

Dear Review Panel

As a landowner of high quality conservation lands the changes to legislation is directly relevant to us.

We have no issue with the protection of our lands but believe there should be an intrinsic value placed on the protection of forests. Good quality forests act as a carbon sink and should be valued like an investment in alternative energies or bio banking.

We believe the incentive scheme which encourages conversion of grazed land into forested land should be extended to encourage private landowners to retain existing high quality vegetation rather than allow it to be removed or degraded. This system is currently in place in Germany and encourages landowners to protect forests on their land without relying on the altruism of the individual landowner.

One of the aspects of the current laws protecting EECs and threatened species that is not working is concerning lands which are affected by lapsed consents.

In the Tweed shire a precedent was set in 2006 at Wooyung which allowed a lapsed development consent more than 20 years old to be reactivated. This created the situation whereby forested areas containing EECs which had only been recognised after the consent was granted, were permitted to be destroyed. It also meant that although no activity had occurred on the site for 20 years and forests had matured and increased these were not protected. The inconsistency arose when the Catchment Management Authority (CMA) had no power to protect the forests as, under today's system compliance is assumed once approval is given, but, in the time when the approval was gained, the conditional approval said all approvals from the CMA would need to be sought. This inconsistency in the current and previous systems means there is no way to protect high quality conservation areas if there was ever a consent which allowed them to be removed. This needs to be remedied as the Tweed Shire alone contains hundreds of these lapsed consents. There needs to be a mechanism which allows the protection of areas as they are recognised for their importance if they have not yet been destroyed.

This will become even more important in the protection of wildlife corridors, which are the main requirement for adapting to or dealing with climate change issues.

The power held in previous SEPPs such as SEPP 26 Littoral Rainforest which protected the specific ecosystem but also limited threatening factors in the 100m buffer around these forests recognised the importance of edge effects and threatening processes. This legislation was strong and enforceable and that needs to be part of the new legislation.

The current Native Vegetation Act overseen by the CMA has become a toothless tiger with little or no enforcement. Fines are so paltry it is easier to pay the fine than work around the protection of selected trees. The new legislation should allow stronger powers of enforcement for local councils and the placement of much more significant fines to deter landowners from destroying forested areas. It could be equivalent to the imposing of fines in environmental polluting legislation as the removal of carbon sinks is a form of environmental pollution.

Immediate guidance needs to be given regarding the new legislation allowing the clearing of a 10-30m asset protection zone around existing houses. This legislation has already been used in the Tweed Shire to destroy a remnant littoral rainforest EEC in preparation for a

subdivision application in a lot containing an existing house. The new legislation needs to remove this legislative loophole.

Regards

A black rectangular redaction box covering the signature area.