

## Council Policy

### Bushland and Biodiversity

#### Policy Statement

Council aims to protect, enhance and restore local bushland and biodiversity and the unique value they have on the Northern Beaches. This includes enhancing the condition of bushland by protecting our local native plants and animals, as well as restoring ecosystems so they are healthy, resilient and valued by the community. Biodiversity assets protected under this Policy include – but are not limited to – core habitat, wildlife corridors, urban bushland and important habitat features such as hollows and old-growth trees.

The ‘Protect. Create. Live – Northern Beaches Environment and Climate Change Strategy 2040’ (Environment and Climate Change Strategy’) further outlines Council’s commitment to work with the entire community to protect our bushland and biodiversity.

This Policy should be read in conjunction with the Northern Beaches Bush Fire Management Policy 2021.

#### Principles

Council is committed to:

1. Maximising the retention of bushland and biodiversity assets across the Northern Beaches and recognising the necessity of proactive measures to protect and restore these assets.
2. Incorporating the protection of bushland and biodiversity into Council operations, strategic land use planning and development assessment.
3. Ensuring that new developments on the Northern Beaches are consistent with the principles of ecologically sustainable development and are designed to first avoid and then minimise impacts upon bushland and biodiversity, in addition to responding to bush fire risk.
4. The valuation of bushland areas to identify biodiversity investment opportunities and provide incentive mechanisms for conservation on both public and private land across the Northern Beaches.
5. Conservation of biological diversity and ecological integrity as a fundamental consideration.
6. The precautionary principle – if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation<sup>1&2</sup>. Decisions should be guided by avoiding serious or irreversible damage to the environment and assessment of the risk-weighted consequences of various options<sup>2</sup>.
7. Intergenerational equity – the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.
8. Raising awareness and involving the community in the management, protection and restoration of bushland and natural areas through the following:
  - Actively engaging in partnerships, research and innovation opportunities to improve bushland and biodiversity management.

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<sup>1</sup> Section 3(A) *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

<sup>2</sup> Section 6(2) *NSW Protection of the Environment Administration Act 1991*

- Engaging and collaborating with local Bushcare volunteer groups, private land owners, local businesses and State Government, to motivate and inspire the community to value, protect and enhance our bushland.
- Council will continue to utilise its Environment Centres to be key education facilities to broaden the community's knowledge on our local bushland and biodiversity, including threatened species and ecological communities.

### **Scope and Application**

This Policy applies to all land owned by Northern Beaches Council or for which Council has responsibility as land manager, and to all private land within Council's boundaries. The Policy does not apply to National Parks, or Crown, State and Federal lands over which Council has no jurisdiction. The Policy prioritises natural assets for protection where appropriate. The application of this Policy is as follows:

#### ***Strategic Policy and Land Use Planning***

Strategic land use planning will place an appropriate weighting on bushland and biodiversity commensurate with the 'conservation significance' of the land. This Policy seeks to place a more equitable value on bushland and biodiversity whilst having regard to economic, social and environmental matters.

Council will prioritise the protection and management of areas with high environmental values including core habitats, wildlife corridors, threatened ecological communities, bushland reserves and areas identified on the NSW Biodiversity Values Map<sup>3</sup>.

Council will apply the following approaches including applicable legal requirements to achieve this aim:

- Require that planning proposals (rezoning) with potential impacts upon bushland follow the environmental impact assessment hierarchy of first avoiding and then minimising impacts and finally offsetting for residual impacts.
- Planning proposals must demonstrate that any required bush fire Asset Protection Zones (APZs) can be met on the development site rather than encroaching into adjacent lands, in accordance with Planning for Bush Fire Protection (PBP) 2019.
- Planning proposals 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 by discouraging the establishment of incompatible land uses in bush fire prone areas (s.9.1(2) of the NSW *Environmental Planning and Assessment Act 1979*). Strategic assessments should provide for the exclusion of inappropriate development in bush fire prone areas where environmental constraints to the site cannot be overcome (PBP 2019).
- Prioritising the retention of core habitat areas to maintain high levels of biodiversity and protect water catchments.
- Identify, conserve and, where appropriate, restore threatened species habitat.
- 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 within the Northern Beaches Local Government Area (LGA).
- Identify options for funding, acquisition and reservation of bushland with significant biodiversity, habitat, recreational and scenic values.

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<sup>3</sup> View online - <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

- Increase the availability of local offsets by establishing offset lands or 'Biodiversity Stewardship Sites' (formerly BioBank sites) on Council land where appropriate.
- Investigate options for the provision of incentives/assistance to property owners to conserve bushland on private land, provided bushland reserves are of a viable size and shape with vegetated linkages to other bushland in secure tenure.
- Coordinate with other local councils, state government and owners of large bushland areas (e.g. Metropolitan Local Aboriginal Land Council) to protect bushland and wildlife corridors at a regional level.

### **Guidance on the Assessment of Developments and Activities**

For developments potentially impacting bushland and biodiversity, Council's assessment will include consideration of the following:

- Ecological assessment and reporting is to be undertaken in accordance with the NSW *Biodiversity Conservation Act 2016*, State and Commonwealth survey guidelines and industry best practice survey methodologies.
- Ensuring that all feasible measures have been demonstrated to first avoid and then minimise ecological impacts before residual impacts are assessed.
- Evaluation of proposed ecological impacts (including vegetation clearing), based on consistency with requirements of the Local Environment Plan (LEP) and Development Control Plan (DCP), irrespective of proposed offsetting arrangements under the NSW Biodiversity Offsets Scheme.
- Ensuring that residual biodiversity impacts resulting from development are minimised through implementation of on-site mitigation measures identified in biodiversity management plans and/or conditions of consent.
- Applying conditions of consent for offsetting of residual biodiversity impacts where developments trigger the NSW Biodiversity Offsets Scheme.
- Where proposed offsets (i.e. the retirement of biodiversity credits or other statutory offsetting options) are not located in the Northern Beaches Local Government Area, increased offsetting obligations may be required by Council in accordance with Part 7.13 (4) of the NSW *Biodiversity Conservation Act 2016*.
- Ensuring that all new developments on the Northern Beaches are situated and designed to minimise impacts on bushland including clearing required to establish bush fire Asset Protection Zones (APZs).
- Ensuring that development does not impede the ecological function of wildlife corridors.
- Ensuring development provides opportunities for both reinstatement and enhancement of local biodiversity by conditioning the planting of locally native species on private land where needed.
- Applying conditions of consent which seek to avoid or minimise the potential impacts of companion animals (dogs and cats) where development proposals adjoin habitat such as core habitats, National Parks and Wildlife Protection Areas.
- Enforcement procedures and penalties for unauthorised development activities will be undertaken in accordance with Council's Compliance and Enforcement Policy, relevant legislation and associated regulations.

### ***Management of Bushland Areas on Public Land***

The intended outcomes for bushland management programs on land under Council's care and control include:

- Restoration projects will aim to restore bushland to a condition that is as self-sustaining as possible, giving consideration to addressing the causes of bushland degradation as well as the symptoms. It is acknowledged that many areas of restored bushland will always require some level of maintenance due to irreversible changes in environmental conditions.
- In general, bushland restoration work on public land will be undertaken by qualified bush regeneration contractors, staff and supervised volunteer groups.
- Weed control works will be undertaken in a staged process so that short-term loss of fauna habitat within the immediate locality, in particular structural cover and shelter, is minimised. Where suitable, shelter and cover for fauna may be reconstructed at the sites of restoration projects.
- Revegetation will involve the use of local native plant species sourced from the local area based on industry best practice.
- Where revegetation or replanting of public open space may result in loss of local amenity, changes to public access (via designated trails) or loss of view lines, consultation with relevant stakeholders will be undertaken prior as part of decision making.
- The restoration and enhancement of public bushland will be prioritised based on both conservation significance and the level of public interest.
- Bushland remnants within wildlife corridors and buffer zones will be protected, restored and enhanced.
- Sustainable recreational access to bushland reserves will be provided with a focus on environmental interpretation of features with special ecological and cultural significance where appropriate.
- Best practice bushland restoration practices will be integrated into natural area management projects undertaken by all sections of Council.
- The consequences of climate change affecting bushland will be planned for, particularly in relation to strategic bush fire mitigation measures.
- Council will ensure an integrated approach to planning for bush fire risk. Mitigation and treatment of bush fire risk will not be reliant upon prescribed burning alone.
- Existing residential properties along the bushland reserve interface will be protected in accordance with requirements of the Bush Fire Risk Management Plan.
- Bushland compliance matters including illegal vegetation clearing, tree vandalism, encroachments, rubbish and vegetation dumping will be prioritised and managed in accordance with Council's Compliance and Enforcement Policy and associated Compliance and Enforcement Guidelines.

### ***Management of Invasive Species on Public and Private Land***

Council will provide a consistent approach to the assessment, compliance and management of threats to bushland and biodiversity resulting from invasive species.

Council will manage weeds on private land in accordance with its function as the local control authority under Section 371 of the NSW *Biosecurity Act 2015*. Pest animals will be managed in accordance with the NSW Government's *Greater Sydney Regional Strategic Pest Animal Management Plan*.

Council's approach to the management of invasive species will include:

- Maximising the effectiveness of pest animal and weed control programs by coordinating with other land management agencies, neighbouring councils and private landowners.
- Plan for the consequences of climate change affecting bushland and biodiversity, particularly in the areas of bush fire hazard control and pest species management.
- Weed species subject to enforcement by Council are set out under the following categories:
  - Weeds listed under Schedule 3 of the NSW *Biosecurity Act 2015* or specified mandatory measures under the NSW *Biosecurity Regulation 2017*;
  - State and Regional Priority Weeds, identified in Appendix 1 of the *Greater Sydney Regional Strategic Weed Management Plan*;
  - Local Priority Weeds, identified by Northern Beaches Council in the *Local Priority Weed Management Plan*.
- Recognition that in certain situations, some over-abundant native plants (such as Sweet Pittosporum and Cheese Trees) and animals (such as native miner birds) have become invasive species which are impacting upon local bushland and biodiversity and are to be managed as pest species in accordance with this Policy and relevant legislation. Further information regarding invasive native species will be placed on Council's website.
- Educating the community on the identification and impacts of pest animals.
- Gaining commitment from land management agencies and neighbouring councils to help coordinate collaborative local pest animal management.
- Securing long-term funding for pest animal management at the local level.
- Prioritising management of pest animals (e.g. foxes, rabbits and cats) in areas where threatened species are being impacted upon and within Wildlife Protection Areas as declared by Council in accordance with the NSW *Companion Animals Act 1998*.
- Encouraging responsible ownership of domestic animals (e.g. dogs, cats and rabbits) in accordance with the NSW *Companion Animals Act 1998* to avoid potential impacts to biodiversity.
- Preventing new incursions of pest animals (e.g. deer, pigs and goats) into the Sydney North Region.

## References and Related Documents

- Government Architects Office of NSW (2018) *Greener Places – Draft Bushland and Waterways Guide*
- Government Architects Office of NSW (2018) *Greener Places – Draft Bushland and Waterways Manual*
- *Greater Sydney Regional Strategic Pest Animal Management Plan (2018)*, NSW Government, Local Land Services
- Northern Beaches Bush Fire Management Policy 2021
- NSW *Biodiversity Conservation Act 2016*
- NSW *Biodiversity Conservation Regulation 2017*
- NSW *Biosecurity Act 2015*

- NSW *Companion Animals Act 1998*
- NSW *Environmental Planning and Assessment Act 1979*
- NSW *Local Government Act 1993*
- NSW *Rural Fires Act 1997*
- NSW Planning for Bush Fire Protection (PBP) 2019
- Protect, Create, Live – Northern Beaches Environment and Climate Change Strategy 2040
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ('Vegetation SEPP')

## Definitions

*Biodiversity Offset*: measurable conservation outcomes resulting from actions designed to compensate for impacts to biodiversity arising from developments and activities. Biodiversity offsets usually involve the protection (e.g. tenure security) and management of natural areas.

*Biodiversity Stewardship Site (formerly BioBank Site)*: a system that enables biodiversity credits (management actions to improve biodiversity) to be traded and used as an offset against the impact of proposed development on biodiversity values.

*Biodiversity*: the variety of life forms, the different plants, animals, fungi and micro-organisms, genetic material and ecosystems.

*Bushland*: bushland contains vegetation that is natural or representative of the structure and floristics of the native vegetation that was known to exist before European settlement. This encompasses a spectrum of areas that extend spatially from core habitat (see definition below) of contiguous terrestrial bushland areas in large reserves to small pockets of bushland and vegetated riparian corridors. This land may be in public or private ownership and may include areas previously cleared that have regenerated or areas that may be degraded, yet still provide an important ecological function and future potential (Adapted from Government Architect's Office of NSW 2018 publication: *Greener Places – Draft Bushland and Waterways Guide*).

*Core Habitat*: larger contiguous areas of bushland which are usually over 3.5 ha in size. Core habitats are the least disturbed and the most biodiverse, representative of the structure, function and composition known to exist before European settlement. Protection and management of these areas is important to protect biodiversity and ensure long-term stability of ecosystem functions (Adapted from Government Architect's Office of NSW 2018 publication: *Greener Places – Draft Bushland and Waterways Manual*).

*Ecologically Sustainable Development*: the concept that developments and activities are undertaken in such a way as to conserve or enhance the natural environment.

*Ecosystem*: all the plants, animals and micro-organisms that live in a particular area and the relationships that exist between them and their physical environment.

*Habitat*: an area or areas occupied, or periodically or occasionally occupied, by a species, population or ecological community and including any biotic or abiotic component.

*Mitigate*: actions which lessen or eliminate the severity of an adverse impact.

*Native Vegetation*: native vegetation means any of the following types of plants native to New South Wales:

- trees (including any sapling or shrub or any scrub),
- understorey plants,
- groundcover (being any type of herbaceous vegetation),
- plants occurring in a wetland.

A plant is native to New South Wales if it was established in New South Wales before European settlement (adapted from NSW *Local Lands Services Act 2013*).

*Sustainable*: the effective integration of economic and environmental considerations in decision-making processes.

*Vegetation Community*: an assemblage of plants that has evolved in response to specific environmental factors e.g. a sandstone swamp community occurs on Hawkesbury sandstone soils in the wettest sites.

*Weed*: any plant requiring intervention to reduce its effect on our environment, economy, human health and amenity.

*Wildlife Corridors*: areas that support urban habitat and the movement of wildlife between core areas of bushland or waterways. Wildlife corridors support genetic dispersal, ecological function and resilience and can include vegetated riparian corridors, street trees, ponds, rocky outcrops, parks, gardens and green roofs, and balconies. They are areas where most city dwellers interact with nature (Adapted from Government Architect's Office of NSW publication: Greener Places – Draft Bushland and Waterways Guide).

*Wildlife Protection Areas*: public places set apart for the protection of our native animals and their habitats as declared by a local authority under the NSW *Companion Animals Act 1998*. Cats are prohibited from entering a Wildlife Protection Area at all times and dogs are prohibited from some and must be on a lead and remain on designated tracks within all others.

### Responsible Officer

Executive Manager Environment & Climate Change

### Review Date

February 2025

### Revision History

Revision	Date	Status	TRIM Ref
1	27 September 2019	Draft Bushland and Biodiversity Policy 2019	2020/008236
2	23 February 2021	Final Bushland and Biodiversity Policy 2021	2017/126370