



OFFICE OF THE MAYOR

Department of Planning
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Contact: The Mayor Clr Bob Pynsent
Our Ref: DOC2017/055267

Dear Justine

Urgent request to delay implementation of changed Biodiversity legislation

Earlier this year the councils of the Hunter and Central Coast Regions welcomed the opportunity to comment on the proposed Biodiversity Conservation Regulation Package and we provided a comprehensive submission to assist in what we hoped would be a process of review and refinement in this vitally important area of environmental management.

The contributors to our submission process were, in conjunction with the Hunter Joint Organisation of Councils, the following local government authorities:

- Central Coast Council
- Cessnock City Council
- Dungog Shire Council
- Lake Macquarie City Council
- Maitland City Council
- MidCoast Council
- Muswellbrook Shire Council
- Newcastle City Council
- Port Stephens Council
- Singleton Council, and
- Upper Hunter Shire Council.

The content of our submission

In our submission on the Biodiversity Conservation Regulation Package we expressed our support for the NSW Government's goal in streamlining and consolidating biodiversity protection legislation. Unfortunately we also had to express our strongly held collective view that, rather than promoting the Government's stated aims of "*maintaining a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development*" the Biodiversity Conservation Regulation Package as exhibited would in fact seriously endanger the very environment it was intended to protect.

Our concerns as expressed in our submission related in part to:

- *Consultation processes and timeframes for response that were inadequate for the scale of the reforms especially compared to other reforms then currently being undertaken (Coastal reforms, Environmental Planning & Assessment Act, SEPP 44 Koala Protection, Growth Plans and Local Government Reforms) which received longer consultation periods*
- *The potential impacts of the imposition of overly complex administrative systems in spite of repeated feedback from stakeholders at all levels about the issues that they would generate*
- *The failure on the part of the Government to address significant issues and uncertainties in regard to the interaction of the new legislation on the Mining Act, Environmental Planning & Assessment Act, State Environmental Planning Policies, Local Environmental Plans and Development Control Plans*
- *The substantial increase in resourcing and responsibility that would be placed on local government and the failure on the part of the State to provide sufficient detail or training to enable the assessment and management of the impacts of the new package on council planning and compliance management systems*
- *The proposed diminution of local planning processes and biodiversity protection requirements through an increase in the approval role of OEH, the Biodiversity Conservation Trust, Native Vegetation Panel and the Minister for the Environment. This move for external (from local government) approvals would remove effective consideration of local planning processes and as a consequence undermine local planning activities and council responsibilities under both the Local Government Act and the Environmental Planning and Assessment Act.*
- *The failure to place emphasis on strategic biodiversity planning by the State and local governments as a means of reducing the incidence of clearing. In fact the regulatory reforms would make effective planning for biodiversity more difficult due to separate provisions in the Biodiversity Conservation Act, Local Land Services Amendment Act, and Environmental Planning and Assessment Act and through the implementation of a cumbersome and complex biodiversity certification process*
- *The failure to put in place any substantive mechanisms to enable effective response to the cumulative impacts of clearing through development*
- *The application of varied clearing thresholds based on the arbitrary minimum lot size (determined through an LEP process unrelated to biodiversity conservation principles) is inappropriate and does not take into account the quality, composition or connectivity value provided by stands of native vegetation. Clearing approvals should not be based on the lot size, but on the impact of the proposed clearing on the local biodiversity and environment.*

A failed consultation process

Unfortunately there is little to suggest that these concerns or similar concerns expressed by others within the local government sector have been addressed or are likely to be addressed by the Government as it rolls out the change package

The councils of the Hunter Region, along with the Hunter Joint Organisation of Councils (Hunter Councils) have a long history of biodiversity protection of our region. Since 1996, Hunter Councils has successfully sourced \$19.7 million dollars from the Federal and State governments to work with member councils on biodiversity and broader sustainability issues. Our member councils have also sourced and expended many millions of dollars on similar and complementary projects.

It is with enormous concern, therefore, that we see being introduced with undue haste legislation and regulations that directly contradict the proven effectiveness of conservation efforts and that reduce the ability of Councils to manage local biodiversity issues.

It is here worth highlighting that only two training sessions have been held to date on the package with both of these held in Sydney. The first took place three days after it was first advertised and only five people were in attendance. Even at full capacity each of these courses could only accommodate fifteen participants - thirty positions in all for the entire State on so vital a matter.

Even more concerning is the fact that none of the promised eight staff positions to support councils in addressing the legislative change in regions have been appointed. This change begins operation in less than two weeks.

For all the reasons outlined we are as a State and as regions woefully unprepared to responsibly and with confidence address the new Biodiversity Conservation requirements. We therefore request in the strongest terms that implementation of the Biodiversity Conservation Regulation Package be delayed and that detailed and open consultation take place with stakeholders – and most especially local government stakeholders – so that confusion is addressed, skills are developed, processes are simplified and the hard won gains of the past not put at risk.

I would be pleased to provide further information on the above.

Yours sincerely



Bob Pynsent

Mayor of the City of Cessnock and
Chair, The Hunter Joint Organisation of Councils

14 August 2017

cc: Mayor's of the Hunter Joint Organisation of Councils
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