

[REDACTED]

From: [REDACTED]
Sent: Sunday, 18 November 2018 3:38 PM
To: Kyogle Council
Cc: [REDACTED]
Subject: Property Reclassification

Dated 18/11/2018

General Manager of Kyogle Shire Council,

RE: Planning proposal to amend Kyogle local environmental plan (LEP)

I am writing to object to any change or reclassification to any property previously classified as RU1 to RU2. I also believe that a motion of this importance has not been made transparent enough and more time should be given to landholders/public become well informed so they can act accordingly.

As a landholder I wish to continue normal farming practices on my property under RU1 classification.

[REDACTED]

Kind regards,
[REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: [REDACTED]
Sent: Monday, 26 November 2018 11:03 AM
To: Kyogle Council
Subject: Re removal of deferred matter zrea

All RU2 and deferred matter areas (E3) should be zoned RU1.

Landowners should not be restricted by the RU2 regulations.

Kyogle LGA residents and councillors unanimously voted to make all rural land in Kyogle LGA RU1. This would provide clarity, certainty and fairness across the LGA.

We rely heavily on farming and should be allowed to maximise our income without these added restrictions.

Property values will go down due to zoning. Primary ag land, RU1, is of greater value, so obviously there will be an economic and social impact.

Why the backflip? It was a unanimous decision which must be adhered to.

Regards

[REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [REDACTED]
Sent: Monday, 26 November 2018 11:50 AM
To: Kyogle Council
Subject: Gateway determination

Gateway determination

All farmland in Kyogle LGA should be zoned as RU1, as agreed upon unanimously by the Kyogle LGA and councillors.

Farmland is important within our LGA and should be protected as such. Open flood plain country with no trees is always zoned RU1, but without hills and tree protection for stock in times of floods, frosts and heat, this country is very vulnerable.

The economic impact is already being seen, when recently being accessed for probate, our place was devalued because of the Ezones and the RU2.

There will be a net benefit to the local community, if we can go back to farming our land, instead of attending meetings , writing submissions and fighting for what we already own.

We need to minimise government interference(at all levels).

The zoning of rural land in Kyogle LGA to RU1, will provide us with clarity, certainty and protection from hostile neighbours.

Although our place has been rezoned under this determination as RU2 (deferred matter), we believe it should be RU1, as we graze extensively, log sustainable and pasture improve constantly.

We need to stand our digs and fight for the right to be rezoned as RU1 prime ag land.

Regards

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: [REDACTED]
Sent: Monday, 26 November 2018 11:59 AM
To: Kyogle Council
Subject: Gateway determination

All rural land in the Kyogle LGA should be rezoned as RU1.

We attended a meeting where this was voted unanimously on, it then went to council, where it again was a unanimous vote.

We are a community who relies heavily on our farmland for our income. RU1 is the only possible outcome for rural land, anything else will devalue our properties

Regards

[REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

[REDACTED]

From: [REDACTED]
Sent: Friday, 30 November 2018 10:30 AM
To: Kyogle Council
Cc: [REDACTED]
Subject: Proposed amendment to Kyogle LEP 2012

To Whom It May Concern,

I wish to strongly object to the proposal to keep RU2 zones and believe all land used for Primary Production should remain zoned RU1 as voted by Kyogle Council on 14 March 2016.

Regards,

[REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

PROPOSED AMENDMENT TO KYOGLE LOCAL ENVIRONMENTAL PLAN 2012

We are residents & ratepayers in the Kyogle Local Government Area & object to the proposed amendments to KLEP 2012 currently on exhibition on the following grounds.

1. The public has not been informed as to the true nature of the proposal. There is no notification of the proposal in the most recent Council Community Newsletter & the advertisement placed in the Express Examiner dated 31st October 2018 gives the impression that the proposal relates to Council's unanimous resolution at its Ordinary Meeting of March 14th, 2016.
That resolution included the removal of Environmental & RU2 zones & proposed the zoning of all agricultural land as RU1.
The current proposal on exhibition is completely opposed to Council's resolution of March 14th, 2016.
The advertisement is misleading in that it infers that the current proposal is to formalise the council resolution of March 14th, 2016.
Minister Rob Stokes in his press release of March 2nd, 2016 stated "Councils will be required to notify private landholders affected by a proposed zoning change". This notification has not been carried out.
Notification of the proposed LEP changes could have been sent out to affected landholders with their rate notices & should have appeared in the Council Community Newsletter in at least the last two issues as council has been aware of these proposals since June 2017.
This limited advertising failed to follow "A Guide to Preparing Local Environmental Plans" which states that the advertisement must specify "the intended outcome of the planning proposal" & ensure "the community has clear & evidence based information available to assist the community to make informed comment on the proposal"
Kyogle Council's advertisement failed to provide the information to inform residents that the current proposal would reverse the council decision to zone all rural land as RU1 Primary Production & therefore the community was not given "clear & evidence based information".
2. The current proposed amendments were not those decided on by Kyogle Council but were composed by an unelected, unrepresentative, unaccountable bureaucrat in the Dept of Planning & Environment whose demands are not in accordance with the department's own guidelines or the Minister's S117 directions.
This person, Mr Marcus Ray, has taken the planning powers away from the elected Councillors who now must reject his proposals if they are to remain representatives of the Kyogle community.

3 Mr Ray states that his plan for Kyogle “is a temporary measure until such time as investigations are completed to identify appropriate E Zones”.

This contradicts the recommendations in the Northern Councils Environmental Zone Plan Review Final Recommendations Report – “The primary use of the land is the focus when making zoning decisions. Where the primary use of the land is agriculture it will not be appropriate for the land to be zoned E2 or E3”.

As all the land currently affected by this proposal is agricultural why is Mr Ray now threatening to re-impose E zones? The Minister’s direction under Section 117(2) states “The main use of the land is to be determined based on evidence about the nature of the activities & operations occurring on the land over the last two years”. If these activities are agricultural (not landscape) then the appropriate zoning must be RU1.

4. The Dept of Planning Team Report dated May 26th 2017 advises “delete the proposal amendments to clause 4.6 as this clause is a compulsory clause in the Standard Instrument Principal LEP & cannot be changed”.

This is a complete “red herring” as it only refers to the inclusion of RU2 zones on a list which would never be used if there is no land zoned RU2. Adjacent LGAs who have no RU2 zones still retain this reference in clause 4.6 of their LEPs.

5. The use of RU2 zones in a Local Environmental Plan is not compulsory. Both Tenterfield & Richmond Valley LEPs have only three zones applying to rural land. These are RU1 Primary Production, RU3 Forestry & RU5 Village.

Lismore LEP has a small RU2 zone, which has only been applied to a small area on the edge of the Lismore urban area which has a high flood risk hazard.

Kyogle has been singled out by the Dept of Planning & Environment to have the restrictive RU2 zone, but the Department has not demanded the same of our adjacent LGAs.

6. This LEP debacle has now dragged on since 2011. The LEP 2012 which was passed by a divided council on the casting vote by the then mayor was later shown to contain so many inaccuracies that consultants Parsons Brinkerhoff were commissioned to investigate & their report revealed, amongst other criticisms of the council, that the mapping used was grossly inaccurate so much so that Environmental Zones had been placed over a sports field & showgrounds which had no environmental features. Also when the consultants visited a number of sample properties during their investigations they found that 100% of the properties visited were mapped incorrectly.

These faulty maps are now being used as the basis for determining the boundaries between proposed RU1 & RU2 zones.

The Valuer General has determined that land zoning is a significant factor in issuing a property valuation.

Split zones based on inaccurate mapping would disadvantage a property owner as RU1 land will always have a higher valuation than RU2 or E Zones.

If all agricultural land is zoned RU1 the effect of the incorrect mapping of zone boundaries would automatically be eliminated & this would save the council the cost of re-mapping which could possibly amount to millions of dollars.

7. Section 10 of the final Recommendations Report states :-

“More than one zone can be applied where the characteristics of different areas of the land reflect the different primary uses of the land”.

“As a general principle, the use of multiple zones on a property should be minimised as far as possible”. The preferred use of single zones on a property is also consistent with “practice notes” for the preparation of LEPs.

The current proposal contradicts these recommendations. It proposes multiple zones on hundreds of properties based on inaccurate mapping & without regard for “the primary uses of the land”.

8. Mr Marcus Ray proposes that RU2 is the equivalent zone to “non-urban” zone in the superceded IDO.

The deferred matters lands are almost exclusively zoned “non-urban A” under the old IDO. More than 600 farms were zoned “non-urban A” as this was the principal “primary production” zone in the LGA. There were no “landscape” or “environmental” zones. These zones are a recent invention of the city-based bureaucracy.

The deferred matters lands which have been traditionally used for primary production must therefore be zoned RU1.

It is stated in the Kyogle Council Amendment Proposal No10, dated May 12th 2017 (page2) “the RU1 Zone is the preferred zone because it is the most equivalent rural zone to that under the IDOs. Both the IDO Non-Urban A & the KLEP RU1 Zone are primary production zones”.

Council staff are advising primary producers, when they enquire about these zoning proposals, that there is very little difference between RU1 & RU2. If that is the case why have two rural zones instead of one? Especially when you take into consideration the huge extra costs involved with RU2 because the inaccuracy of the old mapping has to be corrected at great cost to the rate payers of Kyogle to implement this zone.

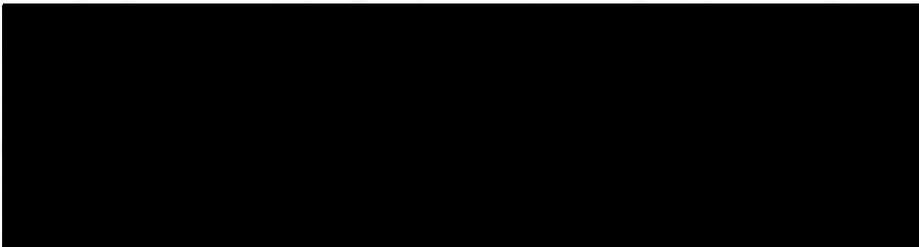
9. The Kyogle Council’s failure to back its own zoning proposal raises so many issues of which the general public are unaware. Since 2011 we have had four Planning Ministers who have not had time to become familiar with their portfolios, however the buck stops with the current Minister & the council must now apply to Minister Roberts for a review of the Gateway Determination.

We also call for a Public Hearing so that the public may be presented with “clear & evidence based information”. To date they have been kept in the dark over these proposals which have been in Kyogle Council’s hands since June 2017.

We do not recall seeing Marcus Ray on the local government election ballot paper. It is the responsibility of councillors elected by the people to represent the people & the people’s wishes were expressed in the council resolution of March 14th 2016.

If councillors now kowtow to the demands of an unelected bureaucrat then the council becomes irrelevant & we may as well hand all powers over to Sydney bureaucrats such as Mr Marcus Ray.

In summary we support the original proposal by Kyogle Council as detailed in its resolution of March 2016, but completely reject the unacceptable Gateway Determination as proposed by bullies in the Dept of Planning & Environment.



29th. November, 2018.

The General Manager.
Mr. G. Kennett.
Kyogle Shire Council.
P.O. Box 11
KYOGLE. N.S.W. 2474

Dear Mr. Kennett,

**Re: PLANNING PROPOSAL TO AMEND KYOGLE LOCAL ENVIRONMENTAL
PLAN (LEP) 2012**

We are [REDACTED] a beef production enterprise, located in the Kyogle Shire. During our 27 years of full-time professional farming on our 1100 acre property, where we have successfully implemented environmentally sympathetic sustainable agricultural practices and holistic/biological farming methodologies.

As pro-active beef producers, we strongly object to and completely reject your public notice 'PROPOSED AMENDMENT TO KYOGLE LOCAL ENVIRONMENTAL PLAN 2012' as published in the Express examiner, dated 31st October 2018 in its planned amended format. Our submission objections are on the following grounds:

- At the 2011 community consultation regarding proposed LEP changes, the Kyogle community overwhelming supported converting all RU2 zones to RU1 only. A decision that was endorsed by Kyogle councillors in their request for a 'Gateway Determination'. Under the Gateway system, Council is identified as a Relevant Planning Authority, meaning it has a central role in the processing of LEP amendments. Therefore, the amendments particularly Section 1(A) cited in the letter dated 7th. June, 2017 written and authorised by public servant - Marcus Ray – Deputy Secretary Planning Services' is from our investigations a total disregard of the 2016 Kyogle Council Ordinary Meeting resolution in favour of the RU1 category only.
- With regard to the newspaper public notice, nowhere is it apparent within the confusingly written text – '*Planning proposal to amend various provisions applying to land that is currently a Deferred Matter under the Kyogle Local Environmental Plan 2012*' Councils intentions to overturn their decision, (dated 14th March 2016) at their Ordinary Meeting the resolution to support community objections regarding the RU2 zone in favor of the RU1 zone as instructed by a NSW Government Planning and Environment representative.

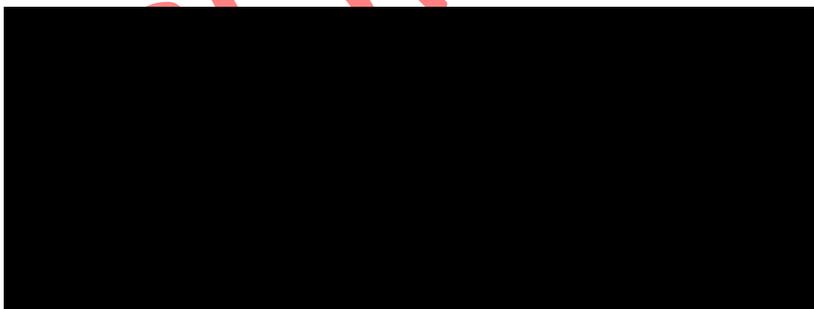
- Richmond Valley Local Environmental Plan 2012 – when their plan was made, did not include RU2 Rural Landscape and Tenterfield Local Environmental Plan 2013 – when their plan was made, did not include RU2 Rural Landscape yet the Kyogle Shire farming community is being subjected to 7 long stressful, excruciating years of procrastination, thus delay and now governmental intervention.
- How can the NSW Government Planning and Environment department honestly justify their RU2 zone reintroduction decision, relying solely on incomplete soil test statistics and substandard/inferior mapping data?

The proposed Kyogle Council Draft LEP is in part unjustifiably attacking the livestock and private native timber industries ability to remain viable economic entities in this shire. If the LEP amendment is gazetted in its present framework (RU2 compliant), the very fabric of our families livelihood will be severely affected, due to the loss of a substantial portion of our farms historical operational holdings and thus potentially decreasing land values.

Consequently, we strongly believe the Kyogle Council's proposed Draft LEP amendment in its present (temporary) format is agriculturally unviable as a result of elected councillors 'caving in' under bureaucratic pressure. The resulting LEP in its proposed state is an agriculturally uneconomic, detrimental document for the Kyogle Shire community as a whole.

Therefore, in the strongest possible terms we hereby convey to you, that it is our will that the temporary **PLANNING PROPOSAL TO AMEND KYOGLE LOCAL ENVIRONMENTAL PLAN (LEP) 2012** is **withdrawn forthwith and be reinstated with the Kyogle Council - March 2016 unanimously passed motion to zone all agricultural land RU1.**

Yours sincerely,



The General Manager

Kyogle Council

PO Box 11

Kyogle NSW 2474

Objections to – Proposed Amendment to Kyogle Local Environment Plan 2012

We object to

(a) The existing RU2 Rural Landscape Zone is to be retained, including all lands currently zoned RU2 Rural Landscape.

*(b) All **deferred lands** are to be zoned RU2 Rural Landscape ...*

These two points were a condition imposed by the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, in response to the Gateway Determination – Planning proposal (Department Ref: PP_2017_KYOGL_004_00): to integrate and rezone all **deferred land** into Kyogle LEP 2012 and apply associated development standards.

Why? Why was the imposition made by the State Government?

Points to consider:

A On the 14th March 2016 the Council proposed an amendment to the Kyogle LEP2012 to

- 1) *Include the “**Deferred Matter**” areas as RU1 Zone land in the Zoning maps; etc*
- 2) *Remove any reference to **Deferred matter** areas on any maps or document of the KLEP*
- 3) *Rezone existing RU2 Zone land to RU1 Zone as shown on Zoning maps of KLEP*
- 4) *Etc*

This proposal was a unanimous decision. The delegate of the minister for the Dept of Planning has not regarded any part of the Kyogle Council proposal.

B Neighbouring councils of Richmond Valley LEP 2012, current version 9 November 2018, and Tenterfield LEP 2013 (Historical version 27 Jan 2016 – 10 March 2016) has RU1 Zones and no RU2 Zones.

These councils have no Rural Zone differentiation. Why is Kyogle an exception?

C Zone RU2 has objectives – *To encourage development that involves restoration or enhancement of the natural environment where consistent with the production and landscape of the land.*

-To enable development that does not adversely impact on the natural environment, including habitat and waterways.

What do these two objectives mean?

In Northern Rivers farmers have an onerous job in maintaining their land. We have a personal responsibility to maintain our land and waterways free of weeds. We are constantly restoring our land to have good /improved pastures and suitable native shade trees as well as conserving both

eucalypt forests and rain forests. This is important for both our farmed animals and birds and wildlife. Whole paddocks consumed with weeds is not beneficial to any creature.

Is this different to how we look after our land in Zone RU1?

D Planning Proposal

Part 1- Objectives and Intended Outcomes

Intended Outcomes

3. Provide a more streamlined local land use planning framework to help attract investment to the region

Having large areas of RU2 Zone areas marked on a map could act as a deterrent to future purchasers of farmland. The land has been downgraded potentially because of the unclear meanings of the objectives of Zone RU2. Our land is being devalued. Why would anyone with money invest in this region with so much uncertainty.

E Planning Proposal

Part 3 – Justification

Section A – Need for the planning Proposal

3. The proposed LEP amendment will provide greater certainty for development within the Kyogle Local Government Area rural locations through a more robust approach affecting environmentally sensitive areas, in keeping with the intent and findings of the Final Recommendations Report.

Which areas are “environmentally sensitive areas”? Zone RU2? This Proposal needs to be quite clear with no surprises. I can see Deferred Matter Areas may likely be “environmentally sensitive areas’ and hence they should not be lumped in to Zone RU2 Rural Landscape.

Objectives of Zone RU2 point 1 “To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. “

And point 3. To provide for a range of compatible land uses, including intensive agriculture.

Are these points compatible with “environmentally sensitive areas.”?

The Deferred Matter areas (previous to the proposal) appear, at least on our land, as land that should be more carefully managed, or left alone.

This is not necessarily true of the RU2 zones. I would suggest **the current RU2 zones be RU1 Zones; and Deferred Matter zones be RU2 in the new Planning Proposal.**

It has taken much time to put this objection together. I hope it will be given due consideration.

Yours Sincerely,



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PS It should be noted the Kyogle council notified the public about the proposed changes to the Kyogle LEP in a single newspaper advertisement in the Express Examiner. I myself am unfamiliar with this newspaper. Many people don't buy newspapers anymore. This is such an important issue rate payers could have been notified this document was imminent. It is with great surprise most land holders have become aware of the document.



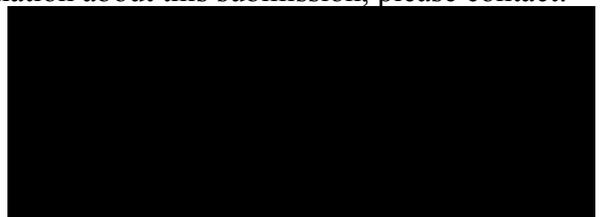
Northern Rivers Branch

**SUBMISSION TO THE PROPOSED AMENDMENT
TO KYOGLE LOCAL ENVIRONMENTAL PLAN
2012**

**Planning proposal to amend various provisions applying to land that is currently a Deferred
Matter under the Kyogle Local Environmental Plan 2012**

November 2018

For further information about this submission, please contact:



30 November 2018
The General Manager
Kyogle Council,
PO Box 11
Kyogle NSW 2474
council@kyogle.nsw.gov.au.

Re: Proposed Amendment to Kyogle Local Environment Plan 2012.

The NSW Farmers Northern Rivers Branch represents Members in the Kyogle and Richmond Valley shires.

Members in the Kyogle shire have voiced concern about the Proposed Amendment to the Kyogle Local Environment Plan (LEP) and have expressed opposition to the “Deferred Matter” being rezoned as RU2 (unless identified as State or regionally significant farmland by the Department’s Northern Rivers Farmland Protection Project 2005).

The branch understands that the “Deferred Matter” land continues to retain its zoning under the two Kyogle Interim Development Orders (IDOs). This means that some farmers have part of their properties zoned under the Kyogle LEP 2012 and part zoned under one of the IDOs.

Environmental Zones (E Zones) were removed from land used for agriculture in the Kyogle shire in 2015. Our Members supported this amendment and the Northern Rivers Branch supports the policy of NSW Farmers that E zones should not be imposed on land used for local food and fibre production.

This is because farmers are already subject to the new Land Management Codes under the state Government’s Biodiversity and Local Land Services Acts. Sensitive land is also protected at a federal level with environmental protection and biodiversity act of 1999, the NSW threatened species act of ’95 and NSW fisheries management act of ’74.

In March 2016 Kyogle Council unanimously passed a motion that all agricultural land be zoned RU1 (Primary Production), including the “Deferred Matter” and land previously zoned RU2 (Rural Landscape). This was welcomed by the local farming community, as it created some certainty about the future sustainability of their farming enterprises.

The Department of Planning’s Gateway Determination that the deferred lands are to be zoned RU2 (unless identified as State or regionally significant farmland by the Department’s Northern Rivers Farmland Protection Project 2005) rejects this locally made decision and could lead to mixed zonings on individual properties and right to farm issues.

While the objectives of the RU2 zone include ‘To encourage sustainable primary industry production by maintaining and enhancing the natural resource base’, they do not contain the following critical objectives of the RU1 zoning

- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

The objective of minimising conflict between land uses is important to the local farming community, particularly in popular ‘lifestyle’ shires like Kyogle. Right to farm is a key issue for farmers in coastal region, with increasing development pressure resulting in noise and odour

complaints about existing farming operations.

The RU2 zoning is less prescriptive than the RU1 zoning in relation to preserving land for primary production. Without any state or local right to farm legislation in place, our Members are concerned that new owners of RU2 land could object to routine farming operations on neighbouring properties. Members are concerned that the objectives of the RU2 zone are too 'open' and do not protect the future of local food and fibre production and will lead to fragmentation of agricultural land and land use conflict.

Members are also concerned that the RU2 zone objective 'To encourage the retention, management or restoration of native vegetation' could lead to the reinstatement of mandatory E zones in future LEPs. The Department of Planning & Environment Gateway Determination also states that these amendments will be "a temporary measure until such time as investigations are completed to identify appropriate E Zones".

Members have also questioned the need for an RU2 zoning in the Kyogle Shire, particularly when the neighbouring shires of Richmond Valley and Tenterfield have no such zoning.

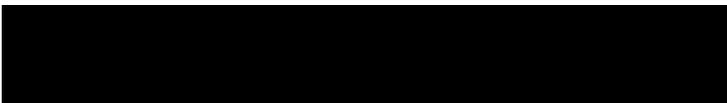
The NSW Farmers Northern Rivers Branch represents a diverse range of local food producers including beef, dairy, horticulture, timber, and niche products. The Branch also represents regional communities in the council area and advocates for sustainable and profitable local food and fibre production.

Access to land for agricultural use is one of the primary issues facing agriculture in NSW. Pressure from urban expansion, 'environmental' restrictions and land-use conflict between agriculture and extractive industries has led to serious declines in the amount of land in productive use across the state.

It is for these reasons and the member concerns expressed above that the NSW Farmers Northern Rivers branch opposes the amendment to Kyogle LEP 2012 and supports the original council decision to revert the "Deferred Matter" to an RUI zoning.

Members of the branch would be happy to meet with council to address the concerns of local farmers.

Regards



About NSW Farmers

A profitable and sustainable New South Wales farming sector

The NSW Farmers' Association is Australia's largest State farming organisation representing the interests of its farmer members.

Farmers across New South Wales produce more than \$15 billion worth of food and fibre every year, representing around one quarter of Australia's total agricultural output. Our state's unique geography means a wide variety of crops and livestock can be cultivated and nurtured. NSW Farmers is Australia's only state-based farming organisation to represent the interests of farmers of all agricultural commodities – from avocados and tomatoes, apples, bananas and berries, through grains, pulses and lentils to oysters, cattle, dairy, goats, sheep, pigs and poultry.



27th November 2018

Kyogle Council
Stratheden Street
Kyogle, NSW 2474
e: council@kyogle.nsw.gov.au



RE: OBJECTION TO PROPOSED LEP CHANGES

Dear 'Kyogle Council'

As you are aware I am the owner of three properties in the Kyogle LGA.



All three properties are used for the purpose of primary production.

In March 2016 I fully supported the council's decision to zone all primary production land as RU1 in line with the departmental advice that 'the use of multiple zones on a property should be minimised as far as possible'. This decision was influenced by protests from local farmers regarding the proposed re-zoning of land to RU1 and RU2.

I purchased these properties for the sole purpose of primary production so the proposed re-zoning would significantly devalue my properties unless the council's original decision is honoured and all primary production land is zoned as RU1.

The Kyogle Council was elected by the people of Kyogle to represent our community and support the growth of our region. In March 2016 the Kyogle Council listened to the people and unanimously passed the motion that all agricultural land be zoned RU1. This decision was a reflection of the community as a whole and is in line with our adjacent LGAs, the Richmond Valley and Tenterfield Shire Councils. The State Planning Department should not be able to over-rule this decision.

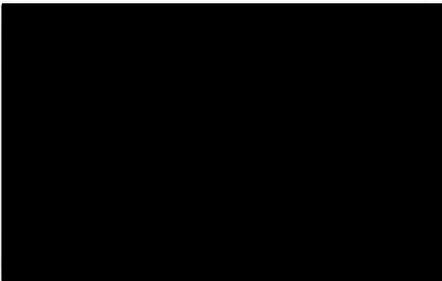
It concerns me deeply that the State Planning Department has not only been allowed to step in and over-rule this decision but more significantly it concerns me that the people of Kyogle were not made aware of this. I have seen no communication regarding this matter in the Kyogle Council Newsletter. It was purely by chance I found out about these proposed changes to the zoning of our land. Given the volume of protests by farmers when this

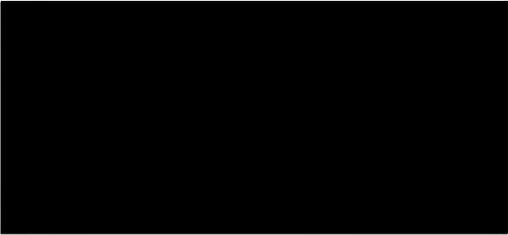
discussion was first raised in 2011 the Council must have realised any proposed changes would be of great interest and concern to the primary producers in this local area.

In addition the mapping used for the LEP 2012 was found to be inaccurate and would see many properties split into multiple zones significantly devaluing each property. This inaccuracy would mean the ability to farm property effectively and adhere to zoning implications would be significant hindered.

I would like my objection to these proposed changes noted and full transparency for any future discussion on this topic.

With this in mind I will be sending a copy of this objection to our local member, Thomas George.





27th November 2018

Kyogle Council
Stratheden Street
Kyogle, NSW 2474
e: council@kyogle.nsw.gov.au

RE: OBJECTION TO PROPOSED LEP CHANGES

To whom it may concern,

We own a 44 hectare property at  in the Kyogle LGA.

Our property is used for the purpose of primary production. We purchased this property in December 2014 and later became aware of the council's decision, influenced by protests from local farmers, to zone all primary production land as RU1 in line with the departmental advice that 'the use of multiple zones on a property should be minimised as far as possible'. We were in full agreement with this decision.

We have been made aware via local communication the Department of Planning is now looking to over-rule this decision and as our property was zoned as both RU1 and RU2 this will affect us. An additional concern is the lack of transparency by the Kyogle Council on this matter. It is disappointing the council did not advertise in the local newsletter this proposed change to enable the community to voice their opinion. The community has previously made its councillors aware of its concerns prompting the unanimous decision in March 2016 to make all agricultural land RU1 and we are not alone in this decision with both the Richmond Valley & Tenterfield Shire Councils implementing the same policy.

While we do not propose to make any significant changes to our property it concerns us that there could potentially be restrictions placed on certain areas of our land and that the accurate positioning of this is unknown.

Furthermore, it appears from our research the maps used to split the land into the various zones were found to be inaccurate. Does this mean we would need to make applications to the council to confirm exact locations of these various zones on our property and would we then be liable for the additional cost of doing so? With a small holding such as ours this would be prohibitive and would most certainly devalue our property as a result of the perceived cost of working with the specific restrictions of these additional zones.

In the spirit of transparency, we have forwarded a copy of this objection to our local member, Thomas George.

yours sincerely,



To : the General Manager

Kyogle Council

PROPOSED AMENDMENTS AND CHANGES TO KYOGLE LOCAL ENVIRONMENT PLAN 2012

We, [REDACTED], as rate payers and residents in the Kyogle Local Government area object to the proposed changes to the Local Environmental Plan 2012.

As relatively new comers to the district it is our understanding that previously proposed changes to land use zones had been 'put on hold' or been labelled as 'deferred matters' due to objections from the rate payers and a resolution made at a council meeting in 2016. The resolution made at the ordinary meeting on 14th March 2016 included the removal of Environmental and RU2 zones and that all rural land be zoned RU1. The current proposal is completely opposite to this resolution. Councillors as our representatives should now be upholding and standing behind the wants of the local people. That's their responsibility to represent us and reject the Department of Planning and Environments proposal.

The current proposed amendments are not those decided on by the Kyogle Council but have been made by the Department of Planning and Environment. The planning powers have been taken away from the elected councillors and therefore councillors must reject the proposal if they are to remain true representatives of the Kyogle community.

We have tried to gain as much information as possible concerning the RU1 , RU2 and E zones to make an informed decision, but have received conflicting information from various sources one being the council office stating that: 'The only changes being made is that proposed environmental zones will be converted into RU2'.... but RU2 zoning should not be adopted anywhere in the shire, all rural land should be zoned RU1. RU2 zoning is not compulsory.

The lack of public consultation and discussion, and the fact that individual landholders were not notified is another reason for our objection. The one advertisement placed in the Express Examiner on the 31st of October 2018, which we happened to miss, is ambiguous and gives the impression that council is upholding the resolution made on March 14th 2016. That is not right.

Rate notices have been sent out, which could have had a notification attached concerning these changes. Articles could easily have been included in the council newsletters but they are conspicuous by their absence. This appears to be action or non-action by stealth.

Another of our concerns is that there will be an effect on future land valuations with dual rural zoning. The Valuer General's Department determines property values in relation to land zoning.

RU1 zoning will always have a higher valuation than RU2 and environmental zones, and I understand that 'multiple zones on a property should be minimised' according to section 10 of the final recommendations report.

What about future restrictions on rural practices??? What guarantee have we been given from council that we won't be stopped from conducting business as usual..... or that RU2 zoning won't be converted to environmental zones in the future.

We have too many grey areas and too many unanswered question and want the council to support the original resolution made in 2016 that all rural land should be zoned RU1.

Please accept our submission rejecting the unacceptable Gateway Determination as proposed by the Department of Planning and Environment.



29th November 2018



November 13th, 2018

The Hon. Anthony Roberts MP

GPO Box 5341

SYDNEY NSW 2001



www.rrbp.org.au

Re: Kyogle Shire Council – LEP Amendments

Dear Minister

It has just been brought to the attention of our association that the Kyogle Council proposes to amend the LEP [that was passed by Council in March 2016] following the Gateway Determination as requested by Council to integrate and rezone all rural lands into RU1 Primary Production Zone.

Prior to the Council meeting, a public meeting was held, where there were over 100 rate payers in attendance, who strongly moved a motion that all agricultural land in Kyogle Shire to be zoned RU1 and that there would be no E zones.

Following the public meeting the proposed amendment was passed unanimously by Kyogle Council that all agricultural land be zoned RU1. The proposal now on display is that the RU2 [Rural Landscape] zone remains on agricultural land. In the Gateway Determination it refers to the 2012 LEP where "the existing RU2 Rural Landscape zone be retained." It seems that the amendments that were passed unanimously in 2016 do not have any influence on State Planning. "Community Involvement" has not been recognised by the Government.

The Council also passed that the E-Zones be abolished but in Marcus Ray's [Deputy Secretary Planning Services] to Mr Kennett [General Manager Kyogle Council] that "the E-Zone Final Recommendations Report is a temporary measure until such times as investigations are complete to identify appropriate E Zones. Council is required to plan, prepare and submit its proposal 12 months prior to the LEP being finalised." Why is this necessary now?

We would appreciate your response as to why Marcus Ray has made his determinations which have over ruled the proposed amendments that were voted on unanimously by the Kyogle Council in 2016 and request that the determinations of Kyogle Council be upheld.



We would like it noted that Marcus Ray did not consider consulting any producer bodies, yet producers will be the people who are effected by the eventual decision

Yours Truly



Phil Keevers
President

Cc; Kyogle Shire Council
Thomas George, Member for Lismore
Niall Blair, Minister for Primary Industries
David Littleproud, Australian Minister for Agriculture