

## **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION)**

### Clearing exemptions under the SEPP

I am the owner of a 10-acre block on environmental zoned land in the Wollongong LGA. The block is part of an 8-lot rural residential subdivision in the Illawarra Escarpment.

When council approved the planning proposal for the subdivision essential infrastructure was incorporated to provide access to the lots with the subdivision and protection from bushfire risk for the residents and their assets. The construction and maintenance requirements of this essential infrastructure were given effect through a section 88 B instrument burdening all lots within the subdivision.

The essential infrastructure includes a shared access road, perimeter fire trail, asset protection zones, dams with 100,000 litre storage capacity for firefighting purposes and vehicular access to these dams. The owners of the lots within the subdivision are burdened with the maintenance requirements of this essential infrastructure as set out in the section 88B instrument.

The shared access road is privately and proportionally owned by all lot owners in the subdivision. This road provides access to all lots and is connected to the perimeter fire trail forming an access/egress loop essential to the bushfire escape plan for subdivision.

The section 88B instrument sets out the requirements for maintenance and construction or resurfacing of the road to ensure access to all lots is maintained particularly in times of emergency such as fire. Maintenance works are required twice yearly at a minimum and major resurfacing works once every five years.

The lot owners in the subdivision are not a roads authority and will not be able to access road maintenance exemptions provided to public roads authorities such as councils, DI (Dept of Industry)-Crown lands and RMS (Roads and Maritime Services). Often works will occur on a portion of the road that is owned in part by multiple lot owners requiring multiple permits to be issued to ensure all owners are complying.

It would be extremely onerous and prohibitive to require all lot owners within the subdivision to obtain a permit from council each time road maintenance works or works to upgrade the road are required to be undertaken. This will create a significant amount of work for council employees.

The essential bushfire risk management infrastructure such as the perimeter fire trail and dams also require regular maintenance annually. The lot owners within the subdivision are also burdened with the maintenance of this infrastructure through the requirements of the s88B instrument.

Lot owners are not public emergency services agencies and therefore cannot access exemptions available to these authorities to maintain this infrastructure. As the s88B instruments set out the requirements for maintenance and burdens lot owners to undertake this maintenance they should be able to undertake it without any further need to seek additional approvals from either RFS (Rural Fire Service) or council.

Most lot owners within the subdivision have a small number of stock or share a boundary with a larger rural property that is actively being farmed. Construction and maintenance of fences on all lots within the subdivision are essential to ensure stock management. I do not believe it appropriate to use councils limited resources to issue permits for clearing of vegetation required to undertake fence line maintenance on all E zoned lands within NSW.

There should be specific exemptions included in the vegetation SEPP that exempts clearing activities related to maintenance of essential infrastructure covered by existing section 88B instruments. The vegetation SEPP should also have specific exemptions for the maintenance of existing fences and fence lines on Environmental zoned lands, with clear limitations or allowable clearing widths to allow owners of acreages to maintain their fences and manage their stock without having to seek permits from councils each time.