

Miranda Devine Blog Posts

We must weed out the councils gone wild green

Miranda Devine, The Daily Telegraph
July 28, 2012 10:15pm

Here is [Ballina Council's attempt](#) at damage control: shoot the messenger by pressuring me to retract my article. Of course Mayor Silver has not contacted me to get a "correction" for these alleged "inaccuracies" so numerous he apparently can't list them all. Media Release 1 August 2012
Inaccuracies – Sunday Telegraph 29 July 2012 Ballina Shire Mayor, Cr Phillip Silver, stated today that he was extremely disappointed with the substantial volume of incorrect information relating to Ballina Shire Council that was included in Miranda Devine's column in the 29 July 2012 Sunday Telegraph (copy attached). Cr Silver stated that “the matter of the Ballina Beach Village, which serves to underpin the article by Ms Devine, is the subject of substantial history and detail that has been ignored”. The following points demonstrate some, and only some, of the inaccuracies in the story.

- The Ballina Beach Village is currently zoned for environmental protection purposes and has been so since 1987. It is incorrect to suggest that the land is being rezoned from a recreation zone to an environmental zone under Council’s new draft Local Environmental Plan (LEP)
- The zone proposed for the land in the new LEP is not akin to a national park. It is a zone that recognises sensitive coastal and ecological values in the case of Ballina Shire. The zone does not forbid tourist activity, with information and education facilities and bed and breakfast accommodation allowed.
- The caravan park aspect of the Ballina Beach Village has been recognised as a specific item in Council’s new draft LEP. This recognition means that the caravan park may continue to operate and expand, with any relevant approvals. These approvals will address issues in the public interest such as effluent disposal, road access, public health and the capacity of the land to accommodate increased activities.
- With a caravan park approved to operate on the land and this use being specifically listed in the new draft LEP, activities that are related to the caravan park and that serve park guests are

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allowed. Put simply, singers can entertain park guests, renovations can be undertaken in connection with approved caravan park activities and the proprietors can serve meals to guests of the caravan park. • The coastline of Ballina Shire is relatively undeveloped at South Ballina due to successive councils having maintained the recognition of the coastline as a largely natural area. The Ballina Beach Village benefits from the natural environment that remains present in South Ballina due to the preservation of coastal land by the Council's local plans.... **But Bernard Grinberg fact checks Mayor Silver, below:**

Mayor Silver's PR response to the Miranda Devine article in the Sunday Telegraph 29 July 2012 is an excellent example of what is really wrong with the leadership at Ballina Council. It would seem the Mayor doesn't know his zonings for a start. Under our current 7f zoning we are permitted at least 18 different uses with consent while under E2 zoning these are reduced to 3 uses – none of them a caravan park (and can you tell me what an information, environmental education or bed and breakfast has to do with an establishment catering to hundreds of tourists and with many million dollars worth of built infrastructure?). So is Mayor Silver suggesting we turn the Ballina Beach Village into an environmental college? What about a bed and breakfast for 400 people? The 7f zoning dates back to the 1987 LEP however the Village was actually established legally in 1976 (previously the land was used for farming from the early 1900's). Ballina Council has willfully contravened the NSW Department of Planning written guidelines (Practice Note PN 09-002) about the application of E2 and E3 zones, where they were told not to apply these zones too broadly - we have great chunks of the shire locked up with detrimental zoning of cow paddocks, macca farms, tourist parks, marinas and places with a nice view. The guidelines state that "E2 is the highest level of protection" on private land and E3 "is not intended for cleared lands including land used for intensive agriculture". Council chose not to use zone E4 Environmental Living. Even bush fire hazard reduction is prohibited in an E2 zone, though it means putting property, but more importantly life (in this cases hundreds) - at risk. This is while Council insists on provision of full fire Asset Protection Zones – a nasty case of "catch 22". After our two submissions and one deputation to Council, Council condescended to give us existing use rights to operate the caravan park. We have these rights in any event; however existing use rights are well known to be highly limiting and difficult to sustain resulting in a large number of expensive cases every year in the Land & Environment Court. In our only meeting with the Council staff on this matter, we were told that zone RE2 Private Recreation would be appropriate for our facility, however that did not eventuate. Council showed its real intentions in its report on our submissions (document number 1932512) wherein they stated that they opposed "intensive uses such as entertainment facilities and indoor recreation facilities" at the Ballina Beach Village while "undertaking a compliance investigation" with respect to our café and the service of food. Glibly Council stated "the zone is now more limiting than the existing 7f zone". RE2 was not mentioned in the staff report, nor were the Department guidelines. As for expansion - in a relatively simple matter to just "regularise" our current business we put in what we thought was a non contentious DA with Council (as we had been requested by Council to do). This was greeted by a swat team of nine Council staff descending on our premises in five cars to inspect and question every aspect of our business. Council has raised every imaginable objection to our DA (over 12 pages), including to our food service and providing entertainment for guests (a piano bar). They have challenged the legality of infrastructure that has been in place for longer than a decade and which has been the subject of prior approvals and inspections. They have also requested that we map in detail all the vegetation on the 17 plus acres

and provide a car wash facility etc – well you get the idea. So in practice it is incorrect to state Council intends to let us keep operating or expanding – I am disappointed that Mayor Silver has apparently not taken at least a cursory amount of time to read through our file, including all the correspondence that we have received from Council over the last 12 months. We have incurred significant town planning and legal expenses just responding to this harassment. Consider that currently that we employ 12 and up to 20 staff during our peak tourist months. We are the number one destination in the North Coast by number of guest nights and account for 5% of all tourism in the Ballina shire, with a value of \$6 million pa to the local economy. We have trebled the number of visitor nights in the 2.5 years we have owned the property. This has been achieved with significant financial and personal investments, which continue. Additionally our visitors have directly contributed large sums of money by way of Council's South Ballina ferry fees. We have not received any encouragement from Council, while being on the receiving end of many obstacles. Council appears to have an anti-business attitude towards many as we are not the only ones that have suffered. It is specious to say that Council had 'extensive community engagement, analysis and investigation' of the LEP. The community submissions from affected landowners were repeatedly ignored by Council including the Councillors in preference to the opinions of small minority groups. The extensive number of properties doomed to be rezoned E2 and E3 were included in this zoning arbitrarily – i.e. somebody got a map and drew up a wish list up and down the shire without ground truthing. But can Council did not even consider economic or social impacts of rezoning great chunks of the shire into semi national park status. A vast majority of affected landowners were unaware of the down zoning until it was "too late" – legal notices in fine print in the back of newspapers just do not cut it. What Council with Mayor Silver in charge has done is created the 'perfect storm' for Ballina Shire. Locking up rural lands, properties with viable businesses on them, and halving the values of the properties will only lead to increase of the impoverished middle class and less revenue for the Shire & State. This is de facto acquisition of land without any compensation, but very many obligations. The very principle of these actions is wrong. We are just one example of such shoddy and arrogant treatment of ratepayers. As one Cr. said "the staff did a snow job on us – we had no idea". Another Cr. said "the staff are unduly influenced by the likes of the Ballina Environment Society". Unfortunately not one Cr. voted against the Council when they had their chances. Mayor Silver's attitude is best illustrated by his comment to me "people have got to stop expecting to make money off their land, that era is over". So Mayor Silver - are you going to donate one third of your property and all your superannuation to the Ballina Environment Society? Is your farm being rezoned E2? We all know the answers to this. Which are no and no! Not happy Phil – not happy. Pleased you are leaving. You have let the rate payers of the shire down, down, down. Apparently the Council has not done its job that well, as we have been advised by the Department of Planning that the Planning Minister is likely to at least defer the E2 and E3 down zonings so the matter can be properly examined. Bernard Grinberg Ballina Beach Village



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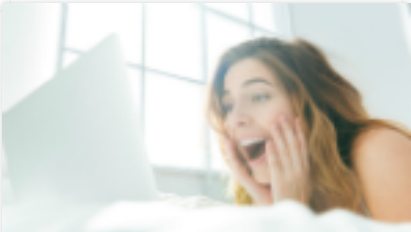
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