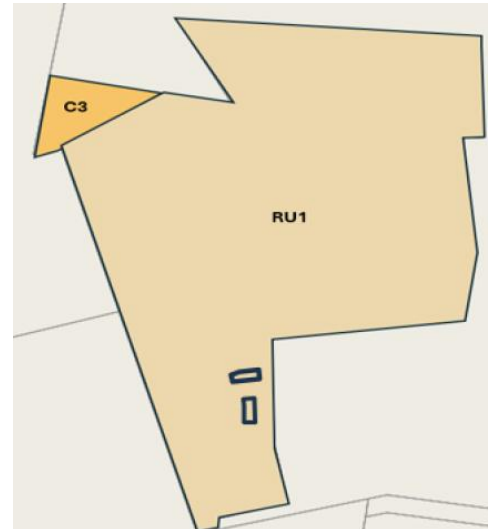


Attachment 1 – Consistency with Northern Councils C Zone Review Final Recommendations

118 Beacon Road, Teven (Lot 6 DP 1162316)		
Recommendation	Key Issues	Comment
1. When will C Zones be applied? - C2 and C3 zones will only be applied if the <i>primary use of the land</i> is considered to be environmental conservation (C2) or environmental management(C3) and the land contains attributes which meet one or more of the criteria for an C2 or C3 zone (Tables 1 and 2). - An C4 zone can be applied if the land contains attributes that are consistent with the Department's Practice Note <i>PN09-002 Environment Protection Zones</i>.	Does the proposed zone meet the primary use of land test? Is a C4 zone proposed and is it consistent with PN09-002.	Consistent. Lot 6 is currently deferred from Ballina LEP 2012. It retains a 1(b) Rural (Secondary Agricultural Land) zone under Ballina LEP 1988. The proposal seeks to apply a combination of RU1 Primary Production and C3 Environmental Management zones to the deferred matter land as demonstrated in Figure 1.  FIGURE 1 PROPOSED ZONES A site inspection has been undertaken on Lot 6 and confirmed that agriculture is being undertaken on the majority of the lot. The

118 Beacon Road, Teven (Lot 6 DP 1162316)

Planning Proposal outlines that agricultural operations undertaken on the site include:

- Grazing (beef cattle),
- Custard apple and fig orchards, and
- Syntropic agriculture.

Syntropic agriculture is a regenerative farming practice that mimics natural ecosystems to create sustainable and productive food systems and emphasises biodiversity and soil health.

The site visit conducted in February 2025 identified two areas of the site (Zones 2 and 3 in Figure 2) that meet the criteria for a C2 zone.

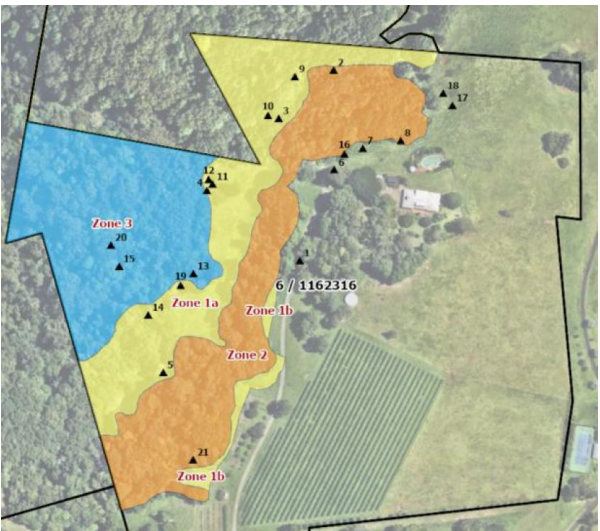


FIGURE 2 ASSESSMENT ZONES ACROSS THE SITE AND PLU APPLIED DURING SITE VISIT

- ZONE 1A – AGRICULTURAL
- ZONE 1B – AGRICULTURAL

118 Beacon Road, Teven (Lot 6 DP 1162316)		
		• ZONE 2 – ENVIRONMENTAL • ZONE 3 – ENVIRONMENTAL Notwithstanding, discussion with the landowner has provided evidence of the primary use of the land for agriculture, which Council has accepted and applied an RU1 zone to Zone 2. Further, as part of the negotiated outcome between the landowner and Council, the landowner has agreed to the application of a C3 Environmental Management zone to 0.6ha of the far northwestern corner of the site. Whilst this area of land has attributes that meet the C2 criteria, the primary use of the land is environmental management rather than environmental conservation due to agricultural operations as a secondary use in this area. Council's proposed application of a C3 zone in this instance is consistent with the Northern Councils E Zone Review – Final Recommendations Report. The remainder of the site (14.65ha) has a primary use of agriculture and will be zoned RU1. It is considered that the proposed zone for Lot 6 meets the primary use of land test.
2. How will the Primary use of land be determined? • The primary use of the land is the main use for which the land has been used for the last two (2) years. This may mean that land which is currently zoned rural will continue to have a rural zone, but it may have parts of that land which have attributes that meet the criteria for an C2 or C3 zone included in a mapped planning control.	Is the verification methodology for determining the primary use of land consistent with the Secretary's letter of 1 March 2016?	Yes. Council has undertaken a site visit and ecological evaluation (dated February 2025), which supports the proposal. The site visit has informed the primary use of land, and the ecological evaluation has confirmed that land to be zoned C3 contains attributes which meet the criteria for a C2 zone. The site visit has determined that the main use for the bulk of the land is agriculture, with a small portion of the site (0.6ha) having an environmental management use.

118 Beacon Road, Teven (Lot 6 DP 1162316)		
- The primary use of the land may vary across a particular property depending on the characteristics of the land. This may result in more than one zone being applied to the land. - The primary use of land will be identified during the preparation of a planning proposal.		The primary use of the site varies across this property, due to the characteristics of the land and as such more than one zone is proposed for the land. The primary use of land has been identified during the preparation of the planning proposal, consistent with the requirements of the Northern Councils E Zone Review – Final Recommendations Report and the Secretary's Letter of 1 March 2016.
3. What are the C Zone Criteria? C2 Criteria - SEPP 26 Littoral Rainforest - SEPP 14 Coastal Wetlands - Endangered Ecological Communities - Key Threatened Species Habitat - Over-cleared vegetation communities - Culturally significant lands C3 Criteria - Riparian and estuarine vegetation - Rare endangered and vulnerable forest ecosystems - Native vegetation on coastal foreshores	Does land meet the C Zone criteria in Tables 1 and 2? Which criterion does the land satisfy to have an C zone applied to it?	Consistent – the application of the C3 zone meets the requirements of the Northern Councils E Zone Review – Final Recommendations Report. This area of land has attributes that meet the C2 criteria, the primary use of the land is environmental management rather than environmental conservation due to the agricultural operations as a secondary use in this area. Therefore, Council has opted to apply a C3 zone, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.
4. What is the procedure for applying an C2 or C3 zone? - Councils will assess land against the C zone criteria and consider the primary use of the land before proposing an C2 or C3 zone. - A C2 or C3 zone can only be applied to land with a primary use of environmental conservation or environmental management and,	Has Council satisfied the procedure for Applying C Zones?	Consistent. Council has satisfied the procedure for applying C Zones. Council has assessed the criteria and considered the primary use of the land and has determined to apply a C3 zone to part of the site. The C3 zone is applied to a portion of land that has attributes that meet the C2 criteria, the primary use of the land is however considered to be environmental management rather than environmental conservation as a result of the primary use of land.

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which has attributes that have been verified to meet the C zone criteria. • If the land has attributes that meet the C2 criteria, however the primary use of the land is environmental management rather than environmental conservation, a council may apply a C3 zone. • If a council believes the primary use of the land does not warrant a C zone, and the land meets the C zone criteria, then a LEP Map and associated clauses can be applied. • The C zones will not include buffers to the vegetation attributes that meet the C zone criteria.		Therefore, Council has opted to apply a C3 zone, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.
5. How is the C Zone Criteria verified? A C2 or C3 zone or other mapped planning controls cannot be applied to land unless the attributes that meet the C2 or C3 criteria have been verified on that land. Verification of the presence of attributes that meet the C2 or C3 criteria on the site must be undertaken by one or a combination of the verification criteria outlined in the Recommendations Report.	Has the presence of attributes which meet the criteria been verified by one or more of the methods listed in Recommendation 5.	Consistent. The presence of attributes has been verified through a site visit and ecological report prepared by a suitably qualified person.
6. Transferring Environmental Zones. • The areas of land to which the current environmental protection zones listed in the Table 3 (below) apply, may be zoned C2 or C3 once councils have verified the attributes of the land against the criteria.	Is the land already zoned one of the existing “7” zones in Table 3?	Not Applicable. The site is currently zoned Ballina LEP 1987 1(b) Rural (Secondary Agricultural Land) Zone. As such this recommendation is not relevant to the application of conservation zones to Lot 6.

118 Beacon Road, Teven (Lot 6 DP 1162316)		
Ballina LEP 1987 7(a) Environmental Protection (Wetlands) 7(l) Environmental Protection (Habitat)		
7. Public and Private Land inconsistent with the criteria. - Public land may be zoned C2 or C3 despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management. - Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner	If a C zone has been applied to public land inconsistent with the criteria, is the primary use environmental conservation or environmental management? If a C zone has been applied to private land inconsistent with the criteria, is it the result of a negotiated development outcome or at the request of the landowner?	Consistent. The C3 zone has been applied to private land consistent with the criteria. Council has proposed zones following a negotiated outcome with the landowner.
8. Voluntarily revegetated land. - Land which has been voluntarily revegetated by the current landowner, will not have a C2 or C3 zone applied to it without the agreement of the current landowner providing: - the revegetation has been actively undertaken and is not the result of natural regrowth; - active revegetation includes a combination of planting, seeding, weed control, fencing, removing stock, watering, ripping, mulching and soil improvement to encourage the natural regeneration of native vegetation; and	Is any voluntarily revegetated land affected by this planning proposal? Does it comply with the requirements?	Not Applicable. It is understood the land has not been voluntarily revegetated. It is stated that syntropic agriculture is carried out on the site. The nature of syntropic agriculture means replanting and revegetation of areas may occur to mimic natural ecosystems. It is understood that there are two primary land uses applied to the site, environmental management and agriculture and that these have been accepted by Council and the landowner as a result of a negotiated outcome. As such, it is considered that the proposal meets the requirements.

118 Beacon Road, Teven (Lot 6 DP 1162316)

- the primary use of the land is agriculture. • Land which has been voluntarily revegetated can be included on a Vegetation Map without the agreement of the current landowner if the attributes have been verified to meet the criteria for a C2 or C3 zone and the primary use of the land is environmental conservation or environmental management. • If revegetation has been undertaken with the support of grant funding, and a condition of that funding was the ongoing conservation or management of the vegetation, then an C2 or C3 zone may be applied to the land.		
9. Zoning of State and regionally significant farmland. • When zoning State or regionally significant farmland, councils will have to take account of the primary use of the land before applying a C zone or a rural zone.	Has the zoning of State or Regionally significant farmland taken into account the primary use of land test?	Consistent. A majority of the site is identified as Important Farmland however the application of the C3 Environmental Management zone does not appear to overlap this Important Farmland. Council has taken into account the primary use of land in its application of proposed zones.
10. Application of multiples zones to a single property (split zoned lots). • More than one zone can be applied to properties where the characteristics of different areas of the land reflect the different primary uses of the land. • Councils should consider the suitability of alternative zones or including the land on a Vegetation Map when considering more than one zone for a property.	Are multiple zones applied to a single property? Do these zones reflect the primary use of the land?	Consistent. Two zones, RU1 and C3, are proposed to be applied to Lot 6. These zones reflect the primary use of the land, being agriculture to a majority of the site and environmental management to 0.6ha of the site.

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As a general principle, the use of multiple zones on a property should be minimised as far as possible.		
11. Application of the C4 Zone in Byron Council. Byron Shire Council is to prepare a planning proposal to apply a suitable residential zone to that land where an E4 zone was proposed under the draft Byron LEP.	Does the proposal apply to land proposed to be zoned C4 in Byron LGA? Is the proposal applying a suitable residential zone to this land?	Not applicable. The proposal is located in Ballina LGA.
12. Application of additional mapped planning controls. - Matters of public health, safety, risk and hazard such as drinking water catchments, flooding, coastal risk areas and land subject to strict development controls such as steep land may be included in a LEP Map. - A LEP Map is not to be used for areas of scenic protection or aesthetic values. - Land that has been verified to meet the criteria for a C2 or C3 zone where the primary use of the land is not environmental conservation or environmental management may be included in a mapped planning control, such as a Vegetation Map.	Does the proposal seek to introduce overlays or other mapped planning controls? Do the mapped planning controls apply to matters of public health, safety, risk and hazard? Do the mapped planning controls apply to land with attributes which meet the E zone criteria but does not have a primary use of land that warrants a C2 or C3 zone?	Not applicable. The proposal as it relates to this site does not seek to introduce overlays or other mapped planning controls.
13. Aesthetic Value. Councils on the Far North Coast will not be permitted to use scenic values as an attribute for the application of an C2 or C3 zone or mapped planning controls.	Has aesthetic value been used as an attribute for the application of an C zone?	Consistent. Aesthetic value has not been used as an attribute for the application of a C zone.

118 Beacon Road, Teven (Lot 6 DP 1162316)

14. Permissibility of agriculture in C Zones.

- *Extensive agriculture* is to be listed as permissible with consent in the C2 zone for all Far North Coast LEPs.
- *Extensive agriculture* is to be listed as permissible without consent in the C3 zone for all Far North Coast LEPs.

Is extensive agriculture permissible without consent in the C3 zone?

Is extensive agriculture permissible with consent in the C2 zone?

Consistent. There are no changes proposed to the land use tables for C2 Environmental Conservation or C3 Environmental Management under the Ballina LEP 2012.

Extensive agriculture is permitted with consent in the C2 zone and permitted without consent in the C3 zone.

15. Coastal Zone Management.

- Far North Coast councils are to use a Coastal Risk Map and associated clause to manage land affected by coastal hazards.

Has a Coastal Risk Map and associated clause been used to manage land affected by coastal hazards?

Not applicable. A coastal risk map and associated clause has not been proposed.

16. Section 9.1 Direction.

- A Section 9.1 Ministerial Direction specific to applying C zones and mapped planning controls in Far North Coast LEPs will ensure the consistent application of the final recommendations of the Northern Councils C Zone Review for Ballina, Byron, Kyogle, Lismore and Tweed Local Government Areas.

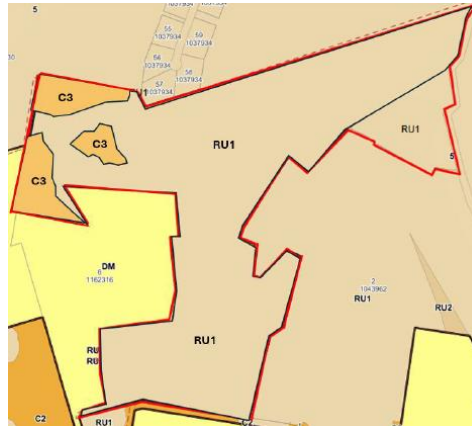
Is the proposal consistent with S9.1 *Direction 3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs*.

To be determined.

The consistency of the proposal with Direction 3.4 is to be reassessed after public exhibition has been undertaken and Council has considered the submissions received by landowners in relation to the primary use of land and the proposed zone.

Relevant conditions have been placed on the Gateway determination in order to require Council to address any outstanding inconsistencies following consultation with landowners.

225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)

Recommendation	Key Issues	Comment
1. When will C Zones be applied? - C2 and C3 zones will only be applied if the <i>primary use of the land</i> is considered to be environmental conservation (C2) or environmental management(C3) and the land contains attributes which meet one or more of the criteria for an C2 or C3 zone (Tables 1 and 2). - An C4 zone can be applied if the land contains attributes that are consistent with the Department's Practice Note <i>PN09-002 Environment Protection Zones</i>.	Does the proposed zone meet the primary use of land test? Is a C4 zone proposed and is it consistent with PN09-002.	Lot 2 is currently zoned part RU1 Primary Production and part deferred matter under Ballina LEP 2012. A majority of the site retains a 1(b) Rural (Secondary Agricultural Land) zone under Ballina LEP 1987. The proposal seeks to apply a combination of RU1 Primary Production and C3 Environmental Management zones to deferred matter land as demonstrated in Figure 3. The currently zoned parcels of RU1 zoned land are not proposed to be amended as part of this planning proposal.  FIGURE 3 PROPOSED ZONES An ecological evaluation has been undertaken and has determined that the site contains criteria for the application of a C2 zone as outlined in figures 4, 5 and 6

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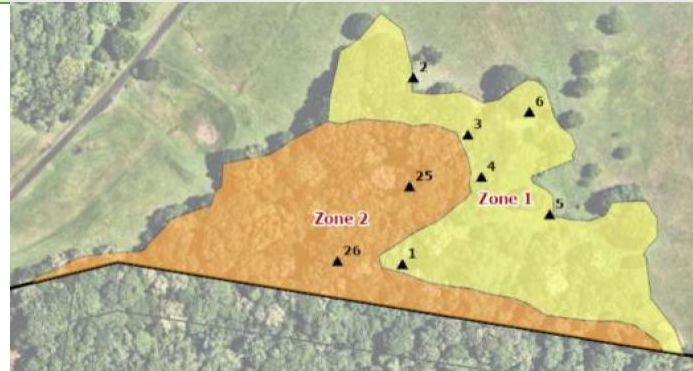
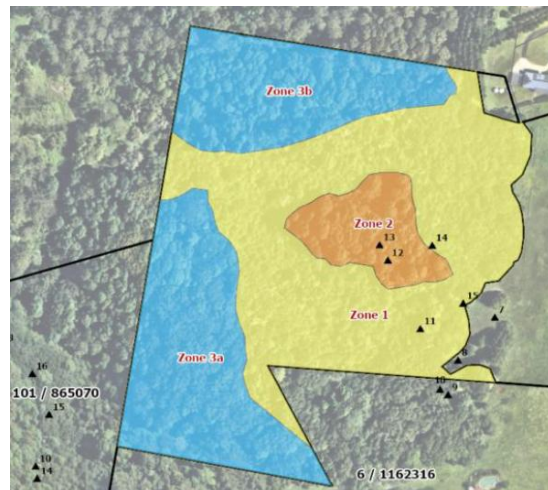


FIGURE 4 ASSESSMENT ZONES ACROSS THE SITE AND PLU APPLIED DURING SITE VISIT (SOUTHERN PATCH)

- ZONE 1 – AGRICULTURE
- ZONE 2 – ENVIRONMENTAL



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FIGURE 5 ASSESSMENT ZONES ACROSS THE SITE AND PLU APPLIED DURING SITE VISIT (NORTHWESTERN PATCH)

- ZONE 1 – AGRICULTURAL
- ZONE 2 – ENVIRONMENTAL
- ZONE 3A – ENVIRONMENTAL
- ZONE 3B - ENVIRONMENTAL

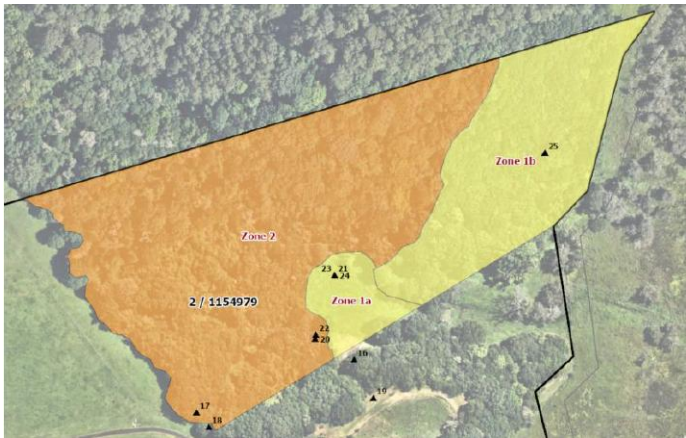


FIGURE 6 ASSESSMENT ZONES ACROSS THE SITE AND PLU APPLIED DURING SITE VISIT (NORTHEASTERN PATCH)

- ZONE 1A – AGRICULTURAL
- ZONE 1B – AGRICULTURAL
- ZONE 2 – ENVIRONMENTAL

Notwithstanding, Council seeks to apply a C3 zone to only zones 2, 3a and 3b in the northwestern patch because the wider parcel is used for cattle grazing and stock have access to some of the vegetated areas for understorey grazing.

This negotiated outcome has been agreed to by the landowner. The proposal seeks to apply an RU1 zone to 39.9ha and a C3 zone to 3.74ha in the northwestern patch.

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2. How will the Primary use of land be determined? - The primary use of the land is the main use for which the land has been used for the last two (2) years. This may mean that land which is currently zoned rural will continue to have a rural zone, but it may have parts of that land which have attributes that meet the criteria for an C2 or C3 zone included in a mapped planning control. - The primary use of the land may vary across a particular property depending on the characteristics of the land. This may result in more than one zone being applied to the land. - The primary use of land will be identified during the preparation of a planning proposal.	Is the verification methodology for determining the primary use of land consistent with the Secretary's letter of 1 March 2016?	Consistent. Council has undertaken a site visit and ecological evaluation (dated February 2025), which supports the proposal. The site visit has informed the primary use of land and the ecological evaluation has confirmed that land to be zoned C3 contains attributes which meet the criteria for a C2 zone. The site visit has determined that the main use for the bulk of the land is agriculture, with a portion of the site (3.74ha) having an environmental management use. The primary use of the site varies across this property, due to the characteristics of the land and as such, more than one zone is being applied to the land. The primary use of land has been identified during the preparation of the planning proposal, consistent with the requirements of the Northern Councils E Zone Review – Final Recommendations Report and the Secretary's Letter of 1 March 2016.
3. What are the C Zone Criteria? C2 Criteria - SEPP 26 Littoral Rainforest - SEPP 14 Coastal Wetlands - Endangered Ecological Communities - Key Threatened Species Habitat - Over-cleared vegetation communities - Culturally significant lands	Does land meet the C Zone criteria in Tables 1 and 2? Which criterion does the land satisfy to have an C zone applied to it?	Yes – the application of the C3 zone meets the requirements of the Northern Councils E Zone Review – Final Recommendations Report. This area of land has attributes that meet the C2 criteria, the primary use of the land is environmental management rather than environmental conservation, due to the undertaking of agricultural operations, including understorey grazing, as a secondary use in this area. Therefore, council has opted to apply a C3 zone, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.

225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)

C3 Criteria

- Riparian and estuarine vegetation
- Rare endangered and vulnerable forest ecosystems
- Native vegetation on coastal foreshores

4. What is the procedure for applying an C2 or C3 zone?

- Councils will assess land against the C zone criteria and consider the primary use of the land before proposing an C2 or C3 zone.
- A C2 or C3 zone can only be applied to land with a primary use of environmental conservation or environmental management and, which has attributes that have been verified to meet the C zone criteria.
- If the land has attributes that meet the C2 criteria, however the primary use of the land is environmental management rather than environmental conservation, a council may apply a C3 zone.
- If a council believes the primary use of the land does not warrant a C zone, and the land meets the C zone criteria, then a LEP Map and associated clauses can be applied.

Has Council satisfied the procedure for Applying C Zones?

Consistent. Council has satisfied the procedure for applying C Zones.

Council has assessed the criteria and considered the primary use of the land and have determined to apply a C3 zone to part of the land.

The C3 zone is applied to a portion of land that has attributes that meet the C2 criteria, the primary use of the land is however considered to be environmental management rather than environmental conservation, because agriculture is occurring as a secondary primary use in the proposed C3 zone. Therefore, Council has opted to apply a combination of RU1 and C3 zones to the site, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.

225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)

The C zones will not include buffers to the vegetation attributes that meet the C zone criteria.		
5. How is the C Zone Criteria verified? A C2 or C3 zone or other mapped planning controls cannot be applied to land unless the attributes that meet the C2 or C3 criteria have been verified on that land. Verification of the presence of attributes that meet the C2 or C3 criteria on the site must be undertaken by one or a combination of the verification criteria outlined in the Recommendations Report.	Has the presence of attributes which meet the criteria been verified by one or more of the methods listed in Recommendation 5.	Consistent. The presence of attributes has been verified through a site visit and ecological report prepared by a suitably qualified person.
6. Transferring Environmental Zones. The areas of land to which the current environmental protection zones listed in the Table 3 (below) apply, may be zoned C2 or C3 once councils have verified the attributes of the land against the criteria. Ballina LEP 1987 7(a) Environmental Protection (Wetlands) 7(l) Environmental Protection (Habitat)	Is the land already zoned one of the existing “7” zones in Table 3?	Not applicable. The site is currently zoned Ballina LEP 1987 1(b) Rural (Secondary Agricultural Land) Zone. As such this recommendation is not relevant to the application of conservation zones to this lot.

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7. Public and Private Land inconsistent with the criteria. - Public land may be zoned C2 or C3 despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management. - Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner	If a C zone has been applied to public land inconsistent with the criteria, is the primary use environmental conservation or environmental management? If a C zone has been applied to private land inconsistent with the criteria, is it the result of a negotiated development outcome or at the request of the landowner?	Consistent. The C3 zone has been applied to private land consistent with the criteria. Council has proposed zones following a negotiated outcome with the landowner.
8. Voluntarily revegetated land. - Land which has been voluntarily revegetated by the current landowner, will not have a C2 or C3 zone applied to it without the agreement of the current landowner providing: - the revegetation has been actively undertaken and is not the result of natural regrowth; - active revegetation includes a combination of planting, seeding, weed control, fencing, removing stock, watering, ripping, mulching and soil improvement to	Is any voluntarily revegetated land affected by this planning proposal? Does it comply with the requirements?	Not applicable. It is understood the land has not been voluntarily revegetated.

225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)

encourage the natural regeneration of native vegetation; and - the primary use of the land is agriculture. • Land which has been voluntarily revegetated can be included on a Vegetation Map without the agreement of the current landowner if the attributes have been verified to meet the criteria for a C2 or C3 zone and the primary use of the land is environmental conservation or environmental management. • If revegetation has been undertaken with the support of grant funding, and a condition of that funding was the ongoing conservation or management of the vegetation, then an C2 or C3 zone may be applied to the land.		
9. Zoning of State and regionally significant farmland. • When zoning State or regionally significant farmland, councils will have to take account of the primary use of the land before applying a C zone or a rural zone.	Has the zoning of State or Regionally significant farmland taken into account the primary use of land test?	Consistent. A majority of the site is identified as Important Farmland however the application of the C3 Environmental Management zone does not appear to overlap the important farmland. Council has taken into account the primary use of land in its application of proposed zones.
10. Application of multiples zones to a single property (split zoned lots). • More than one zone can be applied to properties where the	Are multiple zones applied to a single property?	Consistent. Two zones, RU1 and C3, are applied to the lot. These zones reflect the primary use of the land, being agriculture for the majority of the site and environmental management for 3.74ha of the site.

225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)		
characteristics of different areas of the land reflect the different primary uses of the land. - Councils should consider the suitability of alternative zones or including the land on a Vegetation Map when considering more than one zone for a property. - As a general principle, the use of multiple zones on a property should be minimised as far as possible.	Do these zones reflect the primary use of the land?	
11. Application of the C4 Zone in Byron Council. Byron Shire Council is to prepare a planning proposal to apply a suitable residential zone to that land where an E4 zone was proposed under the draft Byron LEP.	Does the proposal apply to land proposed to be zoned C4 in Byron LGA? Is the proposal applying a suitable residential zone to this land?	Not applicable. The proposal is located in Ballina LGA.
12. Application of additional mapped planning controls. - Matters of public health, safety, risk and hazard such as drinking water catchments, flooding, coastal risk areas and land subject to strict development controls such as steep land may be included in a LEP Map. - A LEP Map is not to be used for areas of scenic protection or aesthetic values. - Land that has been verified to meet the criteria for a C2 or C3	Does the proposal seek to introduce overlays or other mapped planning controls? Do the mapped planning controls apply to matters of public health, safety, risk and hazard? Do the mapped planning controls apply to land with attributes which meet the E	Not applicable. The proposal as it relates to this site does not seek to introduce overlays or other mapped planning controls.

225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)		
zone where the primary use of the land is not environmental conservation or environmental management may be included in a mapped planning control, such as a Vegetation Map.	zone criteria but does not have a primary use of land that warrants a C2 or C3 zone?	
13. Aesthetic Value. Councils on the Far North Coast will not be permitted to use scenic values as an attribute for the application of an C2 or C3 zone or mapped planning controls.	Has aesthetic value been used as an attribute for the application of an C zone?	Consistent. Aesthetic value has not been used as an attribute for the application of a C zone.
14. Permissibility of agriculture in C Zones. <i>Extensive agriculture</i> is to be listed as permissible with consent in the C2 zone for all Far North Coast LEPs. <i>Extensive agriculture</i> is to be listed as permissible without consent in the C3 zone for all Far North Coast LEPs.	Is extensive agriculture permissible without consent in the C3 zone? Is extensive agriculture permissible with consent in the C2 zone?	Consistent. There are no changes proposed to the land use tables for C2 Environmental Conservation or C3 Environmental Management under the Ballina LEP 2012. Extensive agriculture is permitted with consent in the C2 zone and permitted without consent in the C3 zone.
15. Coastal Zone Management. Far North Coast councils are to use a Coastal Risk Map and associated clause to manage land affected by coastal hazards.	Has a Coastal Risk Map and associated clause been used to manage land affected by coastal hazards?	Not applicable. A coastal risk map and associated clause has not been proposed.
16. Section 9.1 Direction. A Section 9.1 Ministerial Direction specific to applying C zones and mapped planning controls in Far North Coast LEPs will ensure the consistent application of the final	Is the proposal consistent with S9.1 <i>Direction 3.4 Application of E2 and E3 Zones and Environmental</i>	To be determined. The consistency of the proposal with Direction 3.4 is to be reassessed after public exhibition has been undertaken and Council has considered the submissions received by landowners in relation to the primary use of land and the proposed zone.

PP-2025-1798 (IRF25/2190) – Incorporate deferred matter land and review conservation zones applied to certain land Ballina LGA

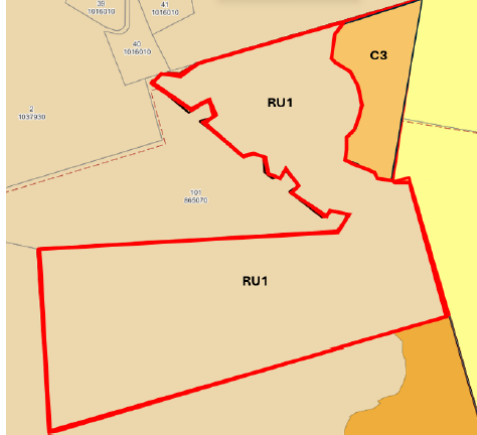
225 Cumbalum Road, Cumbalum (Lot 2 DP 1154979)

recommendations of the Northern Councils C Zone Review for Ballina, Byron, Kyogle, Lismore and Tweed Local Government Areas.

Overlays in Far North Coast LEPs.

Relevant conditions have been placed on the Gateway determination to require Council to address any outstanding inconsistencies, following consultation with landowners.

444 North Teven Road, Teven (Lot 101 DP 865070)

Recommendation	Key Issues	Comment
1. When will C Zones be applied? - C2 and C3 zones will only be applied if the <i>primary use of the land</i> is considered to be environmental conservation (C2) or environmental management(C3) and the land contains attributes which meet one or more of the criteria for an C2 or C3 zone (Tables 1 and 2). - An C4 zone can be applied if the land contains attributes that are consistent with the Department's Practice Note <i>PN09-002 Environment Protection Zones</i>.	Does the proposed zone meet the primary use of land test? Is a C4 zone proposed and is it consistent with PN09-002.	Lot 101 is part zoned RU1 Primary Production and part deferred matter under the Ballina LEP 2012. The deferred matter land retains a 1(b) Rural (Secondary Agricultural Land) zoning under Ballina LEP 1987. The proposal seeks to apply RU1 and C3 zones to the deferred matter land, as demonstrated in Figure 7.  FIGURE 7 PROPOSED ZONES An ecological evaluation conducted in February 2025 identified an area of the site (zone 3) that meets the criteria for a C2 zone (Figure 8).

444 North Teven Road, Teven (Lot 101 DP 865070)

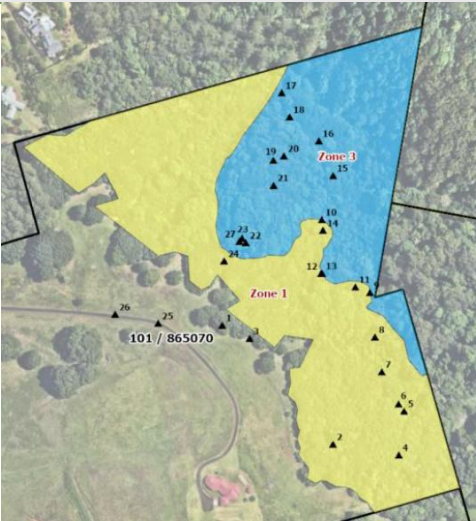


FIGURE 8 ASSESSMENT ZONES ACROSS THE SITE AND PLU APPLIED DURING SITE VISIT

- ZONE 1 – AGRICULTURAL
- ZONE 3 – ENVIRONMENTAL

Notwithstanding, Council seeks to apply a C3 zone to the area on the basis of primary use and a negotiated outcome with the landowner. The area to be rezoned C3 whilst fenced to exclude stock was historically used for a banana plantation and as such, Council has identified a primary use of environmental management. The wider parcel is used for cattle and stock have access to the wider site for understorey grazing.

Whilst the area of the proposed C3 zone land has attributes that meet the C2 criteria, the primary use of the land is environmental management rather than environmental conservation, due to the

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		undertaking of agriculture operations, including the banana plantation, as a secondary use in this area. Consequently, Council has applied an RU1 zone to land with a primary land use of agriculture and a C3 zone to the area with an environmental management primary use.
2. How will the Primary use of land be determined? - The primary use of the land is the main use for which the land has been used for the last two (2) years. This may mean that land which is currently zoned rural will continue to have a rural zone, but it may have parts of that land which have attributes that meet the criteria for an C2 or C3 zone included in a mapped planning control. - The primary use of the land may vary across a particular property depending on the characteristics of the land. This may result in more than one zone being applied to the land. - The primary use of land will be identified during the preparation of a planning proposal.	Is the verification methodology for determining the primary use of land consistent with the Secretary's letter of 1 March 2016?	Consistent. Council has undertaken a site visit and ecological evaluation (dated February 2025), which supports the proposal. The site visit has informed the primary use of land, and the ecological evaluation has confirmed that land to be zoned C3 contains attributes which meet the criteria for a C2 zone. The site visit has determined that the main use for the bulk of the land is agriculture, with a portion of the site having an environmental management use. The primary use of the site varies across this property, due to the characteristics of the land and as such, more than one zone is being applied to the land. The primary use of land has been identified during the preparation of the planning proposal, consistent with the requirements of the Northern Councils E Zone Review – Final Recommendations Report and the Secretary's Letter of 1 March 2016.
3. What are the C Zone Criteria? C2 Criteria - SEPP 26 Littoral Rainforest - SEPP 14 Coastal Wetlands - Endangered Ecological Communities - Key Threatened Species Habitat - Over-cleared vegetation communities - Culturally significant lands	Does land meet the C Zone criteria in Tables 1 and 2? Which criterion does the land satisfy to have an C zone applied to it?	Yes – the application of the C3 zone meets the requirements of the Northern Councils E Zone Review – Final Recommendations Report. This area of land has attributes that meet the C2 criteria. The primary use of the land is environmental management rather than environmental conservation, due to the historical use of this area as a banana plantation. Therefore, Council has opted to apply a C3

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C3 Criteria • Riparian and estuarine vegetation • Rare endangered and vulnerable forest ecosystems • Native vegetation on coastal foreshores		zone, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.
4. What is the procedure for applying an C2 or C3 zone? • Councils will assess land against the C zone criteria and consider the primary use of the land before proposing an C2 or C3 zone. • A C2 or C3 zone can only be applied to land with a primary use of environmental conservation or environmental management and, which has attributes that have been verified to meet the C zone criteria. • If the land has attributes that meet the C2 criteria, however the primary use of the land is environmental management rather than environmental conservation, a council may apply a C3 zone. • If a council believes the primary use of the land does not warrant a C zone, and the land meets the C zone criteria, then a LEP Map and associated clauses can be applied. • The C zones will not include buffers to the vegetation attributes that meet the C zone criteria.	Has Council satisfied the procedure for Applying C Zones?	Consistent. Council has satisfied the procedure for applying C Zones. Council has assessed the criteria and considered the primary use of the land and has determined to apply a C3 zone to part of the land. The C3 zone is applied to a portion of land that has attributes that meet the C2 criteria, the primary use of the land is however considered to be environmental management rather than environmental conservation, because agriculture is a secondary primary use in the proposed C3 zone. Therefore, Council has opted to apply a combination of RU1 and C3 zones to the site, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.

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5. How is the C Zone Criteria verified? A C2 or C3 zone or other mapped planning controls cannot be applied to land unless the attributes that meet the C2 or C3 criteria have been verified on that land. Verification of the presence of attributes that meet the C2 or C3 criteria on the site must be undertaken by one or a combination of the verification criteria outlined in the Recommendations Report.	Has the presence of attributes which meet the criteria been verified by one or more of the methods listed in Recommendation 5.	Consistent. The presence of attributes has been verified through a site visit and ecological report prepared by a suitably qualified person.
6. Transferring Environmental Zones. The areas of land to which the current environmental protection zones listed in the Table 3 (below) apply, may be zoned C2 or C3 once councils have verified the attributes of the land against the criteria. Ballina LEP 1987 7(a) Environmental Protection (Wetlands) 7(l) Environmental Protection (Habitat)	Is the land already zoned one of the existing “7” zones in Table 3?	Not applicable. The site is currently zoned Ballina LEP 1987 1(b) Rural (Secondary Agricultural Land) Zone. As such this recommendation is not relevant to the application of conservation zones to this lot.
7. Public and Private Land inconsistent with the criteria. - Public land may be zoned C2 or C3 despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management. - Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development	If a C zone has been applied to public land inconsistent with the criteria, is the primary use environmental conservation or environmental management? If a C zone has been applied to private land inconsistent with the criteria, is it the result of a negotiated development outcome	Consistent. The C3 zone has been applied to private land consistent with the criteria. Notwithstanding, Council has proposed zones in accordance with a negotiated outcome with the landowner.

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consent, designated offset areas) or at the request of the landowner	or at the request of the landowner?	
8. Voluntarily revegetated land. - Land which has been voluntarily revegetated by the current landowner, will not have a C2 or C3 zone applied to it without the agreement of the current landowner providing: - the revegetation has been actively undertaken and is not the result of natural regrowth; - active revegetation includes a combination of planting, seeding, weed control, fencing, removing stock, watering, ripping, mulching and soil improvement to encourage the natural regeneration of native vegetation; and - the primary use of the land is agriculture. - Land which has been voluntarily revegetated can be included on a Vegetation Map without the agreement of the current landowner if the attributes have been verified to meet the criteria for a C2 or C3 zone and the primary use of the land is environmental conservation or environmental management. - If revegetation has been undertaken with the support of grant funding, and a condition of that funding was the ongoing conservation or management	Is any voluntarily revegetated land affected by this planning proposal? Does it comply with the requirements?	Not applicable. The land is not understood to be voluntarily revegetated.

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of the vegetation, then an C2 or C3 zone may be applied to the land.		
9. Zoning of State and regionally significant farmland. When zoning State or regionally significant farmland, councils will have to take account of the primary use of the land before applying a C zone or a rural zone.	Has the zoning of State or Regionally significant farmland taken into account the primary use of land test?	Consistent. A majority of the site is identified as Important Farmland however the application of the C3 Environmental Management zone does not appear to overlap the Important Farmland. Notwithstanding, Council has taken into account the primary use of land in its application of proposed zones.
10. Application of multiples zones to a single property (split zoned lots). - More than one zone can be applied to properties where the characteristics of different areas of the land reflect the different primary uses of the land. - Councils should consider the suitability of alternative zones or including the land on a Vegetation Map when considering more than one zone for a property. - As a general principle, the use of multiple zones on a property should be minimised as far as possible.	Are multiple zones applied to a single property? Do these zones reflect the primary use of the land?	Consistent. Two zones, RU1 and C3, are applied to the lot. These zones reflect the primary use of the land, being agriculture for a majority of the site and environmental management to 1.8ha of the site.
11. Application of the C4 Zone in Byron Council. Byron Shire Council is to prepare a planning proposal to apply a suitable residential zone to that land where an E4 zone was proposed under the draft Byron LEP.	Does the proposal apply to land proposed to be zoned C4 in Byron LGA? Is the proposal applying a suitable residential zone to this land?	Not applicable. The proposal is located in Ballina LGA.
12. Application of additional mapped planning controls. Matters of public health, safety, risk and hazard such as drinking water catchments, flooding, coastal risk areas and land subject to strict	Does the proposal seek to introduce overlays or other mapped planning controls?	Not applicable. The proposal as it relates to this site does not seek to introduce overlays or other mapped planning controls.

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development controls such as steep land may be included in a LEP Map. • A LEP Map is not to be used for areas of scenic protection or aesthetic values. • Land that has been verified to meet the criteria for a C2 or C3 zone where the primary use of the land is not environmental conservation or environmental management may be included in a mapped planning control, such as a Vegetation Map.	Do the mapped planning controls apply to matters of public health, safety, risk and hazard? Do the mapped planning controls apply to land with attributes which meet the E zone criteria but does not have a primary use of land that warrants a C2 or C3 zone?	
13. Aesthetic Value. • Councils on the Far North Coast will not be permitted to use scenic values as an attribute for the application of an C2 or C3 zone or mapped planning controls.	Has aesthetic value been used as an attribute for the application of an C zone?	Consistent. Aesthetic value has not been used as an attribute for the application of a C zone.
14. Permissibility of agriculture in C Zones. • <i>Extensive agriculture</i> is to be listed as permissible with consent in the C2 zone for all Far North Coast LEPs. • <i>Extensive agriculture</i> is to be listed as permissible without consent in the C3 zone for all Far North Coast LEPs.	Is extensive agriculture permissible without consent in the C3 zone? Is extensive agriculture permissible with consent in the C2 zone?	Consistent. There are no changes proposed to the land use tables for C2 Environmental Conservation or C3 Environmental Management under the Ballina LEP 2012. Extensive agriculture is permitted with consent in the C2 zone and permitted without consent in the C3 zone.
15. Coastal Zone Management. • Far North Coast councils are to use a Coastal Risk Map and associated clause to manage land affected by coastal hazards.	Has a Coastal Risk Map and associated clause been used to manage land affected by coastal hazards?	Not applicable. A coastal risk map and associated clause has not been proposed.
16. Section 9.1 Direction. • A Section 9.1 Ministerial Direction specific to applying C zones and mapped planning controls in Far North	Is the proposal consistent with S9.1 <i>Direction 3.4 Application of E2 and E3 Zones and</i>	To be determined. The consistency of the proposal with Direction 3.4 is to be reassessed after public exhibition has been undertaken and Council

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Coast LEPs will ensure the consistent application of the final recommendations of the Northern Councils C Zone Review for Ballina, Byron, Kyogle, Lismore and Tweed Local Government Areas.	<i>Environmental Overlays in Far North Coast LEPs.</i>	has considered the submissions received by landowners in relation to the primary use of land and the proposed zone. Relevant conditions have been placed on the Gateway determination to require Council to address any outstanding inconsistencies, following consultation with landowners.

54 Beacon Road, Teven (Lot 104 DP 862670)

Recommendation	Key Issues	Comment
1. When will C Zones be applied? - C2 and C3 zones will only be applied if the <i>primary use of the land</i> is considered to be environmental conservation (C2) or environmental management (C3) and the land contains attributes which meet one or more of the criteria for an C2 or C3 zone (Tables 1 and 2). - An C4 zone can be applied if the land contains attributes that are consistent with the Department's Practice Note <i>PN09-002 Environment Protection Zones</i>.	Does the proposed zone meet the primary use of land test? Is a C4 zone proposed and is it consistent with PN09-002.	Unresolved. Lot 104 is deferred from the Ballina LEP 2012. The deferred matter land retains a 1(e) Rural (Extractive and Mineral Resources) and 1(b) Rural (Secondary Agricultural Land) zoning under Ballina LEP 1987. The proposal seeks to apply an RU1 and C2 zone to the deferred matter land, as demonstrated in Figure 9.  FIGURE 9 PROPOSED ZONES An ecological evaluation conducted in February 2025 identified three areas within the site (Zones 2 and 3) that meet the vegetation criteria for a C2 zone as outlined in Figure 10.

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FIGURE 10 ASSESSMENT ZONES ACROSS THE SITE AND PLU APPLIED DURING SITE VISIT

- ZONE 1A – AGRICULTURAL
- ZONE 1B – AGRICULTURAL
- ZONE 2 – ENVIRONMENTAL
- ZONE 3 - ENVIRONMENTAL

It is considered that Council has applied the RU1 zone consistent with the primary use of land test for agricultural land, however it potentially has not applied the C2 zone consistent with the primary use of land test. This is discussed further under recommendations 2, 4 and 8.

2. How will the Primary use of land be determined?

- The primary use of the land is the main use for which the land has been used for the last two (2) years. This may mean that land which is currently zoned rural will continue to have a rural zone, but it may have parts of that land which have attributes that meet the criteria for an

Is the verification methodology for determining the primary use of land consistent with the Secretary's letter of 1 March 2016?

Unresolved.

The consistency of the proposal with this requirement is outstanding. Whilst Council has undertaken an ecological evaluation and site visit in February 2025, which informed the primary use conclusion, the current landowner (who purchased the land in April 2025) does not agree with the proposed C2 zone.

The Council report notes that the landowner has reintroduced under storey grazing in the C2 zoned land after the site inspection.

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C2 or C3 zone included in a mapped planning control. - The primary use of the land may vary across a particular property depending on the characteristics of the land. This may result in more than one zone being applied to the land. - The primary use of land will be identified during the preparation of a planning proposal.		Given the proposed location of the C2 zone, specifically the area called “Zone 2” in the west of the lot that separates the two RU1 areas, it is reasonable to expect that agricultural operations occur in some or all of this C2 area in order for stock to traverse from one area of RU1 to another to undertake agricultural operations. The NCEZR notes that the primary use of the land is the main use for which the land has been used for the last two years. The reintroduction of understorey grazing in April 2025 therefore complicates the primary use determination. It is considered appropriate for a gateway determination to be issued to enable further consultation between Council and the landowner to resolve the primary use of land issue for this property.
3. What are the C Zone Criteria? C2 Criteria - SEPP 26 Littoral Rainforest - SEPP 14 Coastal Wetlands - Endangered Ecological Communities - Key Threatened Species Habitat - Over-cleared vegetation communities - Culturally significant lands C3 Criteria - Riparian and estuarine vegetation - Rare endangered and vulnerable forest ecosystems - Native vegetation on coastal foreshores	Does land meet the C Zone criteria in Tables 1 and 2? Which criterion does the land satisfy to have an C zone applied to it?	Consistent. The ecological evaluation confirms that zones 2 and 3 contain native vegetation in over-cleared Mitchell landscapes – Rainforest and Key Threatened Species Habitat, meeting the C2 criteria.
4. What is the procedure for applying an C2 or C3 zone? Councils will assess land against the C zone criteria and consider the	Has Council satisfied the procedure for Applying C Zones?	Unresolved. The consistency of the proposal with this requirement is outstanding. Whilst Council has undertaken an ecological evaluation and site visit,

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primary use of the land before proposing an C2 or C3 zone. • A C2 or C3 zone can only be applied to land with a primary use of environmental conservation or environmental management and, which has attributes that have been verified to meet the C zone criteria. • If the land has attributes that meet the C2 criteria, however the primary use of the land is environmental management rather than environmental conservation, a council may apply a C3 zone. • If a council believes the primary use of the land does not warrant a C zone, and the land meets the C zone criteria, then a LEP Map and associated clauses can be applied. • The C zones will not include buffers to the vegetation attributes that meet the C zone criteria.		the current landowner has indicated an objection to the proposed C2 zone. As discussed in 2 above, the primary use of the area of proposed C2 zoned land in the west of the site is likely to have included agricultural operations.
5. How is the C Zone Criteria verified? A C2 or C3 zone or other mapped planning controls cannot be applied to land unless the attributes that meet the C2 or C3 criteria have been verified on that land. Verification of the presence of attributes that meet the C2 or C3 criteria on the site must be undertaken by one or a combination of the verification criteria outlined in the Recommendations Report.	Has the presence of attributes which meet the criteria been verified by one or more of the methods listed in Recommendation 5.	Consistent. The ecological evaluation identifies that zones 2 and 3 contain native vegetation in over-cleared Mitchell landscapes – Rainforest and Key Threatened Species Habitat, meeting the C2 criteria. A site visit has been conducted that confirms the presence of these attributes.

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6. Transferring Environmental Zones. The areas of land to which the current environmental protection zones listed in the Table 3 (below) apply, may be zoned C2 or C3 once councils have verified the attributes of the land against the criteria. Ballina LEP 1987 7(a) Environmental Protection (Wetlands) 7(l) Environmental Protection (Habitat)	Is the land already zoned one of the existing “7” zones in Table 3?	Not applicable. The site is currently zoned Ballina LEP 1987 1(b) Rural (Secondary Agricultural Land) Zone. As such this recommendation is not relevant to the application of conservation zones to this lot.
7. Public and Private Land inconsistent with the criteria. - Public land may be zoned C2 or C3 despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management. - Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner	If a C zone has been applied to public land inconsistent with the criteria, is the primary use environmental conservation or environmental management? If a C zone has been applied to private land inconsistent with the criteria, is it the result of a negotiated development outcome or at the request of the landowner?	Unresolved. The C2 zone has not been applied to private land consistent with the criteria, as discussed under other recommendations in his table. It is understood that the current landowner objects to the proposed C2 zone.
8. Voluntarily revegetated land. Land which has been voluntarily revegetated by the current landowner, will not have a C2 or C3 zone applied to it without the agreement of the current landowner providing:	Is any voluntarily revegetated land affected by this planning proposal? Does it comply with the requirements?	Unresolved. The vegetation in the proposed C2 zone areas contains regrowth and vegetation planted with a 2011 Local Land Services (LLS) grant. The ecological evaluation notes that the vegetation in zones 2 and 3 contain vegetation that would meet the criteria for a C2 zone.

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- the revegetation has been actively undertaken and is not the result of natural regrowth;
- active revegetation includes a combination of planting, seeding, weed control, fencing, removing stock, watering, ripping, mulching and soil improvement to encourage the natural regeneration of native vegetation; and
- the primary use of the land is agriculture.
- Land which has been voluntarily revegetated can be included on a Vegetation Map without the agreement of the current landowner if the attributes have been verified to meet the criteria for a C2 or C3 zone and the primary use of the land is environmental conservation or environmental management.
- If revegetation has been undertaken with the support of grant funding, and a condition of that funding was the ongoing conservation or management of the vegetation, then an C2 or C3 zone may be applied to the land.

In relation to the proposed areas of C2 zoned land the Ecological evaluation notes “the LLS grant funding obligations have been completed”.

The planning proposal states “...the vegetation within the proposed C2 zone was substantially planted by a previous owner in 2011 utilising in part a Local Land Services grant. The 5-year maintenance obligation under the grant was completed in 2016.”

The NCEZR allows for a C zone to be applied to land revegetated with the support of grant funding that required ongoing conservation or management. Since the LLS grant funding only required a 5 year maintenance obligation there is no ongoing conservation requirement.

The NCEZR does not allow a C zone to be applied to land that has been revegetated by the current landowner without that owner's consent if the primary use of land is agriculture.

Council maintains that given the revegetation was undertaken by a former owner and not the current owner (the land was sold in April 2025), the requirement for landowners' consent to apply a conservation zone to revegetated land does not apply.

Irrespective of Council's interpretation of “current owner” and whether this aspect applies given the land has been sold, it is not certain that the primary use of this area of land is environmental conservation. It is difficult to ascertain from the planning proposal the reasons for the landowner's objection, however there are further indications in the Council Report which highlight that the current owner does allow understorey grazing within the proposed C2 zone parcels, and this has occurred since the site visit and ecological evaluation. The landowners' objection to the application of conservation zones on this site may be based on primary use and this can be further addressed through the consultation process.

54 Beacon Road, Teven (Lot 104 DP 862670)

		It is considered appropriate for a gateway determination to be issued to enable further consultation between Council and the landowner to resolve the primary use of land issue for this property. It is considered there are a number of opportunities for the landowner to raise any concerns in relation to the zone pursuant to the conditions of the Gateway and this matter can be revisited prior to finalisation of the amendment.
9. Zoning of State and regionally significant farmland. When zoning State or regionally significant farmland, councils will have to take account of the primary use of the land before applying a C zone or a rural zone.	Has the zoning of State or Regionally significant farmland taken into account the primary use of land test?	It is considered that the primary use of the land has not been definitively addressed as part of the proposal to apply a C2 zone to portions of the land. A large majority of the site is identified as state significant farmland. Based on information contained in the Council report, it is understood understorey grazing may be being carried out in the proposed C2 zone areas, which are identified as state significant farmland and the landowner maintains an objection to the application of the C2 zone.
10. Application of multiples zones to a single property (split zoned lots). - More than one zone can be applied to properties where the characteristics of different areas of the land reflect the different primary uses of the land. - Councils should consider the suitability of alternative zones or including the land on a Vegetation Map when considering more than one zone for a property. - As a general principle, the use of multiple zones on a property should be minimised as far as possible.	Are multiple zones applied to a single property? Do these zones reflect the primary use of the land?	Consistent. Multiple zones are applied to a single property. They are not considered to reflect the primary use of the land.

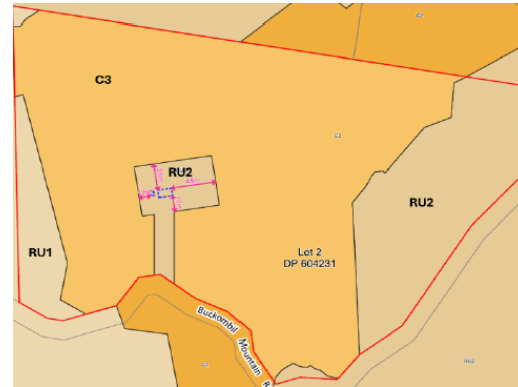
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11. Application of the C4 Zone in Byron Council. Byron Shire Council is to prepare a planning proposal to apply a suitable residential zone to that land where an E4 zone was proposed under the draft Byron LEP.	Does the proposal apply to land proposed to be zoned C4 in Byron LGA? Is the proposal applying a suitable residential zone to this land?	Not relevant. The proposal is located in Ballina LGA.
12. Application of additional mapped planning controls. - Matters of public health, safety, risk and hazard such as drinking water catchments, flooding, coastal risk areas and land subject to strict development controls such as steep land may be included in a LEP Map. - A LEP Map is not to be used for areas of scenic protection or aesthetic values. - Land that has been verified to meet the criteria for a C2 or C3 zone where the primary use of the land is not environmental conservation or environmental management may be included in a mapped planning control, such as a Vegetation Map.	Does the proposal seek to introduce overlays or other mapped planning controls? Do the mapped planning controls apply to matters of public health, safety, risk and hazard? Do the mapped planning controls apply to land with attributes which meet the E zone criteria but does not have a primary use of land that warrants a C2 or C3 zone?	The proposal as it relates to this site does not seek to introduce overlays or other mapped planning controls. Council could consider introducing a mapped overlay to areas of revegetated land where it has been verified to meet the criteria for a conservation zone, but the primary use of the land is not environmental conservation or environmental management. Therefore, the consistency with this requirement will remain unresolved until finalisation.
13. Aesthetic Value. Councils on the Far North Coast will not be permitted to use scenic values as an attribute for the application of an C2 or C3 zone or mapped planning controls.	Has aesthetic value been used as an attribute for the application of an C zone?	Consistent. Aesthetic value has not been used as an attribute for the application of a C zone.

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14. Permissibility of agriculture in C Zones. • <i>Extensive agriculture</i> is to be listed as permissible with consent in the C2 zone for all Far North Coast LEPs. • <i>Extensive agriculture</i> is to be listed as permissible without consent in the C3 zone for all Far North Coast LEPs.	Is extensive agriculture permissible without consent in the C3 zone? Is extensive agriculture permissible with consent in the C2 zone?	Consistent. There are no changes proposed to the land use tables for C2 Environmental Conservation or C3 Environmental Management under the Ballina LEP 2012. Extensive agriculture is permitted with consent in the C2 zone and permitted without consent in the C3 zone.
15. Coastal Zone Management. • Far North Coast councils are to use a Coastal Risk Map and associated clause to manage land affected by coastal hazards.	Has a Coastal Risk Map and associated clause been used to manage land affected by coastal hazards?	Not applicable. A coastal risk map and associated clause has not been proposed.
16. Section 9.1 Direction. • A Section 9.1 Ministerial Direction specific to applying C zones and mapped planning controls in Far North Coast LEPs will ensure the consistent application of the final recommendations of the Northern Councils C Zone Review for Ballina, Byron, Kyogle, Lismore and Tweed Local Government Areas.	Is the proposal consistent with S9.1 <i>Direction 3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</i>.	To be determined. The consistency of the proposal with Direction 3.4 is to be reassessed after public exhibition has been undertaken and Council has considered the submissions received by landowners in relation to the primary use of land and the proposed zone. Relevant conditions have been placed on the Gateway determination to require Council to address any outstanding inconsistencies, following consultation with landowners.

54 Buckombil Mountain Road, Meerschaum Vale (Lot 2 DP 604231)

Recommendation	Key Issues	Comment
1. When will C Zones be applied? - C2 and C3 zones will only be applied if the <i>primary use of the land</i> is considered to be environmental conservation (C2) or environmental management(C3) and the land contains attributes which meet one or more of the criteria for an C2 or C3 zone (Tables 1 and 2). - An C4 zone can be applied if the land contains attributes that are consistent with the Department's Practice Note <i>PN09-002 Environment Protection Zones</i>.	Does the proposed zone meet the primary use of land test? Is a C4 zone proposed and is it consistent with PN09-002.	Consistent. Lot 2 is zoned part RU1 Primary Production, part RU2 Rural Landscapes and part C2 Environmental Conservation under the Ballina LEP 2012. The proposal seeks to amend the current C2 zone to part C3 Environmental Management zone and a part RU2, as shown in Figure 11.  FIGURE 11 PROPOSED ZONES An ecological evaluation conducted in June 2025 identified the current C2 zone contains Northern Brush Box Subtropical Wet Forest with rainforest regrowth present in gullies and is a vegetation type that is considered to meet the criteria for a C2 zone as it contains threatened species habitat. Further, the area subject to the C2 zone is mapped as core Koala Habitat – Secondary Areas B and C, These areas, with the

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		exception of the area occupied by the existing dwelling, are reflected on the NSW Biodiversity Values map. The ecologist found no evidence of koala activity or old growth forest trees on this property at the time of inspection. Council indicates that the landowner has actively managed vegetation on the land, leading to the overall good condition of the vegetation on the lot. Council states that this demonstrates a primary land use of environmental management rather than environmental conservation. The ecological evaluation undertaken in conjunction with a site visit recommends the application of an RU2 zone over the area of driveway, house and APZs.
2. How will the Primary use of land be determined? - The primary use of the land is the main use for which the land has been used for the last two (2) years. This may mean that land which is currently zoned rural will continue to have a rural zone, but it may have parts of that land which have attributes that meet the criteria for an C2 or C3 zone included in a mapped planning control. - The primary use of the land may vary across a particular property depending on the characteristics of the land. This may result in more than one zone being applied to the land. - The primary use of land will be identified during the preparation of a planning proposal.	Is the verification methodology for determining the primary use of land consistent with the Secretary's letter of 1 March 2016?	Consistent. Council has undertaken a site visit and ecological evaluation (dated June 2025), which supports the proposal. The site visit has informed the primary use of land, and the ecological evaluation has confirmed that land to be zoned C3 contains attributes which meet the criteria for a C2 zone. The site visit has determined that the main use for the bulk of the land is environmental management, with a portion of the site having rural land use. The primary use of the site varies across this property, due to the characteristics of the land and as such, has resulted in more than one zone being applied to the land. The primary use of land has been identified during the preparation of the planning proposal, consistent with the requirements of the Northern Councils E Zone Review – Final Recommendations Report and the Secretary's Letter of 1 March 2016.

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3. What are the C Zone Criteria?

C2 Criteria

- SEPP 26 Littoral Rainforest
- SEPP 14 Coastal Wetlands
- Endangered Ecological Communities
- Key Threatened Species Habitat
- Over-cleared vegetation communities
- Culturally significant lands

C3 Criteria

- Riparian and estuarine vegetation
- Rare endangered and vulnerable forest ecosystems
- Native vegetation on coastal foreshores

Does land meet the C Zone criteria in Tables 1 and 2?

Which criterion does the land satisfy to have an C zone applied to it?

Consistent. An ecological evaluation conducted in June 2025 identified the current C2 zone contains Northern Brush Box Subtropical Wet Forest with rainforest regrowth present in gullies and is a vegetation type that is considered to meet the criteria for a C2 zone as it contains key threatened species habitat.

4. What is the procedure for applying an C2 or C3 zone?

- Councils will assess land against the C zone criteria and consider the primary use of the land before proposing an C2 or C3 zone.
- A C2 or C3 zone can only be applied to land with a primary use of environmental conservation or environmental management and, which has attributes that have been verified to meet the C zone criteria.
- If the land has attributes that meet the C2 criteria, however the primary use of the land is environmental management rather than environmental conservation, a council may apply a C3 zone.

Has Council satisfied the procedure for Applying C Zones?

Yes – the application of the C3 zone meets the requirements of the Northern Councils E Zone Review – Final Recommendations Report.

The area of this land has attributes that meet the C2 criteria, the primary use of the land is environmental management rather than environmental conservation, due to the ongoing weed management by the landowner. Therefore, council has opted to apply a C3 zone, which is consistent with the Northern Councils E Zone Review – Final Recommendations Report.

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- If a council believes the primary use of the land does not warrant a C zone, and the land meets the C zone criteria, then a LEP Map and associated clauses can be applied. - The C zones will not include buffers to the vegetation attributes that meet the C zone criteria.		
5. How is the C Zone Criteria verified? A C2 or C3 zone or other mapped planning controls cannot be applied to land unless the attributes that meet the C2 or C3 criteria have been verified on that land. Verification of the presence of attributes that meet the C2 or C3 criteria on the site must be undertaken by one or a combination of the verification criteria outlined in the Recommendations Report.	Has the presence of attributes which meet the criteria been verified by one or more of the methods listed in Recommendation 5.	Consistent. The presence of attributes has been verified through a site visit and ecological report prepared by a suitably qualified person.
6. Transferring Environmental Zones. The areas of land to which the current environmental protection zones listed in the Table 3 (below) apply, may be zoned C2 or C3 once councils have verified the attributes of the land against the criteria. Ballina LEP 1987 7(a) Environmental Protection (Wetlands) 7(l) Environmental Protection (Habitat)	Is the land already zoned one of the existing “7” zones in Table 3?	Not applicable. The site is currently zoned RU2, RU1 and C2 under the Ballina LEP 2012. As such this recommendation is not relevant to the application of conservation zones to this lot.
7. Public and Private Land inconsistent with the criteria.	If a C zone has been applied to public land inconsistent with the criteria, is the primary use	Consistent.

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- Public land may be zoned C2 or C3 despite being inconsistent with the criteria, if the primary use of the land is environmental conservation or environmental management. - Private land may be zoned C2 or C3 despite being inconsistent with the criteria, only if it is consistent with a negotiated development outcome (master plan, rezoning, development consent, designated offset areas) or at the request of the landowner	environmental conservation or environmental management? If a C zone has been applied to private land inconsistent with the criteria, is it the result of a negotiated development outcome or at the request of the landowner?	The C3 zone has been applied to private land consistent with the criteria. The proposed zoning applied to the land is the result of a negotiated outcome with the landowner.
8. Voluntarily revegetated land. - Land which has been voluntarily revegetated by the current landowner, will not have a C2 or C3 zone applied to it without the agreement of the current landowner providing: - the revegetation has been actively undertaken and is not the result of natural regrowth; - active revegetation includes a combination of planting, seeding, weed control, fencing, removing stock, watering, ripping, mulching and soil improvement to encourage the natural regeneration of native vegetation; and - the primary use of the land is agriculture. - Land which has been voluntarily revegetated can be included on a Vegetation Map without the agreement of the current landowner if the attributes have been verified to meet	Is any voluntarily revegetated land affected by this planning proposal? Does it comply with the requirements?	Not applicable. It is understood the land has not been voluntarily revegetated.

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the criteria for a C2 or C3 zone and the primary use of the land is environmental conservation or environmental management. If revegetation has been undertaken with the support of grant funding, and a condition of that funding was the ongoing conservation or management of the vegetation, then an C2 or C3 zone may be applied to the land.		
9. Zoning of State and regionally significant farmland. When zoning State or regionally significant farmland, councils will have to take account of the primary use of the land before applying a C zone or a rural zone.	Has the zoning of State or Regionally significant farmland taken into account the primary use of land test?	Not applicable. A small portion of the site is identified as Important Farmland but this land is not located within the planning area. Notwithstanding, Council has taken into account the primary use of land in its application of proposed C3 and RU2 zones.
10. Application of multiples zones to a single property (split zoned lots). - More than one zone can be applied to properties where the characteristics of different areas of the land reflect the different primary uses of the land. - Councils should consider the suitability of alternative zones or including the land on a Vegetation Map when considering more than one zone for a property. - As a general principle, the use of multiple zones on a property should be minimised as far as possible.	Are multiple zones applied to a single property? Do these zones reflect the primary use of the land?	Consistent. Multiple zones are applied to a single property. These zones reflect the primary use of the land, being environmental management and rural landscape.
11. Application of the C4 Zone in Byron Council. Byron Shire Council is to prepare a planning proposal to apply a suitable	Does the proposal apply to land proposed to be zoned C4 in Byron LGA?	Not applicable. The proposal is located in Ballina LGA.

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residential zone to that land where an E4 zone was proposed under the draft Byron LEP.	Is the proposal applying a suitable residential zone to this land?	
12. Application of additional mapped planning controls. - Matters of public health, safety, risk and hazard such as drinking water catchments, flooding, coastal risk areas and land subject to strict development controls such as steep land may be included in a LEP Map. - A LEP Map is not to be used for areas of scenic protection or aesthetic values. - Land that has been verified to meet the criteria for a C2 or C3 zone where the primary use of the land is not environmental conservation or environmental management may be included in a mapped planning control, such as a Vegetation Map.	Does the proposal seek to introduce overlays or other mapped planning controls? Do the mapped planning controls apply to matters of public health, safety, risk and hazard? Do the mapped planning controls apply to land with attributes which meet the E zone criteria but does not have a primary use of land that warrants a C2 or C3 zone?	Not applicable. The proposal as it relates to this site does not seek to introduce overlays or other mapped planning controls.
13. Aesthetic Value. Councils on the Far North Coast will not be permitted to use scenic values as an attribute for the application of an C2 or C3 zone or mapped planning controls.	Has aesthetic value been used as an attribute for the application of an C zone?	Consistent. Aesthetic value has not been used as an attribute for the application of a C zone.
14. Permissibility of agriculture in C Zones. <i>Extensive agriculture</i> is to be listed as permissible with consent in the C2 zone for all Far North Coast LEPs. <i>Extensive agriculture</i> is to be listed as permissible without consent in the C3 zone for all Far North Coast LEPs.	Is extensive agriculture permissible without consent in the C3 zone? Is extensive agriculture permissible with consent in the C2 zone?	Consistent. There are no changes proposed to the land use tables for C2 Environmental Conservation or C3 Environmental Management under the Ballina LEP 2012. Extensive agriculture is permitted with consent in the C2 zone and permitted without consent in the C3 zone.

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15. Coastal Zone Management.

- Far North Coast councils are to use a Coastal Risk Map and associated clause to manage land affected by coastal hazards.

Has a Coastal Risk Map and associated clause been used to manage land affected by coastal hazards?

Not Applicable.

A coastal risk map and associated clause has not been proposed.

16. Section 9.1 Direction.

- A Section 9.1 Ministerial Direction specific to applying C zones and mapped planning controls in Far North Coast LEPs will ensure the consistent application of the final recommendations of the Northern Councils C Zone Review for Ballina, Byron, Kyogle, Lismore and Tweed Local Government Areas.

Is the proposal consistent with S9.1 *Direction 3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs*.

To be determined.

The consistency of the proposal with Direction 3.4 is to be reassessed after public exhibition has been undertaken and Council has assessed the submissions received by landowners in relation to the primary use of land and the proposed zone.

Relevant conditions have been placed on the Gateway determination to require Council to address any outstanding inconsistencies, following targeted consultation with landowners.