

NSW Rural Fire Service 10/50 Vegetation Clearing Code (Proof)

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NSW RURAL FIRE SERVICE 10/50 VEGETATION CLEARING CODE

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Mr GREG SMITH (Epping) [11.30 a.m.]: Today I will talk about the 10/50 vegetation clearing code that has caused great controversy in my electorate, particularly in Beecroft, Cheltenham and Epping. I attended a meeting last Monday night at the Pennant Hills Bowling Club addressed by a gentleman named Corey from the Rural Fire Service. I do not know his full name as I arrived five minutes late. About 100 people attended the meeting but only person appeared to support the clearing code. The audience was angry at the number of trees that have been cut down in Beecroft and Cheltenham by tree loppers who are going from house to house offering their services. The areas where the trees are being cut down pose no fire danger whatsoever.

This raises the question of whether a moratorium should be introduced. The problem with the current system is that if I want my neighbour to cut down a tree that is within 10 metres of my house I can force him to do so or I can cut the tree down myself. Conversely, if I choose to have a forest of trees that someone could put a match to and burn the whole street down, nobody could stop me. This suggestion that we are giving people a choice is a furphy. It allows selfish people to continue to cause fire hazards and helps those who want to cut down trees, many being developers who wish to subdivide the land for development and to remove blue gum forests that are in the way of houses.

I was heartened to read an article in today's *Northern District Times* entitled "Land and Environment Court rejects DA in Beecroft out of fears for blue gums under 10/50 legislation". That refers to the case of *Johnson v Hornsby Shire Council*, which was decided on 21 October 2014. Effectively, the court found that to grant the consent for the development application would allow removal of more than half of the remnant blue gum high forest in the restricted development area as approved by council and identified as critically endangered ecological community pursuant to the Threatened Species Conservation Act 1994. The commissioner refused to allow this because in this particular area trees represented a reasonable balance between the development of the newly created and approved allotment and preservation of the remnant blue gum high forest, so the proposal was refused.

I have written to the Minister, Stuart Ayres, with copies sent to the Premier and the Minister for the Environment, Rob Stokes, calling for a moratorium on the legislation. Currently a review is being conducted. It is unusual to do a review within two months of legislation coming

into operation but obviously there are weaknesses in the legislation that allow abuses. These abuses are occurring. They are occurring in my electorate and in places like Lane Cove. People from Lane Cove who attended the meeting said that over 200 beautiful old trees had been cut down by tree loppers since the clearing code had been in operation. Those trees would never have been cut down if council had been given the final say.

Councils will now receive the message that they can refuse applications where there are a lot of trees that might be endangered by the 10/50 code, which will effectively destroy the 10/50 code in those instances. That is not a good thing either, in a sense, but it is a necessity. Hornsby Shire Council is being driven mad by residents who are furious—some may be happy that these trees are being cut down but most people live in the area because of the trees. They want to preserve them; the trees are part of the heritage of the area. Indeed, it is not only the trees; it is birds, possums and other animals. Unfortunately, I think we rushed into this legislation too quickly. I know I am being critical—and I am retiring—but whilst development is a good thing and Sydney has to go forward, it does not mean we have to destroy the heritage areas of the city. I am all for preserving Beecroft and Cheltenham. Indeed, one of the councillors lives in Epping and his house is affected. He is about half a mile away from any large trees, yet they would be able to cut down the trees in his backyard because of this ridiculous clearing code.

Mr JOHN SIDOTI (Drummoyne—Parliamentary Secretary) [11.35 a.m.]: I congratulate the member for Epping for talking so openly and being so frank. Often one does not agree with government policy but what good local members do then is stand up for their communities, for better or for worse. I commend him for that and for his advocacy. I wish him all the very best in his life after Parliament. He has made a substantial contribution to this place. I congratulate the member for Epping, Greg Smith.