

Friends of Narrabeen Lagoon Catchment



P.O. Box 845, Narrabeen NSW 2101

www.narrabeenlagoon.org.au

Executive Manager Environment & Climate Change
Northern Beaches Council
Civic Parade,
Dee Why NSW 2100

Re: Bushland and Biodiversity Policy

Dear Sir,

We are pleased that Northern Beaches Council is preparing a Bushland and Diversity Policy and that Council aims to “protect, enhance and restore the local bushland and biodiversity acknowledging the unique value it has on the Northern Beaches”.

We have made comment on some of the points raised in the draft policy. The purple wording is quoting from the proposed policy and our comments are in black.

Principles

We support and applaud all 8 principles of this Bushland and Biodiversity Policy.

a) The number 5 item – i.e.

Conservation of biological diversity and ecological integrity – conservation of biological diversity and ecological integrity should be a fundamental consideration.

ought to be at the top of the list

b) Item 2 needs the following words added:

“action on illegal and/or unapproved clearing of bushland” so that it reads

Incorporating the protection of bushland and biodiversity into Council operations, strategic land-use planning and development assessment and taking action on illegal and/or unapproved clearing of bushland

c) Item 3 needs words “and minimise” deleted so that it reads

Ensuring that new developments on the Northern Beaches are designed to avoid impacts upon bushland and biodiversity.

d) Item 4 needs to be separated into two sentences and an extra point added e.g.

5a Valuation of bushland areas to identify biodiversity investment opportunities.

5b Provision of incentive mechanisms for conservation on both public and private land across the Northern Beaches.

5c Recognition that bushland contributes to physical and mental wellbeing of people.

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- e) Item 8b needs to specifically add “Metropolitan Local Aboriginal Land Council” as being included in the category of private land owners so that it reads:

Engaging and collaborating with local bushland volunteer groups, private land owners including the Metropolitan Local Aboriginal Land Council, local businesses, and State Government, to motivate and inspire the community to value, protect and enhance our bushland.

Scope and Application

Under Scope and Application add the Metropolitan Local Aboriginal Land Council so that the statement reads

This policy applies to all ‘Bushland’, native vegetation and natural environment areas (including the Metropolitan Local Aboriginal Land Council land) in the Northern Beaches LGA outside National Parks.

Strategic land use planning

Recommend that planning proposals or rezoning with potential impacts upon bushland (native vegetation) follow the environmental impact assessment hierarchy of avoid and minimise impacts and then offset for residual impacts.

There needs to be a mechanism by which, if any planning proposal or rezoning has potential impacts upon bushland, the community is alerted and given opportunity to raise concerns.

The community needs to include environmental organisations that are registered as operating in the Northern Beaches. If Council does not currently have a **registry of environmental organisations that can quickly be notified** of such proposals, then a registry needs to be established.

Planning proposals (rezoning) within or adjoining bush fire prone areas should include an initial strategic assessment demonstrating that the proposal meets objectives to protect life, property and the environment from bush fire hazards ...

This is particularly poignant in November 2019, when we have had catastrophic fire risk conditions. Proposals need to ensure safe **multiple evacuation routes** for any people who would be in the area in the event of a fire.

The cumulative impacts of various proposals in the same bush fire prone area needs to be addressed before any approval is granted for a development particularly if the people who would be in the area are proposed to be disabled or elderly.

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The layout of a Planning Proposal must demonstrate that the required APZs can be met on the development site (PBP 2018) rather than encroaching into surrounding bushland.

Note: Council have set an unfortunate precedent by supporting the clearing of vegetation on unmade public roads to provide APZs. In the case of a seniors living development at Oxford Falls Road, this approval was based on the developer proposing to “improve existing vegetation”.

This precedent must be counteracted so that no future occurrence of this use of a road reserve can be accepted.

Prioritise the retention of core habitat areas to maintain high levels of biodiversity and protect water catchments.

There needs to be a formal method accepted by the Land and Environment Court for giving proper consideration to this restriction on development such that a developer would know it was not going to be accepted if they take it to court.

To meet aspirations for no loss of Council bushland – revenues generated from the sale, development or offsetting of natural areas (bushland) should generally be directed towards acquisition and management of bushland and biodiversity on the Northern Beaches.

This is a potentially confusing statement – the wording does not specify the ownership of the land that is being sold, developed or offset or the reason/s for the sale. Does this statement imply that Council would sell of some of Council land to purchase other areas of bushland and biodiversity?

Guidance on the assessment of developments and activities

We applaud the 10 points of guidance although there is no reference to how these guidelines would be enforced.

Apply conditions of consent which seek to avoid or minimise the potential impacts of companion animals (dogs and cats) where development proposals adjoin fauna habitats including Core Habitats, National Parks and dedicated Wildlife Protection Areas.

Is there a suitable budget in Northern Beaches Council to enable monitoring and enforcing these conditions of consent? There is a very poor record locally of any such conditions actually being enforced.

Management of invasive species on public and private land

We support the 10 management points but think that the most relevant one is ..
Secure long-term funding for pest animal management at the local level. This statement ought to include “and plant” after the word “animal”



There needs to be a clearer statement about the times when biodiversity offsets could be used to “permit” removal of bushland. Maybe this local policy needs to quote from the NSW Biodiversity Offset Scheme to clarify what situations would trigger that scheme.

Clearing of Bushland is a serious issue in the Northern Beaches

Unfortunately, we cannot find anything in the draft policy or in NSW legislation which deters developers from illegally clearing bushland.

There needs to be a clear statement, such as

“Protection of bushland is the responsibility of the land owner/s. As soon as Council becomes aware of any unauthorised clearing, immediate appropriate action will be undertaken by Council against the owner/s. This may include requiring the owners to organise revegetation of the area.”

Why do developers illegally clear bushland?

1. The fines are probably less than the cost of required ecological and biodiversity reports and offsets.
2. The financial benefits of illegal clearing outweigh the current fines for illegal clearing especially if the clearing removes any endangered species.
3. Applicants/ developers remove environmental constraints to future development proposals by unauthorised clearing.
4. It has been historically difficult for Council to prove the quality and density of vegetation prior to illegal clearing.
5. Often the courts will accept minimal numbers of tube stock be replanted even though it is well known that an ecosystem is difficult to replace with this method.

Why do developers **continue** to illegally clear bushland after being fined?

1. Applicants/developers who undertake illegal clearing are never held to account when lodging future development applications.
2. Legislation does not require Councils, planning panels or the L& E Court to take previous illegal clearing activities and or environmental damage into account.
3. The cumulative impacts of clearing as a result of successive Development Applications over the same land are not taken into account.

What are the problems in the current system?

1. The system of sending rangers to investigate clearing is inadequate as they generally have no knowledge of what clearing has been approved.
2. NSW legislation does not adequately support Council issuing immediate stop work orders i.e. Council needs to apply for a court injunction before the police can intervene to physically stop a contractor or a machine. This delay means land is actually cleared before Council Rangers arrive onsite.

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There are many instances in this policy that point to the need for adequate compliance staff employed by NB Council. We ask that Council ensure that there is funding factored into the budget for employing compliance staff.

Thank you for the opportunity to make comment on this Bushland and Biodiversity Policy.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ron Patton', with a horizontal line underneath it.

Ron Patton, President

November 20, 2019