



Bayside Council

Serving Our Community

23 January 2018

Our Ref: F09/566
Contact: Alexandra Vandine - 9562 1835

Director Planning Frameworks
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Re: Explanation of Intended Effect – draft State Environmental Planning Policy - Environment

Thank you for the opportunity to provide comments on the Explanation of Intended Effect for the proposed State Environmental Planning Policy (Environment) (EIE - Environment SEPP) and associated draft mapping for public consultation.

Council's submission is attached and is responding to the following public consultation documents:

- Explanation of Intended Effect for the proposed State Environmental Planning Policy (Environment) (EIE - Environment SEPP).
- Draft maps for the Environmental Zones (Environment SEPP Maps).

If you have any queries regarding this submission do not hesitate to contact Council's Senior Environment and Open Space Officer, Alexandra Vandine, on 9562 1835.

Yours sincerely

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EXPLANATION OF INTENDED EFFECT – DRAFT STATE ENVIRONMENTAL PLANNING POLICY - ENVIRONMENT AND DRAFT MAPS

Bayside Council - Environmental Assets

Although Bayside Council is highly urbanised, it contains numerous environmentally significant assets. These include Endangered Ecological Communities (EECs), threatened and migratory fauna habitats, and some key Sydney waterways including the Cooks River, Georges River, Botany Bay and Botany Wetlands.

Council allocates significant resources to protect these assets by using a multi-faceted approach that includes planning controls, community education and engagement and on ground works. The State Government's Draft Eastern Sydney District Plan also specifically references improving the environmental and amenity value of Rockdale and Botany Wetlands, Botany Bay Foreshore, Wollli Creek, Bardwell Valley and Cooks River Open Space Corridors.

Bayside Council welcomes any legislative changes that will recognise and support the protection of NSW environmental assets, particularly those that recognise the environmental, economic and social value of biodiversity within highly urbanised areas.

EIE draft Environment SEPP

Bayside Council (Council) has reviewed the Explanation of Intended Effect – draft State Environmental Planning Policy - Environment (EIE Environment SEPP) and associated draft maps.

Council, in principle, supports the role of the NSW Government working towards developing a new State Environmental Planning Policy (SEPP) for the:

- protection and management of our natural environment; and
- simplification of the planning rules for a number of water catchments, waterways, and urban bushland areas.

However, two of the key environmental issues in the Bayside Local Government Area (LGA) are the piecemeal loss of urban biodiversity and poor water quality. The creation of the State Environmental Planning Policy (Environment) (Environment SEPP), as well as the recently released Vegetation SEPP and draft Coastal SEPP, do very little to address these critical issues.

Council believes the EIE Environment SEPP shows a significant missed opportunity by the State Government to review and identify opportunities to enhance planning legislation to protect and manage the State's environment. Instead the creation of this SEPP is just a collation of existing controls.

Bayside Council believes that this can be addressed by the changes requested below.

1. Expansion of Environment SEPP to all waterways

The draft planning principles developed for the combination of the Georges River Regional Environmental Plan, Hawkesbury Nepean Regional Environmental Plan and the Harbour Regional Environmental Plan into the Environment SEPP are:

- consistent with any applicable catchment management strategy published by a NSW Government agency or authority.
- consider the cumulative impact of development on water quality and river flows.
- aim to identify, protect and where possible improve environmental values, having regard to maintaining biodiversity, the protection of native vegetation and cultural heritage and the importance of water resources.
- consider the natural and physical constraints of the land.
- consider the social, economic and environmental interest of the community.

These principles should be applied to all urban waterways within the Sydney Region, if not NSW. In particular, Bayside Council strongly encourages the application of these principles by the State Government to the Cooks River and Botany Bay catchments. These waterways have significant environmental, social and heritage values but are highly polluted by stormwater and sewage run off as their catchment is highly urbanised. The inclusion of these catchments into the Environment SEPP would reflect their environmental, social and economic importance and would ensure adequate consideration is provided to protecting their environmental value.

2. Inclusion of water quality standards into Environment SEPP

In addition, Bayside Council encourages the State Government to include water quality standards within the Environment SEPP for residential, commercial and industrial developments. Without existing water quality standards there is significant variation between Councils in considering and addressing the impacts of water quality. Councils which are located at the end of the catchment, such as Bayside Council, often bear the brunt of poor water quality decisions made further upstream. The Botany Bay Water Quality Improvement Plan (BBWQIP) stormwater pollution reduction targets are currently in Rockdale Development Control Plan 2011 (Rockdale DCP) and Botany Bay City Council Development Control Plan 2013 (Botany DCP) and are considered in many development assessments. The BBWQIP standards would be appropriate to integrate into the Environment SEPP.

3. Expansion of SEPP 19 to Bushland on Privately Owned Land

The general aim of the SEPP 19 - Bushland in Urban Areas is to protect and preserve bushland within the urban area because of it's:

- value to the community as part of the natural heritage;
- aesthetics value; and
- value as a recreational, educational and scientific resource.

Urban biodiversity is not only important for ecological values but plays a critical role in air quality improvement, micro climate regulation, noise abatement, water filtration and carbon sequestration. Increasingly, international research has shown that interaction with the natural environment contributes to a range of measurable positive benefits at individual and societal levels including general health advantages, a degree of social interaction and respite from mental fatigue.

The draft Greater Sydney Regional Plan has also identified as one of its core objectives that “biodiversity is protected, urban bushland and remnant vegetation is enhanced”.

The restriction of the application of SEPP 19 Bushland in Urban Areas (and into the future via the Environment SEPP) to publicly owned space or land that directly adjoins publicly owned space means that the significant areas of bushland on private property is not protected by this policy. Therefore Bayside Council requests this component of the Environment SEPP should be expanded to include all bushland in urban areas.

4. Additional Modifications

Bayside Council also requests the below modifications.

a) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River.

To not repeal Clause 9(2) of the Greater Metropolitan Regional Environmental Plan. The reason provided for this repeal is that the “flood planning” provisions adequately address the issue of bank disturbance. However the Flood planning provision does not cover all of the tributaries of the Georges River and therefore if this clause is repealed a number of tributaries will lose this environmental protection.

b) Land Use – Artificial Lakes

To not repeal Land Use – Artificial Lakes. The reason provided for this repeal is that artificial lakes are addressed in Fisheries Management Act 1994 and Water Management Act 2000. Bayside Council, however does not believe the Fisheries and Water Management legislation on artificial lakes, and its impact on surrounding water bodies, is as stringent in protecting the natural environment as in the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River.

c) Land Use Maintenance - Dredging

To not repeal Land Use Maintenance - Dredging. The reason provided for the repeal is that this activity is defined and regulated by the Fisheries Management Act. However, the permit requirement under the Fisheries Management Act only applies to land identified as key fish habitat. This does not cover all of the catchment of the Georges River and therefore waterways which are not key fish habitat will lose environmental protection.

d) Complimentary controls of interconnected SEPP's

With the development of the Environment SEPP Bayside Council will now have some land which is covered under three different environmental focused SEPPs – the Environment SEPP, the draft Coastal SEPP and the Vegetation SEPP. Therefore Council requests that NSW Department of Planning and Environment ensures that the controls within these SEPPs complement each other and do not result in confusion and conflict in their application.