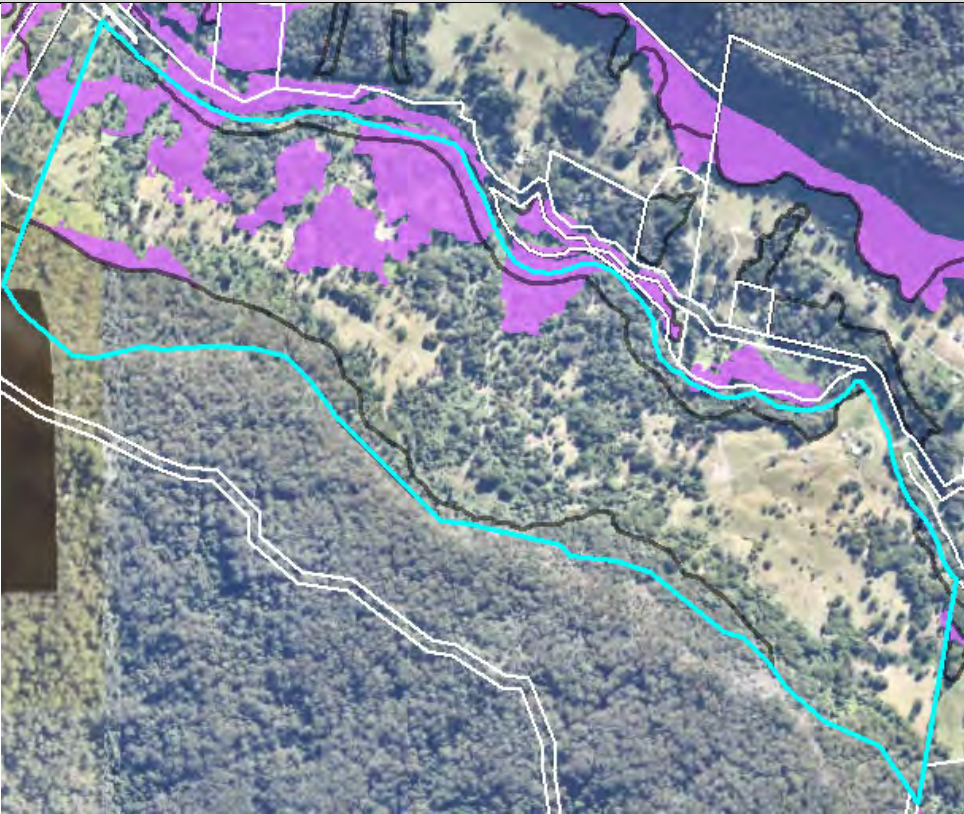
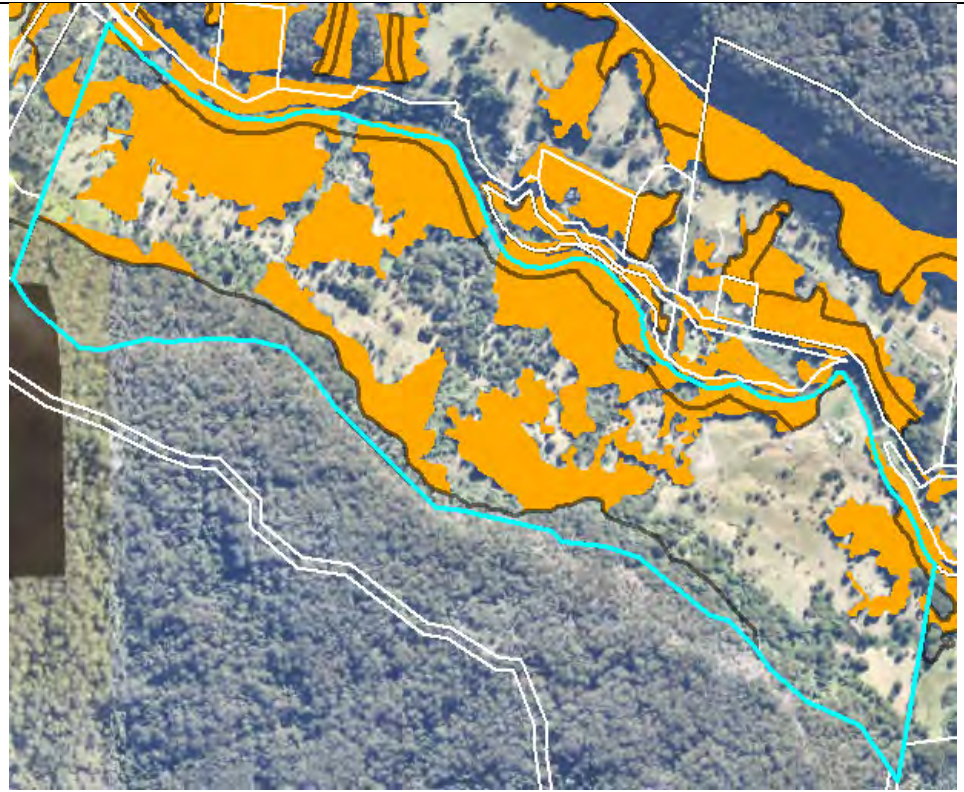
Letter sent October 2017. Multiple emails responding to submission Nov 2017 and Sept 2019. Notified of public exhibition for PP3 March 2021. Meeting with owners May 2021. Offered site visit.


Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Primary use for decades has been Primary Production; Beef Cattle have access to all areas of the Property except the areas planted to Coffee Avocadoes Mangos Pecan nuts and small-crops.	Existing use rights are preserved in EZones. Most of the property is proposed to be zoned RU2 as not mapped as Regionally Significant farmland.
There are no areas of environmental significance.	E2 area is mapped as old growth forest and Endangered Ecological Community (EEC) – see table below.
Cattle have access to all areas not under crops. Grasses grow under trees.	Existing use rights are preserved in EZones so cattle will continue to have access to all areas.
There are areas where trees have been planted for future timber use. On the Southern Boundary, Northern Boundary and other areas throughout the farm	The proposed E2 area is mapped as old growth and not recently planted. There is no Private Native Forestry agreement registered on the property.
The vegetation mapping is incorrect.	The vegetation mapping shows subtropical rainforest with various regrowth elements and some introduced species such as Privet, along the creek (E3) which is correct. The land is largely cleared and the only E2 zone is on steep cliffs connecting to the escarpment with Eucalypt Forest and Subtropical Rainforest elements
Camphor Laurel > 80% of the trees with many of the native trees being sally wattle.	Areas of high percentage of Camphor Laurel or regrowth have been zoned E3 or RU2.
At least 12 families and some of some their employees have made their living concurrently from Agriculture, dairying and growing various crops on this property in the past.	The proposed zoning will still allow for ongoing extensive agriculture activities.

Reasons for E2 zoning (see table below):

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.</p>	 <p>An aerial photograph of a forested landscape. A winding cyan-colored area follows a stream or riverbed, highlighting the Key Threatened Species Habitat. The surrounding forest is shown in natural colors, with some areas outlined in white.</p>
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	 <p>An aerial photograph of the same forested landscape. The Key Threatened Species Habitat is highlighted in olive green. The highlighted areas are more extensive and irregular than in the first map, following the stream and covering various forest patches. The surrounding forest is shown in natural colors, with some areas outlined in white.</p>

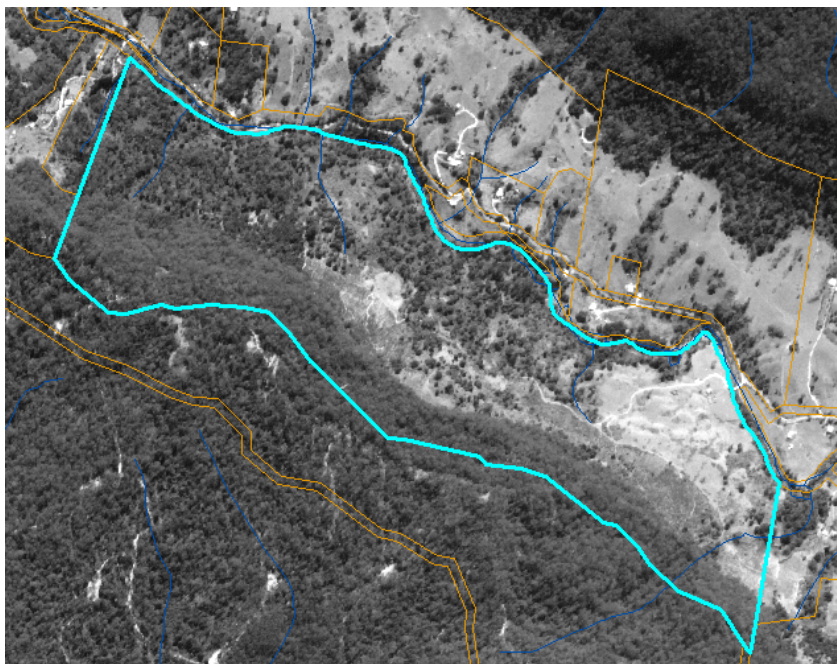
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	 <p>An aerial photograph of a forested landscape with a river or stream winding through it. The map is overlaid with several colored polygons and lines. A large area in the upper right is shaded in purple, indicating Key Threatened Species Habitat. A cyan line follows the course of the river, and a black line follows a nearby road or boundary. White dashed lines delineate other land parcels.</p>
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Lowland Rainforest 	 <p>The same aerial photograph as above, but with different colored overlays. Large areas of the forest are shaded in orange, indicating Endangered Ecological Communities (EECs). The cyan line representing the river and the black line representing the road are still present, along with the white dashed parcel boundaries.</p>

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Riparian and estuarine vegetation and wetlands. Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands. Waterfront land is defined under the NSW Water Management Act 2000 as the bed of any river, lake or estuary and any land within 40 metres of the riverbanks, lake shore or estuary mean high water mark.</p>	

Additional notes:

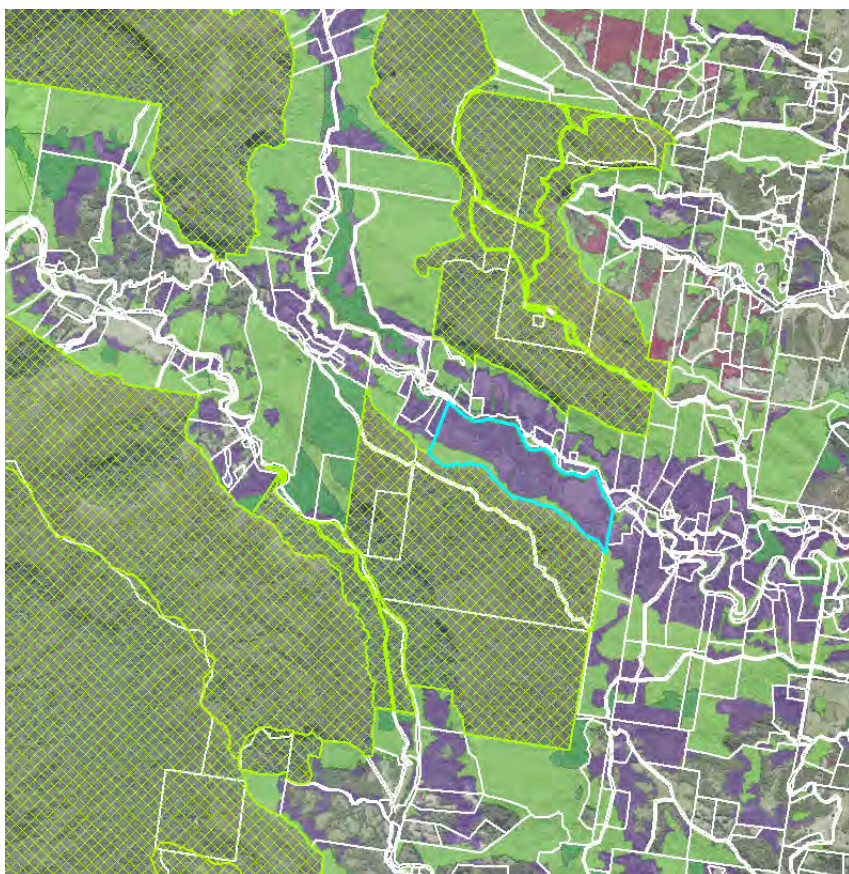
In recognition of the site's primary production history/land use most of the Ezone has been removed. The only E2 area is located in the steep, inaccessible terrain with cliffs connecting to Goonengerry National Park. Contour mapping shows the steepness of the site. This area is not considered suitable for agriculture.


Aerial photography from 1989 shows the forested areas on the property and the terrain of the E2 zone. It is consistent with the old growth mapping.



Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor connecting Nightcap and Mt Jerusalem National Parks.




 National Park Estate

Proposed Zoning

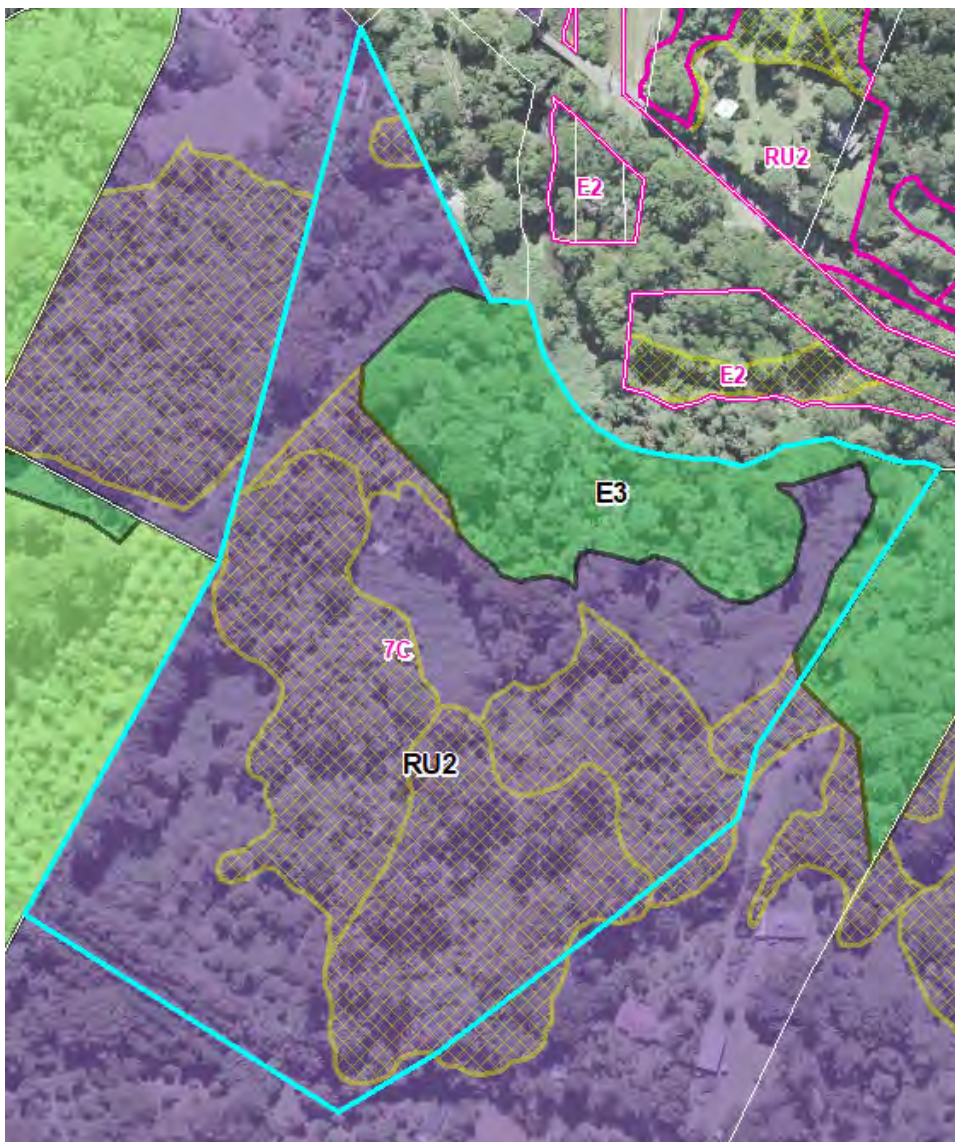
 E2

 E3

 RU2

21. 1021 Wilsons Creek Rd Wilsons Creek PN 98920

Site Visit:	No
Current zoning:	7C Water Catchment
Current landuse:	Rural living. Dwelling present. Primary production (not farmland rated).
Area of Proposed Ezone:	E3 – 13 710 sqm
Vegetation Types in Proposed E3:	Rainforest+10-50% Camphor Laurel (11,284 sqm) Wattle-Rainforest-Lantana (956 sqm) Rainforest (465 sqm) Lantana (1005 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2
E3
RU2

Changes to original mapping:

After reviewing the vegetation mapping via a site visit, 30, 621 sqm of E2 zone removed and 13 710 sqm changed from E2 to E3 zone.

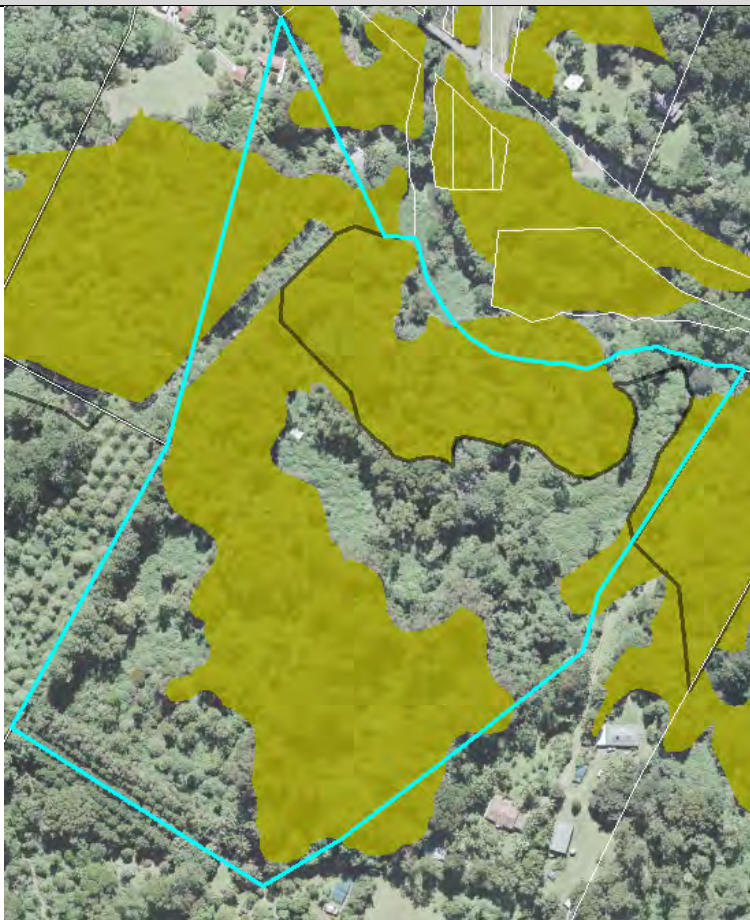
Consultation with Owner:


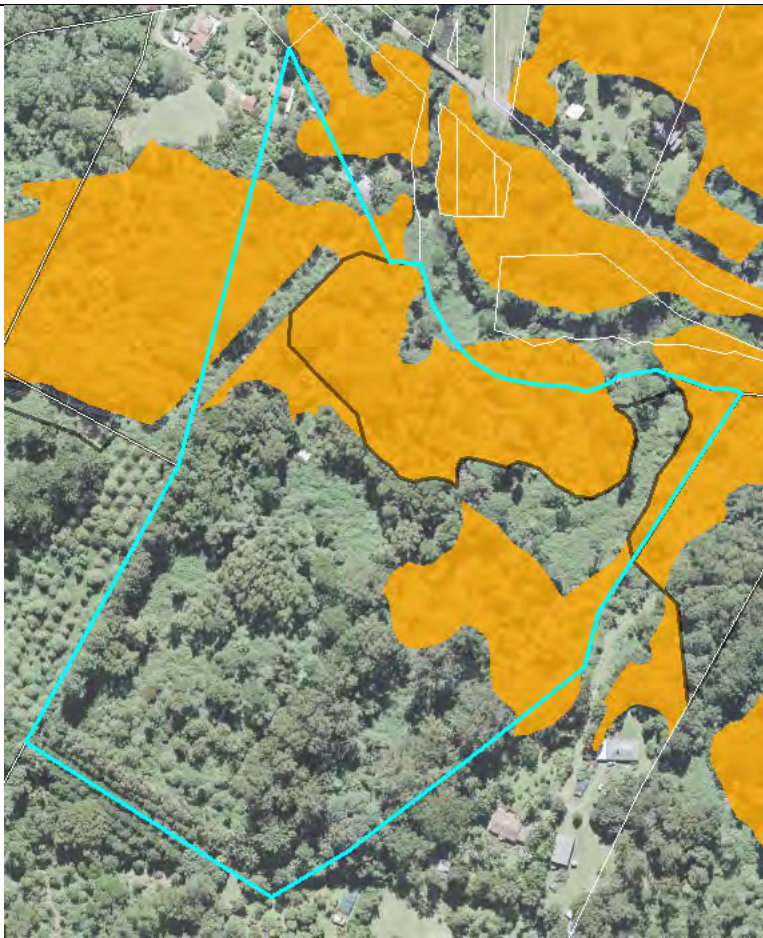
Letter sent October 2017, March 2018 and May 2019. Emails exchanged in 2020 with maps and Fact Sheet. Notified of public exhibition for PP3 March 2021. Followed up with phone calls, emails and offer of site visit but no response.


Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Lychee orchard and many other fruit trees planted throughout the property with plans to plant more.	E3 and RU2 allow for gardens and orchards.
EZones do not align with future plans.	E3 and RU2 zones allow for a wide range of land uses, including existing use-rights.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Lowland Rainforest 	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Riparian and estuarine vegetation and wetlands. Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands. Waterfront land is defined under the NSW Water Management Act 2000 as the bed of any river, lake or estuary and any land within 40 metres of the riverbanks, lake shore or estuary mean high water mark.</p>	

Additional notes:

Several threatened flora and fauna records have been recorded within the proposed E3 zone or in close proximity.

Property recently sold, new owners not in possession for this report.

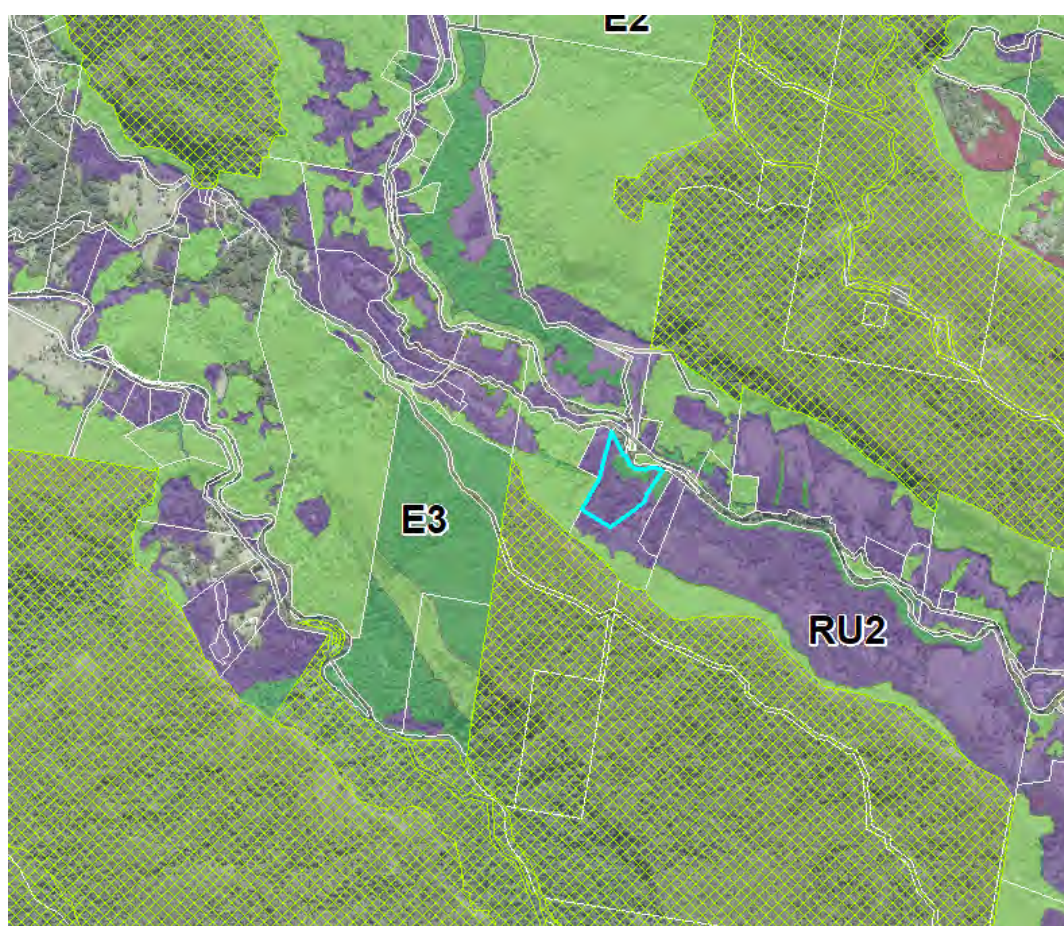
Adjacent to Goonengerry National Park.





Historic aerial photography from 1989 shows the forested areas on the property.



Landscape Connectivity:

The proposed E2 on this property is part of a forested wildlife corridor connecting Goonengerry and Mt Jerusalem National Parks.



-  National Park Estate
- Proposed Zoning**
-  E2
-  E3
-  RU2

22. 392 Upper Wilsons Creek Rd Upper Wilsons Creek PN 99220

Site Visit:	2 site visits by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	7C Water Catchment / 7K Habitat
Current landuse:	Rural living. Dwelling present. No agricultural activity.
Area of Proposed Ezone:	E2 34,661 sqm E3 4,323 sqm
Vegetation Types in Proposed E2:	Rainforest (24,459 sqm) Mixed Eucalypt (423 sqm) Blackbutt (5797 sqm) Brush Box-Rainforest (3770 sqm)
Vegetation Types in Proposed E3:	Rainforest (2,232 sqm) Flooded Gum (475 sqm) Wattle-Rainforest (1,646 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

After reviewing the vegetation mapping via 2 site visits, 19 665 sqm of E2 zone was removed and 4,360 sqm changed from E2 to E3.

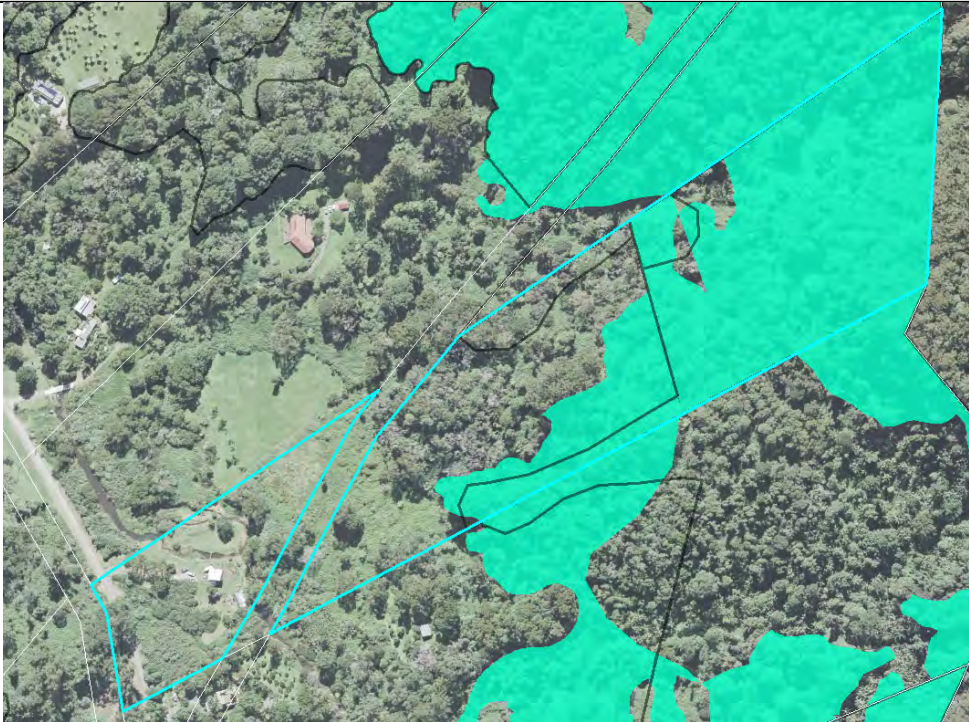
Consultation with Owner:

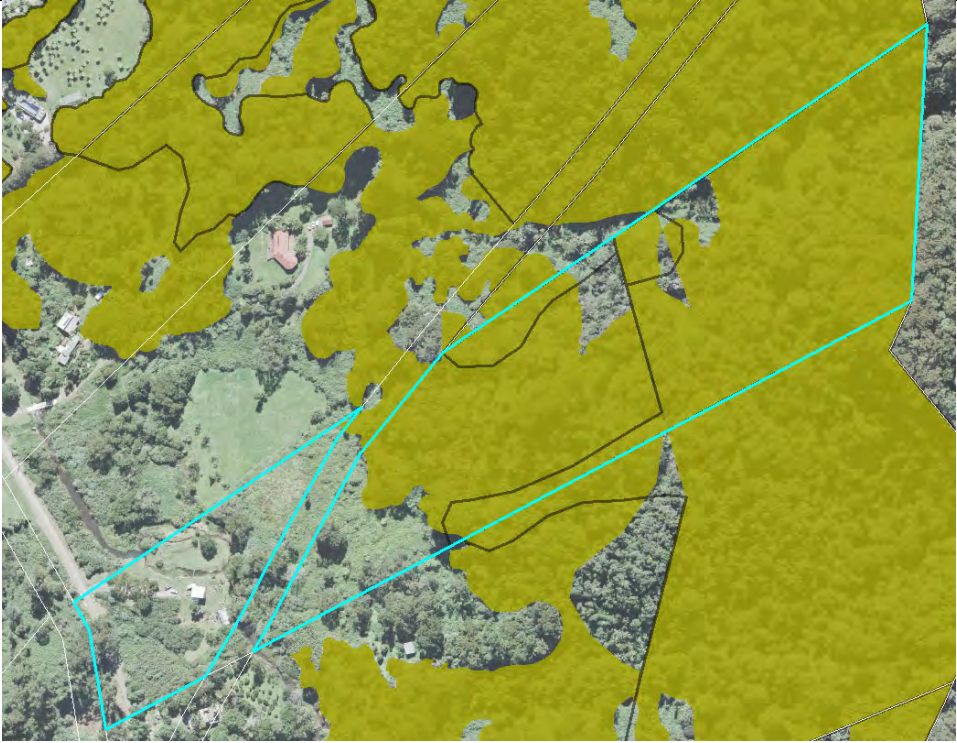

Letter sent October 2017, March 2018 and May 2019. Owners made a submission in 2019 with proposed changes which were implemented and confirmed. Notified of public exhibition for PP3 March 2021. Council contacted owners in 2021 to verify the vegetation mapping as E3 and RU2 in 7K Zone. 2 site visits and multiple emails in 2021.

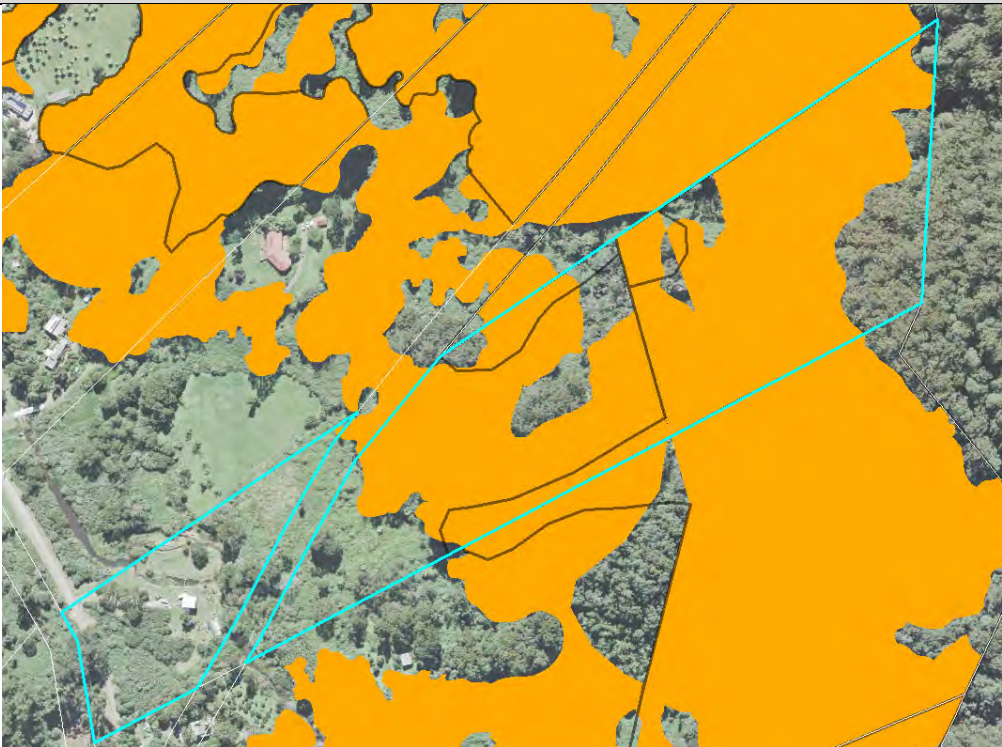
Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
The entire property has traditional rural land use as it was a commercial dairy farm.	Primary landuse is determined by the last two years of landuse activities (no primary production) and the existing environmental values. The RU2 zone on the property still allows for agricultural activities.
Significant constraints for building in RU2 zone, including flood prone areas, steep topography, bushfire prone areas, high environmental value vegetation and erodible soils.	Agreed. Potential house site considered during site visit and zoned E3. Flatter slopes in RU2 also offer potential for dwelling.
Owners want to build a dwelling at a site located in the current 7k zone.	The 7k zone contains high environmental value vegetation and is also high/extreme bushfire risk. A small area of 7k was changed to E3 in response to feedback and based on vegetation identified during both site visits.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	

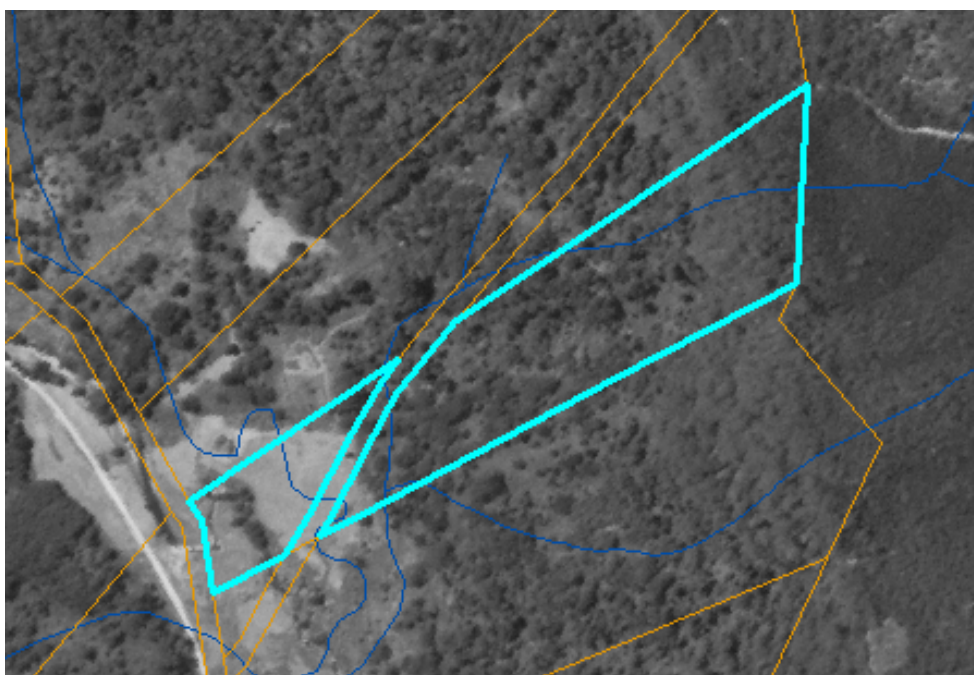
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	 <p>An aerial photograph of a forested area with a yellow overlay indicating Key Threatened Species Habitat. The yellow areas are irregularly shaped and cover a significant portion of the forest. A cyan line outlines a specific area within the yellow habitat. A small cluster of buildings is visible in the lower-left quadrant.</p>
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	 <p>An aerial photograph of the same forested area as above, but with a purple overlay indicating Key Threatened Species Habitat. The purple areas are more fragmented and cover a different set of regions within the forest. A cyan line outlines the same specific area as in the first map. The same cluster of buildings is visible in the lower-left quadrant.</p>

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	

Additional notes:

The area designated as E3 contains regrowth Subtropical Rainforest >15 -20 years old, with scattered old growth trees such as *Endiandra globosa* (Black Walnut) remaining. Higher up there is well developed rainforest and wet sclerophyll forest.


Historic aerial photography from 1989 shows the forested areas on the property with dense cover in the 7K zone. This is consistent with the old growth mapping.



Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor connecting Nightcap and Mt Jerusalem National Parks.




 National Park Estate

Proposed Zoning

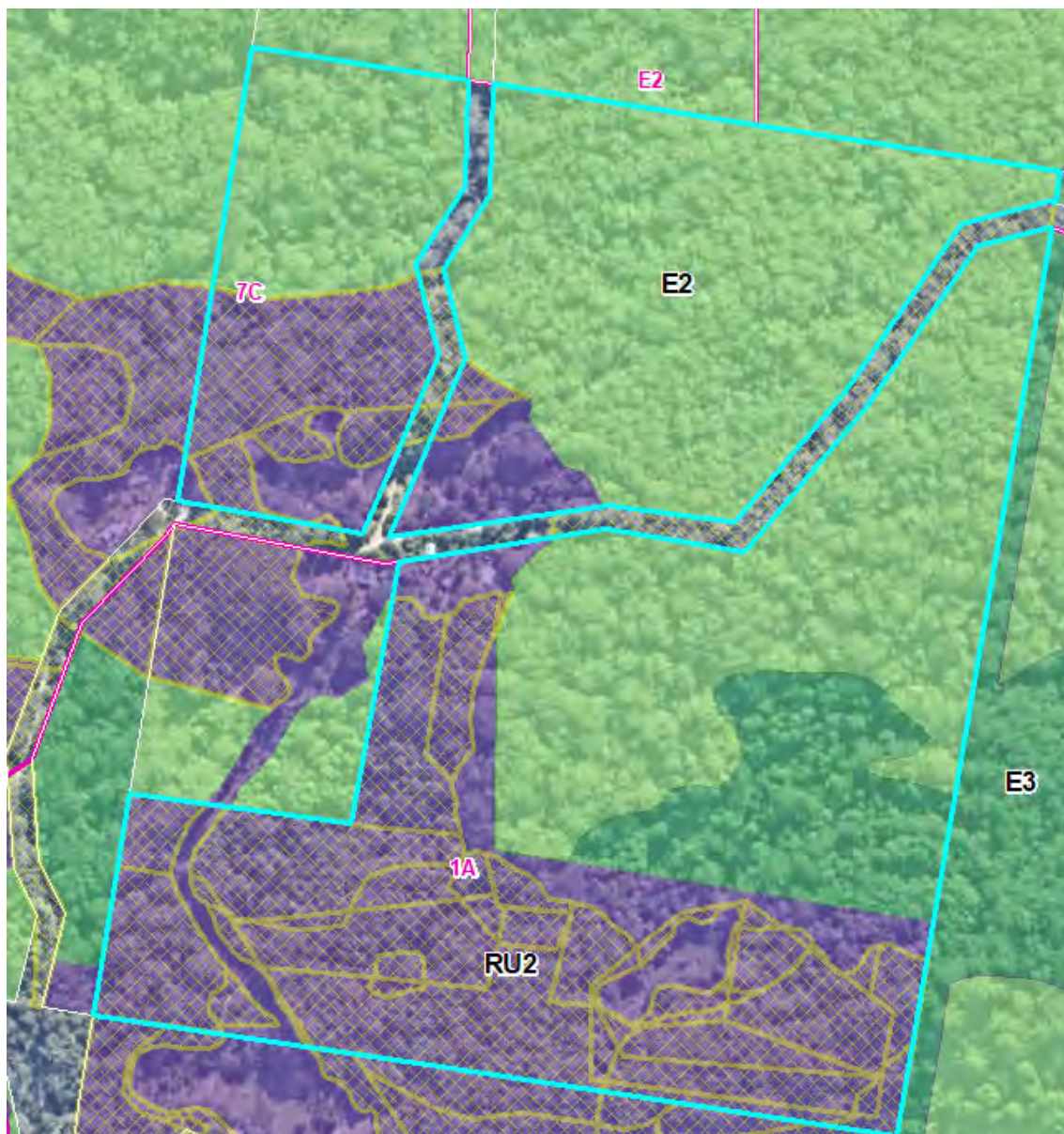
 E2

 E3

 RU2




23. 346 Goonengery Mill Rd Goonengerry PN 115280

Site Visit:	Site visit by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	1A / 7C (Water Catchment)
Current landuse:	Rural living, including a dwelling. No agriculture.
Area of Proposed Ezone:	E2 – 236,723 sqm (23.6ha), E3 – 36,878 sqm (3.7ha)
Vegetation Types in Proposed E2:	Blackbutt-Mixed Eucalypt (236,793 sqm) Brush Box 36,856 sqm
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

-  E2
-  E3
-  RU2

Changes to original mapping:

After reviewing the vegetation mapping and feedback from owner, 140 244sqm of EZone removed.

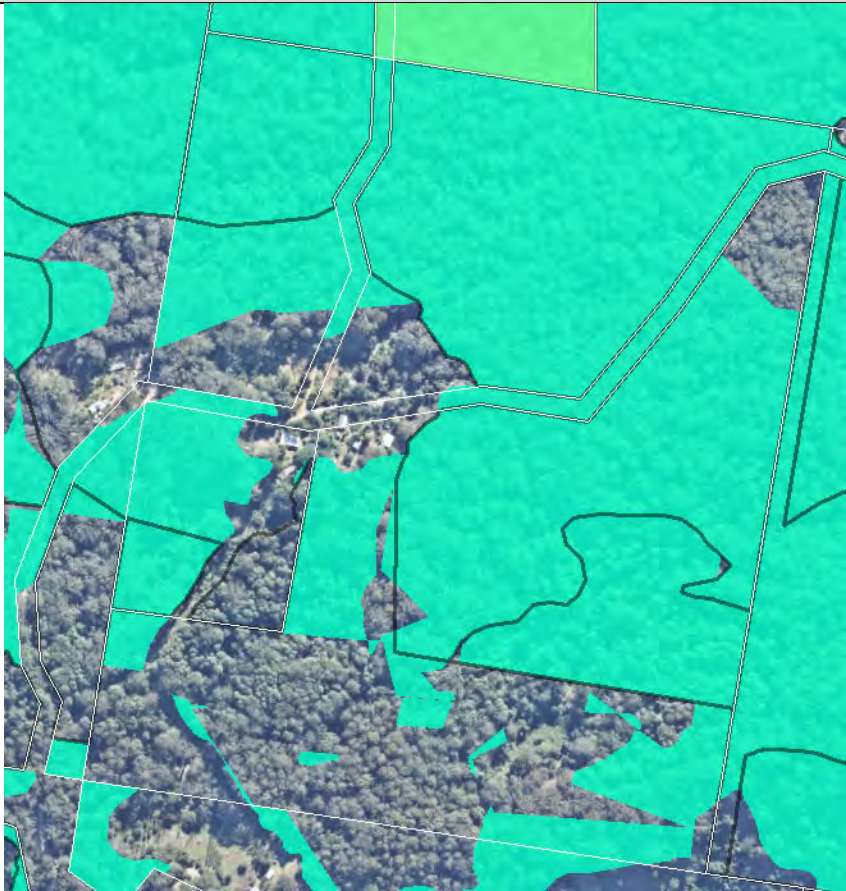
Consultation with Owner:


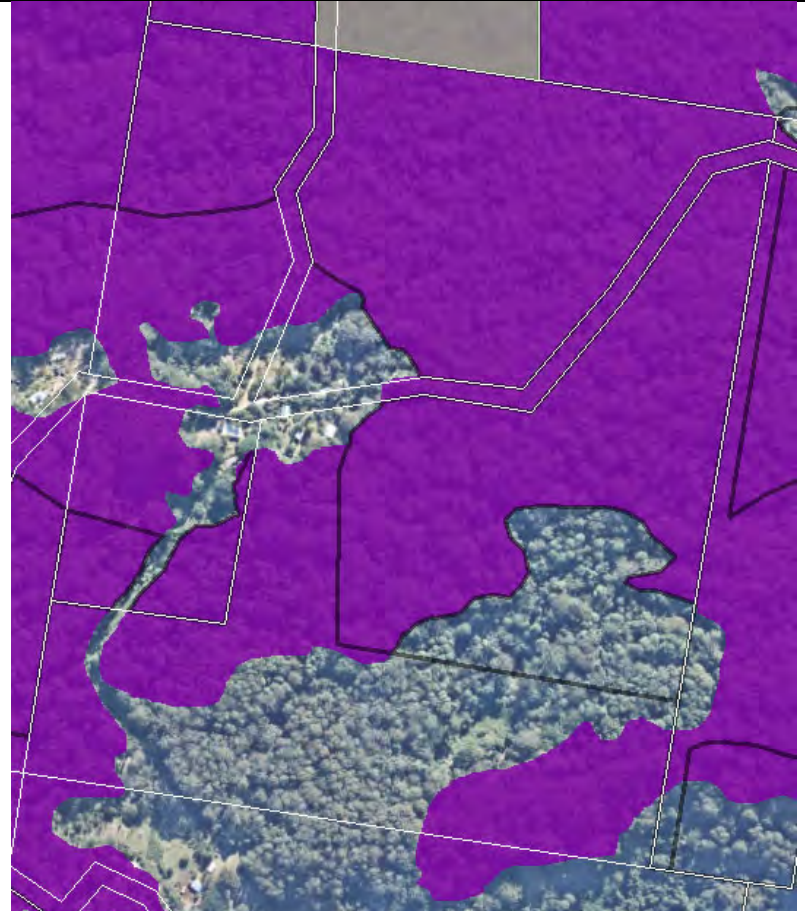
Letter sent October 2017, March 2018. Approximate 8 versions of the map updates as per feedback from the owner in 2019, but not agreed by owner. Notified of public exhibition for PP3 March 2021. Site visit by Ecologist in July 2021 and E2 area further reduced. Owner agrees with proposed EZones except for the north-east corner where he wants to build a house but has no approvals.


Owner's reasons for not agreeing and Council's response:

Reason	Council response
Owner requests a 1 Ha RU2 zone to be made at the Northeast of the property, where a clearing currently exists. This area was previously logged and has an approved DA.	Records show that the DA was not approved. Area consists of High Environmental Value vegetation that is also high/extreme bushfire risk.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth. Based on Landmark Ecological Services HEV Mapping 2017.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	 <p>An aerial photograph of a landscape with a green overlay indicating Key Threatened Species Habitat. The green areas are primarily located along a winding river or stream that flows from the top left towards the bottom left. There are also several smaller, irregular green patches scattered throughout the landscape, particularly in the upper right and lower right areas. The background is a mix of green and brown, representing different land cover types.</p>
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as Preferred Koala Habitat.</p>	 <p>An aerial photograph of the same landscape as the previous map, but with a purple overlay indicating Key Threatened Species Habitat. The purple areas are more extensive than the green areas, covering a large portion of the landscape, particularly in the upper right and lower right areas. The river and stream are also visible, with some purple areas along their banks. The background is a mix of green and brown, representing different land cover types.</p>

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

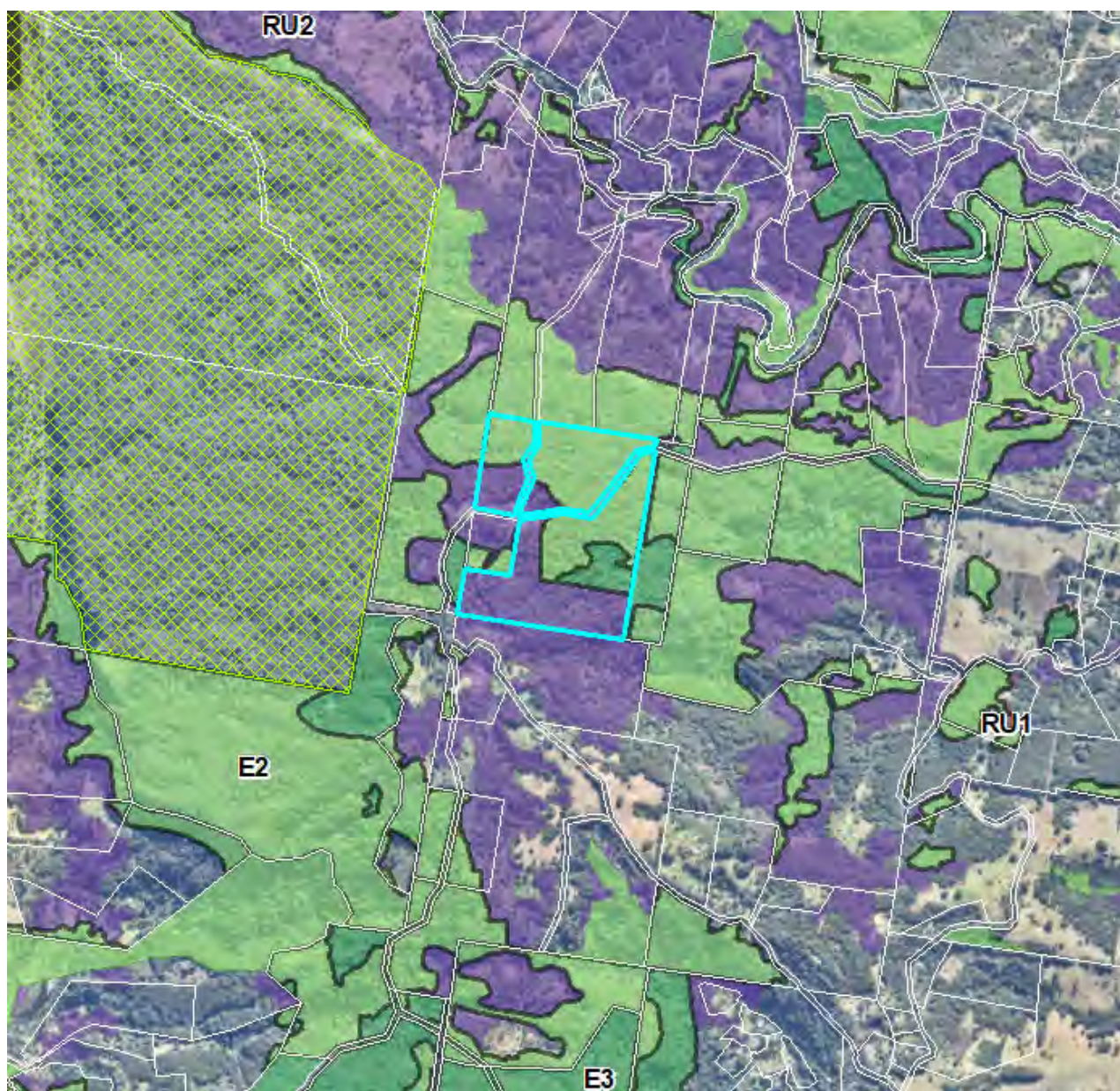
Additional notes:


Historic aerial photography from 1965 shows the forested areas on the property, consistent with old growth mapping.




Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor connecting to Goonengerry National Park.



 National Park Estate

Proposed Zoning

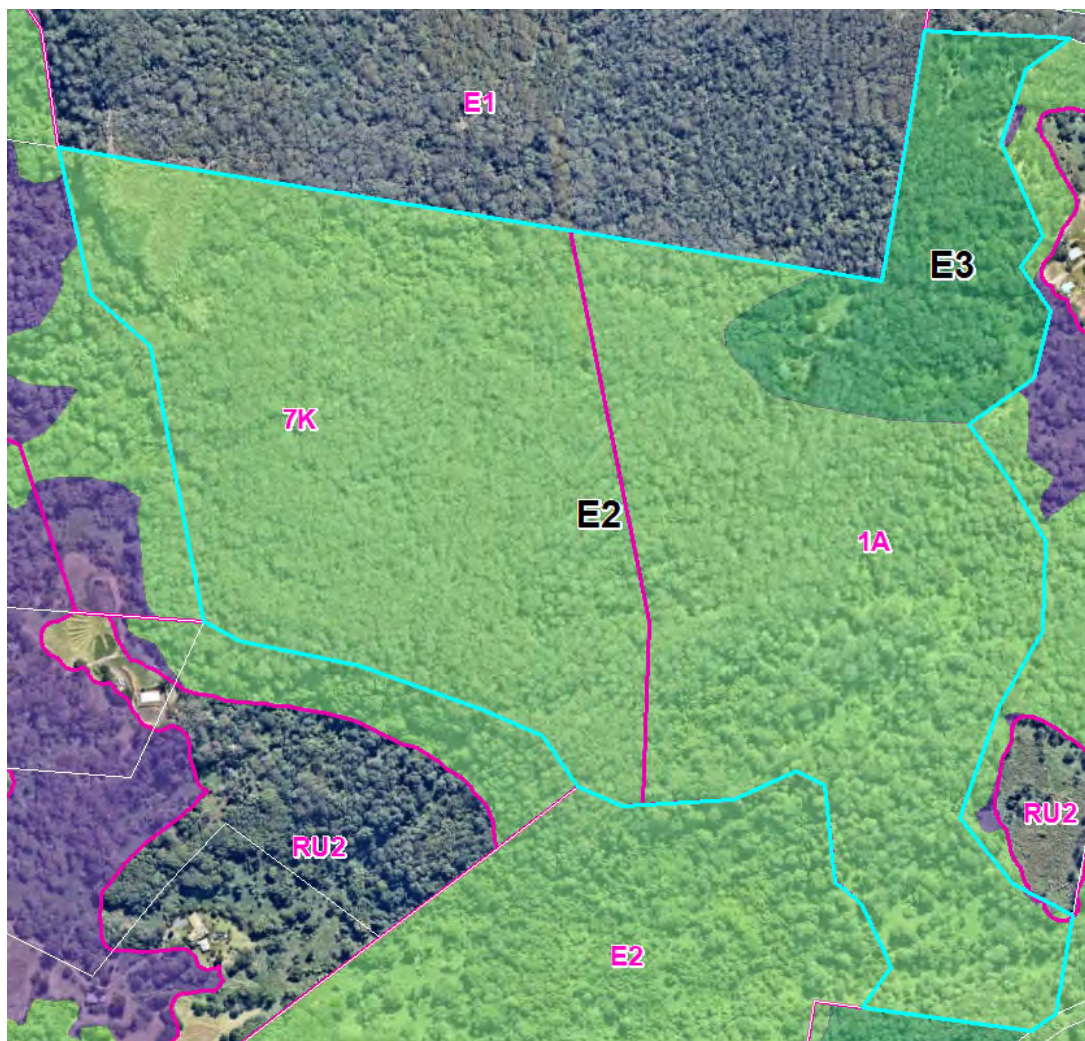
 E2

 E3

 RU2

24. 11 Garrong Rd Goonengerry PN 115290 (“Goonengerry Heights”)

Site Visit:	Site visit by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	1A / 7K (Habitat)
Current landuse:	Rural living, multiple occupancy community. No agriculture.
Area of Proposed Ezone:	E2 – 701,288 sqm (70.1), E3 – 106,816 sqm (10.7)
Vegetation Types in Proposed E2:	Blackbutt 498,138 sqm Brush Box-Tallowwood-Eucalypt 50, 731 sqm Brush Box+Rainforest 6,077 sqm Flooded Gum-Brush Box-Rainforest 52,110 sqm Mixed Eucalypt-Brush Box 8,502 sqm Rainforest 77,056 sqm Rainforest-Eucalypt 2,134 sqm Rainforest+Lantana 4,907 sqm
Vegetation Types in Proposed E3:	Blackbutt 15,281 sqm Blackbutt-Mixed Eucalypt 40, 819 sqm Brush Box-Tallowwood-Rainforest 428 sqm Eucalypt-Wattle 37 sqm Mixed Eucalypt 10, 338sqm Mixed Eucalypt-Brush Box 30,905 sqm Rainforest 3,497 sqm Wattle-Mixed Eucalypt-Lantana 2,004 sqm
Private Native Forestry Agreement:	No



Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

No change to proposed zoning after site visit and submission. Proposed change to include in MOCT map with 6 dwellings.

Consultation with Owner:

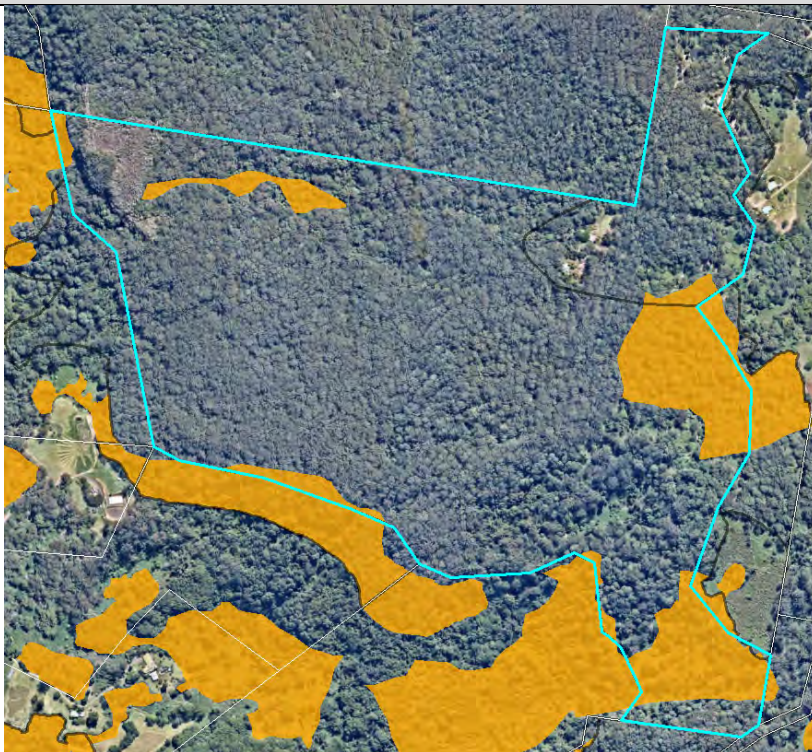
Letter sent October 2017, March 2018. Meeting with shareholder representatives August 2018. Multiple emails sent to discuss MO status and zoning. Notified of public exhibition for PP3 March 2021. Meeting with staff, Planning Consultant and shareholders June 2021. Site visit by Ecologist in July 2021. Council determined that MO DA 89/200 has commenced and can be added to MOCT map for 6 dwellings, however the 6 dwellings must be clustered into the delineated E3 area.

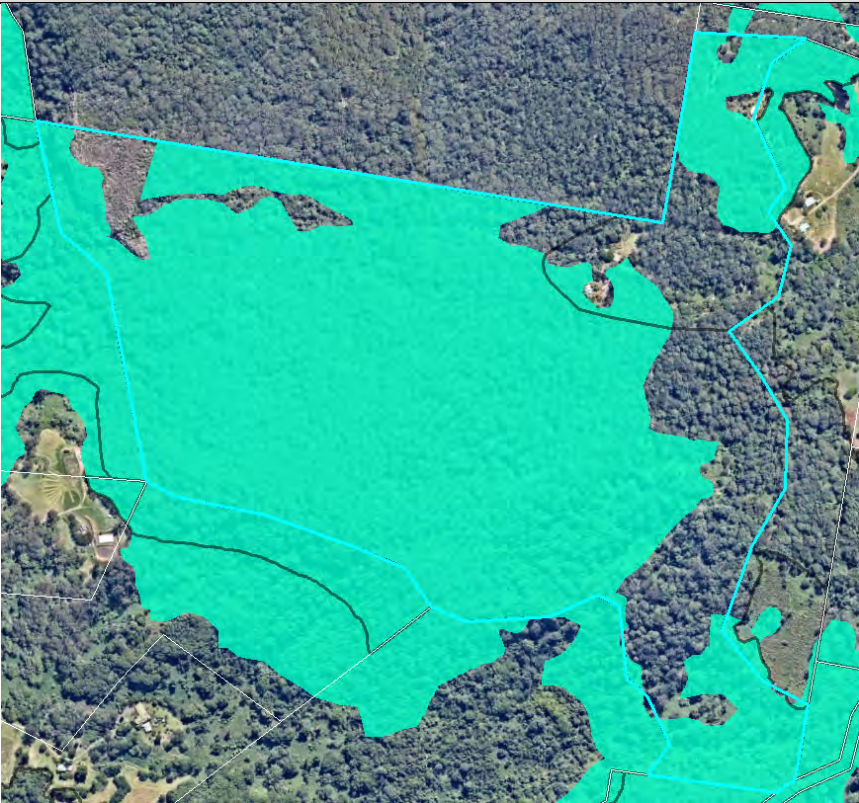
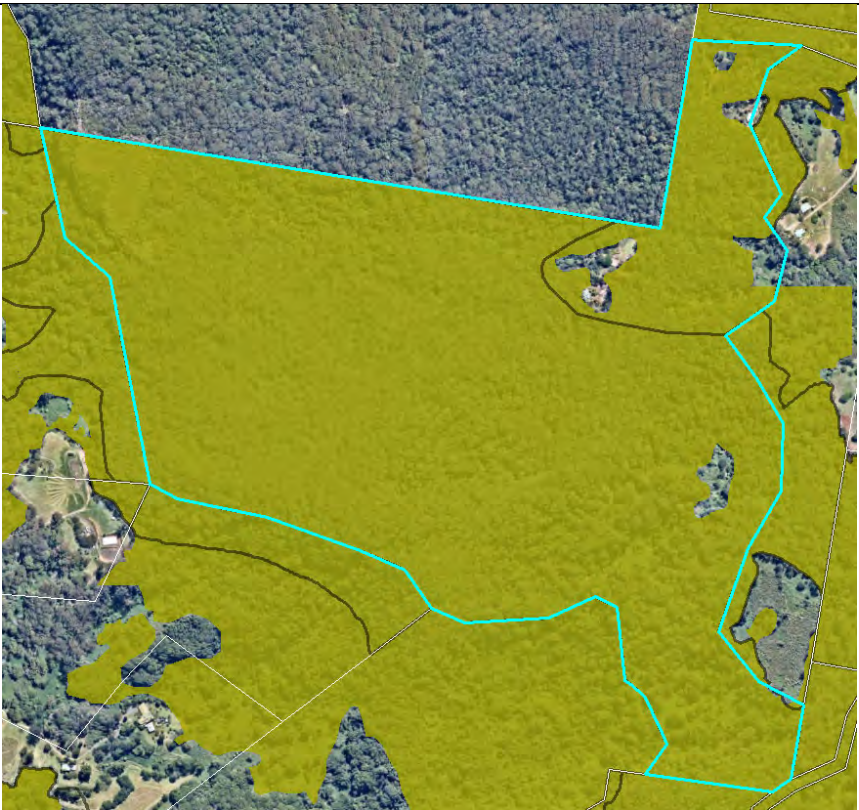
Owner's reasons for not agreeing and Council's response:

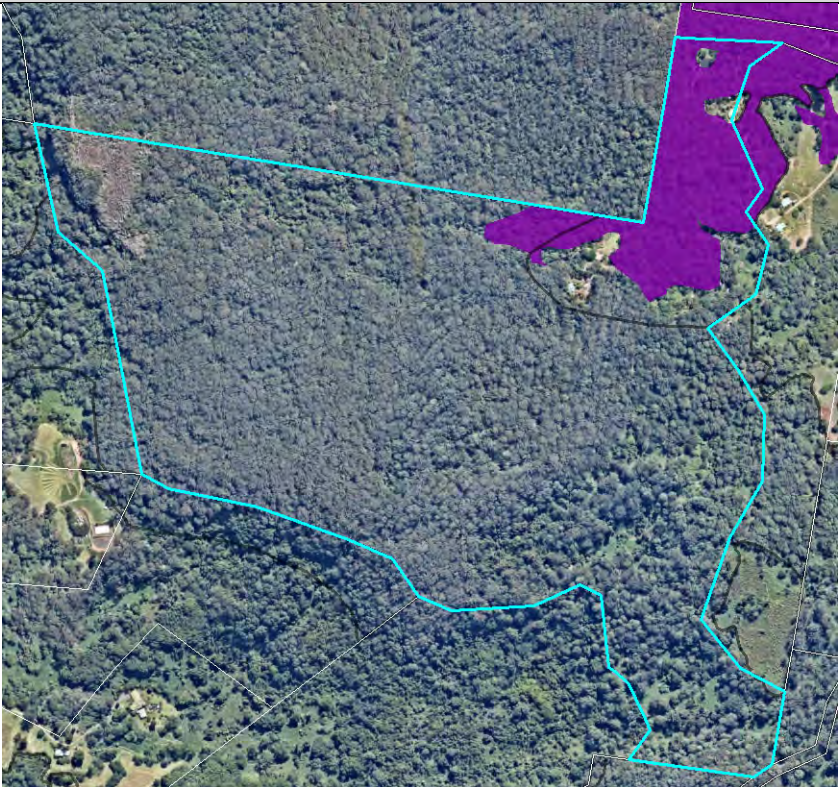
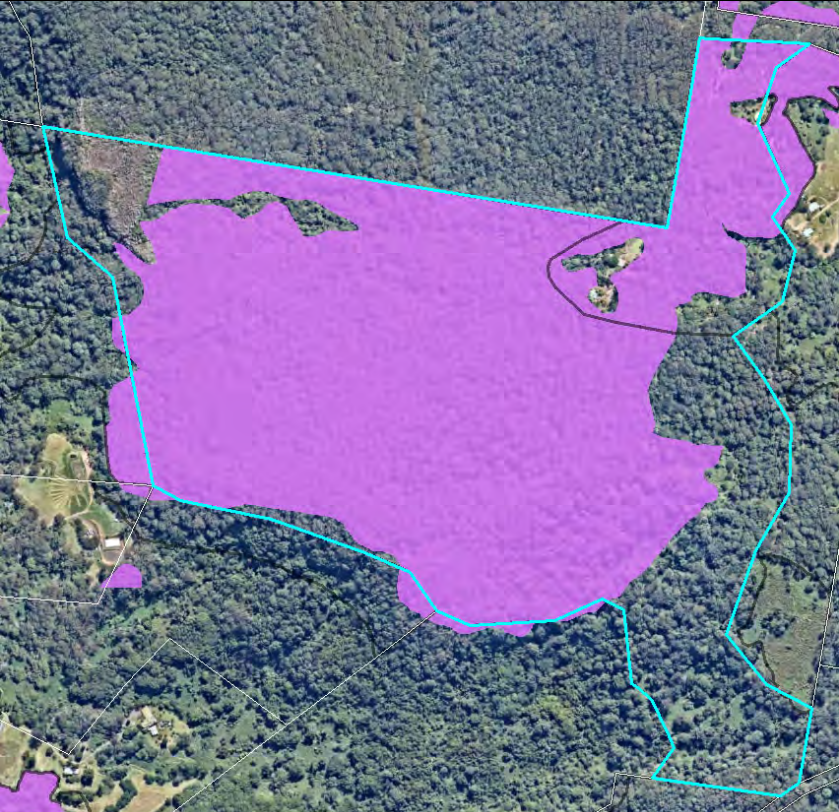
<u>Reason</u>	<u>Council response</u>
Shareholders request 7 dwellings be added to MOCT map because the land already has approval for 7 structures (6 dwellings and 1	A <i>Community Building</i> would normally be located on common property (MO) or the community lot (CT). Such a structure can be part of any future DA for this land and (unlike a dwelling) cannot be subdivided and sold off should they

<u>Reason</u>	<u>Council response</u>
community building) and the additional lot would not cause any additional occupancy footprint.	convert to a CT. As such, there is no justification for introducing another dwelling entitlement on the MOCT map.
Shareholders request that E3 zone be extended to include 2 additional sites.	The E3 area provides adequate space for 6 dwellings and APZs without the need for significant vegetation clearing, which in turn will provide an easier pathway for DA modification and/or community title subdivision. The area of proposed E3 zone logically aligns with the area to be shown on the MOCT map for 6 dwellings and this will become the maximum 'envelope' for future settlement. The proposed E3 extension area is mapped as old growth vegetation and containing threatened species.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act</i> 1995 and/or the <i>Environment Protection and Biodiversity Conservation Act</i> 1999</p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.</p>	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	

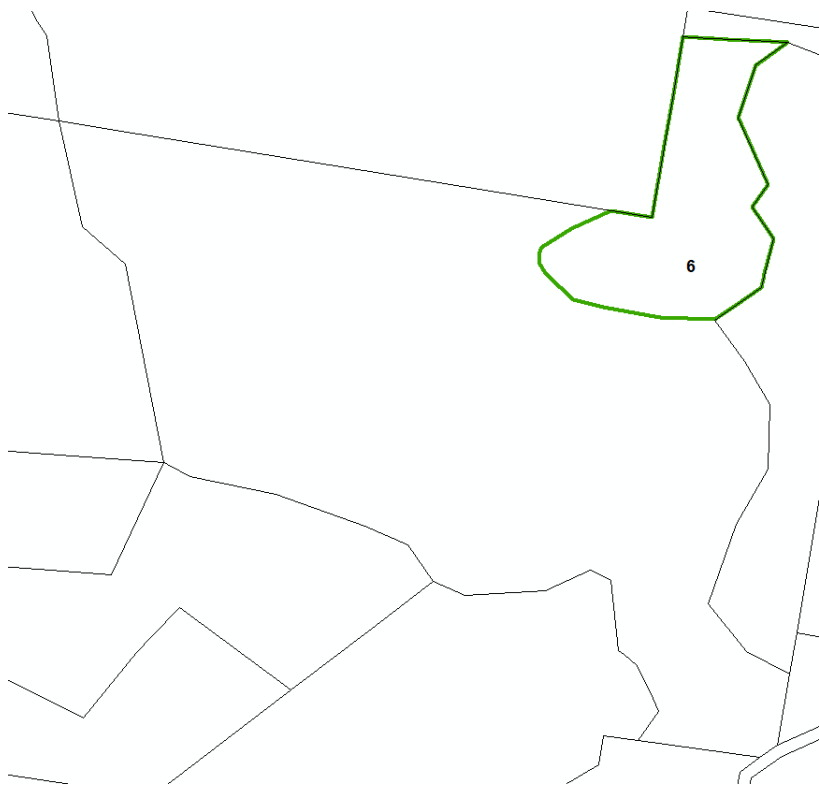
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as <u>Preferred Koala Habitat</u>.</p>	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

Additional notes:

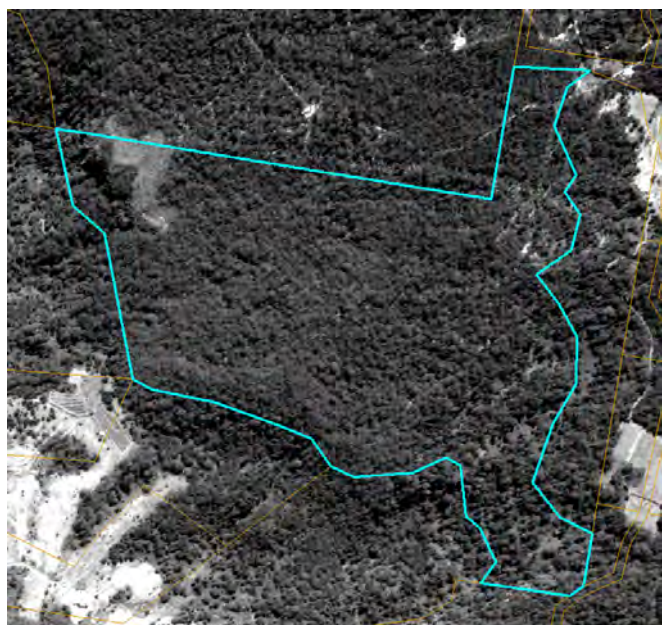
Property is not identified on LEP 2014 Multiple Occupancy and Community Title (MOCT) map given existence of an original DA approval in 1989 and subsequently modified approval in 1999.

Because most of the approved dwelling sites (i) have not been built on and (ii) are located in areas significantly constrained by high environmental value vegetation, steep slopes and bushfire risk, staff have recommended that the six dwellings should be clustered more closely in the northern part of the property in the proposed E3 zone shown in the map on page 119 (with E2 zone over the remainder of the site). It is considered that the proposed E3 area provides adequate space for the dwellings and APZs without the need for significant vegetation clearing, which in turn will provide an easier pathway for DA modification and/or future community title subdivision.

To facilitate this outcome, it is **also recommended that the extent of proposed E3 zone on this property be included in the MOCT map in LEP 2014 along with a numerical label (6) indicating the maximum number of dwellings in accordance with [cl 4.2B](#).**

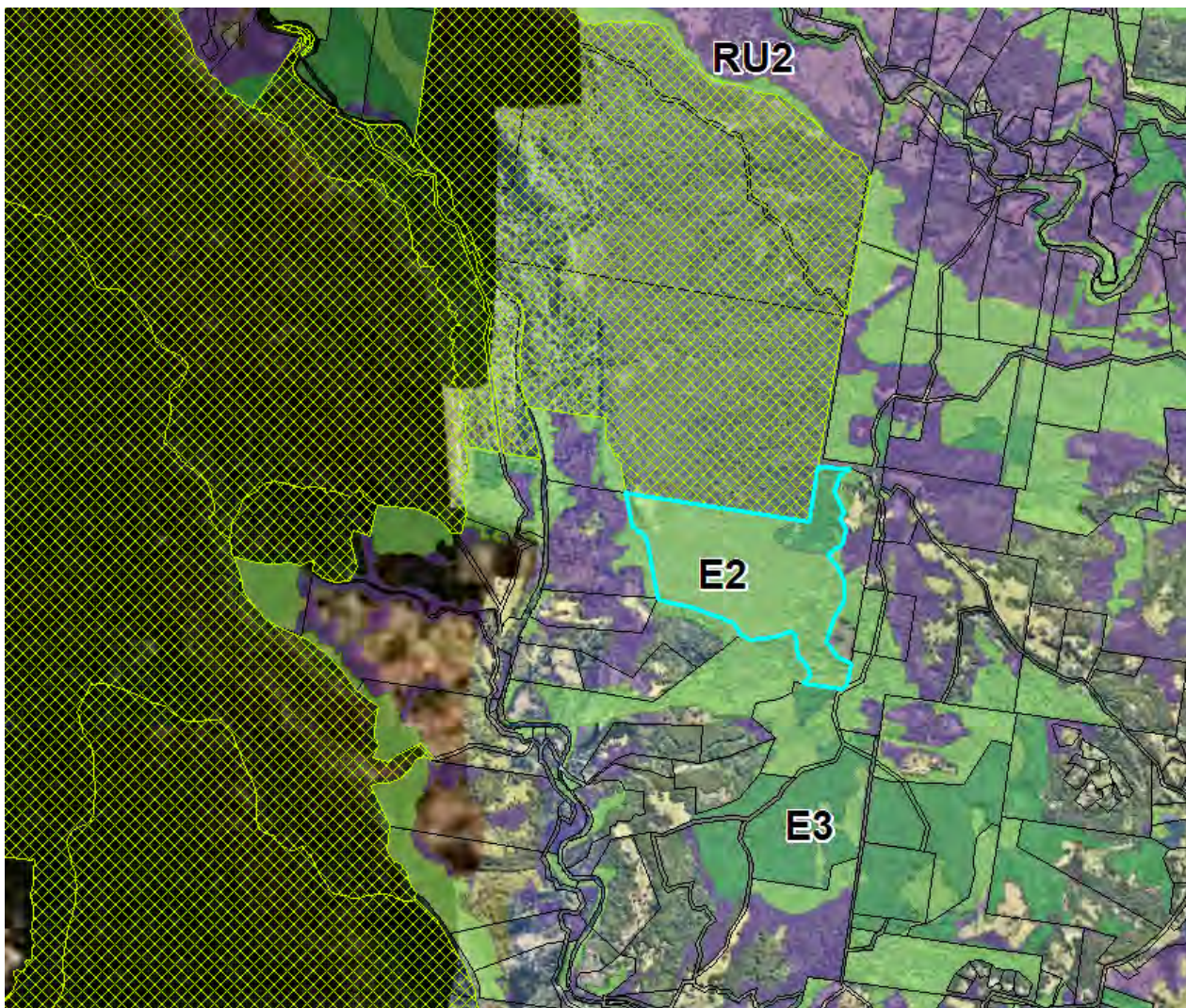



Historic aerial photography from 1989 shows the forested areas on the property, consistent with old growth mapping.




Landscape Connectivity:

The Property adjoins Goonengerry National Park. The E2 on this property is part of a forested wildlife corridor connecting to Goonengerry and Nightcap National Parks.



 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

25. 73 Coopers Creek Rd Upper Coopers Creek PN 238615

Site Visit:	Refused.
Current zoning:	1a/RU2
Current landuse:	Rural living. Dwelling present. No agricultural activity.
Area of Proposed Ezone:	E2 – 34,582 sqm
Vegetation Types in Proposed E2:	Rainforest (8,961 sqm) Scribbly Gum (25, 764 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

- E2
- E3
- RU2

Changes to original mapping:

No changes to original Ezone mapping.


Consultation with Owner:


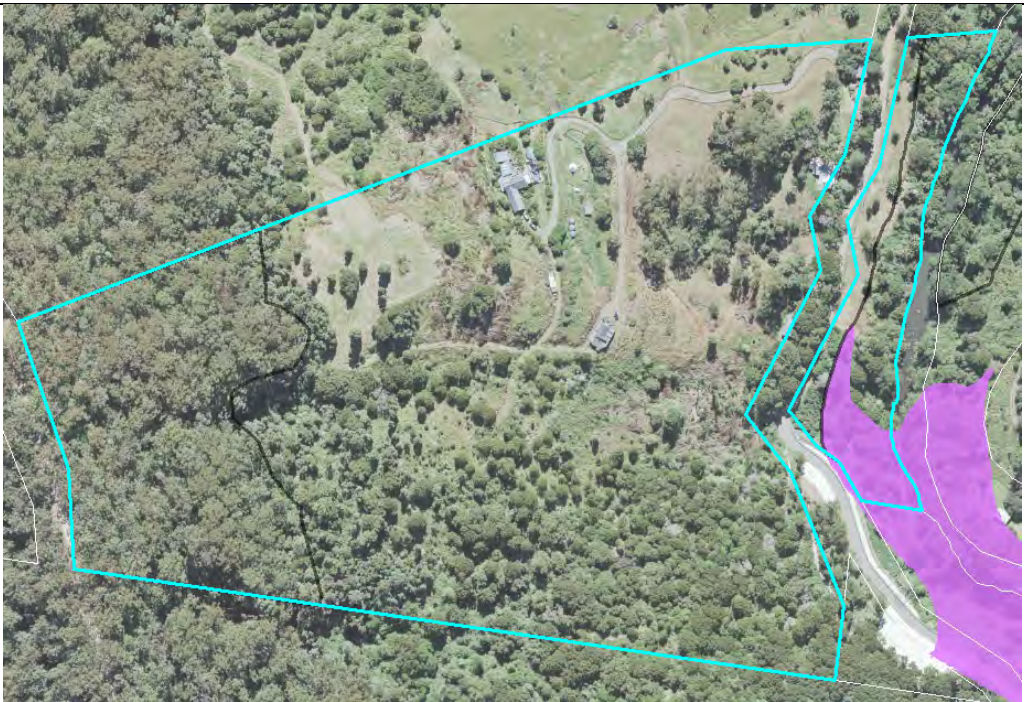
Letter sent October 2017, March 2018 and May 2019. Owners called Council and came in for a meeting in 2019/2020 but did not make a submission. Notified of public exhibition for PP3 March 2021. Responded to exhibition by coming into Council with neighbours for a discussion. Offer of a site visit not accepted.

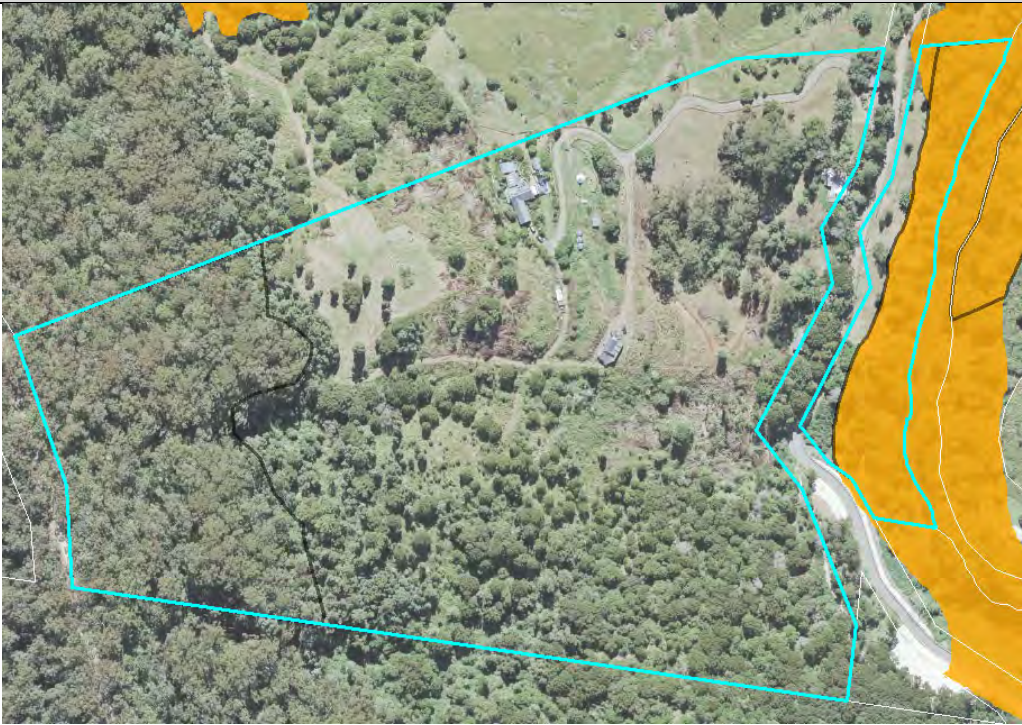

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Concerns about bushfire threats.	LEP zonings do not prevent ability to undertake fire hazard management in accordance with the Rural Fires Act .
Want the option to build a structure in upper slopes.	This area is mapped as old growth forest as well as being high/extreme bushfire risk.
Vegetation on escarpment not considered old growth.	Vegetation mapping and historic aerial photographs show old growth vegetation. However unable to verify as site visit refused.
Owners don't want landuse restrictions on land.	Most of the property is zoned RU2. The E2 area meets the environmental criteria.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

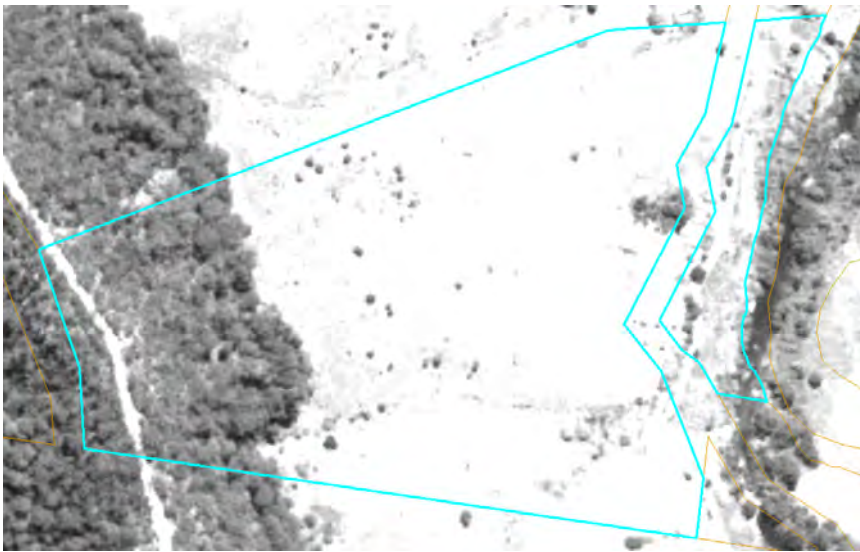
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity (Conservation Act 1999</i></p> <ul style="list-style-type: none"> Lowland Rainforest 	
<p>Riparian and estuarine vegetation and wetlands. Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands. Waterfront land is defined under the NSW Water Management Act 2000 as the bed of any river, lake or estuary and any land within 40 metres of the river banks, lake shore or estuary mean high water mark.</p>	

Additional notes:

Adjacent to Nightcap National Park.

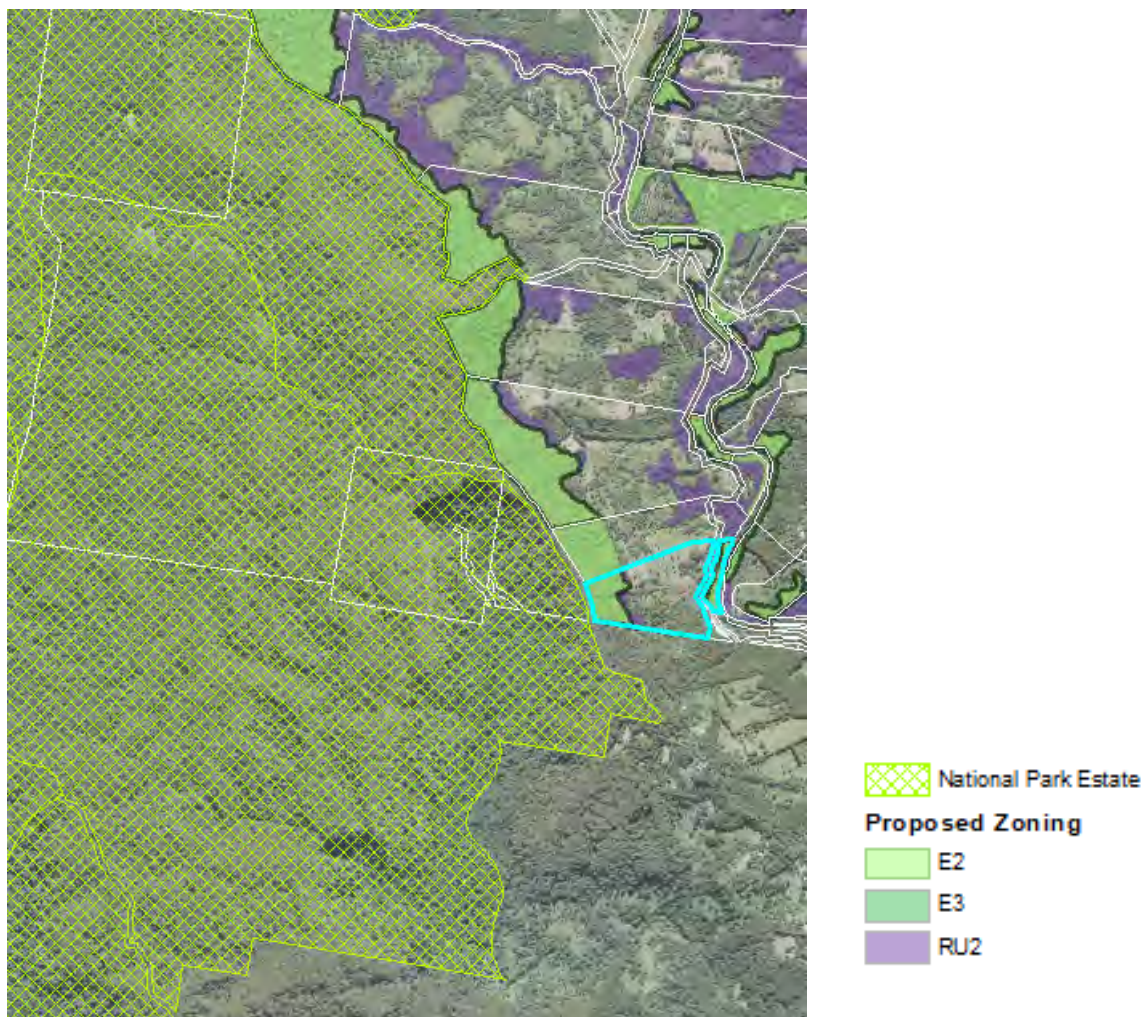
Potential Ezone connectivity to the south in Lismore Shire.

Historic aerial photography from 1989 shows the forested areas on western slope of property, consistent with old growth mapping.



Landscape Connectivity:

The E2 on this property is part of the Nightcap National Park wildlife corridor.



26. 135 Coopers Creek Rd Upper Coopers Creek PN 134960

Site Visit:	Offered once, no response.
Current zoning:	1a/RU2
Current landuse:	Rural living. Dwelling present. No agricultural activity.
Area of Proposed Ezone:	E2 – 132,969 sqm
Vegetation Types in Proposed E2:	Scribbly Gum (116,884 sqm) Brush box (3,104 sqm) Rainforest (9,688 sqm) Camphor Laurel 51-80% (3,248 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2
E3
RU2

Changes to original mapping:

After reviewing the vegetation mapping and feedback from owner, 56,661 sqm of E2 zone removed.

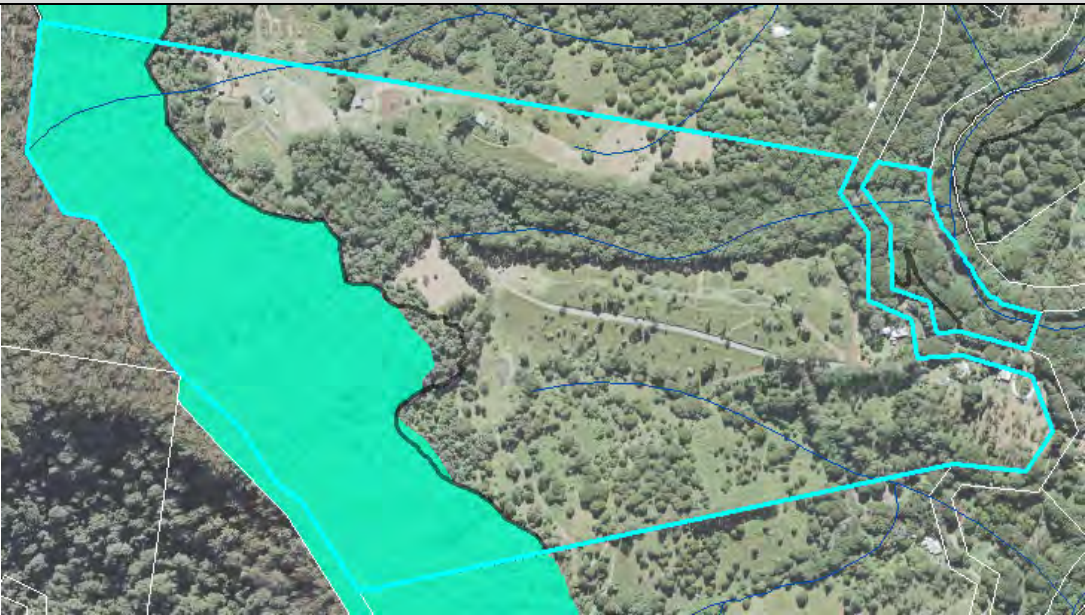
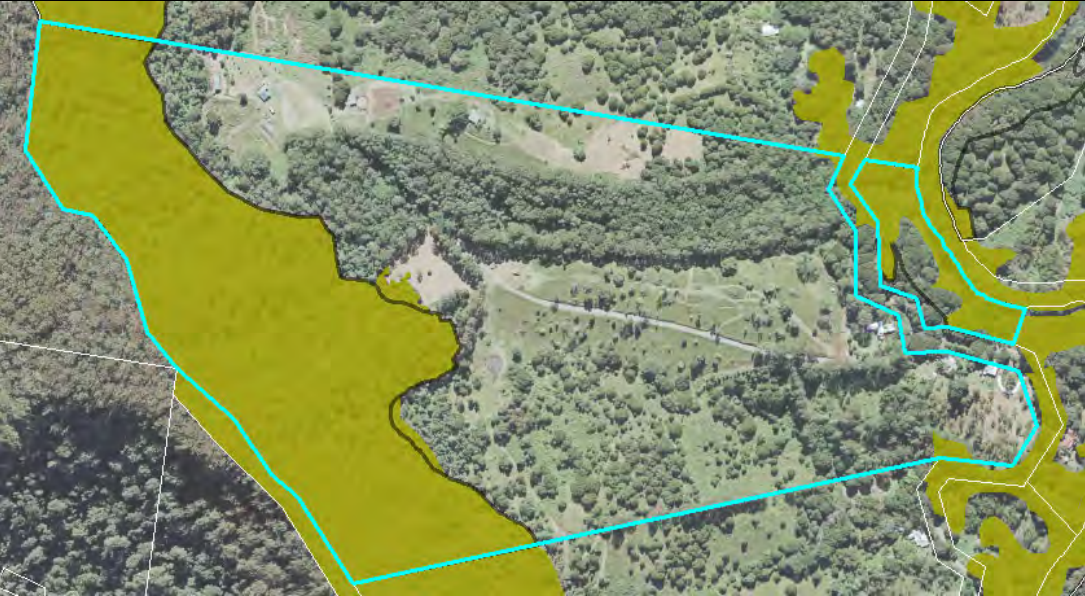
Consultation with Owner:



Letter sent October 2017, March 2018 and May 2019. Owner confirmed Ezone mapping correct in 2019. Notified of public exhibition for PP3 March 2021. Decided to withdraw support for any zoning changes. No response to offer of a site visit.

Owner's reasons for not agreeing and Council's response:

No reasons given.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> Lowland Rainforest 	
<p>Riparian and estuarine vegetation and wetlands. Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands. Waterfront land is defined under the NSW Water Management Act 2000 as the bed of any river, lake or estuary and any land within 40 metres of the riverbanks, lake shore or estuary mean high water mark.</p>	

Additional notes:

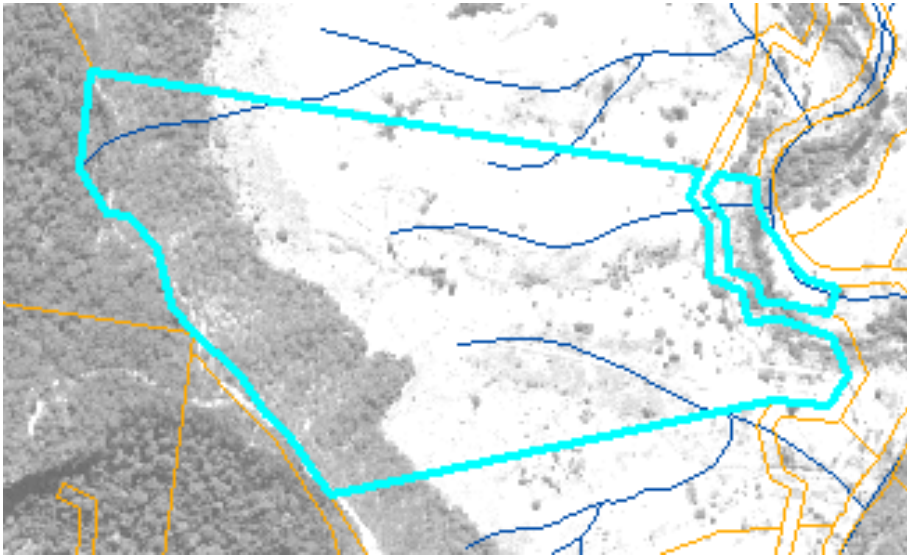
Adjacent to Nightcap National Park.

Large area of restored vegetation in RU2 zone, funded by Government grants.

Potential Ezone connectivity to the south in Lismore Shire.

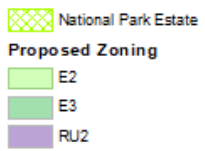
Vegetation and slopes along western slope have high/extreme bushfire risk.

Historic aerial photography from 1989 shows the forested areas on western slope of property, consistent with old growth mapping.



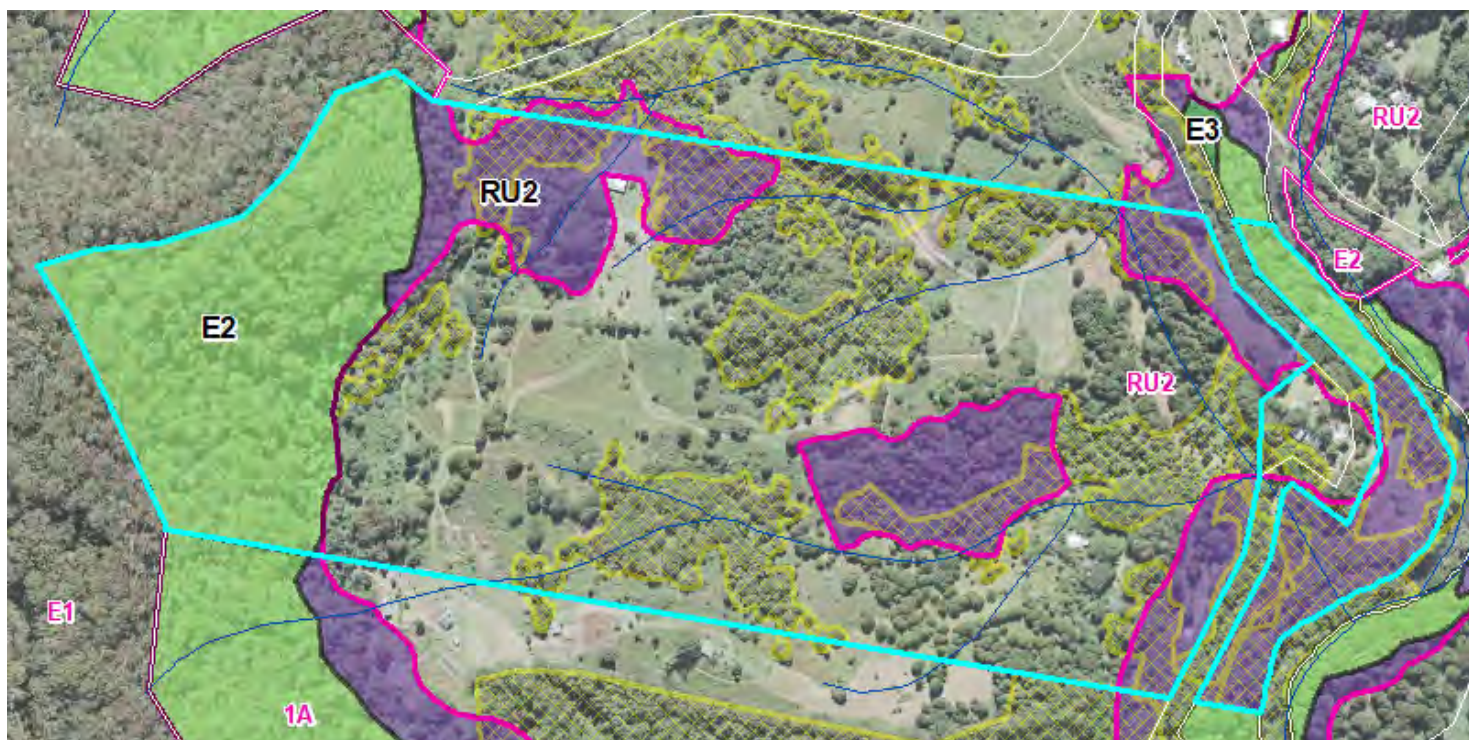
Landscape Connectivity:

The E2 on this property is part of the Nightcap National Park wildlife corridor.



27. 159 Coopers Creek Rd Upper Coopers Creek PN 14910

Site Visit:	Refused.
Current zoning:	1a/RU2
Current landuse:	Rural living. Dwelling present. No agricultural activity.
Area of Proposed Ezone:	E2 – 77, 391 sqm
Vegetation Types in Proposed E2:	Flooded Gum (583 sqm) Rainforest (2217 sqm) Rainforest-Wattle (163 sqm) Rainforest+10-50% Camphor Laurel (5281 sqm) Scribbly Gum (69, 114 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2
E3
RU2

Changes to original mapping:

After reviewing the vegetation mapping and feedback from owner, 112 951 sqm of EZone removed.


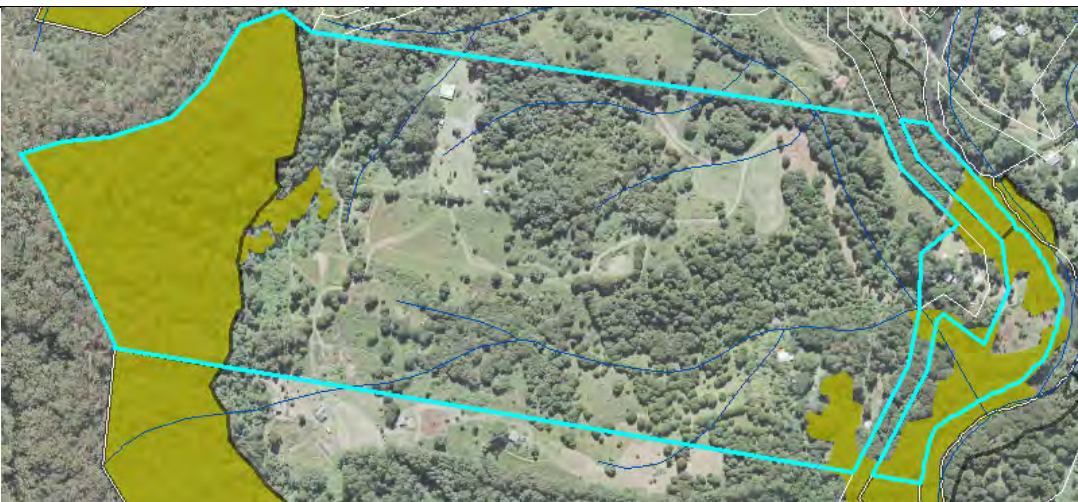
Consultation with Owner:



Letter sent October 2017, March 2018 and May 2019. Owner confirmed Ezone mapping correct in 2019 but then decided to withdraw support for any zoning changes. Notified of public exhibition for PP3 March 2021. Meeting at Council to discuss and follow up phone call. Refused offer of a site visit.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Better for landowner to manage the land than Council.	Environmental zoning seeks to protect High Environmental Value vegetation for current/future landowners, namely via E2 zone objectives and permissible land uses.
None of the area is old growth and is all regrowth.	Vegetation mapping and historic aerial photographs confirm old growth vegetation. Unable to verify mapping on the ground as site visit refused.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.	
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> Lowland Rainforest 	
<p>Riparian and estuarine vegetation and wetlands. Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas other than those mapped as SEPP 14 Coastal Wetlands. Waterfront land is defined under the NSW Water Management Act 2000 as the bed of any river, lake or estuary and any land within 40 metres of the riverbanks, lake shore or estuary mean high water mark.</p>	

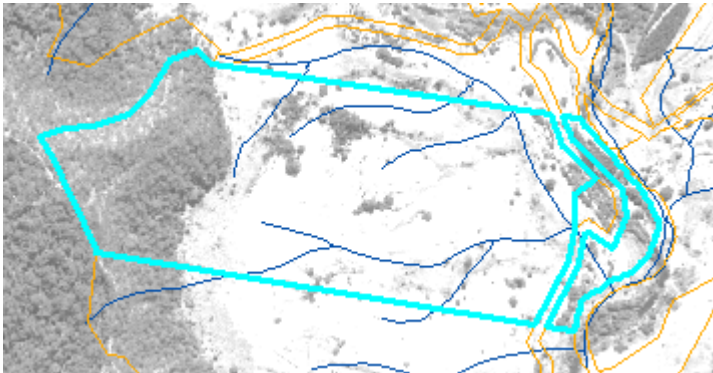
Additional notes:

Adjacent to Nightcap National Park.

Potential Ezone connectivity to the south in Lismore Shire.

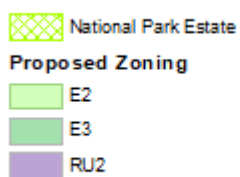
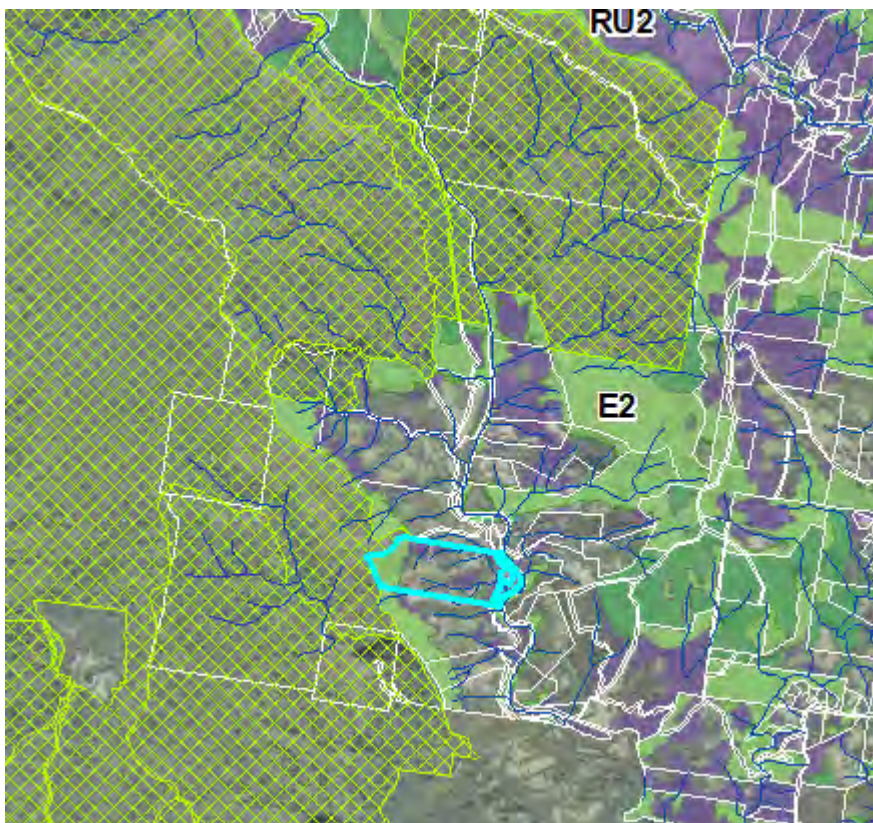
Vegetation and slopes along western slope have high/extreme bushfire risk.

Historic aerial photography from 1989 shows the forested areas on the property, consistent with old growth mapping.



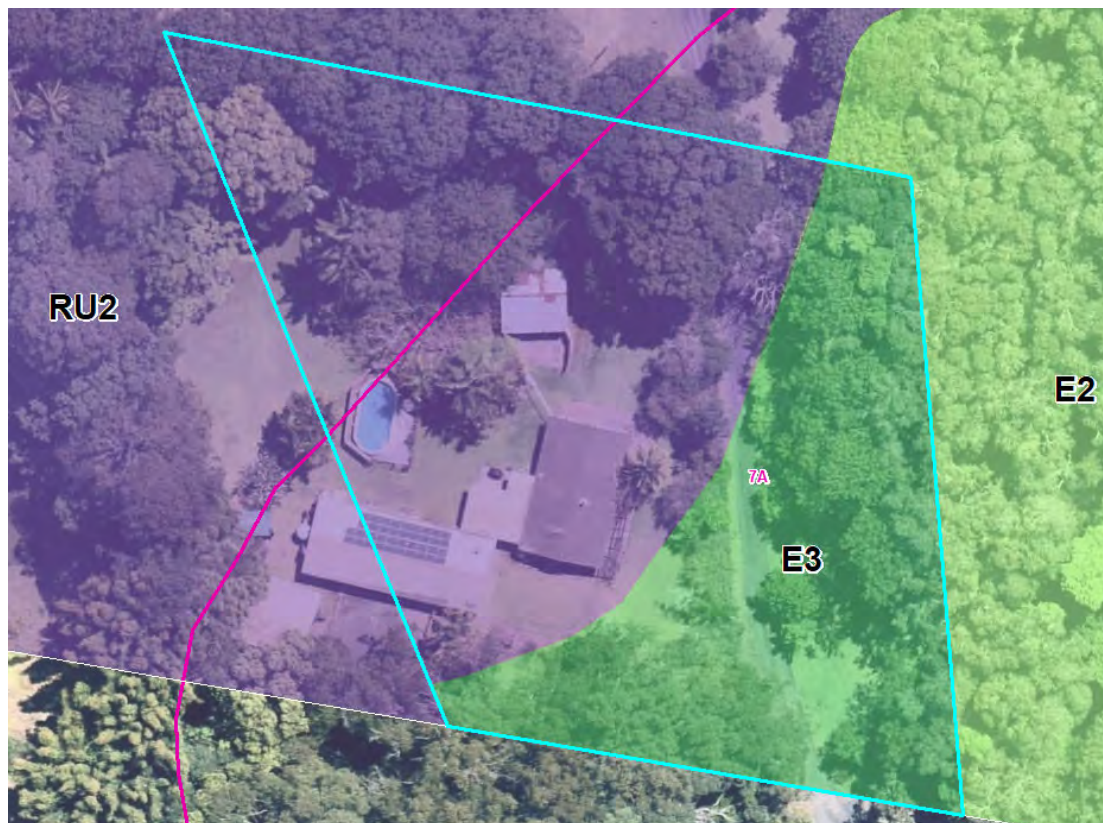
Landscape Connectivity:

The E2 on this property is part of the Nightcap National Park wildlife corridor.






28. 44 Ti Tree Rd Byron Bay (PN 94240)

Site Visit:	Not required.
Current zoning:	7A Wetlands / 1A Agricultural
Current primary landuse:	Rural living including dwelling. No agricultural land uses.
Area of Proposed Ezone:	E3 – 1582 sqm
Vegetation Types in Proposed E2:	NA
Private Native Forestry Agreement:	No



Proposed Zone

	E2
	E3
	RU2

Changes to original mapping:

After reviewing feedback from owner 1582 sqm of E2 zone changed to E3 zone.

Consultation with Owner:

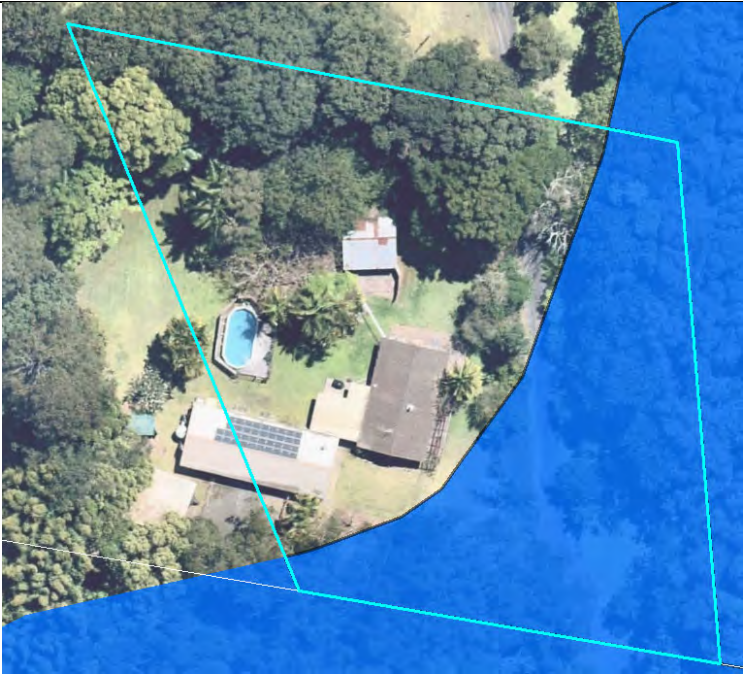
Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021. Meeting with owner in May 2021. Follow up phone calls and letter explaining that because of the Coastal Wetlands SEPP the Ezone cannot be removed.

Owner's reasons for not agreeing and Council's response:

Reason	Council response
Cadastral in wrong location in the east.	Agreed. To allow for cadastral inaccuracy, the Ezone was changed from E2 to E3.

Vegetation does not meet the requirements for an Ezone.	The Ezone area is mapped as Coastal Wetlands SEPP and DPIE have requested that the area be included in Ezone.
Coastal Wetland SEPP mapping is incorrect.	The accuracy of this mapping cannot be addressed by Council.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
SEPP 14 (Coastal Wetland)	

Additional information:

The cadastral boundaries are inaccurate as shown on map below. Red area indicates actual area of property.

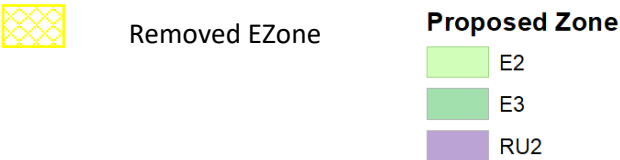
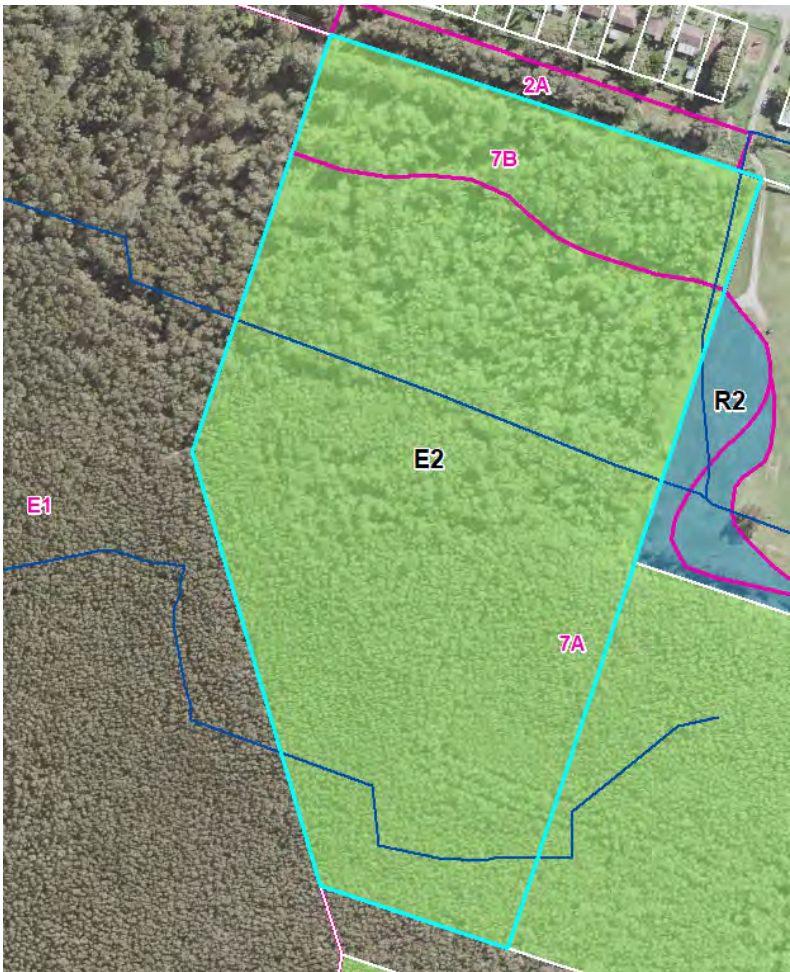


29. Butler St Byron Bay PN 7600

Site Visit:	Site visit by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	7A Wetlands / 7B Coastal Habitat
Current landuse:	Environmental. No dwelling entitlement. No agricultural land uses.
Area of Proposed Ezone:	E2 – 85, 256 sqm
Vegetation Types in Proposed E2:	Paperbark (44,669 sqm)
	Paperbark+Swamp Oak (36,900 sqm)
Private Native Forestry Agreement:	No

Consultation with Owner:

Meeting with Landowners who advised that the cadastral boundaries were incorrect (see above map yellow not correct, red boundary above indicates true boundary). Coastal SEPP indicated by blue diagonal lines. Shadows in previous mapping may have obscured the true wetland boundary and the landowners believe that the SEPP boundary should be reviewed. As Coastal SEPP appears to cover the property and council follows the SEPP boundaries for Ezone implementation, a Zoning of E3 was applied. Owners are not in agreement as they feel the wetland boundary should be reviewed and one zone should be applied to the property.



Changes to original mapping:

No changes to original mapping.

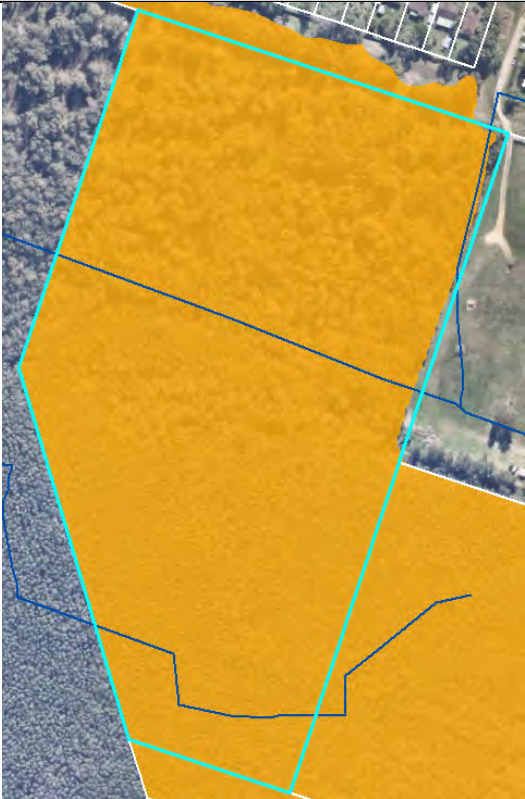

Consultation with Owner:

Letter sent October 2017. Submission objecting to EZones December 2017. August 2018 Council provided advice on vegetation communities and Biodiversity offset schemes. March 2019 submission from Private Planner with Ecological report requesting E3 in northern part of property. Staff investigated and confirmed that all of property meets the requirements for E2 zone and is not suitable for development. Advice from General Manager in January 2020 confirming previous staff investigation findings still stand. Meeting at Council September 2019. Notified of public exhibition for PP3 March 2021. Meeting with Council staff June 2021.


Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Wetland is largely a consequence of Byron Shire Council intervention over the past 40 years (allowing Byron Bay urban storm water to accumulate in Wentworth Street and flow onto private land) followed by Byron Bay Council lack of maintenance (not maintaining the Council drain down the eastern side of our property).	Staff investigated site history and all consultant reports and have determined that: <ul style="list-style-type: none">• Most of the land parcel is classified as high flood hazard.• The area zoned 7A has significant environment values, including Coastal Wetland SEPP, Threatened Fauna, Threatened Ecological Community, Key Habitat, Over Cleared Landscapes/Vegetation.• The area zoned 7B in the northern part of the property also has significant environment values including Threatened Ecological Community, Key Habitat, Over Cleared Landscapes/Vegetation.• The area proposed to be changed to E3 Zone has been reviewed considering the above assessment findings. It has been concluded that in addition to the high flood hazard, this area still meets the E2 criteria as the level of disturbance is very low, and the area contains Swamp Oak ecosystem which is a state and nationally listed Endangered Ecological Community (EEC).• The determination is consistent with adjoining properties and the adjacent Cumbebin Swamp Nature Reserve.
This property has been in our family since 8 May 1906. It has been used in the past for pig farming.	Noted. The EZones are based on the current environmental values and the primary landuse during the last 2 years.
One third of the property from the northern boundary to the south had been cleared and was covered in lantana and scrub about 1.0 to 1.5 metres in height.	Note. The northern part of the property was previously cleared along boundary/fenceline, however this does not change the findings outlined above.
There are no "endangered ecological communities" or "threatened species habitat" on our property.	Refer to table below. Endangered Ecological Community (EEC) was confirmed by site visit by Council Ecologist.

Reasons for E2 zoning (see maps below):

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act</i> 1995 and/or the <i>Environment Protection and Biodiversity Conservation Act</i> 1999</p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area	
SEPP 14 (Coastal Wetlands).		
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes		

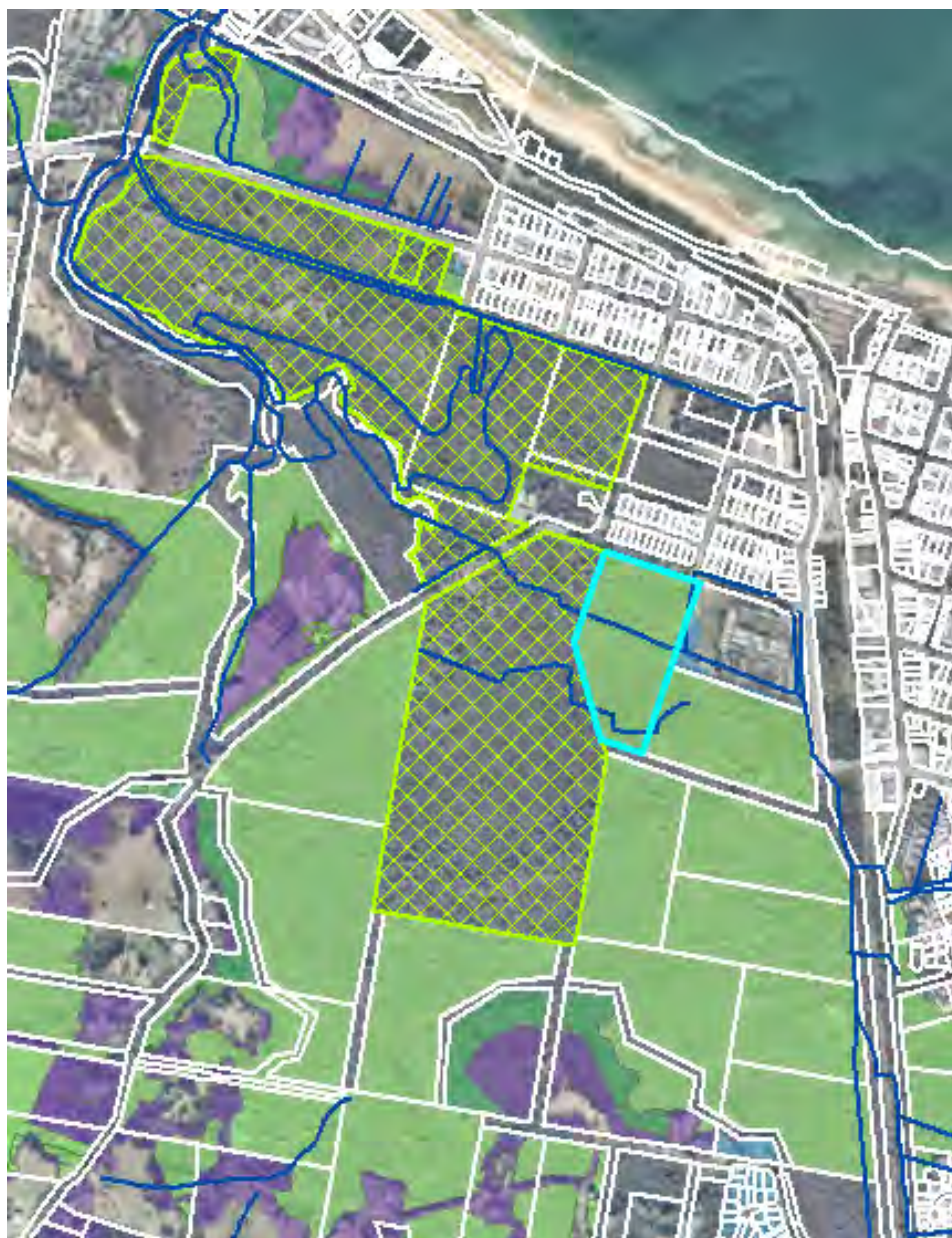
Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).	


Additional notes:

Adjacent to Cumbebin Swamp Nature Reserve. Forming a Swamp Oak Corridor to the Nature Reserve (Swamp Oak photos in [Appendix B](#)). Listed As Endangered Ecological Community *Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions* both in NSW under *Biodiversity Conservation Act (BCT Act) 2016* and nationally under *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. The site is low lying with a well-developed understorey of *Phragmites australis*, and a continuous cover of sedges and grasses and leaf litter. The presence of *Phragmites* indicates constant moisture (see Photos [Appendix B](#)).

Landscape Connectivity:

The proposed E2 on this property is part of contiguous coastal wetland in the Byron Bay and Skinners Shoot locality. As noted above it is a connecting part of a significant local corridor of a state and federally listed Endangered Ecological Community (EEC).



 National Park Estate

Proposed Zoning

 E2





 E3

 RU2

30. Cemetery Rd Byron Bay PN 10020

Site Visit:	Site visit by ecologist. Refer to 'Appendix B' for site visit details and photo points.
Current zoning:	7A Wetlands
Current landuse:	Environmental. No dwelling. No agricultural.
Area of Proposed Ezone:	E2 – 70, 233 sqm
Vegetation Types in Proposed E2:	Paperbark (69,524 sqm) Paperbark-Rainforest regrowth (166 sqm) Rainforest-Paperbark (543 sqm)
Private Native Forestry Agreement:	No



	Removed EZone	Proposed Zone
		 E2
		 E3
		 RU2

Changes to original mapping:

No changes to original mapping.

Consultation with Owner:

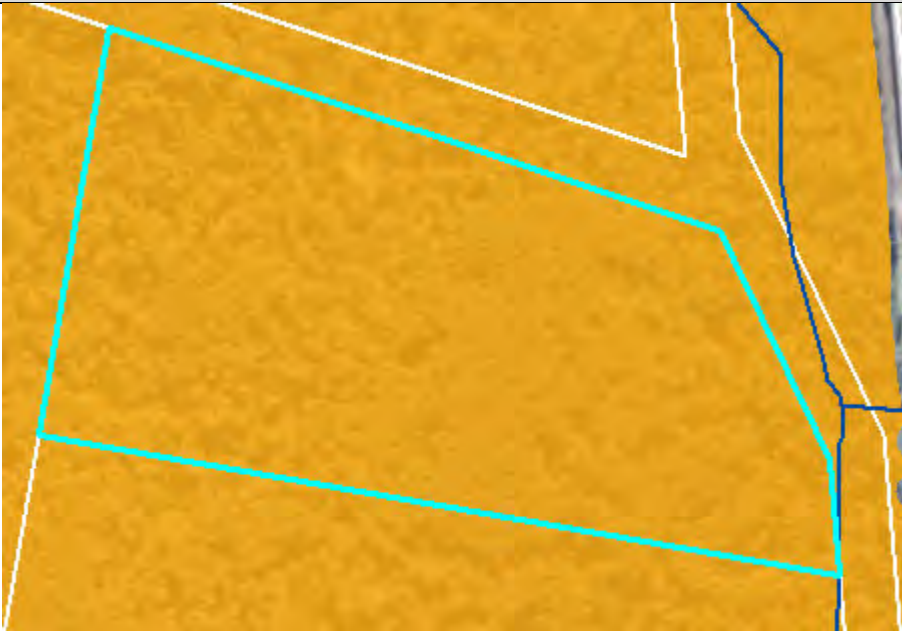

Letter sent October 2017. Submission objecting to EZones December 2017. September 2018 Council provided advice that E2 to be retained and that the constraints affecting your land and surrounds are too significant to accommodate any development in the foreseeable future. Email from owner September 2018 reiterating objection. Notified of public exhibition for PP3 March 2021. Submission objecting to EZones and the process May 2021.



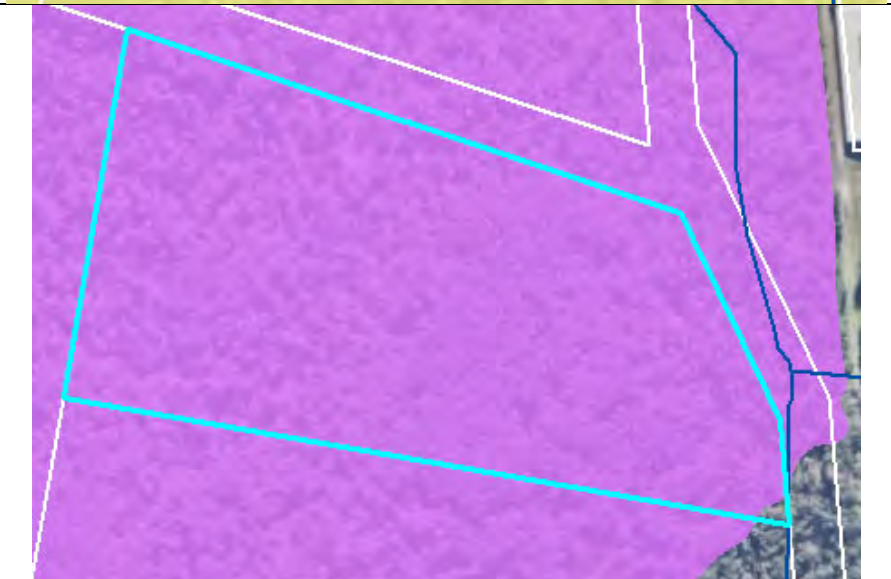
Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Nearby properties with similar vegetation have been wholly or partially zoned R2.	The Glen Villa resort to the north was historically zoned R2 whereas the surrounding parcels are all zoned 7A Wetlands.

E3 zoning would allow eco-friendly housing to reduce the pressure on the local housing market.	The site suitability analysis in Council's draft residential strategy (in preparation) has confirmed that the constraints affecting the land and surrounds are too significant to accommodate any development in the foreseeable future. Additionally, 100% of the property is mapped as Coastal Wetland in the Coastal management SEPP.
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Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> Swamp sclerophyll forest on coastal floodplains Lowland Rainforest 	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area	
SEPP 14 (Coastal Wetlands)		
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes		
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet		

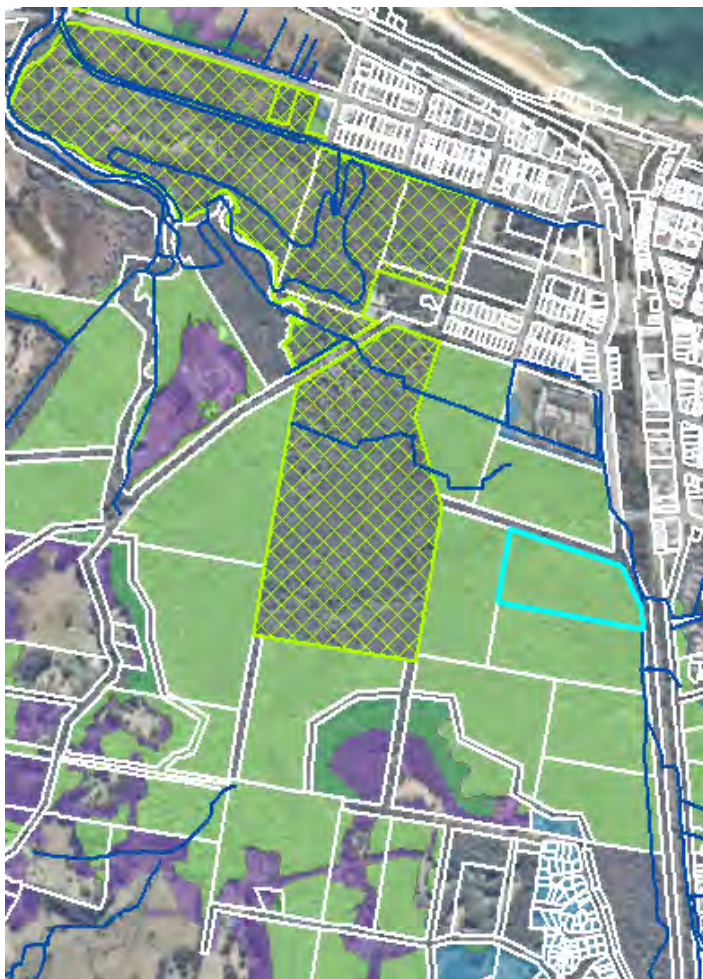
Northern Councils Ezone Review DPE Criteria	Affected Area
database and BSC database).	


Additional notes:

The property contains significant areas of Swamp Oak Listed as Endangered Ecological Community *Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions* both in *NSW under Biodiversity Conservation Act (BCT Act) 2016* and nationally under *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. The site is low lying with a well-developed understorey of *Phragmites australis*, and a continuous cover of sedges and grasses and leaf litter.

Landscape Connectivity:

The E2 on this property is part of contiguous coastal wetland in Byron Bay and Skinners Shoot, linking a Swamp Oak Corridor to the Nature Reserve (Swamp Oak photos in [Appendix B](#)).




 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

31. Bangalow Rd Byron Bay (PN 60550)

Site Visit:	Site visit by ecologist. Refer to 'Appendix B' for site visit details and photo points.
Current zoning:	7A Wetlands/2A/R2
Current landuse:	Environmental. No dwelling, but approved DA for dwellings in R2. No agricultural.
Area of Proposed Ezone:	E2 – 28,243 sqm E3 – 1,512 sqm
Vegetation Types in Proposed E2:	Paperbark (28,223 sqm)
Vegetation Types in Proposed E3:	Paperbark (1,512 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2

E3

RU2

Changes to original mapping:

After reviewing the vegetation mapping via a site visit, 833 sqm of E2 zone was removed and 1,515 sqm changed from E2 to E3.


Consultation with Owner:


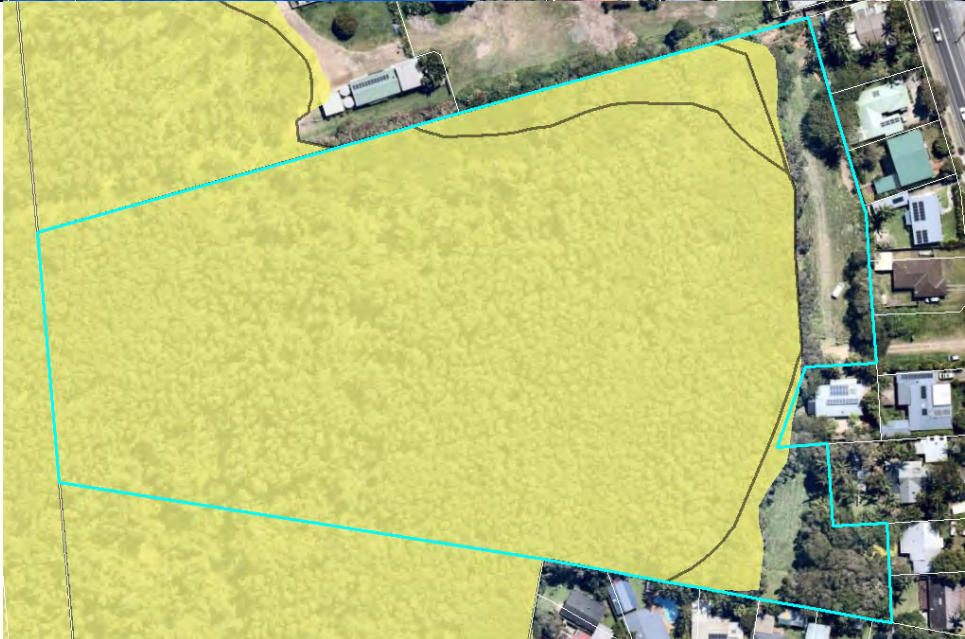
Letter sent October 2017, March 2018, and May 2019. Submission objecting to EZones December 2017. Notified of public exhibition for PP3 March 2021. New owner contacted Council September 2021. Meeting, site visit by Council's Ecologist and multiple emails. Areas of E2 changed to E3 and R2 after consultation with owner.

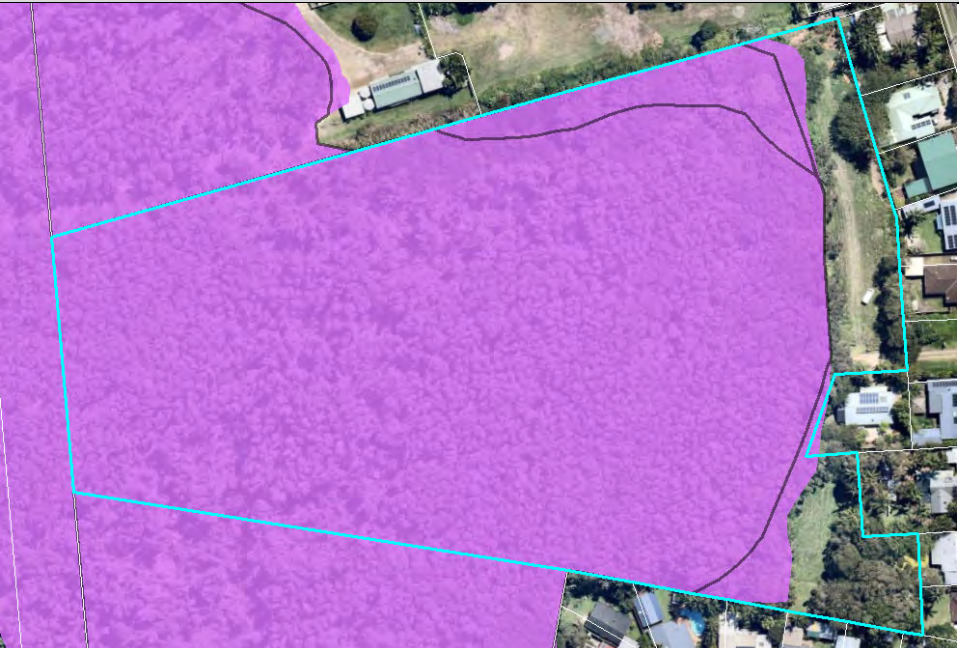
Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Insufficient time to finalise zoning as new owner.	Council prioritised consultation as new owner and engagement process of Planning Proposal extended.
Access to the southern part of the property difficult because R2 width is approximately 3m wide.	Council cannot widen the area of R2 as it encroaches into the Coastal Wetland SEPP mapping layer.
Coastal Wetland SEPP mapping does not reflect areas that are disturbed by weed infestations.	Council have referred owner to DPIE to discuss.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area	
SEPP 14 (Coastal Wetlands)		
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes		

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).	

Additional notes:


The property contains significant areas of Swamp Oak Listed as Endangered Ecological Community *Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions* both in *NSW under Biodiversity Conservation Act (BCT Act) 2016* and nationally under *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. The site is low lying with a well-developed understorey of *Phragmites australis*, and a continuous cover of sedges and grasses and leaf litter.

Koalas sighted at nearby properties.

Landscape Connectivity:

The E2 on this property is part of contiguous coastal wetland in Byron Bay and Skinners Shoot, linking a Swamp Oak Corridor to the Nature Reserve.



 National Park Estate

Proposed Zoning

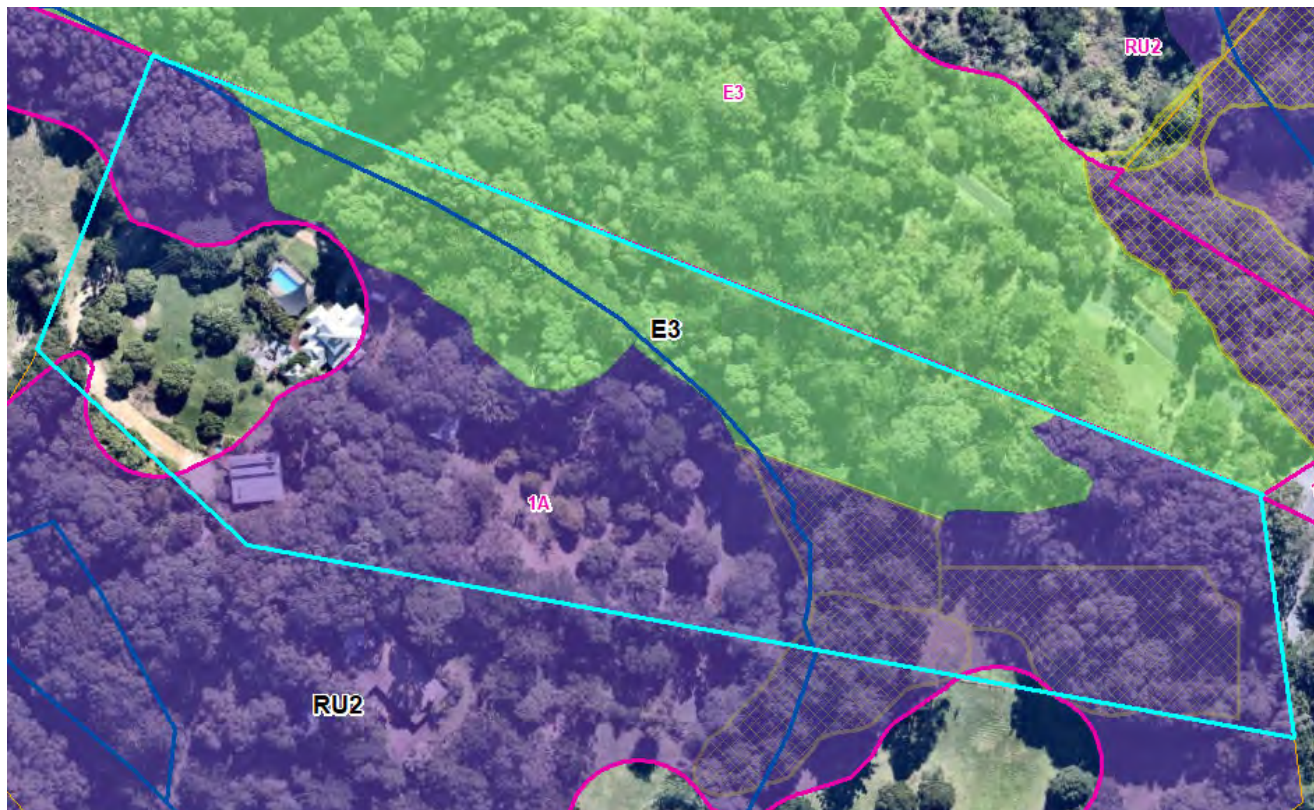
 E2

 E3

 RU2

32. 154 Old Bangalow Rd Byron Bay PN 119350

Site Visit:	Offered once, no response.
Current zoning:	1A/RU2
Current landuse:	Rural living. Includes dwelling. No agricultural.
Area of Proposed Ezone:	E3 – 8,374 sqm
Vegetation Types in Proposed E2:	Brush Box-Rainforest (3,924 sqm)
	Hoop Pine-Brush Box-Rainforest (4450 sqm)
Private Native Forestry Agreement:	No



Removed EZone

Proposed Zone

E2
E3
RU2

Changes to original mapping:

After reviewing vegetation mapping, 4 545 sqm of E2 zone removed and 8,374 sqm changed from E2 to E3 zone.



Consultation with Owner:

Letter sent October 2017, March 2018, and May 2019. Agreed outcome with owner in 2019 after reducing E2 zone in disturbed areas. Notified of public exhibition for PP3 March 2021. Submission objecting to EZones and the process April 2021. After review by Ecologist E2 changed to E3 zone. Owner wants no Ezone at all. Site visit offered but no response received.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
RU2 requested to be in keeping with the rest of my property as well as the neighbour's properties on both sides.	Adjacent property to the north is also zoned E3.
E2 area has several camphor trees and no ecological values.	Vegetation mapping and aerial photography shows Ezone area contains Endangered Ecological Community.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	
<p>Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	


Additional notes:

Site contains large old Growth Hoop pine (*Araucaria cunninghamiana*) and forms an important rainforest linkage to the managed rainforest to the north.

Landscape Connectivity:

The E3 on this property connects to much larger area of existing E3 on adjoining land to the north. Also close to a wildlife corridor in Arakwal National Park.



 National Park Estate

Proposed Zoning

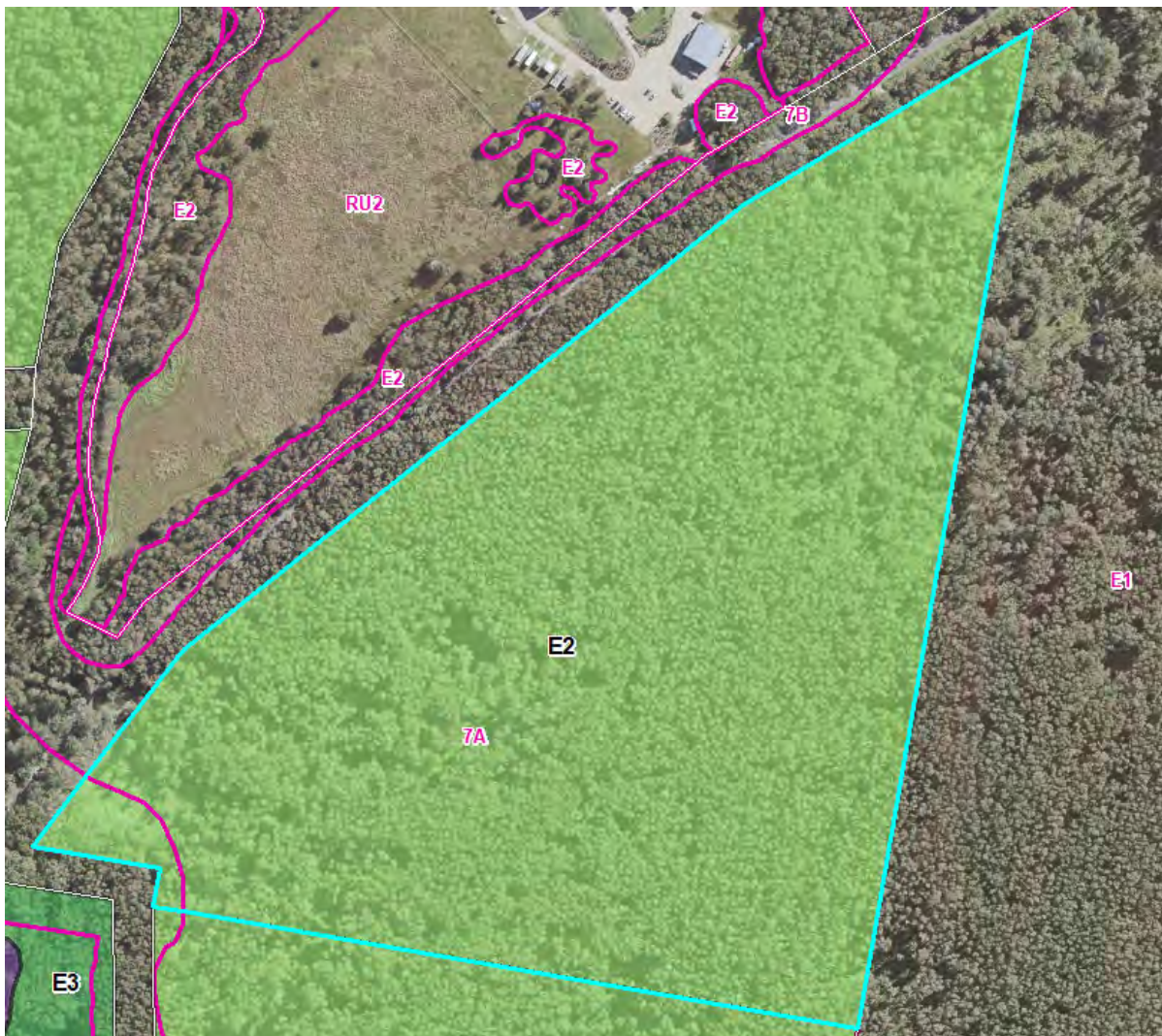
 E2

 E3




 RU2

33. Skinners Shoot Rd Skinners Shoot PN 84150

Site Visit:	Site visit by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	7A Wetlands / 7B Coastal Habitat
Current landuse:	Environmental. No dwelling present. No agricultural land uses.
Area of Proposed Ezone:	E2 – 129,736 sqm
Vegetation Types in Proposed E2:	Paperbark (129,736 sqm)
Private Native Forestry Agreement:	No



Proposed Zone

-  E2
-  E3
-  RU2

Changes to original mapping:

No changes to original mapping.

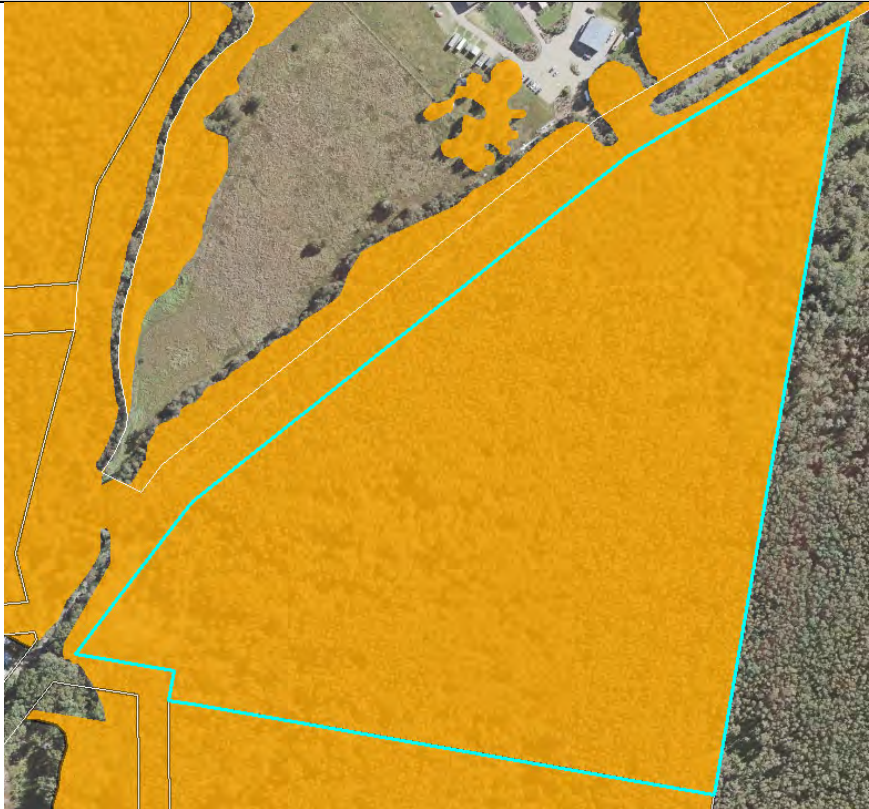
Consultation with Owner:

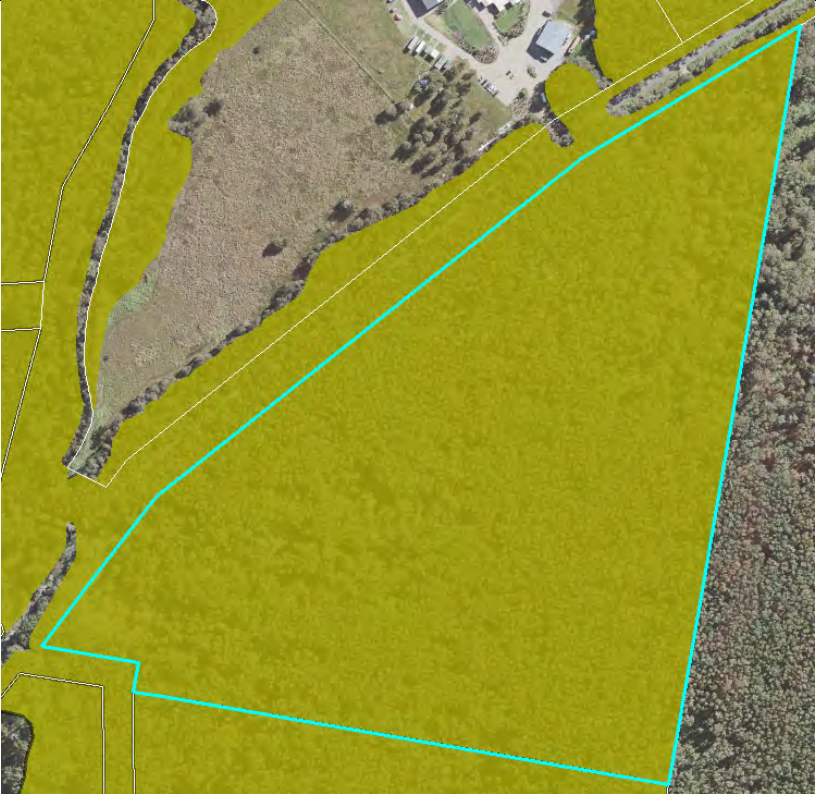

Letter sent October 2017. Submission submitted December 2017. Additional information requested by Council and received April 2018. Feb 2019 onsite meeting with owner and Council Ecologist. Feb 2019 Council provided advice that E2 to be retained because of vegetation condition and CM SEPP mapping (Coastal Wetlands). Notified of public exhibition for PP3 March 2021. Submission objecting to EZones submitted May 2021.

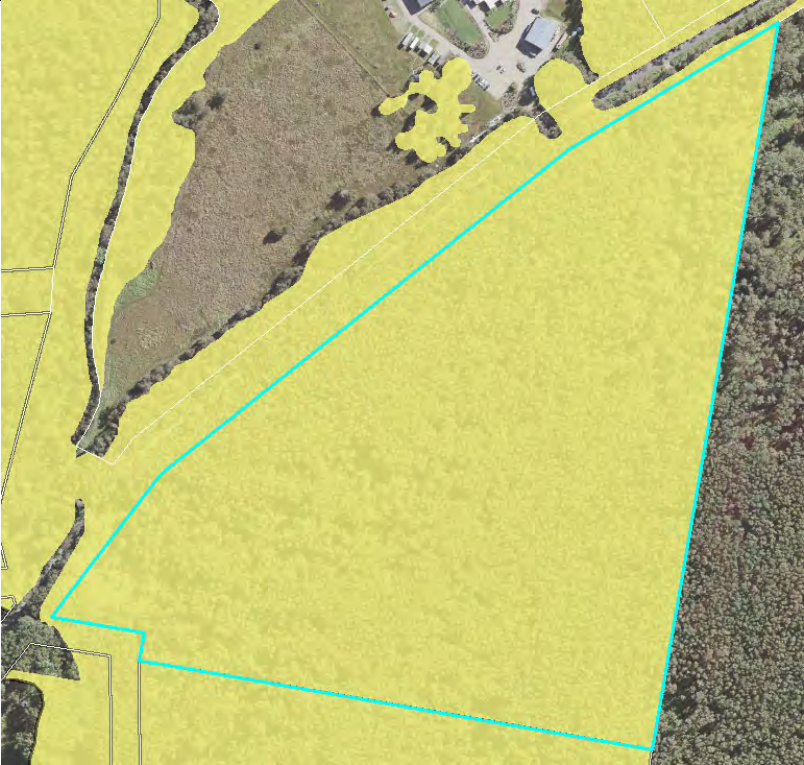
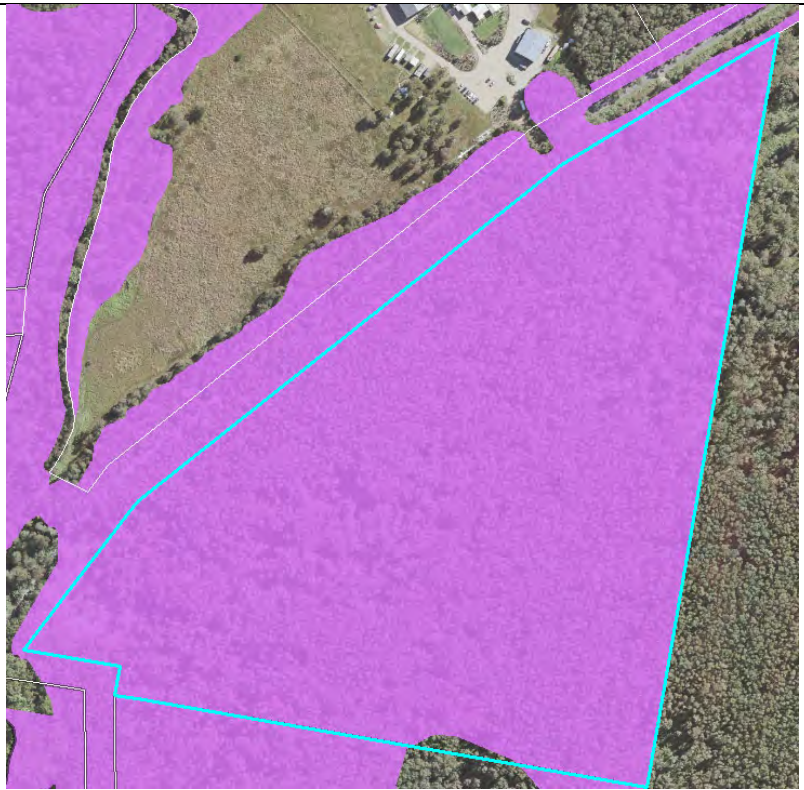
Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
E3 requested in north of property contains no special ecological or cultural attributes because in the past the area has been utilised as a free-for-all camping area. An Eco-Tourism Facility, a permitted use within an E3 Zone [Environmental Management], ideally suits this area.	The whole property is mapped as EEC and Coastal Wetland SEPP as well as high/intermediate flood hazard, hence not suitable for any type of development.
Part of the northern part of the property is overgrown with weeds.	Site visit by Ecologist verified that weeds are minimal and that the condition of the vegetation and canopy is very good. See 'Appendix B' for photographs.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> <ul style="list-style-type: none">• Swamp sclerophyll forest on coastal floodplains• Lowland Rainforest	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat – areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	
<p>SEPP 14 (Coastal Wetlands).</p>	

Northern Councils Ezone Review DPE Criteria	Affected Area
Over-cleared vegetation communities: Over-Cleared (Mitchell) Landscapes	
Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).	


Additional notes:

Adjacent to Cumbebin Swamp Nature reserve. In addition to large areas of areas of PaperBark (Swamp Sclerophyll) there are sections of od Swamp Oak Corridor to the Nature Reserve. Swamp Oak was recently listed As Endangered Ecological Community *Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions* both in NSW under *Biodiversity Conservation Act (BCT Act) 2016* and nationally under *Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999*. The entire site is very low lying with a well-developed understorey of *Phragmites australis*, and a continuous cover of sedges and grasses and leaf litter. The presence of *Phragmites* indicates constant moisture.

Landscape Connectivity:

The E2 on this property is part of contiguous coastal wetland in the Byron Bay and Skinners Shoot localities.




 National Park Estate

Proposed Zoning

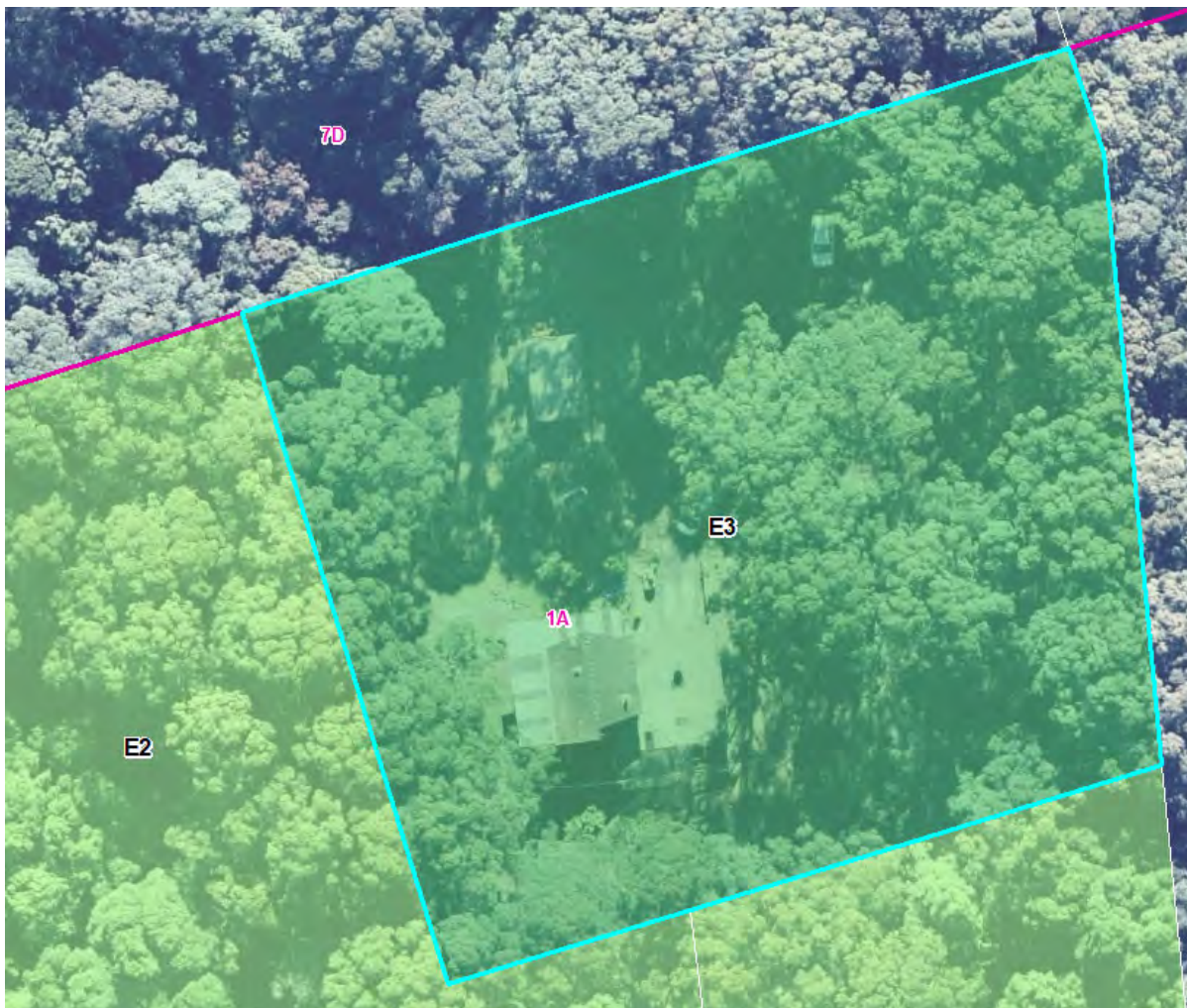
 E2

 E3




 RU2

34. 486 Broken Head Rd Broken Head PN 3700

Site Visit:	Site visit by ecologist. Refer to Appendix B for site visit details and photo points.
Current zoning:	1A
Current landuse:	Rural living, including dwelling and shed.
Area of Proposed Ezone:	E3 – 4,049 sqm
Vegetation Types in Proposed E2:	Paperbark (129,736 sqm)
Private Native Forestry Agreement:	No



Proposed Zone

	E2
	E3
	RU2

Changes to original mapping:

After the site visit, 2724 sqm of E2 changed to E3 zone and 1324 sqm of RU2 changed to E3.

Consultation with Owner:

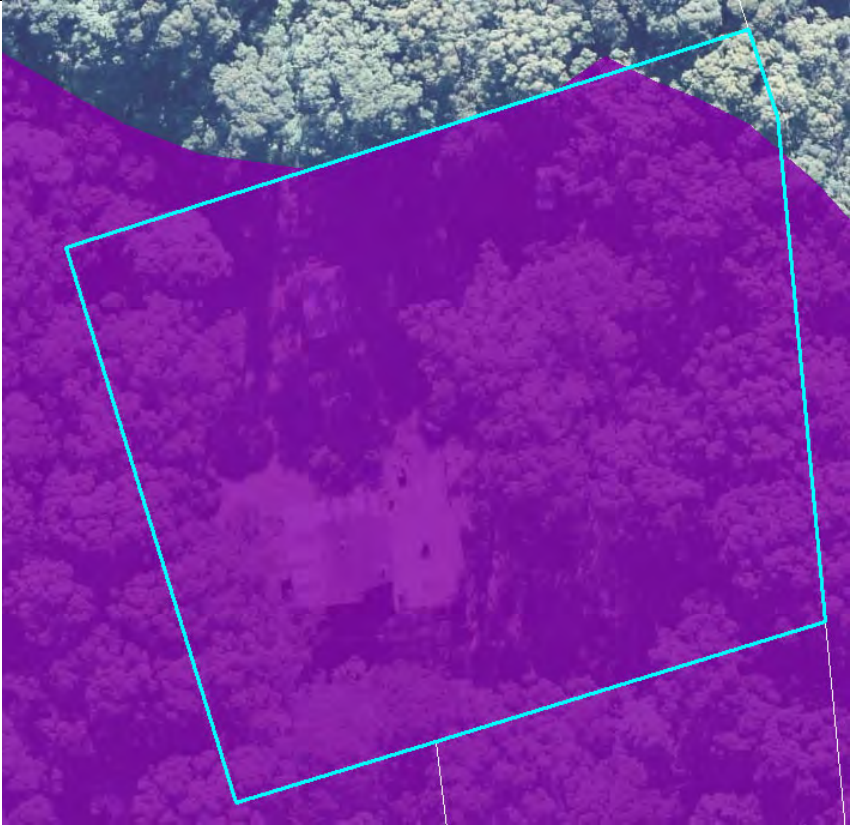

Letter sent October 2017, March 2018 and May 2019. Notified of public exhibition for PP3 March 2021. New owner made a submission through a Planning Consultant requesting no Ezone in April 2021. Site visit in May 2021 by Council Ecologist and updated mapping sent to Planning Consultant.

Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
Property purchased because of its rural zone as it is owner's intent to have a Detached Dual Occupancy, and to establish an agricultural processing business in a shed to be constructed on site.	Dual occupancies and farm buildings are permitted with consent in an E3 zone.
Entire property is managed as an Inner Asset Protection Zone.	Existing uses can continue in the E3 zone.
No habitat exists to justify an E2 Zoning of the property.	E2 changed to E3 to allow for wider landuse options. Koala habitat identified on and around property.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
Key Threatened Species Habitat – areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Mapped as preferred koala habitat.</p>	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

Additional notes:


Site contains mature Tallowwood trees (koala habitat) but with cleared and residential use beneath.

The property to the north is currently zoned 7D. This vegetation may be zoned E2 in a future review of remaining 7D land.

Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor in the Broken Head area.




 National Park Estate

Proposed Zoning

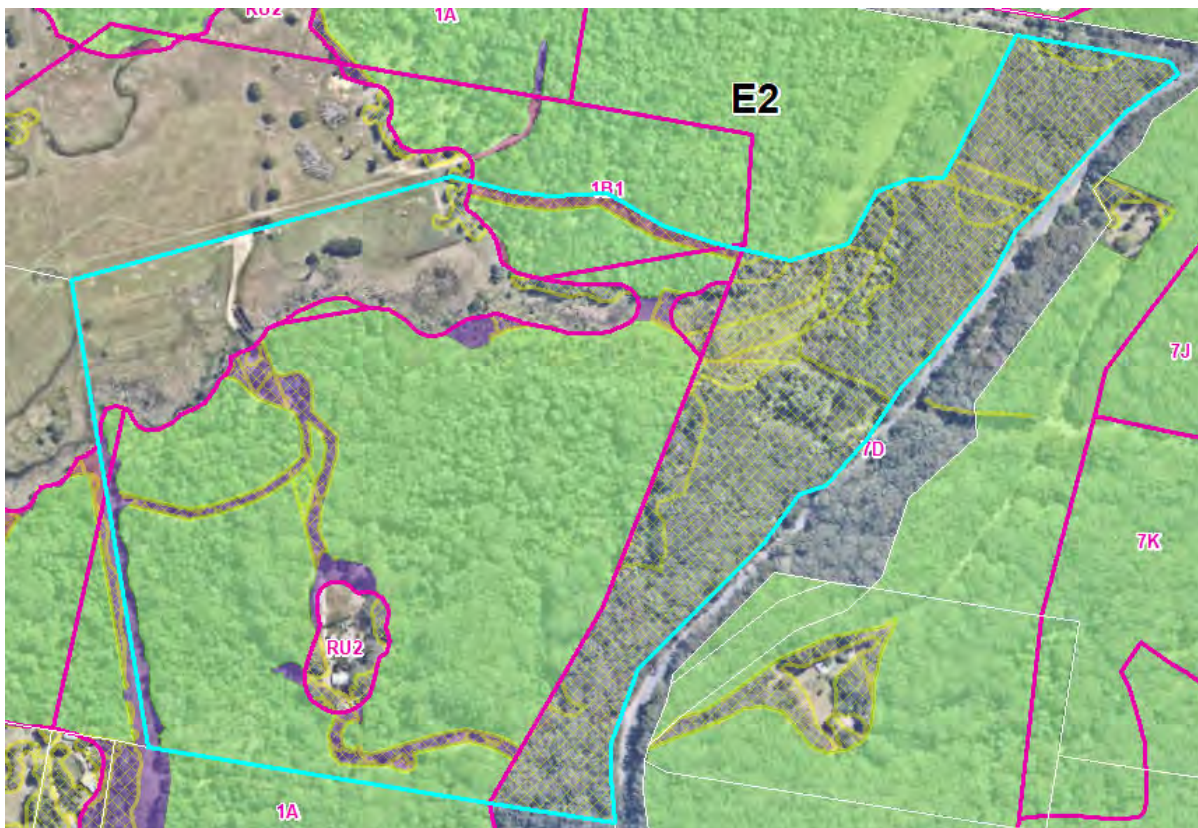
 E2

 E3

 RU2

35. 368 Broken Head Rd Broken Head PN 221850


Site Visit:	2 site visits by Council Ecologist May 2019 and May 2021 (new owner). Refer to Appendix B for site visit details and photo points.
Current zoning:	1A/1B1/RU1/RU2/7D
Current landuse:	Rural living, including dwelling.
Area of Proposed Ezone:	E2 – 181, 842 sqm
Vegetation Types in Proposed E2:	Bangalow Palm-Rainforest (6,391 sqm)
	Blackbutt 39, 838 sqm
	Brush Box-Flooded Gum+Rainforest 54,285 sqm
	Brush Box-Rainforest 6,479 sqm
	Fernland 96 sqm
	Flooded Gum 33 sqm
	Hoop Pine-Rainforest-Brush Box 13, 016 sqm
	Paperbark-Fernland 8, 333 sqm
	Rainforest 39 420 sqm
	Rainforest-Umbrella Cheese Tree-Paperbark 13, 215 sqm
Private Native Forestry Agreement:	No






Removed EZone

Proposed Zone

 E2

 E3

 RU2

Changes to original mapping:

After reviewing feedback from owner and vegetation mapping, 126, 356 sqm of E2 zone removed (as shown by yellow hatching). Note that the Ezone removed from the 7D zone will be addressed as part of wider strategic review of 7D land in the Shire.

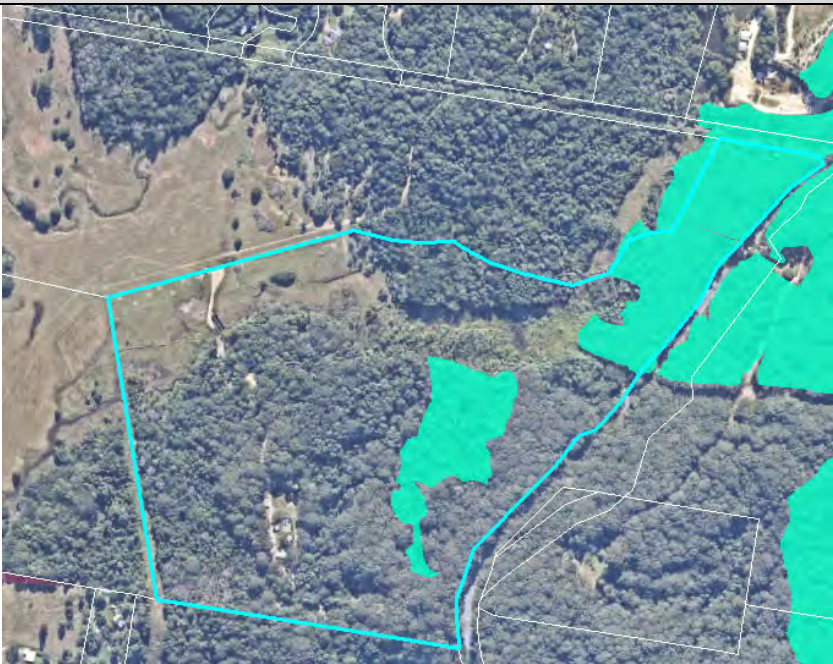
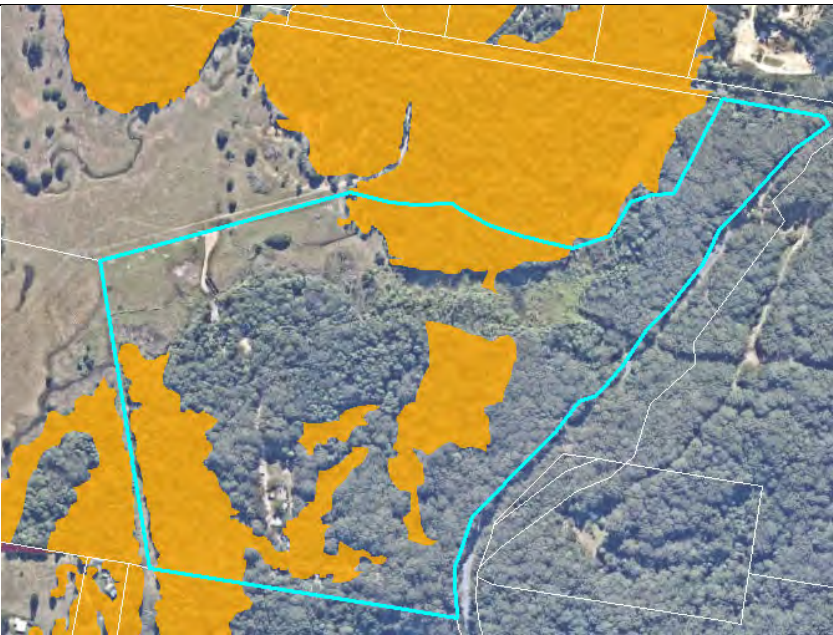
Consultation with Owner:



Letter sent October 2017, March 2018, and May 2019. Previous owner initially disagreed with EZones but after site visit by Council Ecologist reached an agreed outcome. Notified of public exhibition for PP3 March 2021. New owner made a submission through a lawyer requesting no Ezone in April 2021. Landowner allowed only very limited site visit in May 2021 by Council Ecologist. Email exchanges with Planning consultant.

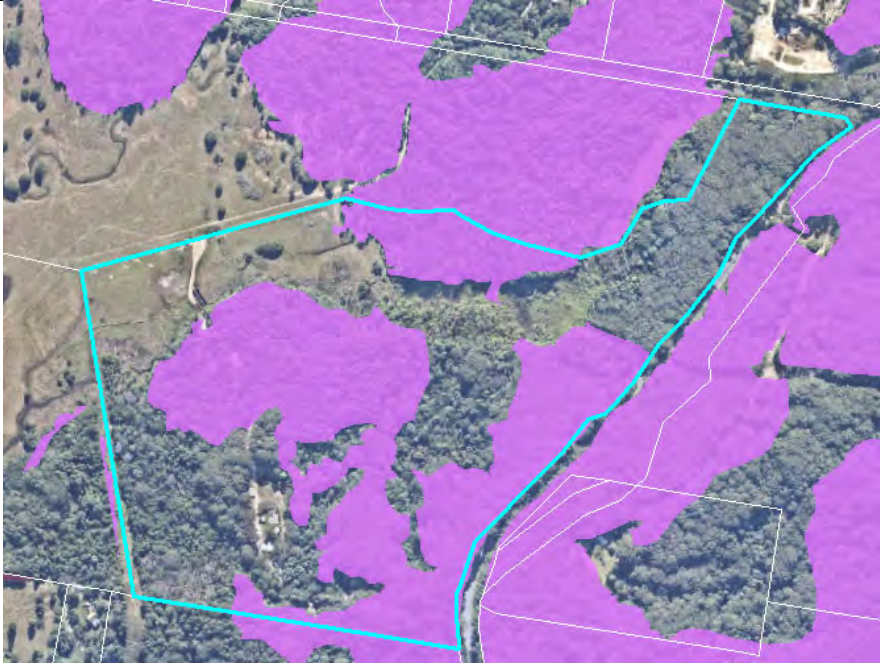
Owner's reasons for not agreeing and Council's response:

<u>Reason</u>	<u>Council response</u>
The mapping does not accurately reflect the location of the vegetation on the ground at the Property.	The vegetation mapping was conducted in 2017 and verified via 2021 aerial photography and a site visit by Council's Ecologist with the previous owner in 2019. Large areas of well-developed Subtropical Rainforest and North Coast wet sclerophyll forest.
The zone boundaries do not account for the need to provide and maintain access to the Property from Natural Lane and potentially Broken Head Road	The zoning has been amended to remove Ezone from access roads and verified with the owner's Planning consultant.
The zone boundaries appear to incorrectly identify a small area of land marked E3 is wholly an existing access track.	This area of E3 has been removed from the Ezone mapping.
Owners request that zoning remain unchanged (1A rural) or that any revised zoning provides a 'like for like' zoning so that the permissibility of uses is not reduced.	Existing use rights are protected in EZones. The proposed E2 areas meet the criteria for this environmental zoning and are consistent with surrounding and highly valued properties in the locality.

Reasons for E2 zoning:

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.</p>	
<p>Endangered Ecological Communities (EECs) listed under the <i>Threatened Species Conservation Act 1995</i> and/or the <i>Environment Protection and Biodiversity Conservation Act 1999</i></p> <ul style="list-style-type: none"> • Swamp sclerophyll forest on coastal floodplains • Lowland Rainforest 	

Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat – areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.</p>	
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Preferred koala habitat mapping.</p>	

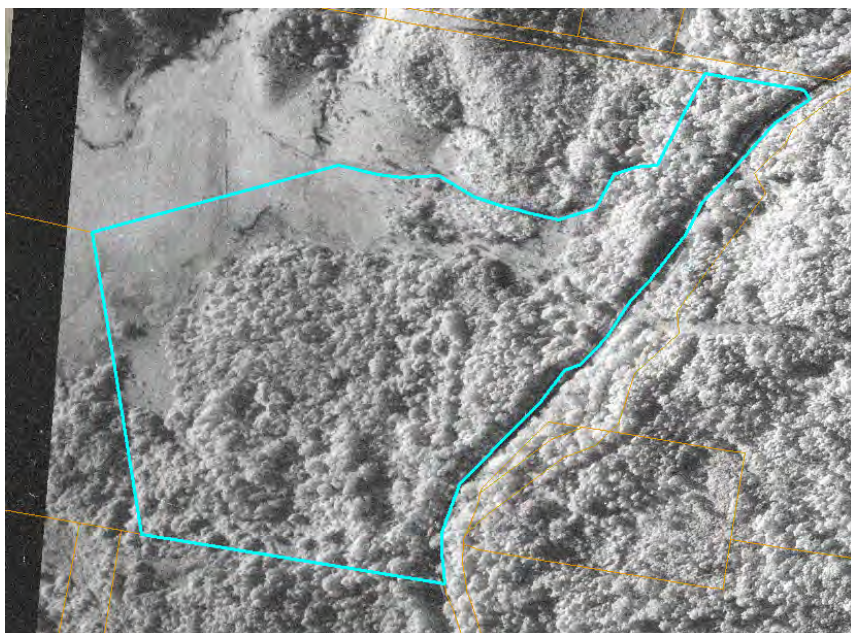
Northern Councils Ezone Review DPE Criteria	Affected Area
<p>Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present. Recorded threatened Flora and Fauna Species (from Bionet database and BSC database).</p>	

Additional notes:

The Ezone removed from the 7D zone will be addressed as part of wider strategic review of 7D land in the Shire.

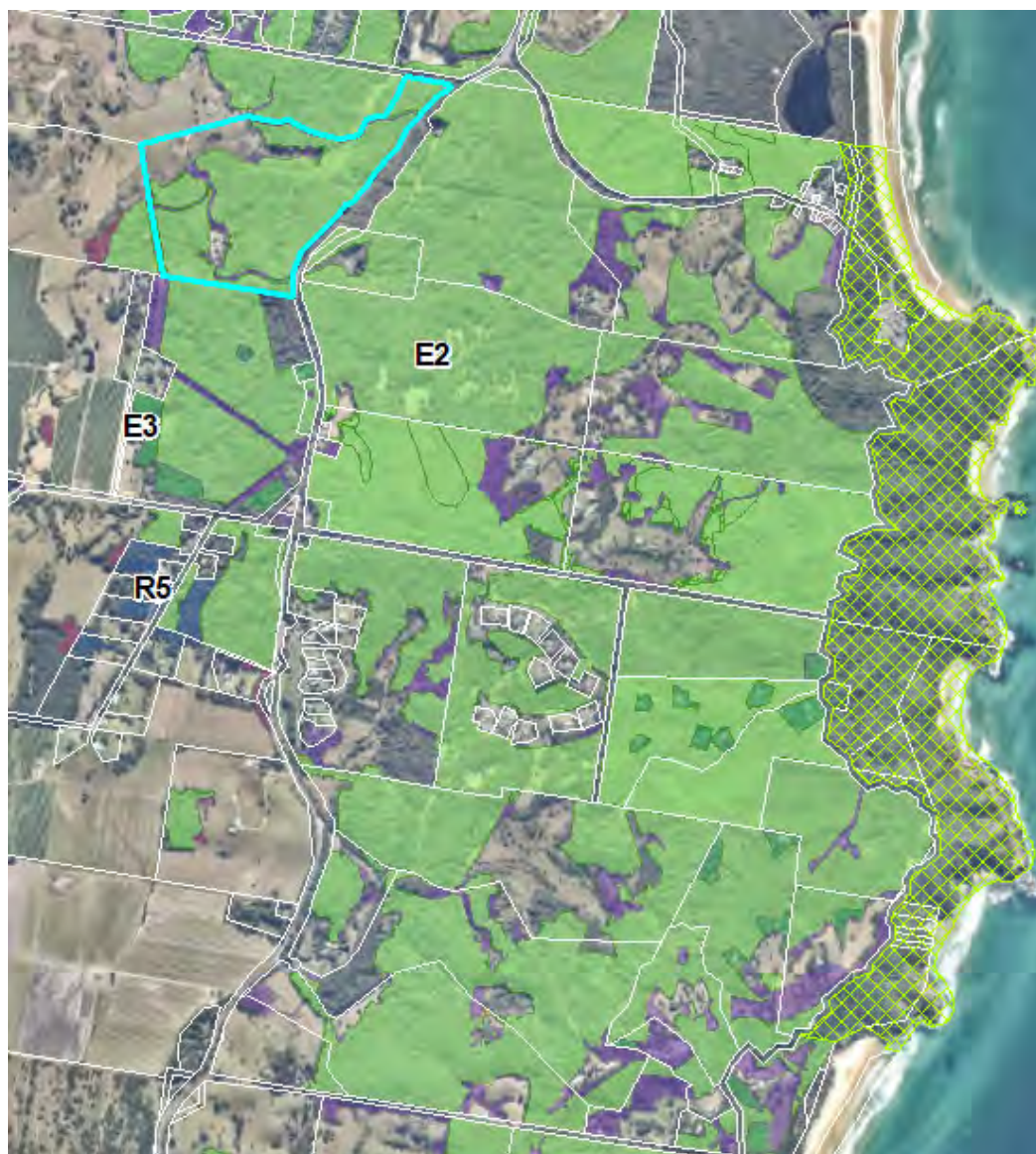
Site visits by ecologist (viewing from a distance) confirmed the high conservation value of the subtropical lowland rainforest and north coast wet sclerophyll forest that the previous landowner had intended to protect.


Historic aerial photography from 1974 shows the property containing mature vegetation (see below):




Landscape Connectivity:

The E2 on this property is part of a forested wildlife corridor in the Broken Head area.




 National Park Estate

Proposed Zoning

 E2

 E3

 RU2

APPENDIX A – INFORMATION SOURCES USED FOR APPLYING EZONE CRITERIA

Northern Councils E Zone Review E2 Zone Criteria

- **SEPP 26 Littoral Rainforests.**

Sourced from DPIE this dataset includes about 130 stands of littoral rainforest of State significance. As per State Environmental Planning Policy 26 – Littoral Rainforests.

- **SEPP 14 Coastal Wetlands.**

Sourced from DPIE this dataset includes coastal wetlands of State significance as defined in *The Coastal Wetlands Survey Report, prepared by Dr P Adam, Mr N Urwin, Mr P Weiner and Mr I Sim for the Coastal Council of New South Wales, 1985*. As per State Environmental Planning Policy 14 – Coastal Wetlands.

- **Endangered Ecological Communities (EECs) listed under the Threatened Species Conservation Act 1995 and/ or the Environment Protection and Biodiversity Conservation Act 1999.**

Sourced from Landmark HEV 2017 dataset.

Endangered Ecological Communities under the TSC Act 1995 known from Byron Shire are:

- Littoral Rainforest in the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions
- Lowland Rainforest on Floodplain in the New South Wales North Coast Bioregion
- Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions
- Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions
- Subtropical Coastal Floodplain Forest of the New South Wales North Coast Bioregion
- Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions
- Coastal Cypress Pine Forest in the New South Wales North Coast Bioregion
- Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and Southeast Corner Bioregions
- Byron Bay Dwarf Graminoid Clay Heath Community
- Themeda grassland on seacliffs and coastal headlands in the NSW North Coast, Sydney Basin and Southeast Corner bioregions (known from Byron Shire on National Parks Estate).

Threatened ecological communities listed under the Environment Protection & Biodiversity Conservation (EPBC) Act 1999 are:

Includes all polygons considered to be likely candidates for these EEC's with the exception of early regrowth.

- Littoral Rainforest and Coastal Vine Thickets of Eastern Australia
Littoral Rainforest and Coastal Vine Thickets of Eastern Australia are defined by the EPBC Act as applying to vegetation patches >0.1ha. Littoral rainforest polygons <0.1ha were therefore not assigned as they do not meet the criteria.
- Lowland Rainforest of Subtropical Australia
Lowland Rainforest as defined by the EPBC Act is applying to rainforest with >70% canopy cover and greater than >0.1ha. The Byron vegetation mapping canopy used :
 - o All regrowth regardless of canopy cover was excluded.
 - o Rainforest polygons (Old growth, mature veg and advanced regrowth) with canopy cover 81 – 100% were included as candidate EEC.
 - o Rainforest polygons (Old growth, mature veg) with canopy cover 51 – 80% were included as candidate EEC because the canopy cover in mature vegetation was considered likely to be >70%.
 - o Rainforest polygons (Advanced regrowth and Regrowth) with canopy cover 31 – 50% and 10 – 30% were excluded.

- **Key Threatened Species Habitat - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth.**

This data was sourced from DPIE and shows the distribution of Candidate Old Growth Forest and other Successional Stages across all tenures in Upper North East New South Wales as required by the Regional Forest Agreements (RFA). An expert panel convened by the NSW Environmental Heritage and Technical Committee (EHTC) in 1997 developed a process for the identification and derivation of the following Successional Stages: Candidate Old Growth; Disturbed Old Growth; Mature Forest; Disturbed Mature Forest; Young Forest; Recently Disturbed Forest; Rainforest.

API and reference to 1998 old growth Byron mapping was used to confirm the data. Where API indicates data is inaccurate, (e.g. veg cleared, immature forest, plantation) polygon has not been identified as HEV.

- **Key Threatened Species Habitat - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates.**

The data was sourced from DPIE Fauna Key Habitats for Northeast NSW. Modelled distributions for priority forest fauna were subjected to a pattern analysis technique to derive species assemblages and their predicted distributions. Key habitats (core habitats and hot spots) were then derived from the predicted assemblage distributions. Maps of another fauna key habitat type, centres of endemism, were generated for the UNE and LNE CRA studies (see appropriate metadata statement). The three fauna key habitat types were combined into one map layer. The final key habitats map layer is a regional representation displaying the likelihood of occurrence of key habitats for fauna consolidated at the regional scale.

Camphor Laurel-dominated vegetation, other exotic vegetation, plantations and open water were excluded.

- **Key Threatened Species Habitat - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present.**

Koala key habitat

Based on the 2017 vegetation mapping by Landmark. Primary and secondary habitat is included in the mapping.

Each polygon was assigned a koala habitat score reflective of the definitions shown in Table 1 below. Koala habitat scores were applied during ground truthing site inspections following mapping. For areas not ground truthed koala habitat type has been applied based on the mapped vegetation community types.

Table 1 Koala Habitat

Preferred Koala Habitat	Primary	Areas of forest and/or woodland wherein primary food trees species comprise the dominant or codominant (i.e ≥50%) overstorey tree species.
	Secondary A	Areas of forest and woodland wherein primary food trees are sub-dominant, usually (but not always) growing in association with one or more secondary food tree species.
	Secondary B	Areas of forest or woodland wherein primary food trees species are absent, habitat containing secondary food tree species.
Other Vegetation	Other	Native vegetation associations and/or communities within which “preferred koala food trees” are absent.

	Unknown	Areas for which there is insufficient data available to enable classification. These include vegetation communities which may provide koala habitat, but further information is required.
		The list of primary and secondary koala trees is show in table 2.

Table 2 Koala feed trees (SEPP44)

Food tree type	Scientific Name	Common Name
Primary	<i>E. microcorys</i>	Tallowwood
	<i>E. tereticornis</i>	Forest Red Gum*
	<i>E. robusta</i>	Swamp Mahogany
Secondary	<i>E. propinqua</i>	Small-fruited Grey Gum
	<i>E. signata</i>	Scribbly Gum

* includes the naturally occurring *E. tereticornis* x *E. robusta* hybrid referred to as *E. patentinervis* (Bale, 2003).

Note: Camphor Laurel-dominated vegetation or Plantations are not included, although it is recognised that Tallowwood plantations may represent important Koala habitat. Further State Government reviews of Koala food trees has included a much greater range of species (Koala SEPP).

Threatened Flora and Fauna

Records were sourced from the NSW Wildlife Atlas ([About BioNet Atlas | NSW Environment, Energy and Science](#)) and include:

- survey data held in the Systematic Survey data collections
- the Department of Planning, Industry and Environment, including data from the Royal Botanic Gardens herbarium database, and from National Parks and Wildlife staff
- data submitted by ecological consultants, research scientists, and others (as part of the scientific licence procedure)
- data provided by other agencies, such as Forests NSW, the Australian Museum and the Australian Bird and Bat Banding Scheme
- historical reports
- the general public.

- **Over-cleared vegetation communities - Land comprising native vegetation in over-cleared Mitchell landscapes**

The Far North Coast Regional Conservation Plan lists the following as examples of:

→ **Over-cleared vegetation communities on the Far North Coast:**

– Rainforests, Wet sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (*Themeda australis* sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands.

→ **Over-cleared Mitchell landscapes:**

– Byron–Tweed Alluvial Plains, Byron–Tweed Coastal Barriers, Clarence–Richmond Alluvial Plains and Upper Clarence Channels and Floodplains.

Based on Mitchell Landscapes V3 supplied by DPIE. It includes interpretation of various existing datasets, including NSW Soil Conservation Service Land system Mapping, 1:250 000 Geological Mapping, Topography and Elevation. Boundaries then transferred to 1:250 000 transparency maps and digitised using ArcINFO. Version 3 represents correction of many displacement errors against SPOT5.

Landmark also used the Morand soil landscapes and the Comprehensive Coastal Assessment Coastal Quaternary Geology to determine whether the Mitchell landscape is properly represented at the larger (1:25000) scale.

Three over-cleared landscapes (>70% cleared) were identified:

Byron - Tweed Alluvial Plains	(81%)
Byron - Tweed Coastal Barriers	(72%)
Clarence - Richmond Alluvial Plains	(73%)

This criterion excludes all plantations unless known to be managed for conservation or within SEPP14 or SEPP26.

APPENDIX B – SUPPORTING SITE VISIT INFORMATION

All site visits were undertaken by Dr Joanne Green, Ecologist. BAppSc (Hons), PhD. With assistance on specific sites from Annette McKinley, PhD, Botanist – Landmark Ecological Services.

KEY:

PP1, PP2, etc. = photo points on sites visited

11. Riverside Cr Brunswick Heads 77270 and 134720

Site visit undertaken: Dec 2018

Although the aerial photo shows canopy of surrounding vegetation, there is little native vegetation actually growing on the blocks of land, most large Old Growth Forest Red Gum (*Eucalyptus tereticornis*) are outside of the parcel boundary and overhanging therefore the E2 zoning could not be applied. The proximity to the Brunswick River (Cape Byron Marine Park) and surrounding vegetation justifies an E3 zoning.

12. Gulgan Rd and Pacific Hwy Brunswick Heads (PN 151720, 141850, 141960, 224530, 224560 & 231800).

Site visits undertaken: March 2018 and March 2019

This part of the property was accessed from Eucalyptus Lane, and Bayside Brunswick. Parcel 231800 Adjoining Gulgan Rd and Bayside Way – Parcel contains Old Growth Swamp Mahogany (*Eucalyptus robusta*) and Broad-leaved Paperbark *Melaleuca quinquenervia* confirmed threatened Ecological Community and Threatened Species habitat. Local residents report Koala sightings.

The western property was accessed from the end of Eucalyptus Lane (see map below)






The property (Parcel 224560) was heavily overgrown with tall grass and regrowth vegetation. A drain along the western side was followed to reach the intersecting drain from the west (see map). The drains were heavily vegetated with *Melaleuca quinquenervia* and tall grasses including *Setaria* and *Gahnia clarkei*, making access extremely difficult and slow. From this vantage point it was easy to see that the property to the east was densely vegetated and met the E2 criteria but the land to the west was open with potential for grazing. There was no evidence of recent grazing at the time of the site visit.



Site visit undertaken: March 2018 (Western Land)



Site visit undertaken: March 2019 -Drone Images

PHOTO POINT 1	PHOTO POINT 2
	
PHOTO POINT 3	PHOTO POINT 4
	
PHOTO POINT5 -higher view of parcel	
	

Drone footage is also available.

22. 392 Upper Wilsons Creek Rd Upper Wilsons Creek (PN 99220)

Site visit undertaken: April 9 and July 9 2021



PHOTO POINT 1



Vegetation looking Northeast at 7k Line

PHOTO POINT 2



Up slope from 7 K line

PHOTO POINT 3	
	
7K typical vegetation	

23. 346 Goonengerry Mill Rd Goonengerry (PN 115280)

Site visit was undertaken Jo Green (Ecologist) and Sam Tarrant (Strategic planner Byron Shire Council) in July 2021. Photo Point 1 shows the cleared (recently) area in the forest. Photo points 2,3,4, and 5 follow an existing road through the property.

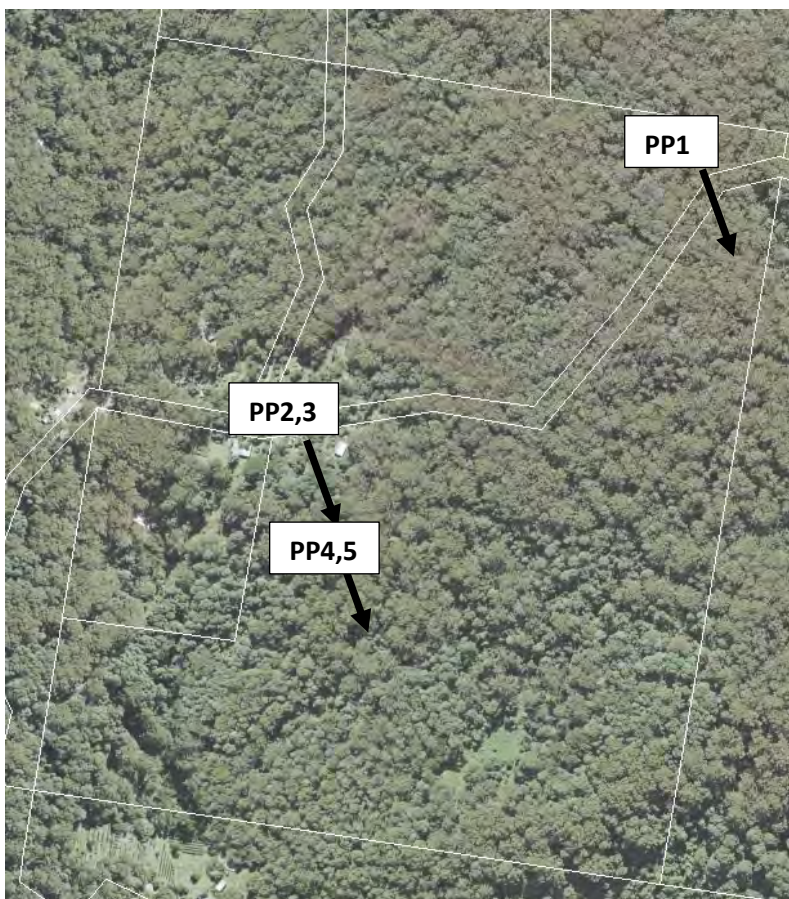


PHOTO POINT1



PHOTO POINT2



PHOTO POINT3



PHOTO POINT4



PHOTO POINT5



24. 11 Garrong Rd Goonengerry (PN 115290)

Site visit Friday 30th July. Present Landowners Stacey Pollard and Vivien, Steve Connelly Planners North (Planning advice) and Jo Green (BSC).

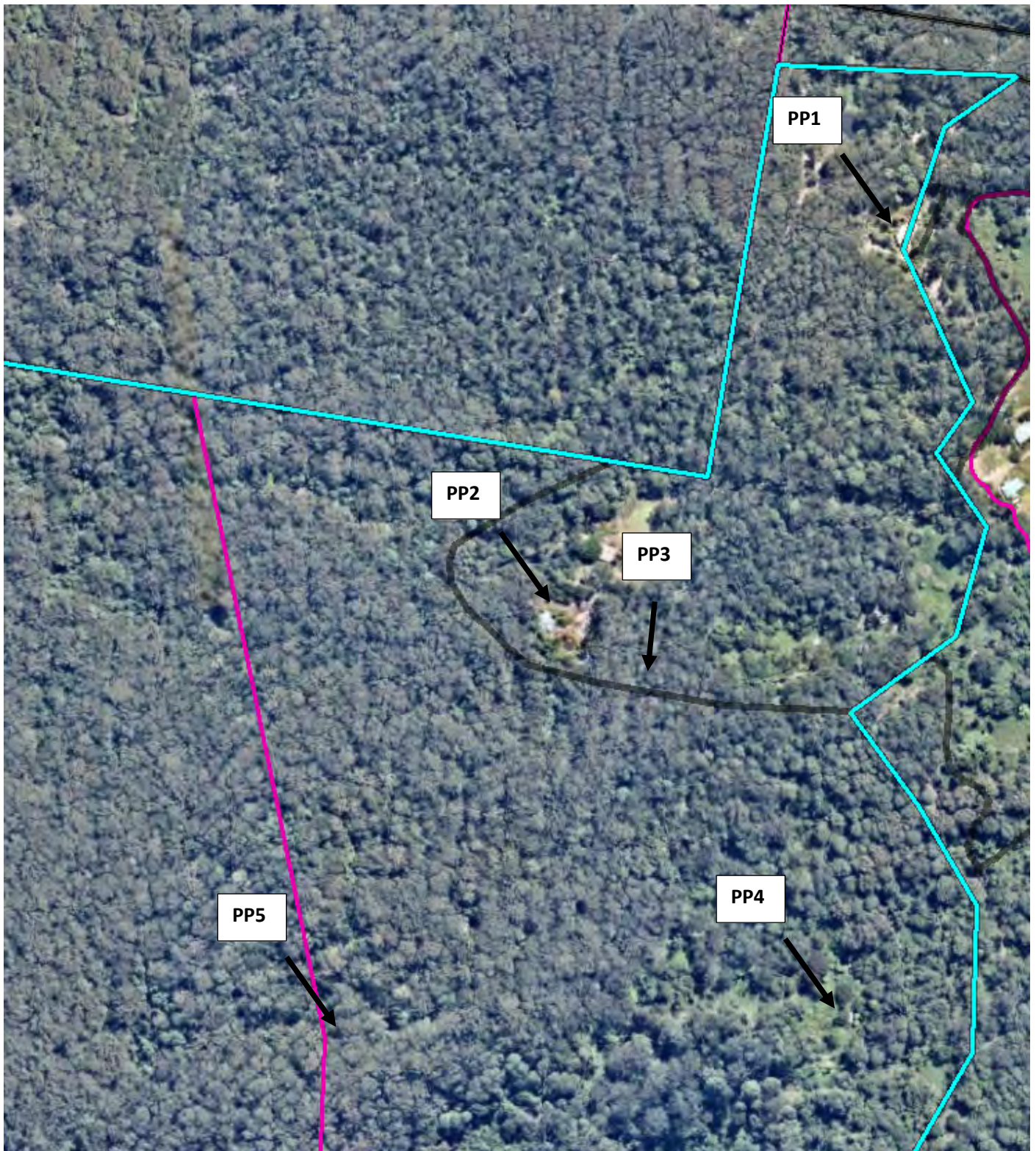


PHOTO 1	PHOTO 2
	
House near entrance with septic system.	House that was built in 1980s, near stone cottage
PHOTO 3	PHOTO 4
	
Approved house and APZ.	Partially cleared site.
PHOTO 5	
	
Caravan site.	

29. Butler St Byron Bay PN 7600

Site visit undertaken: September 2018



PHOTO POINT 1



Swamp Oak looking west into the parcel

PHOTO POINT 2



Swamp Oak looking south along boundary

PHOTO POINT 3	
	
Swamp Oak looking south west	

Multiple video files are available on request recorded July 2021.

30. Cemetery Rd Byron Bay (SW of Bypass) PN 10020

Site Visit undertaken: September 2021.

Site viewed from railway corridor to the east of the property. Vegetation observed to be under water despite the lack of recent rainfall.

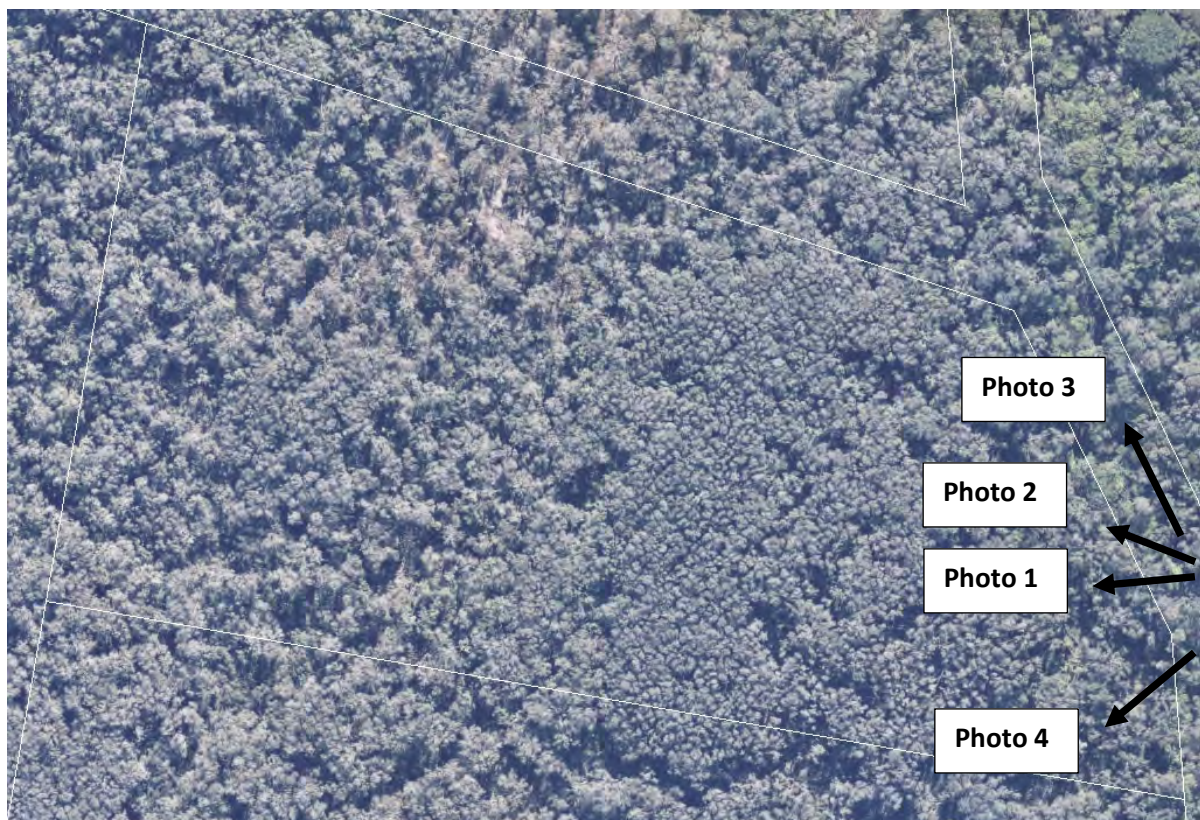






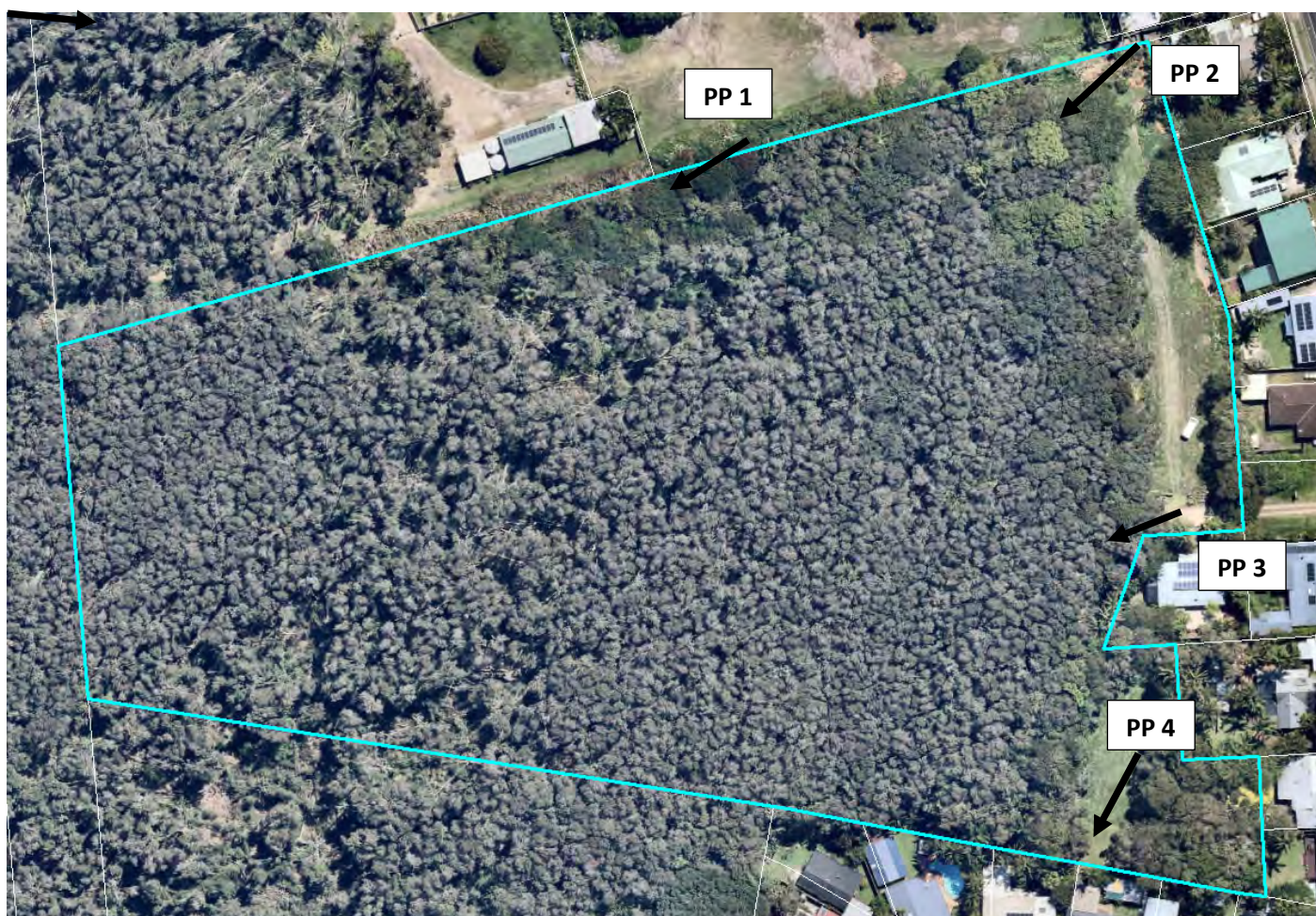
PHOTO POINT 1	PHOTO POINT 2
	
<p>Large old <i>Eucalyptus robusta</i> (Swamp Mahogany). Main koala food tree with rainforest regrowth in foreground, dense <i>Melaleuca quinquenervia</i> swamp beyond.</p>	<p>Dense <i>Melaleuca quinquenervia</i> swamp. EEC, Note low lying and presence of <i>Phragmites australis</i> indicates regular water levels.</p>

PHOTO POINT 3	PHOTO POINT 4
	
Swamp oak regeneration and Dense <i>Melaleuca quinquenervia</i> swamp.	Paper Bark (<i>Melaleuca quinquenervia</i>) swamp.

31. Bangalow Rd Byron Bay (PN 60550)

Site Visit undertaken: October 2021.

Cleared areas in the west adjacent to residential properties. On the edge of the Coastal Wetlands SEPP there are infestations of weeds. The forested parts of the property are undisturbed Paper Bark (*Melaleuca quinquenervia*) swamp, with no weeds. Coral trees on northern boundary.





33. Skinners Shoot Rd Skinners Shoot (PN 84150)

Site visit February 2019.

Dense canopy of *Melaleuca quinquenervia* swamp. Condition of vegetation is very good with no evidence of weed infestation. Land is low lying and flood prone.



PHOTO POINT 1	PHOTO POINT 2
	
PHOTO POINT 3	PHOTO POINT 4



PHOTO POINT 5



34. 486 Broken Head Rd Broken Head PN 3700

Site visit undertaken by Jo Green Ecologist with landowner: June 2021.

Property is residential with Large Tallowwoods with overhanging canopy, Ground layer is cleared for bushfire, some weeds present.



PHOTO POINT1 looking north along back boundary

PHOTO POINT2 looking south to back corner of property behind water tank.





35. 368 Broken Head Rd Broken Head PN 221850

Site visit undertaken by Joanne Green Ecologist with previous landowner 2019, Ezones finalised with landowner.

New landowner, site visit requested, visited site by Jo Green, Ecologist with planner Joe Davidson but no access to Ezone areas given: May 2021



PHOTO POINT1 Property entrance showing old growth Blackbutt typical of property



PHOTO POINT2 Property entrance showing old growth Blackbutt typical of property with developing rainforest understorey



PHOTO POINT3 - property from road



PHOTO POINT4 looking west at property boundary

