



PO Box 492, Bega NSW 2550
P. (02) 6499 2222
F. (02) 6499 2200
E. council@begavalley.nsw.gov.au
www.begavalley.nsw.gov.au
ABN. 26 987 935 332
DX. 4904 Bega

20 June 2017

Land Management and
Biodiversity Conservation Reforms Office
PO Box A290
SYDNEY SOUTH NSW 1232

Dear Sir/Madam,

Statement of Intended Effect - State Environmental Planning Policy (Vegetation) and related biodiversity conservation reforms

Officers of Bega Valley Shire Council have reviewed the suite of documents currently on public exhibition and appreciate the opportunity to respond. It is acknowledged that the reforms are extensive, which is reflected in the complexity of the regulations and supporting products and tools.

Given that local government has a key role in delivering these reforms, we would appreciate an ongoing open dialog with the Office of Environment and Heritage, specifically in relation to finalisation of the Sensitive Biodiversity Values Land Map, the Serious and Irreversible Impacts guidance (eg what does “*very small population size*” and “*very limited geographic range*” mean?) and opportunities for capacity building programs which would enable Council to be better placed to respond to the new legislative framework.

Whilst the timeframes for having the regulations and assessment frameworks in place are noted, it is considered essential that further consultation should take place once the draft Vegetation SEPP is finalised and prior to commencement. Introducing such a significant piece of legislation through a Statement of Intended Effect does not adequately inform nor prepare local government for its implementation.

From our scenario testing of development sites using the Biodiversity Offset Scheme (BOS) thresholds, it is questionable whether using the mapped CLEP Minimum Lot Size in the threshold table is appropriate. We submit that the *actual lot size* of the parcel of land under development should be used as the basis of testing whether a BAM is required.

Significant concern is also raised in relation to Council’s ability to require development consent for clearing that does not trigger the BOS thresholds, particularly in the E2, E3, E4 and R5 zones. It is noted that Council’s will no longer be able to require development consent for clearing of non-heritage vegetation under a provision in a DCP. With the deletion of the Standard Instrument clause 5.9 (and specifically for BVSC, the provisions of Clause 5.9(9) which required development consent for clearing in those zones), the potential for incremental and potentially significant clearing to occur in those zones is a real possibility.

It is unclear as to the scale of clearing that could be considered under a ‘permit’, hence the importance of Council’s being able to cite and comment on the draft SEPP prior to gazettal.

Further consultation and collaboration with OEH is requested in relation to the finalisation of the Sensitive Biodiversity Values Map. The scale of the mapping needs to be responsive to individual site assessment. The draft map, made available as part of the exhibition suite of documents, does not give the level of detail practitioners and landowners will require to make an assessment of the likely BAM triggers. In addition, the mapping should include identified wildlife corridors, EEC's and riparian buffers and should integrate with the draft Coastal Management SEPP mapping.

It is noted that it is not intended that the Native Vegetation Panel should delegate its approval functions to Councils in relation to approvals for clearing of vegetation on land identified on the Native Vegetation Map. This is supported, as the NVP should assess and regulate all matters associated with clearing of rural lands. Council would be happy to have a consultation role in such matters, however the determination and compliance role should remain with the Panel and its state government delegates.

One significant change forecast for local government will be the additional compliance implications associated with clearing in the E zones and R5 zones. Currently local government is supported by the EPA and OEH investigations teams in these areas. The new reforms appear to transfer regulation of land clearing in these zones to local government. Resourcing and support mechanisms will be important in this regard from state agencies.

It is appreciated that greater flexibility will apply in the proposed offsetting options however concern is raised that there will be limited opportunities to retire credits/offset in regional areas such as the Bega Valley for some time yet. Most offsetting and biobanking opportunities are occurring in metropolitan areas currently. The Biodiversity Trust needs to ensure there is an effective strategy in place to ensure there will be suitable opportunities available in regional areas.

Council welcomes the proposed initiative to support local government through its Capacity Building Program. Bega Valley Shire Council would be interested in hosting a Regional Support Officer, funded by the NSW Government, and would welcome the opportunity for further discussions in this regard.

Please do not hesitate to contact me on 02 6499 2295 or via email chancock@begavalley.nsw.gov.au should you wish to discuss this matter further.

Yours sincerely



Cecily Hancock
Planning Coordinator