



Lane Cove Bushland & Conservation Society Inc

P.O. Box 989, Lane Cove. NSW 1595

ABN 50 518 833 556

Email:lanecove_bushland@yahoo.com
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Director, Planning Frameworks
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Submission by the Lane Cove Bushland and Conservation Society on: SEPP (Environment), Explanation of Intended Effect

This submission is on the on the SEPP (environment), Explanation of Intended Effect, issued in October 2017. We comment solely on the changes to SEPP 19 – Bushland in Urban Areas.

The level of protection of urban bushland outlined in the Explanation of Intended Effect does seem to retain the level of protection in SEPP 19 which we regard as a necessary minimum. It is extremely important that provisions relating to land which **adjoins public bushland** retain the level of protection set out in clauses 9 and 10 of the current SEPP as set out below. This is particularly important for protecting biodiversity in our shrinking public and private urban bushland.

“9 Land adjoining land zoned or reserved for public open space

(1) This clause applies to land which adjoins bushland zoned or reserved for public open space purposes.

(2) Where a public authority:

(a) proposes to carry out development on land to which this clause applies, or

(b) proposes to grant approval or development consent in relation to development on land to which this clause applies,

the public authority shall not carry out that development or grant the approval or development consent unless it has taken into account:

(c) the need to retain any bushland on the land,

(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and

(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.

10 Preparation of local environmental plans

When preparing draft local environmental plans for any land to which this Policy applies, other than rural land, the council shall:

- (a) have regard to the general and specific aims of the Policy, and
- (b) give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland.”

This is particularly important in the light of the Biodiversity Offsets Scheme in the Biodiversity Conservation Regulation 2017. This is likely to place pressure on councils to place a lower value on the matters listed in clause 9, particularly in a Priority Precinct. Indeed, it is not clear whether the Biodiversity Conservation Regulation 2017 would override the SEPP’s provisions.

It should be noted that we regard the offset scheme as an unacceptable threat to bushland.

Plans of Management (p29)

We note that in the existing SEPP:

“Clause 8 provides **the option** (our emphasis) for councils to prepare a Plan of Management for bushland covered by the SEPP and specifies matters that should be addressed in the plans.” The smaller the area of urban bushland the greater need for management to protect biodiversity, particularly as development pressures increase. We suggest that councils should be **required** to prepare a plan of management for bushland, rather than it being optional.

Creating a new Ministerial Direction – Urban Bushland (p53)

The document states that:

“The new Ministerial Direction is intended to function largely the same way as clause 10 of SEPP 19.” It is not clear whether the Minister is **required** to make a direction. If it is at the Minister’s discretion, we can imagine a situation where development pressures stay the Ministers hand or reduce the priority given to retaining bushland. In the current political environment excessive weight is likely to be given to “economic ,,,benefits”. Historically, Ministers have not consistently favoured the environment in their decisions.

Areas covered by the legislation (p 29)

We suggest that its coverage be extended to other urban areas, for example: Newcastle, Wollongong, Blue Mountains, Port Stephens, Maitland and Port Macquarie all of which are experiencing urban expansion and need the same level of protection as the Sydney region.

Yours sincerely

Graham E Holland

Dr Graham Holland, Vice President LCBCS.

