

Environmentally Sensitive Areas

1. Objectives

The objectives of these controls are to:

- provide environmental controls for development that affects tree and vegetation preservation, waterways, water bodies and wetlands, riparian corridors, groundwater and biodiversity management

2. Temora Local Environmental Plan 2010

The *Temora Local Environmental Plan 2010* includes clauses relating to the environment, namely 6.1 Biodiversity, 6.2 Land and 6.3 Water. These clauses apply to land identified as stated in the LEP. Sensitive areas are mapped and these provisions apply to the areas identified by the Natural Resource Sensitivity Maps for Land, Water and Biodiversity within the Temora LEP.

Notwithstanding this, Council recognises the limitation of the broadscale nature of the Natural Resource Sensitivity Maps, and Endangered Ecological Communities may be present outside of these mapped areas. Council may require site specific mapping, aerial images and/or onsite ground truthing to substantiate the ecological value, or otherwise, of a potential development site.

3. Tree and vegetation preservation

Objective

To ensure trees and vegetation that contribute to the environmental and amenity value of the region are preserved.

Controls

All trees and shrubs on land that is identified as being of ecological significance are to be preserved.

A tree is defined as a plant with:

- one or more self supporting trunks, any one of which has a circumference of 30 centimetres or more (at a height of 40 centimetres above existing ground level), or
- a height of 2.5 metres or more, or a branch spread of more than 2.5 metres.

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree identified above without the authority conferred by development consent or a permit granted by the Council.

Any removal of native vegetation including trees, shrubs and other vegetation that occurs in an area zoned non-urban and non-industrial, may require consent under the *Native Vegetation Act* unless an exemption applies.

All 'woody weeds' (noxious or environmental), exotic and invasive woody shrubs and woody trees are not protected.

Where development is proposed to be located within existing mapped sensitive areas, applicants shall respond to the requirements set out in the appendices to this DCP.

Note: Refer to clause 6.1 of the LEP.

4. Waterways, water bodies and wetlands

Objective

To maintain and enhance the ecological values of waterways and wetlands, including water quality, stream integrity, biodiversity and habitat, within the Shire.

Controls

There should be no changes to the hydraulic regime (diversions or changes to the channel) of a wetland or waterway. Changes to the hydraulic regime are only supported where appropriate for the natural enhancement of the wetland or waterway (i.e. improving environmental values).

The ecological integrity of wetlands and waterways must be maintained. Development must not significantly impact on flora, fauna, habitat or other ecological values associated with the wetland or waterway.

All stormwater being discharged into a wetland or waterway must be appropriately treated prior to discharge to ensure no significant impact on the receiving waters.

Where development is proposed to be located within existing mapped sensitive areas, applicants shall respond to the requirements set out in the appendices to this DCP.

Note: Refer to clause 6.3 of the LEP.

Advisory Notes

1. (1) Excavation of material from the bed or banks of a waterbody,
(2) depositing any sand, soil, rock, rubble or other material on the bed of a waterbody,
(3) constructing a structure (weir, dam, causeway etc) within a waterbody such that the flow of water or free passage of fish may be obstructed, or
(4) extracting water from the waterway,

may require a permit in accordance with the provisions of the *Water Management Act, Rivers and Foreshores Improvement Act or the Fisheries Management Act*. Please check with the Department of Industry and Investment – Fisheries and Department of Environment, Climate Change and Water.

2. “Degradation of native riparian vegetation along NSW waterways”, “Removal of large woody debris (snags)” and “Installation and operation of in-stream structures and other mechanisms that alter natural flow regimes of rivers and streams” are listed as Key Threatening Processes under the provisions of the *Fisheries Management Act*. Careful consideration is required to be given to the appropriateness of a development proposal that will contribute to a loss or decline in native riparian vegetation, involve the removal of snags or involve the installation or change in operation of an in-stream structure.

Note: These advisory notes were provided by the Department of Industry and Investment – Fisheries:

- (i) to raise awareness of other approvals that may be required by an applicant seeking development consent from Council and thereby helping to avoid inadvertent breaches of legislation, and
- (ii) to raise awareness of Key Threatening Processes and relevant assessment requirements.

5. Riparian corridors

Objective

To maintain and enhance riparian buffers to preserve the environmental values associated with waterway and wetlands, having specific regard to fauna and flora habitats and ecosystems, stream integrity (including erosion management), land use impacts and recreational/visual amenity.

Controls

Vegetation buffers should be provided adjacent the high bank of the water in accordance with the following requirements (based on the order of the waterway):

- Strahler Stream Order 1 and 2 – 10 metres,
- Stream Order 3 and 4 – 25 metres, and
- Stream Order 5 – 50 metres.

A riparian buffer of at least 50 metres should be provided around the perimeter of any significant wetland.

All development (buildings, structures, infrastructure, etc.) must be located outside of these buffers.

Existing native vegetation within the riparian buffer should be maintained and enhanced using local plant species.

Where development is proposed to be located within existing mapped sensitive areas, applicants shall respond to the requirements set out in the appendices to this DCP.

Note: Refer to clause 6.3 of the LEP.

6. Groundwater

Objective

These provisions seek to protect and enhance the water quality of groundwater systems as well as identifying and protecting vulnerable groundwater resources from contamination as a result of inappropriate development.

Controls

Applicants must consider the extent to which the development would affect the groundwater resources in terms of the:

- Potential for ongoing impacts through the operation of the development, and
- Adequacy of the measures proposed to avoid, mitigate or remedy any adverse affects of the proposed development.

Development consent must not be granted to development unless the applicant has submitted a report with the development application that addresses, to the satisfaction of the consent authority, the following matters:

- (a) characteristics of the groundwater present in the area,
- (b) any potential risk of groundwater, contamination from on-site storage or disposal of solid or liquid waste and chemicals,
- (c) any potential adverse cumulative impacts on groundwater including the impacts on groundwater extraction for potable water supply or stock water supply,

- (d) a description of any proposed measures to be undertaken to avoid or ameliorate any potential adverse impact, and
- (e) that the extraction is environmentally sustainable, i.e. does not exceed re-charge.

Note: Groundwater extraction also requires consent from the NSW Office of Water – Refer to clause 6.3 of the LEP

7. Biodiversity management

Objectives

- To protect ecological and biodiversity values of environmentally sensitive areas,
- To maintain and enhance significant habitat and ecological corridors, and
- To ensure connectivity between areas of native vegetation and habitat with and external to the site.

Controls

Sensitive Areas

Existing mapped sensitive areas are retained and enhanced. Specifically, development will not be supported where development:

- adversely impacts on native vegetation within the sensitive area,
- reduces the scale and biodiversity of the vegetation within the sensitive area, or
- limits the function and capacity of the habitat within the sensitive area.

Where development is proposed to be located within existing mapped sensitive areas, applicants shall respond to the requirements set out in the appendices to this DCP.

Note: Refer to clauses 6.1 and 6.2 of the LEP

8. Relevant Section C - Development Controls

The following other parts of *Section C – Development Controls* relevant to Environmentally Sensitive Areas includes:

- *Bushfire Protection*
- *Development Applications*
- *Industrial Development*
- *Landscaping*
- *Rural Development*
- *Subdivision*
- *Village Development*