



Blue Mountains Conservation Society Inc

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

E-Mail: bmcs@bluemountains.org.au Web Site: www.bluemountains.org.au

Nature Conservation Saves for Tomorrow

27 February, 2026

Dr Rosemary Dillon
General Manager
Blue Mountains City Council
Locked Bag 1005
KATOMBA NSW 2780
Email: council@bmcc.nsw.gov.au

Cc Mayor Mr Mark Greenhill, Blue Mountains City Council
mgreenhill@bmcc.nsw.gov.au

BMCC Draft Encroachment Policy for Public Exhibition

The Blue Mountains Conservation Society is a community volunteer organisation with over 900 members, which has been in existence for over 60 years. The Society's aim is to help conserve the natural environment of the Blue Mountains and to increase awareness of the natural environment in general. The Blue Mountains Conservation Society would like to make a submission in relation to the BMCC Draft Encroachment Policy currently on Public Exhibition.

The Society has been advocating for the development of an Encroachment Policy, especially in relation to natural areas, for over ten years, with the Society campaigning on this issue during local government election commencing in 2016 (see [Blue Mountains Council Election 2016 - home](#)). The Society has also previously written to Council numerous times highlighting specific examples of private landholders encroaching on public bushland. The Society is therefore extremely supportive of the Policy, however a number of issues need to be addressed including resourcing compliance.

BUSHLAND RESERVES

Encroachment Priority Assessment Matrix – impacts on adjacent land

Encroachment on public land can also negatively impact adjacent land that has not been encroached upon e.g. environmental weeds, stormwater flows, social intimidation and harassment, nature study etc. Therefore, indirect impacts including future impacts on adjacent land that has not been directly encroached upon should also be considered, and the matrix should be amended to reflect the possibility of indirect impacts occurring.

Encroachment Priority Assessment Matrix – Social Values – consideration of community investment in bushland reserves

Social value should specifically include an assessment of current and previous community investment in the care of the land in question. In the case of bushland reserves, where there has been a history of voluntary resident involvement through a Bushcare Group to care and restore/maintain the health of the bushland area, consideration should be given to automatically give it a HIGH Priority rating.

Where encroachment incidents have occurred in the past and it is perceived BMCC has taken insufficient action, there is a subsequent probability of volunteers seeing this as evidence that their work is not valued by Council. Failure to act also maintains a culture of the right to use public bushland for private benefit. One outstanding example of a group extremely disheartened by the lack of Council action is the Centenary Reserve Bushcare group at Blackheath who have been trying to get formal action to stop a neighbour destroying their work since the 1990s.

In cases of encroachment on bushland where there has been a history of residents informally caring for the bushland by removing weeds, or rubbish etc., there should be at least a MEDIUM priority rating.

Where this informal community investment in the reserve encroached upon is substantial, this should qualify as HIGH priority, even if the vegetation community is non-scheduled.

Encroachment Priority Assessment Matrix – Social values – consideration of enjoyment of bushland reserves

Social value should include assessment of encroachment situations where local residents and members of the public have previously enjoyed access to and constructive use of council owned/managed bushland, for example to transit, enjoy informal nature study activities, or participate in passive recreation.

Social value should specifically include assessment of situations where local residents and members of the public enjoying public land not encroached upon have their enjoyment or amenity impeded or diminished by landowners who have encroached upon and now exercise assertive but illegal occupation of adjacent council owned/managed land.

In light of the above the Society recommends the following changes to Figure 2

Encroachment Priority Assessment Matrix/Description/ Medium Priority/add “Or there is medium impact on social value of adjacent land not encroached upon”.

Encroachment Priority Assessment Matrix/Description/ High Priority/add “Or there is significant impact on social value of adjacent land not encroached upon”.

Encroachment Priority Assessment Matrix/Description/ Critical/add “Or there is very significant impact on social value of adjacent land not encroached upon”.

Encroachment Priority Assessment Matrix – Environmental Values I – consideration of impacts on adjacent bushland

As well as considering the environmental impact upon encroached land (direct environmental impacts), assessment of environmental impacts should also consider the impact of encroachment upon adjacent vegetation communities not encroached upon, particularly threatened vegetation communities (indirect environmental impacts), and this should be documented in *Figure 2. Encroachment Priority Assessment Matrix*. Often, undegraded, non-threatened vegetation communities e.g. *E. piperita* – *E. sieberi* forest, serve as valuable protective buffer zones for threatened vegetation communities e.g. 5B – Blue Mountains Swamps. Encroachment upon and degradation of protective buffer zone vegetation is highly likely to result in future degradation of adjacent threatened ecological communities.

Accordingly, *Figure 2: Encroachment Priority Assessment Matrix* should stipulate that “Environmental” impacts should not only consider direct impacts on encroached land but also indirect impacts on adjacent land not yet encroached upon. In particular, where there is a possibility that encroachment may result in degradation of adjacent threatened vegetation communities, then the incident should be considered Critical (Very High) Priority, even if the direct environmental impact is Low, Medium or High.

The Society therefore recommends the following changes to Figure 2:

Encroachment Priority Assessment Matrix/Description/ Medium Priority/add “Or encroachment has potential to subsequently impact and degrade adjacent land of lower environmental value”.

Encroachment Priority Assessment Matrix/Description/ High Priority/add “Or encroachment has potential to subsequently impact and degrade adjacent land of significant environmental value”.

Encroachment Priority Assessment Matrix/Description/ Critical/add “Or encroachment has potential to subsequently impact and degrade adjacent land of very significant environmental value”.

REMEDICATION

Remediation needs to be more adequately addressed. Where the removal of a structure, stored materials such as building materials or garden furniture is required this can be simply dealt with by the issuing of a regulatory notice or orders. However, encroachment activities on bushland reserves frequently involve soil disturbance, weed incursion and removal of vegetation. Remediation of such an encroachment may require weeding, erosion control, earthworks and the planting of suitable native vegetation over a long period of time. The policy at section 6 therefore needs to specify:

- That the person who has encroached on public land is responsible for the cost to “make good” the encroached area and restoring ecological functioning where necessary.
- That regulatory action such as notices and orders can include remediation requirements.

- That a suitably qualified BMCC Natural Areas Team member must assess the adequacy of all remediation of works undertaken.

RESOURCES

It is proposed to enact this policy using existing resources which the Society appreciates are already stretched. This policy is attempting to deal with a problem which has been building up steadily over 30 years. The Policy must be supported by a realistic budget and be adequately resourced, including increasing Council's specialist compliance staff and funding to enable surveys of boundaries to enable enforcement actions to commence.

EXAMPLES OF LONG STANDING ENCROACHMENT INTO BUSHLAND RESERVES

The table below lists just a few encroachments into natural bushland areas which have existed for many years. Many have previously been reported to Council on a number of occasions, but there still has not been any adequate resolution of the issues raised.

Town/village	ADDRESS	issue/comments
BLACKHEATH	Centenary Reserve	Building onto the Reserve – carport, deck, backyard shed/bedroom, gravel driveway and vegie patch.
BLACKHEATH	Centenary Reserve	Various adjacent owners mowing, spraying, planting vegetables, installing garden furniture in Reserve
BLACKHEATH	Sutton Park	Vehicle track through park to the back of a property on Chelmsford Ave
SOUTH LEURA	Unformed Orchard Lane Fire Trail behind houses and NP. Near the Fairmont.	Two gates and a chain.
SOUTH LEURA	West Street	Fenced off part of the Reserve to include in owner's property
SOUTH LEURA	West Street	Extended lawn into the Reserve with weedy grasses
SPRINGWOOD	Fairy Dell Reserve vicinity of Pimelea Dr	Land clearing into swamp

PREVENTION

A large majority of houses in the Blue Mountains adjoin bushland which is often public land such as Council Bushland Reserves or national park. Historic development has failed to allow adequate asset protection zones for bushfire risk within the housing block so residents living in historic residential area frequently encroach on adjoining bushland areas to maintain an asset protection zone to minimise bushfire risk. It is therefore essential that all new developments conform to current bushfire planning and development rules and ensure that new development is built, sized and placed to

minimise bushfire risk and the ensure asset protection zones can be established within the property boundary.

Thank you for the opportunity to comment on this draft policy. The Society is happy to discuss any aspects further.

Please contact me on education@bluemountains.org.au or 0411 267 734.

Yours sincerely

A handwritten signature in black ink, appearing to read "Annette Sartor", is centered on a light yellow rectangular background.

Annette Sartor
Senior Vice President
Blue Mountains Conservation Society