
From: Craig Rideout [REDACTED]
Sent: Monday, 27 August 2012 9:37 AM
To: EHPP Landscapes & Ecosystems Section Mailbox
Subject: submission concerning the Native Vegetation Regulation Review

Apologies for the lateness of the submission;

The following advice could be of interest concerning the review:

Much of what Council does as part of everyday maintenance, works and/or improvements involves development which may alternatively be categorised as 'Exempt' or 'Without Consent' in accordance with the (EP&A) Act. Respectively, exempt development may be carried out without any form of assessment, other than meeting some self-assessment criteria, whilst 'Development Without Consent' requires the proponent (often Council as a public authority) to undertake a 'Part 5 Assessment' of potential environmental impacts which is kept as public record.

The changes to the NVR indicate the requirements of the NVA will apply to 'Designated' and 'Part 5' Assessment, however neglect 'Exempt' which theoretically (and which may potentially be legally challenged) – may mean that 'exempt' development (under Part 4) may no longer be carried out as a Routine Agricultural Maintenance Activities (RAMA- as per Clause 18A).

'Routine agricultural management activities' involving clearing are set out within section 11 of the Act – where the Regulations may extend, limit or vary the activities prescribed. The changes to the Regulations may mean Council activities may not avoid consideration under the Act.

Additionally, Council Planning staff would like to raise concerns following the recent OEH workshop conducted at the CCCC that there is a perception from some members of the public that the RVC LEP mapping layers (discussed earlier within this memo) identify protected land. There is a belief the layers are to be used when approving Private Native Forestry (PNF) and Private Native Vegetation (PVP) agreements to disallow portions of properties to be used as vegetation offsets 'because it is already protected' under the LEP. There was no intent in the preparation of the draft and final LEP that these layers would be used for any other purpose than for development assessment purposes internally by RVC staff (and was articulated to the public in this fashion). Council has concerns this use and/or interpretation of the 'Riparian Land and Watercourses' and 'Terrestrial Biodiversity' layers is inconsistent with the intent, and could be interpreted as Council being manipulative and deceitful in dealings with landowners and the public in general.

Kind Regards,

Craig Rideout
[REDACTED]



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