

# E3 - Environmental Legislation

## 1. Description

The upper Parramatta River catchment has been intensively used by European settlers for over 200 years, firstly for agriculture, then later for commercial and residential land use. These uses have created many challenges in providing for the economic and social needs of the catchment community whilst managing and protecting the local environment.

The last decade has seen important changes in the management of the catchment. The local community now places a greater value on the environment and this is reflected in new attitudes and better management practices. The effective management of catchments is a shared responsibility, requiring the active involvement of many NSW Government agencies, local councils, land developers, building contractors, industry and individuals. In recent years a raft of legislation covering all facets of development have been enacted to ensure that environmental degradation and human impact on the environment can be minimised thus leading to ecologically sustainable development.



## 2. Management Solutions

Current legislation pertaining to the environment includes:

- *Environmental Planning and Assessment Act (1979)* the major land use legislation in NSW. Land use planning and land management is a major responsibility of local councils. The land use planning and management framework is outlined by council *Local Environment Plans* and *Development Control Plans* and at regional level by *Regional Environment Plans* such as the Parramatta REP. Issues such as local development, conditions of development consent and approved land uses are outlined in these planning instruments.  
[www.austlii.edu.au/au/legis/nsw/consol\\_act/epaaa1979389/](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/)
- *Protection of the Environment Operations Act (1997)*. The objects of this act are to protect, restore and enhance the quality of the environment and provide increased opportunity for public involvement in environment protection. Risks to human health will be reduced by the encouragement of cleaner production, reducing harmful discharge, reduction of pollution at source, reporting on environmental quality and improving the efficiency of environmental legislation.  
[www.epa.nsw.gov.au/legal.aboutpoeo.htm](http://www.epa.nsw.gov.au/legal.aboutpoeo.htm)
- The *Threatened Species Conservation Act, 1995* came into effect on 1 January, 1996 and provides for the protection of all threatened plants and animals native to New South Wales (with the exception of fish and marine plants). the Threatened Species Conservation Act amended the *National Parks and Wildlife Act, 1974* and the *Environmental Planning and Assessment Act, 1979* and integrates the consideration of threatened species into the planning process.

The *Threatened Species Conservation Act* provides for the conservation and recovery of threatened species and makes provision for the management of threats to species under the Act. The Act also introduces extensive community input into management strategies for threatened species conservation.

- *Local Government Act (1993)*, has important implications for local land use planning and management which is a major responsibility of councils.  
[www.austlii.edu.au/au/legis/nsw/consol\\_act/nwa1993182/](http://www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/)
- *Noxious Weeds Act (1993)* provides powers for the control of many invasive bushland weeds, however not all problem bushland weeds are currently listed under this act.  
[www.austlii.edu.au/au/legis/nsw/consol\\_act/nwa1993182/](http://www.austlii.edu.au/au/legis/nsw/consol_act/nwa1993182/)
- *State Environmental Planning Policy Number 19* provides for the partial protection of remnant bushland on or adjoining public land.
- *Council Tree Preservation Orders* protect individual trees.
- *Heritage Act (1979)*. Three types of heritage are commonly recognised: natural heritage, indigenous cultural heritage and historic cultural heritage. Landscapes such as that of the Upper Parramatta River Catchment provide examples of places with more than one aspect of heritage value. Patches of natural vegetation, indications of Aboriginal occupation and buildings dating from the early days of white settlement are all important in the catchment and in need of preservation.
- *The Contaminated Lands Act* outlines requirements for assessment and management of contaminated lands. One parcel of land classified as contaminated land lies within the catchment – McCoy Park, Toongabbie.  
[www.austlii.edu.au/au/legis/nsw/consol\\_act/clma1997238/](http://www.austlii.edu.au/au/legis/nsw/consol_act/clma1997238/)
- *Environment Protection Authority licenses* There are currently nine issued in the catchment with a ‘water’ component. The licenses allow a limited discharge of pollution from these premises into stormwater drains directly or indirectly connected to the Parramatta River and its tributaries.
- Many premises which are not licensed by the EPA potentially discharge polluted liquids to stormwater. Such premises are inspected under the industrial auditing programs of local councils. Premises found to be discharging to stormwater without a license are required to discontinue such a practice, and in many circumstances, required to connect to the sewerage system under a Trade Waste Agreement with Sydney Water. Sydney Water (1998b) identified the Blacktown - Seven Hills industrial area as a concentrated area of Category 3 sewage discharges (industries with high annual mass loads and primary or advanced primary treatment only).  
[www.epa.nsw.gov.au/licensing/index.htm](http://www.epa.nsw.gov.au/licensing/index.htm)

## 2. Further Information & Links

For a comprehensive list of the relevant legislation refer to the NSW Government home page at [www.nsw.gov.au](http://www.nsw.gov.au)