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SUBMISSION

to

**Draft Amendment No. 2
Clarence Valley Council Development Control Plan
Development in Residential Zones
Controls for the preservation of native vegetation.**

**Compiled by
John Edwards
Honorary Secretary
1st April 2011**

Submission to Draft Amendment No. 2 to CVC's DCP

Development in Residential Zones - Controls for the preservation of native vegetation.

Preamble

The Clarence Environment Centre has maintained a shop-front in Grafton for over 20 years, and has been closely involved with local environmental issues, particularly those relating to inappropriate zoning that leads to unacceptable environmental degradation. Our organisation was also represented on the Clarence Valley Council's working group responsible for developing its Biodiversity Management Strategy, and is therefore keenly interested in seeing follow-up controls incorporated into Council's DCP and LEP, as recommended by the Strategy to strengthen environmental protection.

The Amendment

With the introduction of the Council's Local Environment Plan in 2010, one of the main omissions identified was the failure to include any controls on the clearing of native vegetation on land zoned R5, Large Lot Residential. In that respect, this amendment is welcomed.

The Clarence Environment Centre has examined the proposed Amendment and finds it generally fulfills Council's obligations under the *Environmental Planning and Assessment Act 1979*, and also commitments made in the CV Biodiversity Management Strategy (Priority Actions 4 & 5, page ix). However, we feel a need to highlight the following:

1. Part E2(c) While protecting ecological values is an aim of the Amendment, **improvement** of biodiversity values should be emphasised. Also, maintenance of habitat continuity should be included as a priority.
2. We question the inclusion of Section E5.2(c) and E5.2(f). It would seem highly unlikely that "state forest, or land reserved from sale as a timber or forest reserve", would be zoned residential. Likewise, any areas of marine vegetation regulated by the Fisheries Management Act should likewise be zoned non residential.

In the event that any such anomalies exist, we suggest that Council move to correct them accordingly.

3. In regard to Section E6.4, we are concerned that the Draft does not make it adequately clear that addressing a weed problem, or bush fire hazard reduction needs, does not grant the owner permission to use a bulldozer to indiscriminately 'underscrub' the entire property, which is currently widespread practice. Selective removal of weeds, rather than the bulldozer approach, must be enforced.
4. We strongly believe that limits should be placed on bush fire hazard reduction to prevent landowners using fire as a *de facto* land-clearing tool. This practice has been widespread in the area for more than a century, and has had devastating consequences for biodiversity generally, and has likely led to local extinction of species. In many cases fire has changed forest structures in a manner that has made them even more fire-prone, and significantly reduced areas of fire resistant ecosystems, such as rainforest, which act as natural fire barriers.
5. We have concerns about the exemption allowing the cutting down of native trees, by Council staff or contractors, within riparian corridors (E5.1.(vi)). We believe this inclusion must be a typographical error, as the cutting down of trees should not be allowed in riparian corridors under any circumstances, and in fact there should be a strong focus on revegetating all such corridors.

We also believe there should be strict internal regulations relating to any removal of trees in Council reserves and parks, other than in those conditions already exempted under Sub-sections iv and vii.

6. There is a concern that we see nothing in the amended regulations that changes the current situation where coastal landowners are able to clear vegetation with apparent impunity simply to gain a better view. We believe the consequences should be clearly spelled out, and not simply imply that landowners breaching these conditions “*may face subsequent regulatory enforcement or penalty infringement action*”.
7. A first year action in Council's Biodiversity Management Strategy (Page 40) requires Council to: “*Amend CVC LEP and Develop Biodiversity DCP to cover criteria for offsetting any unavoidable clearing, landscaping for developments*”. We see no such criteria in this document, and suggest these should be included in the final draft.

The Clarence Environment Centre thanks Council for the opportunity to comment, and hope our suggestions are helpful in improving environmental outcomes in the Clarence Valley.

Yours sincerely

John Edwards
(Honorary Secretary)