



SERIES/PROGRAM NAME (INSERT SPACE IF NOT NEEDED)

Explanation of Intended Effect

Amendment to State Environmental Planning Policy
(Infrastructure) 2007 – Extension of NSW border wild
dog fence

July 2020



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

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Executive Summary

The impact of wild dogs in parts of Western NSW is mitigated by the NSW Border Wild Dog Fence (commonly known as the dog fence). This fence is currently approximately 580 km in length and erected along parts of the NSW/SA and NSW/QLD border.

A feasibility study commissioned by the NSW Border Fence Maintenance Board in 2018 determined that an extension of the dog fence will have a significant positive impact on landholders and the wider community across NSW. It was found that an extended fence would increase productivity for landholders, help protect the environment and give an extra level of defence against biosecurity threats coming in over the border.

The NSW Government has proposed to extend the dog fence in two sections, 420 km to the east and 322 km to the south. This investment of funding will stimulate the regional economy with much needed capital investment and job creation.

Under existing legislation there is no single planning pathway that enables a comprehensive and holistic assessment of this project. Small sections of the fence may be able to be constructed under separate local government assessment pathways, where such works are permissible or as exempt or complying development, however this would be a time consuming and piecemeal process.

To enable a single holistic assessment of the proposed fence extension, it is proposed to amend the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The proposed amendment will facilitate a single planning assessment under section 5.2 *Environmental Planning and Assessment Act 1979* (as State significant infrastructure). This will enable a comprehensive environmental impact assessment as well as clear community and stakeholder communication and engagement. The proposed amendments will also allow some routine maintenance activities to be carried out as exempt development.

Background to the NSW border wild dog fence and proposed extension

Impacts of wild dogs

Wild dogs are a significant menace across much of Australia, threatening livestock and restricting production across many areas. Wild dogs include dingoes, free living domesticated dogs and their hybrids and are a 'declared pest animal' under the *Local Land Services Act 2013*.

In parts of Western NSW, the impact of wild dogs has been considerably mitigated by the existing NSW border dog fence, which runs for approximately 583 km across the NSW/SA and NSW/QLD border.

Wild dogs attack and kill vulnerable livestock, in particular sheep, goats and younger cattle as well as preying on native species, including some threatened fauna. Data from the [NSW Wild Dog Management Strategy \(2017\)](#) suggests that the distribution and impacts of wild dogs are increasing in some parts of NSW, with dogs moving around the existing dog fence into the north west, western and south western regions of NSW. There is a consensus amongst landholders that wild dogs are migrating into NSW from SA. The rapid expansion of cluster fencing in QLD over recent years is thought to be funnelling a large numbers of wild dogs into NSW in search of food.

Comparison of wild dog distribution data in 2016 with data collected in 1978 from a state-wide survey of pest control experts and National Parks staff suggests that the general distribution of wild dogs has increased in the north-western corner of NSW. This is supported by a survey of landholders in the Western Division of NSW in 2014 and 2017, which indicated that many landholders believe that the issue of wild dogs is becoming an increasingly larger problem (with significant economic impacts) for which they have less ability to manage through traditional control methods (i.e. baiting, shooting, trapping).

The impact of wild dogs is not solely confined to direct predation, with wild dogs being a source of several parasites and diseases that affect livestock, wildlife and domestic pets. Additional indirect impacts to livestock (particularly sheep) attributed to wild dogs include poor weight gain, reduced wool growth and mismothering and loss of lambs. Financially, capital outlay for control techniques such as trapping, shooting and baiting may be substantial.

The economic impact of wild dogs is estimated at up to \$111 million per annum nationwide and up to \$22 million of this cost is attributed to NSW.

Aside from the economic impacts, other potential non-market impacts of wild dog control include a range of social and environmental considerations. Previous studies have identified that wild dogs can have a significant impact on the psychological health of landholders due to financial stress associated with loss of stock as well as broader impacts associated with the loss of farming families within regional communities and community cohesion.

Wild dogs can have negative impacts on native fauna through predation, which can threaten viable populations of threatened species, with predation and hybridisation by feral dogs being listed as a key threatening process under the *Biodiversity Conservation Act 2016*.

Other environmental impacts include the continued reliance on 1080 baits for wild dog control which, whilst considered the most efficient, humane and species-specific pesticide available for declared pest control in Australia, is perceived to have impacts on non-target species and general animal welfare concerns.

Proposed extension to the dog fence

The 2018 feasibility study into the extension of the fence found that the project would have a positive impact on landholders and the wider community across NSW by increasing productivity for landholders, helping to protect the environment and giving an extra level of defence against biosecurity threats coming in over the border. Given the significant benefits outlined in the study the NSW government decided to proceed with the project.

The project involves the extension of the existing 1.8 m high dog fence east along the QLD border by 420 km to Mungindi and south along the SA border by 322 km to near the Murray River (**Figure 1**). The project also includes the construction of ancillary works such as maintenance houses, depots, and up to seven new residences to house maintenance employees. An access track and maintenance corridor will be implemented up to 8 m wide, on either side of the fence to facilitate ongoing maintenance.



Figure 1 – Proposed Extension of NSW Dog Fence

Responsibilities for extension and maintenance of the fence

The NSW Border Fence Maintenance Board was established and is administered in accordance with the provisions of the *Border Fence Maintenance Act 1921*. The Board oversees the management, maintenance and upgrade of the existing wild dog barrier fence in NSW. Landholder rates and the NSW Government jointly fund the maintenance of the fence.

NSW Local Land Services (LLS) have been tasked with responsibility of delivering the extension. The Border Fence Maintenance Board have been engaged to act as a construction committee and will focus on the design and construction of the fence. Soil Conservation Service (SCS) and Public Works Advisory (PWA) (acting on behalf of LLS) were commissioned to undertake a preliminary ecological assessment that will form part of the environmental impact assessment of the project.

Background to *State Environmental Planning Policy (Infrastructure) 2007*

State Environmental Planning Policies created under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) facilitate the protection, improvement or utilisation of land in NSW. The Infrastructure SEPP facilitates flexible and orderly planning pathways for the development of essential infrastructure in NSW, including hospitals, roads and railways. The Infrastructure SEPP provides regulatory assurance to the development of key infrastructure projects by prescribing matters for consideration and requiring consultation with authorities responsible for key infrastructure projects in the determination of adjacent developments.

Key aims of the Infrastructure SEPP which support the proposed amendment include:

- *improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services,*
- *identifying the environmental assessment category into which different types of infrastructure and services development fall, and*
- *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.*

Proposed amendments to the Infrastructure SEPP

Extension of the fence

To undertake planning assessment for the extension of the fence under existing legislation would result in a complex and piecemeal approach. The assessment pathways are complicated by the linear nature of the development and the differing assessment requirements of the local government areas through which it passes. Assessment pathways vary depending on the location of the fence and whether there are impacts to threatened species, ecological communities, cultural heritage, water management and other issues.

To enable a comprehensive assessment of the project it is preferable to have a single assessment pathway for construction of the sections of the dog fence within NSW.

After a review of the possible assessment pathways, an EP&A Act State significant infrastructure (SSI) planning assessment is considered the most appropriate pathway, as the project will be undertaken by a public authority, is linear in nature and likely to have impacts that require specialist studies to consider the impacts and appropriate mitigation. Consequently, the project would need an environmental impact statement (EIS) in accordance with section 5.7 EPA&A Act. The project would also likely need a Commonwealth approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This pathway would allow a bilateral assessment to be undertaken (where one set of assessment information is used to make both State and Commonwealth decisions).

An amendment to the Infrastructure SEPP clause 132 Dog-proof fences in Western Division of State would be required to provide a legal pathway for an 'extension' or the erection of the dog fence so that the project could then be assessed as SSI (section 5.12(3) EP&A Act). This will ensure that the extension of the fence is subject to detailed environmental assessment in accordance with Part 5 of the EP&A Act.

Maintenance of the fence

The existing provisions of the Infrastructure SEPP require the ‘maintenance or reconstruction’ of the existing dog fence to be carried out as development without consent. There are no exempt development provisions whereby routine activities with minimal environmental impact can proceed without the need to undertake sometimes onerous self-assessment requirements (under a Review of Environmental Factors). This can limit the ability of the Border Fence Maintenance Board to undertake essential maintenance works in a timely manner.

It is considered that some maintenance works could be carried out as ‘exempt development’ such as;

- emergency repairs to the fence including repairing damage sustained after storms, floods, winds and fires
- general repair works including repairing or replacing wires
- repair of washouts and cutouts
- installation, maintenance or removal of gates
- installation, maintenance or removal of signage.

Other provisions of the Infrastructure SEPP (e.g. those relating to fire trails, asset protection zones, water supply systems and stormwater management systems) contain a list of routine maintenance activities that are considered exempt development. The inclusion of regular maintenance works undertaken for the dog fence as exempt activities would bring these provisions in line with exempt provisions for other forms of infrastructure.

Existing provisions that continue to apply to the extension of the fence

To support the timely construction of the fence a staged approach remains possible using alternate pathways for works that avoid impacts to threatened species or matters of national environmental significance under the EPBC Act. This would include exempt and complying development pathways under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or activities on land outside NSW. This would also allow components of the project to commence while the Infrastructure SEPP amendment and any subsequent development application is being considered.

Consultation

Mandatory consultation

An amendment to the Infrastructure SEPP triggers a mandatory consultation requirement in accordance with section 3.25 EP&A Act, with the ‘CEO of the Office of Environment and Heritage’, now Environment, Energy and Science Group (EES). Consultation is required if critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the proposed SEPP amendment.

To facilitate this consultation process with EES, consultants have been engaged to undertake a preliminary environmental assessment of the likely impacts of the extension of the fence. Consultation with EES has commenced and will continue through the application phase of the project. The results of consultation will be considered when determining whether to proceed with the amendment to the Infrastructure SEPP.

Other consultation

Consultation on the project by LLS with various government department representatives, landholders, Aboriginal groups and communities, and other community groups began in late 2019. There have been ongoing community and landholder discussions across several platforms including meetings, telephone calls, radio interviews and community forums. Most consultation to date has involved providing project updates and identifying concerns.

In addition to the consultation being undertaken on the proposed amendments to the Infrastructure SEPP, further consultation with these groups and the wider community and stakeholder groups will be undertaken as part of the environmental assessment for the project.

How to get involved

To make a submission on the amendments proposed in this document please go to www.planningportal.nsw.gov.au/isepp-wild-dog-fence and complete the submission form.