

State Environmental Planning Policy No 19-- Bushland in Urban Areas

As at 22 February 2014

1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 19--Bushland in Urban Areas*.

2 Aims, objectives etc

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,
- (b) its aesthetic value, and
- (c) its value as a recreational, educational and scientific resource.

(2) The specific aims of this policy are:

- (a) to protect the remnants of plant communities which were once characteristic of land now within an urban area,
- (b) to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,
- (c) to protect rare and endangered flora and fauna species,
- (d) to protect habitats for native flora and fauna,
- (e) to protect wildlife corridors and vegetation links with other nearby bushland,
- (f) to protect bushland as a natural stabiliser of the soil surface,
- (g) to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,
- (h) to protect significant geological features,
- (i) to protect existing landforms, such as natural drainage lines, watercourses and foreshores,
- (j) to protect archaeological relics,
- (k) to protect the recreational potential of bushland,
- (l) to protect the educational potential of bushland,
- (m) to maintain bushland in locations which are readily accessible to the community, and
- (n) to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

3 Application of Policy

(1) Subject to subclause (2), this Policy applies to the areas and parts of areas specified in Schedule 1.

(2) This Policy does not apply to:

- (a) land reserved or dedicated under the *National Parks and Wildlife Act 1974*, as an Aboriginal area, historic site, national park, nature reserve, state game reserve or state recreational area, or
- (b) land within a State forest, flora reserve or timber reserve under the *Forestry Act 1916*, or
- (c) land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.

4 Interpretation

(1) In this Policy, except in so far as the context or subject-matter otherwise indicates or requires: "**bushland**" means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation. "**council**", in relation to the carrying out of any proposed development, means the council of the area in which the development is proposed to be carried out. "**main road**" means a main road within the meaning of the *Main Roads Act 1924*. "**the Act**" means the *Environmental Planning and Assessment Act 1979*.

(2) A reference in this Policy to bushland zoned or reserved for public open space purposes is a reference to bushland within an area or zone identified by an environmental planning instrument as open space (other than for private recreation).

(3) A reference in this Policy to disturbing bushland is a reference to removing vegetation from the bushland or causing a change in the natural ecology of the bushland resulting in the destruction or degradation of that bushland.

5 Relationship with other environmental planning instruments

(1) Subject to section 74 (1) of the Act and subclause (3), in the event of an inconsistency between this Policy and another environmental planning instrument, whether made before, on, or after the date on which this Policy is made, this Policy shall prevail to the extent of the inconsistency.

(2) (Repealed)

(3) Nothing in this Policy shall affect the operation of *State Environmental Planning Policy No 14--Coastal Wetlands*.

6 Consent to disturb bushland zoned or reserved for public open space

(1) A person shall not disturb bushland zoned or reserved for public open space purposes without the consent of the council.

(2) Nothing in subclause (1) requires development consent for the disturbance of bushland where it is being disturbed:

(a) for the purposes of bushfire hazard reduction,

(b) for the purpose of facilitating recreational use of the bushland in accordance with a plan of management referred to in clause 8 of this Policy,

(c) for the purpose of constructing, operating or maintaining:

(i) lines for electricity or telecommunication purposes, or

(ii) pipelines to carry water, sewerage or gas or pipelines licensed under the *Pipelines Act 1967*, or

(d) for the purpose of constructing or maintaining main roads.

(3) Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development referred to in subclause (1) in the same way as those provisions apply to and in respect of designated development.

(4) A consent authority shall not consent to the carrying out of development referred to in subclause (1) unless:

(a) it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,

(b) it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and

(c) it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.

7 Public authorities

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

(2) A public authority shall not disturb bushland for a purpose referred to in clause 6 (2)

unless it has first had regard to the aims of this Policy.

8 Plans of management

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

(2) Where the council considers it necessary or desirable to provide more detailed provisions than are contained in this policy, it may prepare or cause to be prepared a plan of management in respect of bushland to which this clause applies.

(3) The format, structure and procedures for the preparation, public exhibition, approval, amendment and repeal of any such plan of management shall be in accordance with Part 3 of the *Environmental Planning and Assessment Regulation 1980*, which shall, for the purpose of its application under this subclause, be construed as if:

(a) each reference to a development control plan were a reference to a plan of management prepared under this clause, and

(b) the reference to a local environmental plan in clause 19 (2) of that Regulation were a reference to this Policy.

(4) The plan of management shall not be inconsistent with the aims of this Policy and, in respect of bushland to which it applies, it shall:

(a) identify the bushland to which the plan applies,

(b) describe and analyse the bushland taking into consideration the matters listed in clause 2 (2) (a)-(m), and

(c) specify measures to be taken:

(i) to implement the specific aims of this Policy,

(ii) to enable recreational use of the bushland,

(iii) to reduce hazard from bushfire,

(iv) to prevent degradation of bushland, including degradation through alteration of drainage patterns, rubbish dumping, infestation with weeds and exotic plants or the intrusion of vehicles, and

(v) to restore and regenerate degraded areas of bushland.

(5) A plan of management prepared in accordance with this clause shall be available for public inspection, without charge at:

(a) the office of the council during ordinary office hours, and

(b) such other premises operated or controlled by the council and at such times as are determined by the council.

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.

Schedule 1 Areas and part areas to which the Policy applies

(Clauses 2 (1), 3 (1))

Ashfield.

Auburn.

Bankstown.

Baulkham Hills.

Blacktown.

Botany.

Burwood.

Camden.

Campbelltown.

Canterbury.

Concord.

Drummoyne.

Fairfield.

Gosford.

Hawkesbury, excluding all of that part of the Shire which is north of the Colo River.

Holroyd.

Hornsby.

Hunters Hill.

Hurstville.

Kogarah.

Ku-ring-gai.

Lake Macquarie.

Lane Cove.

Leichhardt.

Liverpool.

Manly.

Marrickville.

Mosman.

North Sydney.

Parramatta.

Penrith.

Randwick.

Rockdale.

Ryde.

Strathfield.

Sutherland.

Sydney.

Warringah.

Waverley.

Willoughby.

Woollahra.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *State Environmental Planning Policy No 19--Bushland in Urban Areas* published in Gazette No 169 of 24.10.1986, p 5220 and amended in Gazette of 2.12.1988 and as follows:*Sydney Regional Environmental Plan No 31--Regional Parklands* (GG No 95 of 8.6.2001, p 3589)

2008	No 114	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2008</i> . Assented to 10.12.2008. Date of commencement of Sch 2.29, assent, sec 2 (2).
2009	(91)	<i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i> . LW 6.3.2009. Date of commencement, on publication on LW.
2013	(706)	<i>State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Commercial and Industrial Development and Other Matters) 2013</i> . LW 20.12.2013. Date of commencement, 22.2.2014, cl 2.

Table of amendments

Cl 3	Am 8.6.2001; 2009 (91), Sch 3.4.
Cl 5	Am 2013 (706), Sch 2.1.
Cl 8	Am 2008 No 114, Sch 2.29.
Sch 1	Am 2.12.1988.