

# RURAL LAND STRATEGY STEERING COMMITTEE

## DISCUSSION POINTS ON CONSULTANT'S RECOMMENDATION FOR A VEGETATION OVERLAY IN THE LEP RATHER THAN THE DCP

On page 17 and Section 3.2.6. on page 22 of the DRAFT EUROBOODALLA RURAL LAND STRATEGY REPORT OF PUBLIC EXHIBITION, SUMMARY OF CONSULTATION, ANALYSIS OF PUBLIC SUBMISSIONS AND RECOMMENDATIONS TO COUNCIL TO FINALISE THE RURAL LANDS STRATEGY (December 2015) the Consultant raises 12 points to advance rationale for retention of the vegetation overlay in the LEP rather than the DCP where the Committee has recommended it be placed. These 12 points raise the following comments for discussion:

**Dot point 1:** *“it is the most common approach of coastal rural councils”* (to place such an overlay in the LEP).

The Consultant's survey of 19 shires and a larger survey of 83 shires showed that 40% did not have any terrestrial overlays. On 7/12/15 the Rural Land Strategy Steering Committee (RLSSC) was advised by the NSW Department of Planning and Environment (DPE) that “a review of the Northern Councils E-zone included no requirement for a vegetation overlay”(page 19). The use of ‘vegetation overlays’ is NOT a legislative requirement for the LEP. The State Government has consistently stated that councils are neither compelled nor required to use vegetation overlays.

On the 22/7/2014 on a motion by Councillors Innes and Brown the ESC recommended that overlays NOT be included in the LEP.

The RLSSC, at their meeting on the 7/12/2015, passed a motion recommending that the ‘vegetation overlay’ not be placed in the LEP but be placed in the DCP.

If the Consultant insists that his recommendation is that the vegetation overlay stay in the LEP an alternative should be presented in the final draft of placing the overlays in the DCP. The matter could then be determined by a Council vote.

**Dot point 2:** *“the community concerns are misdirected”* (re opposing the vegetation overlay in the LEP). A clear advantage of placing the vegetation overlay in the DCP is that any changes can be dealt with at the local level.

The rural community, through hundreds of submissions, 5 Workshops and numerous meetings, has consistently rejected the concept of a ‘vegetation overlay’ in the LEP. It should be noted that of the 30 submissions supporting the vegetation overlay 23 had urban addresses. The Consultant (page 20) stated that a “clear majority of those attending public consultations opposed any native vegetation overlay in the LEP”.

Placed in the DCP the ‘vegetation overlay’ is available to Planning staff and landholders without imposing red tape through the LEP.

The mapping of ‘vegetation’ has consistently shown errors and insufficient definition of regrowth and planted woodlots.

The protection of native vegetation is already covered by primary State legislation under the Native Vegetation Act and the Environmental Planning and Assessment Act. It does not require “translation” from the LEP.

The prevailing view in some quarters is that either E zones must be used or if they are not then vegetation overlays must be placed in the LEP. This is incorrect.

**Dot Points 3, 11:** *“important that planning requirements be transparent”*

On 7/12/2015 the RLSSC was advised by the DPE that “in terms of transparency both the LEP and DCP are available on Council’s website and will soon also be available on the Department’s Planning portal” (page 19). Additionally, Council can provide information to the public and real estate agents regarding the content of the DCP.

**Dot Points 4, 5:** These do not provide rationale for the placement of a vegetation overlay in the LEP but deal with the review of the legislation and the Council input to State legislation.

**Dot Points 6 to 11:** These do not provide rationale for the placement of a vegetation overlay in the LEP rather than the DCP but deal with the difficulties if there is NO such overlay. These dot points ignore the rationale of placing the overlay in the DCP.

**Dot Point 12:** This points out that the acid sulphate soils and wetland overlays remain in the LEP so why not the vegetation overlay? The RLSSC would prefer all overlays to be in the DCP but is particularly concerned that the vegetation overlay be placed in the DCP for the above reasons.

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