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Native Vegetation Regulation Review
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Dear Sir / Madam

Draft Native Vegetation Regulation 2012

The Mobile Carriers Forum (MCF) is writing to comment on the Draft Native Vegetation Regulation 2012 that is currently on exhibition. The MCF is an industry group representing the three mobile phone carriers deploying networks in Australia, namely Telstra, Optus and Vodafone Hutchison Australia Pty Limited.

The MCF strongly supports the proposed amendments to the Native Vegetation Regulation 2012, specifically the introduction of clause 32 - Telecommunications Infrastructure that classifies the construction, operation and maintenance of telecommunications infrastructure as a routine agricultural management activity (RAMA).

We believe that the inclusion of this clause will rectify the currently anomalous situation whereby a range of infrastructure activities necessitating the potential clearing of a similar or greater scale of native vegetation are classified as routine agricultural management activities. These include:

- Telecommunication facilities on Crown Land.
- Various forms of Council infrastructure such as sewerage treatment works, waste disposal landfill operations, waste management facilities, water supply works, gravel pits, cemeteries etc.
- Infrastructure buffer distances including specified cleared buffer distances for access trails, roads, telephone lines or cables, power lines or cables, fences, etc.

Fenced compound areas accommodating the tower and equipment structures required to establish new telecommunications infrastructure typically have a small footprint of approximately 60 square metres and carriers seek to locate and construct new facilities in such a manner as to avoid the clearing of native vegetation entirely or at the very least minimise the extent of land disturbance and extent of any clearing.

While it is clear from the proposed wording of clause 32 that the construction, operation and maintenance of telecommunications infrastructure will be a routine agricultural management activity, it is not entirely clear whether this extends to clearing associated with providing

Asset Protection Zones (APZ's) around compound areas in circumstances where sites are within localities identified as bushfire prone.

In this respect, Practice Note 1/11 (Version 0.2 July 2011) published by the NSW Rural Fire Service states that *“when the RFS is asked to comment on new towers or for existing towers, a 10 metre APZ from the tower / buildings / infrastructure associated with the tower shall be provided”*.

The MCF is of the view that the provision of an APZ around telecommunications infrastructure in bushfire prone land most likely qualifies as a RAMA related to the maintenance of that infrastructure. However, to avoid any confusion or possible misinterpretation of the nature and extent of clearing that will constitute a RAMA in relation to the construction, operation and maintenance of telecommunications infrastructure, we suggest that an additional sub clause could be included, similar to that used in clause 29 for sheds, generally along the lines of:

“Clearing of native vegetation in the asset protection zone around any telecommunication facilities determined in accordance with the relevant Practice Note for Telecommunication Towers in Bushfire Prone Areas published (from time to time) by the NSW Rural Fire Service is also a routine agricultural management activity.”

The opportunity to comment on the proposed amendments to the draft Native Vegetation Regulation 2012 is appreciated. If you would like to discuss any aspect of our submission please feel free to contact me on 0419 545 751 in the first instance.

Yours sincerely,



Ray McKenzie
Manager
Mobile Carriers Forum
Australian Mobile Telecommunications Association