



**28 OCTOBER 2014**

## **LATE ITEMS**

**Ordinary Meeting of Council Meeting No. 17/14  
TUESDAY 28 OCTOBER 2014**

**Council Chambers, Level 6, Civic Centre,  
1 Devlin Street, Ryde - 7.30pm**

## **English**

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

## **Arabic**

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde، Devlin Street، لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلاً من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحاً إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

## **Armenian**

Եթէ այս նամակը չէք հասկնար, խնդրեմ եկէք՝ *Բայր Սիվիլ Սենթրը, Տելվին* փողոց, Բայր, խօսակցելու Բաղաքապետարանի պաշտօնեաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել: Կամ, կրնաք հեռաձայնել Թարգմանության Սպասարկության՝ 131 450, եւ խնդրել որ թարգմանիչ մը Բաղաքապետարանին հետ կապ հաստատի ձեզի համար: Բաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222: Բաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ:

## **Chinese**

如果您看不懂這封信，請到位于 Devlin Street, Ryde 的禮特區市府禮堂 (Ryde Civic Centre) 與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：131 450，請他們替您與區政廳聯係。區政廳的電話號碼是：9952 8222。區政廳工作時間是：周一至周五，上午 8.30 到下午 4.30。

## **Farsi**

اگر این نامه را نمی فهمید لطفاً به مرکز شهرداری رايد در Devlin Street مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا میتوانید به سرویس ترجمه کتبی و شفاهی شماره 131 450 تلفن بزنید و بخواهید که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری 9952 8222 و ساعات کار از 8.30 صبح تا 4.30 بعد از ظهر می باشد.

## **Italian**

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

## **Korean**

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁하셔도 됩니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.

**Meeting Date:** Tuesday 28 October 2014

**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

**Time:** 7.30pm

*Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.*

## **NOTICE OF BUSINESS**

### **Late Items**

### **Page**

### **PRECIS OF CORRESPONDENCE**

2	10/50 VEGETATION CLEARING RULE AND CODE OF PRACTICE (10/50 RULE) .....	1
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## **PRECIS OF CORRESPONDENCE**

### **2 10/50 VEGETATION CLEARING RULE AND CODE OF PRACTICE (10/50 RULE)**

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**Report prepared by:** Executive Assistant to the General Manager  
**File No.:** GRP/09/7/8 - BP14/1304

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#### **CORRESPONDENCE:**

In accordance with Council Resolution from 12 August 2014, the former Acting General Manager wrote to the Minister of Environment, requesting assistance in undertaking representation to the Minister for Police and Emergency Services regarding Council's submission regarding the Code of Practice.

Council has received the **ATTACHED** response from Carolyn Davies, Director Environmental Programs Branch of the Office of Environment & Heritage (OEH), dated 17 October 2014, regarding the 10/50 Vegetation Clearing Rule and Code of Practice (10/50 Rules).

Please note that a further review is being undertaken by NSW Rural Fire Service (RFS) and Council will be consulted during this process.

#### **RECOMMENDATION:**

That the correspondence be received and noted.

#### **ATTACHMENTS**

- 1** 10/50 Vegetation Clearing Rule and Code of Practice, Office of Environment and Heritage - Carolyn Davies (17 October 2014)
- 2** Letter to The Hon Rob Stokes MP - 10/50 Vegetation Clearing Entitlement Area - Roy Newsome (20 August 2014)

Report Prepared By:

**Roxanne Thornton**  
**Executive Assistant to the General Manager**

Report Approved By:

**Dominic Johnson**  
**Acting General Manager**

**Precis of Correspondence 2 (continued)**

**ATTACHMENT 1**



Mr Roy Newsome  
Acting General Manager  
City of Ryde Council  
Locked Bag 2069  
NORTH RYDE NSW 1670



Dear Mr Newsome

I refer your letter on behalf of City of Ryde Council to the Minister for the Environment, Rob Stokes MP, regarding the 10/50 Vegetation Clearing Rule and Code of Practice (10/50 Rules). Your letter was referred to the Office of Environment and Heritage (OEH) and I have been asked to reply.

While it is imperative that NSW home owners have appropriate tools to protect their homes for the bushfire season, it is disappointing that a small minority have sought to take inappropriate advantage of the rules. We need to make sure we get the correct balance between conservation and bushfire protection.

The 10/50 Rules are administered by the NSW Rural Fire Service (NSW RFS) under the *NSW Rural Fires Act 1997*. Following community feedback, the NSW Rural Fire Service Commissioner has announced changes to the 10/50 Vegetation Clearing Entitlement. This includes a reduction of the 10/50 entitlement area for Category 2 Bush Fire Prone Land, from 350 metres to 150 metres. Additionally councils will have the ability to reclassify smaller parcels of vegetation.

The NSW RFS has also immediately commenced the formal review of the 10/50 scheme (originally scheduled for one year after the Rules' introduction). Details on how the community can provide feedback can be found on the NSW RFS website at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au). I encourage you to submit any appropriate comments.

As the NSW Rural Fire Service has responsibility for the implementation and review of the 10/50 Rules, I have referred a copy of your correspondence to the Deputy Commissioner, NSW Rural Fire Service, Mr Rob Rogers AFSM, for his consideration.

Yours sincerely



17/10/14

**CAROLYN DAVIES**  
Director Environmental Programs Branch  
Regional Operations

PO Box A290 Sydney South NSW 1232  
59-61 Goulburn St Sydney NSW 2000  
Tel: (02) 9995 5000 Fax: (02) 9995 5999  
TTY (02) 9211 4723  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

**Precis of Correspondence 2 (continued)**

**ATTACHMENT 2**



Lifestyle and opportunity @ your doorstep

The Hon. Rob Stokes, MP  
Level 32 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

20 August 2014

Our ref: D14/84454

Dear Hon. Rob Stokes, MP,

**10/50 Vegetation Clearing Entitlement Area**

I refer to the new laws regarding the clearing of trees and vegetation within bushfire prone areas. These laws are supported by the 10/50 Vegetation Clearing Code of Practice which came into effect on 1 August 2014. Council made an extensive submission regarding the Code of Practice which raised significant concerns regarding the proposal. This submission has been enclosed.

At its meeting on 12 August 2014, Council's Code of Practice was discussed and in response, Council resolved to:

*That the Acting General Manager write to the Minister of Environment and the members for Ryde and Lane Cove requesting their representation to the Minister for Police and Emergency Services and consideration of the City of Ryde's submission on the Vegetation Clearing amendment to the Rural Fires Act.*

As such, I write to request your assistance in undertaking representation to the Minister for Police and Emergency Services regarding the consideration of Council's submission. It is disappointing the Code of Practice has been brought into force 9 days after the Public Exhibition period closed with no amendments.

Should you have any further queries regarding this matter, I have arranged for Council's Section Manager Natural Areas & Urban Forest to provide any assistance necessary. Please contact Nicola Booth on 9952 8254 or [nbooth@ryde.nsw.gov.au](mailto:nbooth@ryde.nsw.gov.au).

Yours Sincerely



Roy Newsome  
Acting General Manager



**Precis of Correspondence 2 (continued)**

**ATTACHMENT 2**

 City of Ryde  
  
Lifestyle and opportunity @ your doorstep

Manager Community Planning  
NSW Rural Fire Service  
Locked Mail Bag 17  
Granville NSW 2142  
Email: 10.50@rfs.nsw.gov.au

21 July 2014

Dear Sir/Madam

**Submission for draft Vegetation Clearing Code of Practice 10/50**

Thank you for the opportunity to provide a submission to the Draft 10/50 Vegetation Clearing Code of Practice proposed by the NSW Rural Fire Service. City of Ryde has considered the draft Code and has responded to various issues identified below.

Overall, the City of Ryde supports the identified need to implement measures to reduce the risk from bushfire to human life and property and streamline the bushfire hazard reduction approval process.

The draft Code, however, appears to lack a scientific basis that would provide validity and confidence in the delivery of this legislative instrument.

The Code implies that that vegetation clearing will remove the risk of bushfire. The reference is made to numerous articles published by Dr Kevin Tolhurst, who provided the witness expert advice to the inquest of the 2009 Victorian Bushfires. Dr Tolhurst's research goes into discussing fuel types and goes on to advise that having vegetation around your property can in fact

- Reduce the amount of ember attack
- Reduce radiant heat
- Provide a windbreak that prevents embers from reaching dwelling

*As a result, it is recommended that the Code provisions be strengthened by requesting the assessment process of what vegetation should be removed be undertaken by a qualified fire consultant and/or environmental consultant rather than landowner itself.*

The draft Code does not provide the comprehensive Bushfire Risk Management approach and could be considered as providing the local community with a false sense of safety, should community choose to use this as their only action to mitigate their bushfire risks.

Furthermore, the extent of the impact of the draft Code and how it will apply to the City of Ryde is hard to understand without the Vegetation Clearing Entitlement Mapping. In particular, the full impact on the local EECs and threatened species is impossible to determine but has a potential to be very extensive.

The 50m ruling across the state could mean that a substantial amount of vegetation could be potentially cleared as a result of this policy. This could have significant environmental impacts, regardless of the conditions imposed:

- Increased water loss from our soils and increased soil hydrophobia;
- Loss of habitat for biodiversity, regardless of conservation status;

Civic Centre 1 Devlin Street, Ryde NSW  
Ryde Planning and Business Centre  
1 Pope Street, Ryde (Below Ryde Library)

Post Locked Bag 2069, North Ryde NSW 1670  
Email [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)  
[www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

Customer Service (02) 9952 8222  
TTY (02) 9952 8470 Fax (02) 9952 8070  
Translating and Interpreting Service 131 450

## Precis of Correspondence 2 (continued)

## ATTACHMENT 2

- Increased soil erosion and decreased soil complexity;
- Increased drought;
- Hotter local climates;
- Decreased functions of ecosystems and natural equilibriums;
- Increased opportunities for weed invasion;
- Increased vulnerability of biodiversity to pathogens as a result of reduction in buffer areas.

It seems there has been a lack of research on the potential impacts or benefits of the Code's implementation. City of Ryde's consultation with the relevant stakeholders on the subject identified that even professional fire consultants have concerns over the extent of proposed vegetation loss and whether benefits outweigh the potential environmental damage.

*As a result, it is our recommendation that the draft Code together with the Vegetation Clearing Entitlement Mapping be reviewed and re-exhibited for public comments.*

The draft Code provides very limited definition for a tree as being a single stemmed specimen of over 3metres. There are some tree species that are multi-stemmed species that may only reach 3m in height. This has implications for vegetation types that contain these species of trees. *It is our recommendation that the definition of tree is reviewed.*

Removal of large trees bearing hollows could potentially mean further loss of habitat for local fauna.

Dr. Tolhurst makes reference that having large trees near your property that are smooth bark species can protect dwelling from ember attack, radiant heat and winds that increase the hazard of fire.

*Our recommendation is that the draft Code includes a condition that protects habitat trees, unless they are deemed a hazard to people and property.*

The draft Code requires clearing to be conducted with the permission of the land owner on which the vegetation is located. Further guidance is required in particular around the issues of potential neighbourhood disputes regarding the implementation of clearing and what provision will be in place to protect Council land that is adjacent to a land on which owner wants to undertake clearing. Many areas that are identified as high risk may have some sort of environmental protection due to the nature of vegetation on that land. This code will conflict the obligations of landowners and Councils to protect their land for biodiversity.

It is our recommendation that further clarification be sought on what the landowner can expect from their neighbour with a view to ensure that protection of the rights of neighbour is upheld and that provision are made within the Code to ensure that protected areas remain protected for biodiversity conservation.

Much environmental legislation is intended to protect threatened species and threatened ecological communities. To remove this protection will mean further loss of threatened species. In urban areas, many of these threatened species and communities exist within small fragments that are vulnerable. Removal of this protection could and would have serious implications on a local level of the existence of these species/communities.

*It is our recommendation that the draft Code be strengthened to specify that any clearing of threatened species must be assessed and approved by a qualified environmental professional and/or fire consultant.*



## Precis of Correspondence 2 (continued)

## ATTACHMENT 2

Whilst the draft Code implies that local Councils could potentially be responsible for enforcement of the Code, the draft Code appears silent on who has the ownership of enforcement and monitoring.

*Further guidance is required on the following:*

- *Which organisations will be regulation authority?*
- *Who is responsible for enforcement of compliance and ongoing monitoring of the Code?*
- *If that responsibility falls with Council, under what legislative powers will Council be delivering these services? What are the penalties for the breaches?*
- *Who will pay for the cost of staff training, mapping etc.*

Finally, no acknowledgment has been made to the significant amount of resources (money and time) that will be required by Councils to amend their existing policies as a result of this Code i.e. Tree Preservation Orders or Policies, potential changes to E2 zoning under current Local Environment Plans, Biodiversity strategies or plans, Greening policies and tree policies to enhance urban forest.

In light of the concerns outlined in our submission, City of Ryde's strongly urges for the review on the draft Code before its adoption and further consultation with the community and Councils. The Code's implementation is perceived to have a significant impact on local and regional policy, biodiversity and resources that have not been accounted for within the Code or the planning process.

Thank you for the opportunity to provide a submission to the draft Code. We hope that our concerns are taken into consideration before the adoption of this new policy.

Yours sincerely



Tatjana Domazet  
Manager - Open Space