



30 August 2002

Ministry For Land and Water Conservation
Level 31 Governor Macquaire Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Sir

The Australian Environment Business Network (AEBN) welcomes the opportunity to comment on both the Sydney Harbour Catchment Blueprints (SHCB) and Southern Sydney Catchment Blueprints (SSCB).

AEBN is an industry and business representative body specializing in environmental issues, which affect our members. Our membership collectively has a turnover in excess of \$50 billion and employs well over 50,000 employees. Further information about AEBN can be found on our website at www.aebn.com.au.

The principle and thrust of the Catchment Blueprints is supported by AEBN, however a small number of issues do arise in respect to the definitions used and the implementation of the blueprints on industrial land.

Industry and business fully support the need to improve the environment of catchments and waterways across NSW. This submission focuses on only a few matters in the generally well-prepared Blueprints the catchment boards across NSW have developed. The following critical comments should not be meant to detract from the bulk of the contents and action priorities in all the NSW catchment blueprints.

The key issue in both the SHCB and the SSCB is the requirement to impose riparian buffer zones of at least 20 metres to watercourses in these catchments. AEBN objects to the tightness of the definitions for watercourse and riparian buffer zone used only in these two catchment blueprints.

AEBN considers that improvement to the environment and quality of catchments should be achieved in a cost effective and flexible manner in which landowners are provided with a clear indication of what actions could be required of them. As a consequence any changes to be imposed on landholders should be accompanied with long lead times and these lead times, where possible, should be proportional to the cost of the required changes.

AEBN issues start with the following SHCB action priorities, which also have similar action priorities in the SSCB, and include :

8 Develop and implement local education strategies and training to increase community and local, State and Federal Government awareness and understanding of biodiversity and its conservation including:

- *Key threatening processes*
- *Indigenous fisheries*
- *'Caring for country'*
- *Impact of pest species on the catchment*
- *The need for buffer zones and habitat connectivity*
- *The need for land manager and community involvement in on-ground activities*
- *The impacts of nutrients on the catchment*
- *Responsible boating practices*
- *Soils and erosion issues*

23 Develop and implement provisions to protect the biodiversity of the headwaters of streams, stream banks and riparian corridors in Stormwater Management Plans and Environment Planning Instruments.

The key issue from the above is the proposed application of a Riparian Buffer Zones, corridors, buffer zones and habitat connectivity in general. On the surface the above management actions appear reasonable as AEBN has no issue with the principle of applying riparian buffer zones and the like. The concern is raised when the action priority is referenced with the following definitions contained in both the SHCB and SSCB:

Riparian Buffer Zones: *An area of vegetated land between an area of activity (for example an urban area) and a drainage line, creek or river. An appropriate buffer zone would be a minimum of 20 metres from any watercourse, although in some cases, depending on site specific considerations a greater width should be applied. And*

Watercourse: *A river or stream, whether perennial or intermittent, flowing in a:*
(i) natural channel with an established bed, or in a
(ii) natural channel artificially modified, or an
(iii) artificial channel which has changed the course of a stream of water.

In comparison other catchment blueprints commonly used the following definitions, if at all in relation to riparian zones:

Riparian buffer: *A strip of vegetation which lies beside creeks or rivers and which acts as a "shock absorber" for the water environment from the surrounding land use.*

Riparian zone: *any land which adjoins, directly influences, or is influenced by a body of water.*

Many industrial and business developments in the Sydney area contain watercourses and are potentially affected by the imposition of SHCB action priority 23. Many companies will not be able to allocate a 20 metre buffer zone around existing watercourses due to building erections and other infrastructure that was granted development consent or was. The definition of watercourse, in both the SHCB and SSCB, can be interpreted to include

most open drains and stormwater channels. As a large portion of industry is placed on land with drainage channels or on flood prone land, the broadness of this definition is of concern.

While existing infrastructure is a basic concern many companies have purchased land without fully developing its entire surface. Such landowners with a watercourse/s on it may be subjected to the 20 metre riparian zone upon seeking a development application. Such action may devalue their land asset and undermine potential future employment opportunities in that area. Indeed landowners that have buried their watercourses will benefit and those leaving a natural waterway or even concreting it but leaving an open bed may be penalized, although this is dependent on the size of the watercourse. Care in the implementation of the action priorities must be undertaken along with a more certain application of these actions.

AEBN does not consider it is the purpose or intent of the Blueprints to force demolition of employment generating infrastructure. On too many occasions industry has seen poor interpretation used by opponents to a company, development or an individual to impede its business. Consequently, the blueprint should be more specific in how it should be interpreted and how it should be interpreted or recommend a flexible approach as a condition.

Overall the most controversial issue is the definition of riparian buffer zone and the minimum 20 metre distance. On inspection of other catchment blueprints AEBN found no other reference or definition, which is close to those in the SHCB or SSCB. For example, the following do not include such a specific definition or reference to riparian buffer zones that specify a minimum width:

- Boarders River Catchment Blueprint
- Central Coast Catchment Blueprint
- Gydir Catchment Blueprint
- Hawkesbury Lower Nepean Catchment Blueprint
- Hunter Catchment Blueprint
- Lachland Catchment Blueprint
- Lower Murray Darling Catchment Blueprint
- Lower North Coast Catchment Blueprint
- Mid North Coast Catchment Blueprint
- Murray Catchment Blueprint
- Murrumbidgee Catchment Blueprint
- Northern Rivers Catchment Blueprint
- Southern Catchment Blueprint
- Upper North Coast Catchment Blueprint
- Western Catchment Blueprint
- Warragamba Catchment Blueprint

It is only the Sydney Harbour and the Southern Sydney Catchment Blueprints, which contain the 20 metre riparian zone definition. AEBN appreciates that each Blueprint should be different to reflect local catchment issues, but the use of inconsistent definitions across the Blueprints will cause at a minimum confusion.

AEBN does acknowledge that the following action priority from the SHCB seeks to provide assistance for landholders:

66 Develop and implement strategies to assist landholders and other interested parties to access resources to implement improved management of riparian zones via existing or new programs.

In rural areas such as for the Western Catchment Blueprint the action priority was extended further to:

‘SRD to coordinate the development of alternative income opportunities for landholders who manage the riparian zone for protection of natural resource values within 2 years of plan approval.’

AEBN does acknowledge that this is aimed at primary producers rather than industry, but it does identify significant variations across the Blueprints in terms of financial assistance.

For the SHCB and the SSCB AEBN recommends:

- 1) Inclusion of a grandfather clause which permits the ongoing use of existing buildings and infrastructure within potential riparian zones and other buffer areas**
- 2) Biodiversity and ecological community issues associated with grand fathered areas (see 1) should be addressed by educational and other direct assistance methods as set out in action priority 66**
- 3) Omit from the definition of riparian buffer zones the sentence, ‘An appropriate buffer zone would be a minimum of 20 metres from any watercourse, although in some cases, depending on site specific considerations a greater width should be applied.’**
- 4) Application of riparian zones, buffer zones and any habitat connectivity areas should be implemented through the use of development applications**
- 5) Application of riparian and buffer zones should proceed in a practical and flexible manner to achieve the best affordable environmental option at the lowest cost.**

AEBN considers the above changes and implementation recommendations will assist in providing greater consistency and certainty across NSW.

Should you wish to discuss the above recommendations please contact me on 9924 7515.

Yours sincerely

ANDREW DOIG
Director
AUSTRALIAN ENVIRONMENT BUSINESS NETWORK