



## **Fingal Head Coastcare Inc.**

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**NSW Government  
Department of Planning and Environment  
23-33 Bridge Street  
Sydney, NSW**

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### **Objections to the Repeal of the North Coast Regional Environment Plan No 1**

Fingal Head Coastcare objects to the repeal of the North Coast Regional Environmental Plan (1988) (REP) as this plan has provided consistent guidelines for environment protection in the North Coast of NSW for 27 years. It is also obvious to us that a loss of this plan results in an undermining of criteria and values used to identify environmental zones in the North Coast Councils' Local Environmental Plans (LEPs).

#### **About Us**

Fingal Head Coastcare Inc. (FHC) is a voluntary, incorporated landcare group which has been operating continuously for 29 years revegetating crown land on the Fingal Peninsula. FHC has 166 financial members and has members working four days a week to maintain 33 hectares of regenerated native vegetation on crown land under the control of Tweed Shire Council. This area includes remnants of the nationally critically endangered ecological community of littoral rainforests and significant wetlands.

FHC achievements have been recognised by a large number of awards including the following: winners of the 2012 NSW KAB Award for Environmental Protection and highly commended in 2014, 2013, 2011 and 2008. 2014 state finalists in the NSW State Peabody Environment and Landcare Award and runners up in the 2013 Catchment Management Authority Northern Rivers Landcare Award for Coastcare

FHC have a number of concerns including:

**A.** FHC believe the retention of the North Coast REP is essential to facilitate effective overall environmental protection and planning as it specifies objectives and regional policies for the future planning and development. For example the North Coast Regional Environmental Plan identifies requirements to:

- <sup>35</sup><sub>17</sub> retain existing provisions to allow .. for tree preservation orders,
- <sup>35</sup><sub>17</sub> not alter or remove existing environmental protections without undertaking detailed analyses
- <sup>35</sup><sub>17</sub> include significant areas of natural vegetation including rainforest and littoral rainforest, riparian vegetation, wetlands, wildlife habitat, scenic areas and potential wildlife corridors in environmental protection zones,
- <sup>35</sup><sub>17</sub> include wetlands, fishery habitats and sufficient land to separate adjoining land uses from the wetlands and fishery habitats in an environment protection zones

These and other requirements are not adequately covered in other superseding documents as claimed by the DoPE, so the North Coast REP needs to be maintained to ensure protection.

For example - The Department of Planning and Environment's (DoPE) erroneously claims 'The underlying (environmental) zones derived from previous LEPs continue to apply in these areas and provide suitable protection consistent with the REP'. This is not accurate as the north coast councils have all identified numerous additional areas, not previously zoned for protection, that are needed to satisfy the REP's criteria for environmental protection. For example on the Fingal Peninsula an area currently zoned Recreation 1 has been identified by environmental experts as emerging Littoral Rainforest (an endangered ecological community) so it needs to be protected with EN2 zoning. The rezoning of this area will not be possible if the NCREP is repealed and is not possible at the moment because environmental zones are still 'deferred matters'.

**B.** FHC are also very concerned that the loss of this plan will result in the undermining of criteria that justify environmental zoning in LEPs

As you are aware in 2012, the state government intervened to stop Tweed, Byron, Ballina, Kyogle and Lismore Councils from including environmental zones and clauses in their LEPs and relegated environmental zones to 'deferred matters'.

In September 2012, as a result of requests from our North Coast National Party representatives, Don Page and Thomas George, the Minister for Planning announced that there would be a six months review of E zones for Tweed, Byron, Ballina, Kyogle and Lismore local government areas.

It took the NSW Government a year to complete this review which supported the protection of high conservation value vegetation in E zones in the north coast LEPs.

However it appears the National Party did not like these findings so the Minister for Planning instructed the Department of Planning and Environment to remove all environmental zones (E2 Environmental Conservation; E3 Environmental Management and E4 Environmental Living zones) from far north coast LEPs. They also removed a number of clauses which protected environmental values such as watercourses, riparian zones, steep slopes, endangered ecological communities, wild life corridors, biodiversity and Lophostemon confertus. The removal of these Environmental Zones from LEPs appears to be illegal.

FHC are concerned that the removal of the North Coast REP is part of this attempt to limit environmental zoning on the far north coast of NSW by retrospectively reducing the criteria and justification for the proposed Environmental Zones before the deferred matters are resolved.

**C.** The loss of the North Coast REP jeopardises the protection of the nationally and internationally significant forests and ecosystems of the North Coast of NSW which have been identified as part of one of the world's 35 biodiversity hot spots because of their exceptional endemic plant species and threat of habitat loss. The North Coast REP recognises the importance of identifying the high conservation value vegetation and habitats remaining in the region and outlines measures to ensure they are appropriately zoned and protected. The loss of the North Coast REP undermines this protection.

**D.** FHC finally question why E zones were deferred and reviewed only in the five council areas in Northern NSW whilst over 130 Councils in the State have been allowed to complete their LEPs inclusive of environmental based zones. FHC also question why E zones are still 'deferred matters' one and half years after a government review supported their protection. Now the North Coast REP is being repealed before these deferred matters are resolved. FHC suggest this is another measure to undermine the justifications for E zones in the north coast before the matter is resolved.

FHC suggest that the North Coast Regional Plan needs to be maintained and that the repeal of this plan is yet another attack by the current government on the environment and its protection.

I am President of Fingal Head Coastcare Inc and available for further comment or questions on the above email address or mobile 0412213704.

Submitted for Fingal Head Coastcare Inc.

by Kay Bolton

President