



ACN: 103 257 950

Thursday, 5 June 2014

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

Dear Sir/Madam

Re: Submission to the Interim Northern Councils EZone Review

I welcome the opportunity to comment on the Northern Council Environmental Protection Zones (EZones) Review Interim Report. As a leading professional ecologist practicing on the NSW far north coast for 20 years, I have extensive professional experience in the role of environmental protection regulations in the conservation of biodiversity and other environmental values in the region.

EZones are a fundamental planning tool for protecting areas of conservation value across NSW. Local environmental protection zones play a critical role in protecting areas of high ecological, scientific, cultural or aesthetic value. They serve to protect the overriding public interest in the protection, management and restoration of these valuable and finite resources. This view is consistent with LEP Practice Note PN 09-002.

I strongly support EZones as a planning mechanism for protecting the region's environmentally sensitive areas and welcome the Review's general support for EZones and overlays. However I am concerned with some of the specific recommendations to downgrade proposed protection for areas with significant conservation values.

On the far north coast, proposed EZones provide crucial protection for over 27,000 hectares of forests, wetlands and wildlife habitats. This includes nearly all native vegetation and wildlife habitats not protected in National Parks and makes up over 30% of the region's natural areas. Without protection, these unique areas are left vulnerable to destructive residential and tourism developments along the coast, and the expansion of coal seam gas (CSG), logging, mining and intensive agriculture in the rural hinterland.

Response to Interim Report

I welcome and strongly support the following key recommendations of the interim report:

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

However, I am also concerned with and object to other recommendations arising from the interim report, as outlined below:

1. I strongly object to the downgrading of rainforest, old growth forest, wetlands, mangroves, riparian vegetation and 'rare, endangered and vulnerable ecosystems' from E2 to E3 (Recommendation 1 & 7).

These areas are all of exceptional conservation value and deserve the highest protection. Accordingly, these values should 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 is prescribed throughout the remainder of NSW.

The proposed rezoning would also weaken protection from CSG and other mining activities in our most sensitive natural areas by automatically permitting these activities under the 'Mining' SEPP - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

2. I strongly object to the downgrading proposed E4 zones to residential zones (Recommendation 14).

E4 Zones include core Koala Habitat, several Endangered Ecological Communities and significant threatened species habitat and their exceptional conservation value deserves the highest protection. Accordingly, 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. Importantly, these values are not given adequate protection by the Tree Preservation Order alone.

3. I object to removing all protection for wildlife corridors mapped by the National Parks & Wildlife Service

Wildlife corridors should be included as an environmental overlay to ensure they are considered in planning decisions.

4. I strongly object to allowing 'extensive agriculture' such as grazing, cropping and irrigated pasture within E2 zones (Recommendation 4).

Extensive agricultural activities can be highly destructive of the ecological values in environmentally sensitive areas. Additionally, this redrafting of E2 provisions will also weaken protection from CSG and other mining activities in our most sensitive natural areas by automatically permitting these activities under the 'Mining' SEPP - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

I further recommends the following:

1. Core Koala habitat identified in a Koala plan of Management should be included in an E2 zone rather than just as an environmental overlay.
2. That 'extensive agriculture' be prohibited in all Shires to avoid automatically permitting CSG and other mining activities in our most sensitive natural areas under the 'Mining' SEPP - State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
3. 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.
4. That heathlands and shorebird roosting and nesting areas be included in E2 zones.
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' be clearly defined and to include any data produced by generally accepted scientific methods for assessment of environmental conservation significance.

I believe that our region's fragile remaining environmental values deserve strong protection. I urge the NSW government to ensure that the Far North Coast's high conservation areas, including forests, wetlands and wildlife habitats are protected by appropriate EZones in local environment plans. I call on you to ensure the Government adoption of the Review's finding provide adequate protection of our region's unique environmental values through appropriate use of environmental protection zones and overlays in our Local Environmental Plans.

Kind regards,



Andy Baker
Director / Vegetation Ecologist

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