

4 September 2012

Native Vegetation Regulation Review
Conservation Policy and Strategy Section
Office of Environment and Heritage
Level 12, PO Box A290
Sydney South NSW 1232

Dear Sir/Madam

Subject: Submission – Native Vegetation Regulation Review

Lake Macquarie City Council wishes to comment on the review of the NSW Native Vegetation Regulation. The comments take into account the documents recently placed on public exhibition.

Local government often plays an important role in planning and managing native vegetation through its strategic land use planning and development approval roles. Local government authorities also manage land with native vegetation. Therefore, Lake Macquarie City Council has a close interest in the proposed Native Vegetation Regulation 2012.

Specific comments on the proposed regulation are as follows:

- The proposed regulation continues a complex system of consent arrangements, which is difficult to implement. There should be further simplification of the requirements to integrate vegetation clearing with the Environmental Planning and Assessment Act 1979 and associated strategic land use planning documents.
- The requirement for dual consent for native vegetation clearing for development projects is a continuing concern, as are the sometimes inconsistent requirements and conditions applying to these approvals. Clause No 42 in the proposed regulation appears to require that development consent authorities assess native vegetation impacts for dwellings. The implications and requirements of this change for local government are not clear.
- The harmonisation of the assessment methodologies for the Property Vegetation Plan (PVP) Developer, BioBanking and Biocertification is supported.
- The Council uses exemptions for Routine Agricultural Management Activities (RAMA) to carry out works on its land. A specific RAMA to allow local government to carry out its responsibilities on public reserves, drainage and roads is desirable. This would supplement exemptions that may not be covered under State Environmental Planning Policy (Infrastructure), such as clearing associated with use of land for public recreation.

126-138 Main Road Speers Point NSW 2284 • Box 1906 Hunter Region Mail Centre NSW 2310
Phone: 02 4921 0333 • Fax: 02 4958 7257 • ABN 81 065 027 868

council@lakemac.nsw.gov.au
www.lakemac.com.au

Our Ref: F2005/02819 Your Ref:

- Some discretion is required to enable catchment management authorities (CMAs) to permit very small areas of clearing i.e. less than 1000 square metres without a PVP. These areas may result from slight misalignment of zone boundaries with subdivision or road boundaries. Such discretion measures could include a requirement that the CMA be satisfied with any conservation measures proposed to be implemented.
- In the assessment methodology, significantly more weight should be given to habitat of high quality when determining offset ratios. Degraded sites are often given high offset ratios due to their rehabilitation potential. While rehabilitation is supported, the conservation value of rehabilitating degraded sites is far lower than the conservation value of protecting high quality sites (e.g. such as old growth forest). By giving high offset ratios to degraded bushland (i.e. due to their rehabilitation potential) there is a risk that high quality areas will be cleared and degraded areas protected, which is considered a negative environmental outcome. Ratios should be weighted so that there is more incentive to secure and protect high quality habitat/areas.
- Consideration should be given to amending the methodology to provide for areas with important habitat features such as local corridors, endangered ecological community buffers and owl roost/nest trees to be 'red flagged'.
- Areas excluded from the regulation in Schedule 1 Clause 14 are based on standard LEP zones, which are often not an appropriate basis for determining whether clearing controls should be applied.
- The issue of defining regrowth vegetation makes it difficult for Council to implement tree and native vegetation management clauses in its current and new local environmental plans where the Native Vegetation Act 2003 applies. Where regrowth vegetation is important as a connectivity corridor, approval processes have not been able to adequately consider this.

Thank you for taking these comments into account in the review of the Native Vegetation Regulation. Should you require further information, please contact Martin Fallding on 02 4921 0312 (Thursday and Friday).

Yours faithfully



Dr Alice Howe

Manager Sustainability