



Swan Lake Environment Protection Association Inc.

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Director, Planning Coordination and Support
Department of Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam,

Comment on Northern Councils Environmental Zones Review 2014

The Swan Lake Environment Protection Association (SLEPA) welcomes the opportunity to make a submission on the Northern Councils Environmental Zones Review 2014.

SLEPA is an incorporated organization which represents the residents and rate-payers of the central Shoalhaven who care about the natural, social and cultural environment, and strive for their protection and enhancement at the local and state level. SLEPA has taken an active interest in NSW planning issues, and has previously provided comment on the Planning Reform Green Paper in 2012 as well as the Planning Reform White Paper and Exposure Draft Bills 2013.

SLEPA has elected to make a submission to the Northern Councils Environmental Zones Review on the basis of the high intrinsic environmental value of many parts of these LGAs and the Department of Planning & Environment's stated intention that *"the outcomes of this review will form the basis to determine criteria for applying E2 and E3 zones and the circumstances for using environmental overlays when councils across the state update their LEPs"*. The Review consequently has significant implications for environment protection within the Shoalhaven LGA.

SLEPA considers that the review contains a mix of both acceptable recommendations which are supported and unacceptable recommendations which are not supported. The enclosed attachment provides the Associations detailed response on these aspects, as well as suggestions for further consideration.

SLEPA's previous submissions on the NSW planning system have focussed on the need to retain and strengthen the core objective of ecologically sustainable development (ESD), and effective recognition and protection of environmental zones is a key element of implementing ESD. Environment protection zones, as part of existing Local Environment Plans, have provided fundamental protection for our natural areas in NSW for nearly 30 years, and their continued use is necessary for the conservation and management of environmental values.

Yours sincerely

Brett Stevenson
Treasurer
Swan Lake Environment Protection Association

Attachment : Details of SLEPA's Response to Northern Councils Environmental Zones Review 2014

Recommendations Supported by SLEPA

1. The Review's endorsement of environmental zones and overlays in far north coast council Local Environment Plans is **strongly supported**.
2. SLEPA **supports** the Review recommendation that Environment Protection Zones be expanded in Kyogle, Lismore, Ballina & Tweed Shires to include all environmentally sensitive areas not currently protected.
3. SLEPA **strongly supports** the Review's endorsement of environmental overlays for buffers around estuaries, streams, wetlands, and rainforest.
4. SLEPA **supports** the Review's recommendation that guidelines be developed for the mapping of scenic amenity and that mapped areas be included as an environmental overlay.
5. SLEPA **supports** the Review's recommendation that cleared land subject to coastal hazards (including climate change effects) should be removed from the E2 zone, and **recommends** that these parcels should be placed in a new coastal hazard zone rather than becoming an overlay.

Recommendations Rejected by SLEPA

1. Downgrading of rainforest, old growth forest, wetlands, mangroves, riparian vegetation and 'rare, endangered and vulnerable ecosystems' from E2 to E3 (Recommendations 1 & 7) is **rejected** on the following grounds.
 - These areas are all of exceptional conservation value and deserve the highest protection.
 - These values must remain under the protection of E2 zones as explicitly recommended by the NSW Department of Planning and Industry (Practice Note PN 09-002 – Environmental Protection Zones), and as currently prescribed throughout other NSW LGAs.
 - This proposed down-zoning will weaken protection from Coal Seam Gas (CSG) and other mining activities in many sensitive natural areas by automatically permitting these activities under the 'Mining' SEPP - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
2. Downgrading proposed E4 zones to residential zones (Recommendation 14) is **rejected** on the following grounds.
 - These areas include core Koala Habitat, several Endangered Ecological Communities and significant threatened species habitat and their exceptional conservation value deserves the highest protection.
 - These values must remain under the protection of E4 zones as explicitly recommended by the NSW Department of Planning and Industry (Practice Note PN 09-002 – Environmental Protection Zones), and as is prescribed throughout the remainder of NSW.
 - These values are not given adequate protection by a Tree Preservation Order, which is an inherently weak instrument that varies greatly between different LGA's.
3. Removing all protection for wildlife corridors mapped by the National Parks & Wildlife Service is **rejected**, on the grounds that Wildlife corridors should be included as an environmental overlay to ensure they are considered in

planning decisions. This issue is critical in allowing implementation of a truly ecologically sustainable planning system in NSW, which effectively integrates social, environmental and economic considerations.

4. The proposal to allow 'extensive agriculture' such as grazing, cropping and irrigated pasture within E2 zones (Recommendation 4) is **rejected** on the following grounds :
 - These activities can be highly destructive of the ecological values in environmentally sensitive areas;
 - The suggested redrafting of E2 provisions will weaken protection from CSG and other mining activities in many sensitive natural areas by automatically permitting these activities under the 'Mining' SEPP - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

FURTHER RECOMMENDATIONS

SLEPA also recommends that:

1. In accordance with the review the NSW Government needs to urgently help Councils review vegetation mapping to improve its accuracy, and help Kyogle, Lismore and Ballina Councils to undertake comprehensive mapping of all high conservation value vegetation in order to expand their environment zones.
2. 'Extensive agriculture' be prohibited in all Shires to avoid automatically permitting CSG and other mining activities in many sensitive natural areas under the 'Mining' SEPP - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
3. Heathlands and shorebird roosting and nesting areas be included in E2 zones.
4. Core Koala habitat identified in a Koala plan of Management should be included in an E2 zone rather than just as an environmental overlay.
5. The Government should support the Review's recommendation that all land designated within an environment zone should be a priority area for the application of incentive based mechanisms, including financial incentives, rate rebates, management assistance, and local award schemes.
6. The term 'validated dataset' should be clearly defined and taken to include any data produced by generally accepted scientific methods for assessment of environmental conservation significance.