

The one-stop-shop is open for business without green tape: what do all of these three-word slogans mean for Landcarers?

By Su Wild-River

Change is the new constant for rural landholders. The new Local Environment Plan is on the way. The NSW Native Vegetation Regulations have commenced. And a One-Stop-Shop will take the Australian government out of most environmental decisions. What does it all mean for rural landholders?

One take on it all is that the pendulum is swinging away from tight government control, to greater landholder control over development decisions with both positive and negative impacts. Let's take a brief look at some of the detail.

The Palerang Local Environment Plan

Strategic land use planning identifies and defines land use priorities for different areas within a region. In February this year, Palerang Council agreed to [send its draft Local Environmental Plan \(LEP\)](#) for approval to the NSW Department of Planning and Infrastructure. This single LEP covers all of Palerang and is required to meet NSW government standards for the zones to which it applies and the land uses allowed within them.

The earlier draft LEPs had been developed by Palerang Council staff over several years of painstaking mapping of existing land use and condition with current and new schemes to propose which of the new zones were most suitable for every land holding in Palerang. Planners took care to identify important ecological corridors and areas of high conservation value in their decisions. In some cases this meant that the proposed new zones applied restrictions to existing allowable land uses. The zoning would not have disallowed existing activities, but could have restricted future developments.

There was heated debate in particular about some land proposed for the *RU2 Rural Landscape* zone with its goal of maintaining and enhancing the natural resource base, maintaining the rural character of land and providing for compatible land uses such as extensive agriculture. The *E3 Environmental Management zone* also came under fire, with its objectives of protecting, managing and restoring areas with special ecological, scientific, cultural or aesthetic values, and providing for limited development

The swinging pendulum of environmental decisions



Image by Su Wild-River, using pendulum image from <http://solongfreedom.wordpress.com/2012/09/06/>

that does not adversely affect those values. The [debate became so heated](#) that both zones were dropped entirely from the draft plan, in stark contrast to neighbouring Queanbeyan which reported no protest or real estate concerns.

On the down side, council will have less ability to refuse developments that degrade important ecological and rural values. Think multi-dwelling houses on hilltops, warehouses in forests and intensive livestock on floodplains. Even if some of us want this on our own block, most of us don't want to see it elsewhere in the local area.

On the up side, some landholders who want to run novel, ecologically-friendly activities, like ecotourism and environmental education may be more able to do so without the RU2 and E3 zones.

Changes to the Native Vegetation Act

The NSW Native Vegetation Act 2003 frames the way we manage native vegetation by preventing broadscale clearing unless it improves environmental outcomes. Under the Act, there are a range of activities and forms of clearing that landholders can undertake without requiring approval. These include Routine Agricultural Management Activities. They can also submit Property Vegetation Plans (PVPs) for approval to describe how they plan to manage native vegetation on their property.

The [Native Vegetation Regulation 2013](#) has introduced self-

assessable codes for certain types of clearing activities. Three codes have already been developed and will come into effect by mid-2014. These are for:

- Clearing isolated paddock trees in cultivated areas,
- Thinning of native vegetation,
- Clearing invasive native species.

The new regulations have also increased the number of defined RAMAs where clearing is allowed without government approval. Routine Agricultural Management Activities are now defined for:

- Non-rural infrastructure such as sheds and tracks,
- Dual occupancies
- Telecommunication infrastructure on private land,
- Private powerlines,
- Local government land management activities,
- Buffer distances for some rural infrastructure,
- Gravel pits and cemeteries, and
- A more flexible way to demonstrate a history of rotational farming practices in order to change the regrowth rate.

On the up side, these changes reduce landholders' need for government approvals. On the down side, with responsibility to make decisions comes the need for further knowledge. Local Land Services will have a role in supporting the Native Vegetation Act implementation. If the codes are adopted, Local Land Services will assist by running field days, providing advice and tools to support for landholders applying the codes.

Under the codes, landholders will need to notify on-line, or through the Local Land Services Office before undertaking clearing.

Notification can allow landholders to access extension services, enables the government to distinguish between lawful and unlawful clearing.

Contact Local Land Services on 48422594 for more information non the Native Vegetation Act.



Green and Gold Bell Frog. One of the endangered species potentially affected by the Dargues Reef Mine, which therefore required Australian government approval under the EPBC Act.

The draft Codes are open for public comment until 26 May. See <http://www.environment.nsw.gov.au/vegetation/index.htm>

The One-Stop-Shop for environmental approvals

The Environmental Protection and Biodiversity Conservation Act (EPBC) 1999 is the Australian government law that protects matters of national environmental significance (MNES). Those include:

- World heritage properties,
- National heritage places,
- Wetlands of international importance,
- Listed threatened species and ecological communities,
- Migratory species,
- Water resources in relation to coal seam gas development and large coal mining development.

Up until now, any developments that could impact on MNES have been referred to the Australian government for assessment, approval and conditions in addition to whatever approvals are required from local and state governments. The Dargues Reef Mine is a local example of an activity that triggered the EPBC Act. Up to [13 listed threatened species and six listed ecological communities](#) may have been affected by mining activities, and so an Australian government approval was required. Landcare projects sometimes trigger EPBC Act assessments as well, with examples including tree planting in wetlands used by migratory birds.

The Australian government's "one-stop-shop" for environmental approvals will remove the Australian government approval in most cases. Instead, state government approval processes are being accredited for use in approving and conditioning developments that affect matters of MNES.

The government goal is to deliver to developers the benefit of quicker approvals and simpler conditions. Many environmental groups are [concerned](#) that states will deliver more development approvals with fewer conditions, and also that the rare cases where the governments step in to stop damaging projects will become seriously endangered.

There will be a chance to comment on the [NSW Bilateral Agreement](#) relating to Environmental Approval later this year. You can subscribe to receive newsletter updates at: <http://www.environment.gov.au/apps/web-forms/subscribe/talking-shop.html>