

Assessment of Conservation Zones at Lot 12 Plan 1191616 Teven, Ballina Shire.

May 2025



Cover photograph: Camphor laurel dominated forest, Teven, Ballina Shire 2025 (Photo Credit – J. Wickers)

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First Nations People

The People of the Bundjalung Nation developed and maintained a deep and rich connection with the land of the Ballina area. The land nourished all of the person, supplying physical, spiritual, cultural and identity necessities. We wish to acknowledge the First Nations People and pay our respects to their Elders past, present and future.



Ngunya Jargoan Indigenous Protected Area, Wardell/Bagotville (Photo credit G. Beyer).

Acknowledgements

Ballina Shire Council initiated this study and Klaus Kerzinger (Ballina Shire Council) provided support throughout the project.

We would like to thank the Teven landholder who provided access to their property and supported the site visit.

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1. Study Background

Zoning land for environmental protection in the Ballina Shire has a long history.

- 2011-2012. Ballina Shire Council (BSC) proposes new environmental zones in the draft Ballina Local Environmental Plan 2011.
- 2012. The NSW Government announces a review of these lands and defers them from being included in the new LEP. Ballina LEP 2012 is made without any environmental zones.
- 2015. Northern Councils EZone Review conducted by the NSW State Government (NSW Department of Planning and Environment, 2015).
- 2021. BSC reviews all deferred matter land (excluding existing environmental protection zones under Ballina LEP 1987) and develops draft maps (Ascent Ecology, 2021).
- October 2021. Planning Proposal reported to Council's Ordinary meeting. Council resolves to submit the planning proposal to the NSW Government for review and Gateway determination.
- Feb - March 2023. Planning Proposal – *Ballina Local Environmental Plan 2012. Conservation Zone Review (Integration of certain deferred matter land) BSCPP 21/004 February 2023 (V3 Exhibition) 23/2426* placed on public exhibition.
- July 2024 the Department of Planning, Housing and Infrastructure advised that Amendment No 55 of Ballina LEP 2012 had been made. This amendment applied to 457 lots and applied zones generally consistent with the exhibited Conservation Zone Review planning proposal.
- Excluded from Amendment No 55 were 257 lots which were the subject of landowner objections. These lots still require transition from Ballina LEP 1987 to Ballina LEP 2012.

2. Objectives

The key objectives of this study at 287 Teven Road, Teven (Figure 1) are:

- Consult with affected landholder.
- Undertake a site visit to assess the ecological values of the vegetation present in the C2 Zone.
- To determine if the area zoned C2 meets the applicable criteria as per the Northern Councils E Zone Review Final Recommendations report (DPE 2015).
- Determine the primary use of the land in the C2 zone under the provisions of Ballina LEP 2012.



Figure 1 Property to be assessed in study at Teven (Ballina LGA)

3. Determination of Conservation Zones

The application of CZones in Ballina Shire is required to be based on the NSW Department of Planning and Environment's 2015 *Northern Councils E Zone Review Final Recommendations Report* (NCEZR). Refer to Appendix 1 for details on the criteria for applying C2 - Environmental Conservation or C3 - Environmental Management zoning.

To-date the assessment of CZones has been based on available spatial data, including vegetation mapping and aerial photography.

This study will assess if the vegetation at the sites meets the CZone criteria by undertaking biodiversity field inspections and ground surveys.

4. Primary use of land

The 2015 NCEZR notes that where a C2 or C3 conservation zone is proposed, the primary use of the land is to be considered. The primary use may vary across a particular property depending on the characteristics of the land.

The primary use of the land is defined as the main use for which the land has been used for the last two years.

For land that Council has verified as consistent with the vegetation criteria for a conservation zone, an Environmental Conservation (C2) or Environmental Management (C3) zone will generally be applied if the primary use of the land is confirmed to be Environmental.

5. C2 and C3 Land Use Zones

Appendix 2 is an extract from the Ballina Local Environmental Plan 2012 (2013 EPI 20) detailing the zone objectives, permitted uses without consent, permitted uses with consent and prohibited activities in a C2 and C3 zone.

BSCs *existing and continuing use rights* fact sheet notes that the NSW Environmental Planning and Assessment Act 1979 (EPA Act) protects landowners from any hardship that may result from such changes by giving them the power to continue using their land under continuing use rights. Any lawful activity being carried out on the land will continue if there is a zone change.

It should be noted that there is no requirement to fence or maintain the vegetation within a C2 or C3 zone.

6. Local Land Services Land Categories

The LLS land category mapping does not determine zoning, however it does provide additional information about current permissible uses in the proposed CZone areas.

Figure 2 is the LLS Native Vegetation Regulatory map at the study site. The area of CZone is mapped as land excluded from the LLS Act.

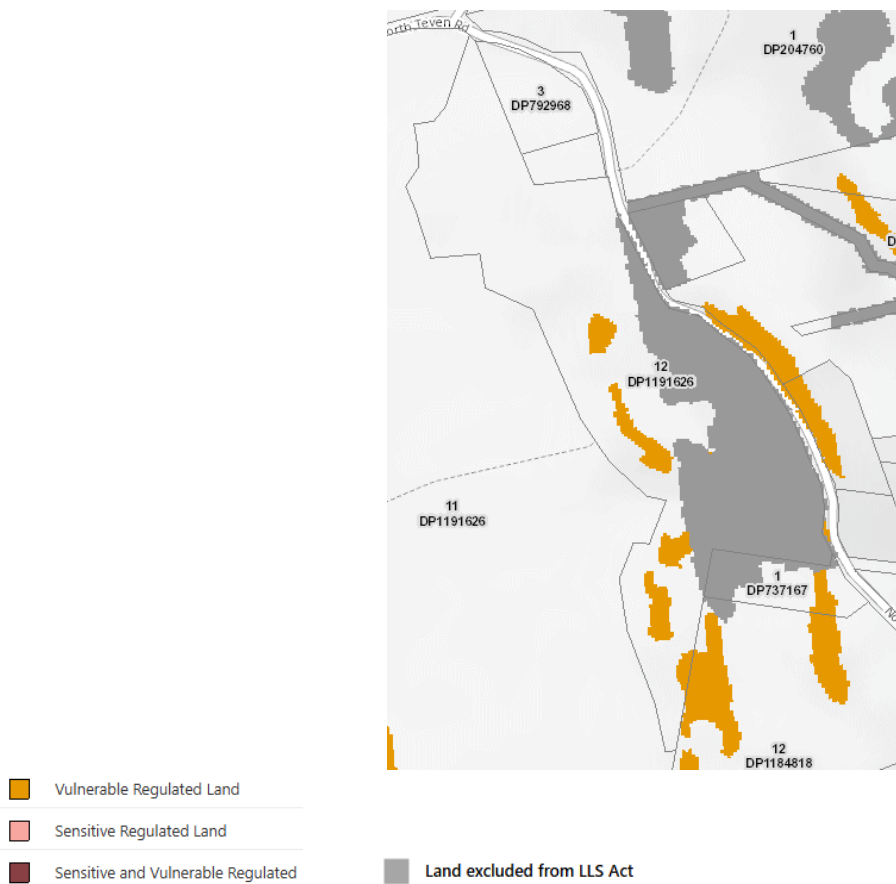


Figure 2 LLS land categories Teven (Sourced from NSW Government Transitional native vegetation regulatory map viewer)

7. Site Assessments

The site visit involved traversing the existing C2 Zone at the property. The path walked was recorded with a GPS device and photo points taken throughout each site.

The key information collected through notes and photographs included:

- Evidence of koala activity
- Sightings of threatened flora and fauna
- Type of vegetation community
- Vegetation community boundaries
- Condition of vegetation (eg. Extent and type of weeds)
- Growth stage of vegetation
- Primary landuse activities
- Topography of site (eg. Slope).

After the site visit the C2 Zone was reviewed using current Nearmaps aerial photography, photo points and field notes.

The CZone was then assessed against the CZone criteria listed in the NSW Department of Planning and Environment's 2015 *Northern Councils E Zone Review Final Recommendations Report* (NCEZR).

287 Teven Road - Lot 12 DP 1191626

Site Visit Date: May 12 2025

Assessors: Jane Wickers, Mark Evans (EarthScapes Consulting)

The site visit path followed a farm road to the west of the C2 zone as well as observations from the road edge to the east of the study area. The survey path and photo points are shown in Figure 3.

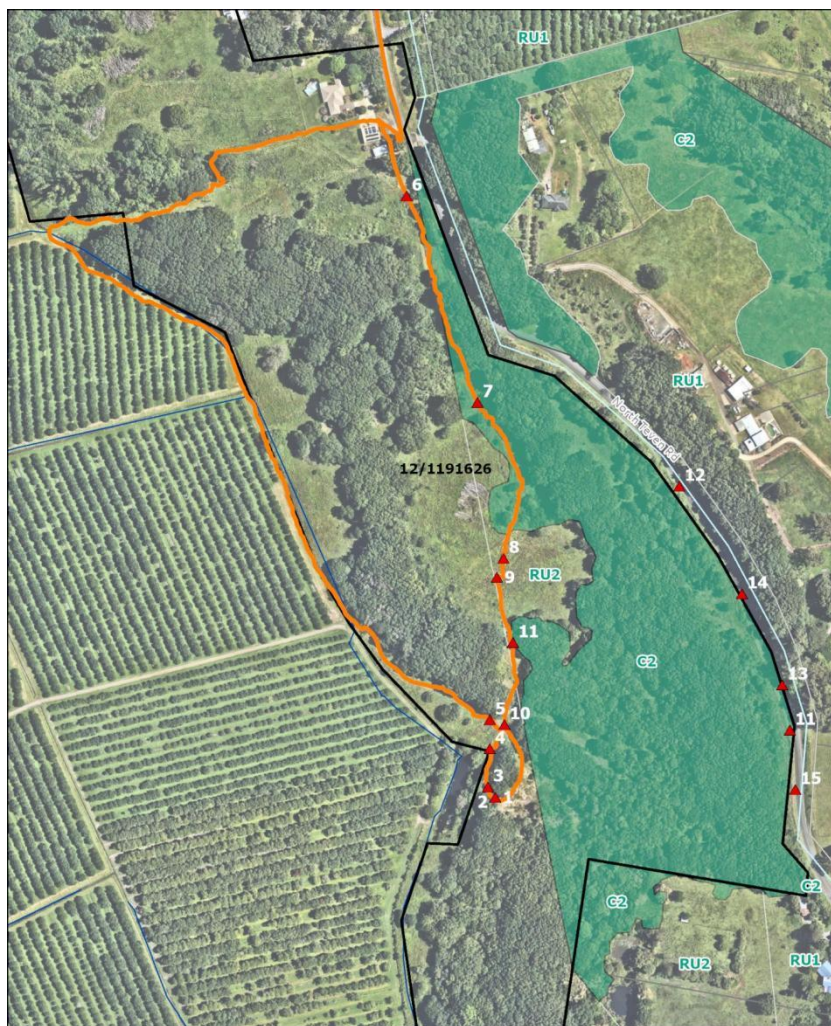


Figure 3 Site visit map - 287 Teven Road and proposed zones as per 2023 Conservation Zone Review Planning Proposal

Site Visit Results

The total of C2 Zone was 71, 882 sq m.

The CZone was dominated by Camphor laurel (*Cinnamomum camphora*) (Plates 1 to 4) with a small number of native rainforest species spread throughout. These included Umbrella cheese tree (*Glochidion sumatranum*), Tuckeroo (*Cupaniopsis anacardiodes*), Macaranga (*Macaranga tanarius*), Bleeding heart (*Homolanthus populifolius*), Guioa (*Guioa semiglauc*), Pink Euodia (*Melicope elleryana*) and Brown kurrajong (*Commersonia bartramia*) (Plates 5 and 6).

Weed species were present throughout the area surveyed and in all stratum. Key weeds observed included Camphor laurel (*Cinnamomum camphora*), Small leaved privet (*Ligustrum sinense*), Lantana (*Lantana camara*), Smooth senna (*Senna septemtrionalis*), Winter senna (*Senna pendula* var. *glabrata*), Tobacco (*Solanum mauritanum*) and White passionflower (*Passiflora subpeltata*) (Plates 7 and 8)

Cattle access all of the C2 Zone area and were observed west of the CZone area (Plate 9). The property owner advised that previous farm activities on the property included sugar cane farming and macadamia plantations.

Due to the degraded condition of the vegetation and the grazing of cattle in all areas, a PLU of Agriculture has been assigned to all vegetation in the C2 Zone.



Plate 1 - PP6 looking SE



Plate 2 - PP11 looking SW



Plate 3 - PP9 looking S



Plate 4 - PP11 looking E



Plate 5 - PP1 looking



Plate 6 - PP12 looking west



Plate 7 - PP 10 looking W

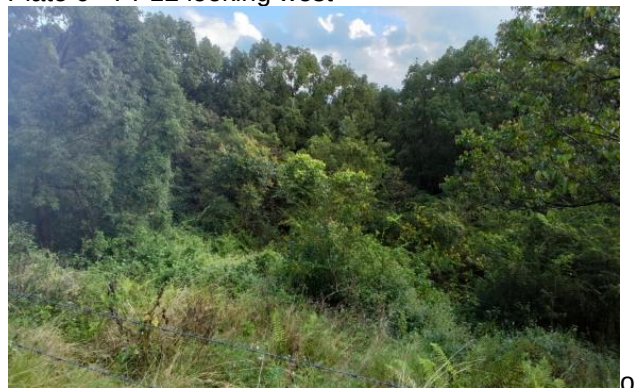


Plate 8 - PP13 looking W



Plate 9 - Eastern boundary of property

Site Visit Assessment

No Threatened Ecological Communities (TECs) or threatened species were observed.

None of the vegetation observed meets the criteria for a C2 or C3 zone because of the dominance of weed species, especially the Camphor laurel dominated canopy. The study area is best suited to a Rural zone.

References

Ascent Ecology 2021. Identification of Proposed E2 and E3 Zones – Ballina Shire Council Integration of Certain Deferred Matters. Ascent Ecology Pty Ltd, Brunswick Heads.

Ballina Shire Council Conservation Zone Review (Integration of Certain Deferred Matter Land) Methodology Report February 2023 CM 23/2428

Ballina Shire Council 2023. Fact Sheet 5. Conservation Zone Review. Existing and continuing use rights.

NSW Department of Planning and Environment (2015). Northern Councils E Zone Review Final Recommendations Report ISBN 978-1-76039-139-3

Appendix 1 - Criteria for Application of Conservation Zones

C2 and C3 criteria from Northern Councils EZone Review Final Recommendations Report 2015.

Criteria	Description
C2 Environmental Conservation	
SEPP26 Littoral Rainforests	Land mapped as littoral rainforest in accordance with the statewide policy for littoral rainforest protection (<i>State Environmental Planning Policy 26 – Littoral Rainforests</i>).
SEPP14 Coastal Wetlands	Land mapped as coastal wetlands in accordance with the statewide policy for coastal wetland protection (<i>State Environmental Planning Policy 14 – Coastal Wetlands</i>).
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> .	Land containing vegetation communities listed as Endangered Ecological Communities under the <i>Threatened Species Conservation Act 1995</i> (TSC)¹ and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC)². The <i>Far North Coast Regional Conservation Plan</i>³ lists the following vegetation communities as examples of EECs that currently exist on the Far North Coast: <i>Byron Bay Dwarf Graminoid Heath Community, Coastal Cypress Pine Forest, Coastal Saltmarsh, Freshwater Wetlands in Coastal Floodplains, Littoral Rainforest, Lowland Rainforest, Lowland Rainforest on Floodplains, Subtropical Coastal Floodplain Forest, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest on Coastal Floodplains, Themeda grassland on Seacliffs and Coastal Headlands, White Gum Yellow Gum Blakely's Red Gum Woodland, and White Gum Moist Forest.</i> Other vegetation communities may be added consistent with these Acts in the future.
Key Threatened Species Habitat	This criterion includes: - old-growth forests where the overstorey or canopy trees are in the late mature stage of growth⁴; - areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates⁵; and - habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present⁶.
	Land comprising: - over-cleared vegetation communities, where more than 70% of the original (pre 1750) extent of the native vegetation type has been cleared⁷ and - native vegetation in over-cleared Mitchell landscapes⁸. The <i>Far North Coast Regional Conservation Plan</i> lists the following as examples of: - Over-cleared vegetation communities on the Far North Coast⁹: - Rainforests, Wet sclerophyll forests (shrubby and grassy subformations), Dry sclerophyll forests (shrubby and shrub/grass subformations), Grassy woodlands, Grasslands (<i>Themeda australis</i> sod tussock), Heathlands, Forested wetlands, Freshwater wetlands, Saline wetlands; and - Over-cleared Mitchell landscapes⁹: - Byron–Tweed Alluvial Plains, Byron–Tweed Coastal Barriers, Clarence–Richmond Alluvial Plains and Upper Clarence Channels and Floodplains.

Culturally significant lands	Areas of culturally significant lands such as Aboriginal object sites, Aboriginal places of heritage significance and other significant objects identified by the local Aboriginal community ¹⁰ .
C3 Environmental Management	
Riparian and estuarine vegetation and wetlands	Land comprising riparian and estuarine vegetation on <i>waterfront land</i> , defined under the <i>NSW Water Management Act 2000</i> , or wetland areas other than those mapped as SEPP14 Coastal Wetlands. Waterfront land is defined under the <i>NSW Water Management Act 2000</i> 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.
Rare, Endangered and Vulnerable Forest Ecosystems	Land comprising areas of rare, endangered and vulnerable forest ecosystems as defined by the <i>JointANZEC/MCFFA National Forest Policy Statement Implementation sub-committee (JANIS)</i> (Commonwealth of Australia 1997) ¹¹ .
Native vegetation on coastal foreshores	Native vegetation on land with frontage, or adjoining or adjacent to, a beach, estuary, coastal lake, headland, cliff or rock platform.

¹ <http://www.environment.gov.au/biodiversity/threatened/communities/nsw-act>

² <http://www.environment.nsw.gov.au/threatenedspeciesapp/default.aspx?keywords>

³ Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p24 ⁴ <http://www.epa.nsw.gov.au/resources/pnf/OGRFreviewFieldIdent.pdf>

⁵ Scotts, D 2003, Key Habitats and Corridors for Forest Fauna: A Landscape Framework for Conservation in Northeast New South Wales, NPWS Occasional Paper no. 32, National Parks and Wildlife Service, Sydney, NSW.

⁶ NSW Office of Environment and Heritage 'Threatened Species Profiles Database' <http://www.bionet.nsw.gov.au>

⁷ Keith, DA 2006, Ocean Shores to Desert Dunes the Native Vegetation of New South Wales and the ACT, Department of Environment and Climate Change, Hurstville.

⁸ Mitchell, PB 2002, 'NSW Ecosystems Study: Background and Methodology', report prepared for National Parks and Wildlife Service, Hurstville, NSW and Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p27.

⁹ Far North Coast Regional Conservation Plan, NSW Environment Climate Change and Water, 2010, p26

¹⁰ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, NSW Department of Environment, Climate Change & Water (2011)

¹¹ Refer to Appendix 1 of the Department's Final Recommendations Report.

Appendix 2 - C2 and C3 Zone Land Use Table

CZones are designed to recognise and protect land that has important environmental value.

C2 Environmental Conservation

Objectives of zone

- ◆ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- ◆ To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Permitted without consent

Environmental protection works.

Permitted with consent

Dwelling houses; Environmental facilities; Extensive agriculture; Oyster aquaculture; Research stations; Roads.

Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

C3 Environmental Management

Objectives of zone

- ◆ To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- ◆ To provide for a limited range of development that does not have an
- ◆ adverse effect on those values.

Permitted without consent

Environmental protection works; Extensive agriculture.

Permitted with consent

Camping grounds; Community facilities; Dwelling houses; Emergency services facilities; Environmental facilities; Farm building; Home-based child care; Information and education facilities; Intensive plant agriculture; Kiosks; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Tank-based aquaculture; Tourist and visitor accommodation; Water recreation structures.

Prohibited

Backpackers accommodation; Hotel or motel accommodation; Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Serviced apartment; Warehouse or distribution centres; Any other development not specified in item 2 or 3.