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Submission

to

**NSW Department of Planning and
Environment**

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on

**Proposed amendments to the
Environmental Planning and Assessment Act**

Compiled by John Edwards
For the Clarence Environment Centre
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Submission to proposed amendments to the Environmental Planning and Assessment Act (EP&A Act)

Introduction:

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 26 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

Consequently we view all development planning as posing a potential threat to the landscapes we are pledged to protect, and our duty to attempt to ensure that **all** possible steps are taken to protect natural ecosystems, particularly those having high conservation values.

In that respect it is important to recognise that even highly degraded landscapes can be considered to have high conservation value if, for example, it serves to connect areas of extant forest to complete wildlife movement corridors, a critical landscape component in our attempts to mitigate the effects of climate change.

Objection

At the outset we are compelled to voice concerns that changes to the EP&A Act are under discussion while recently proposed changes to the Regional Planning Strategies have yet to be completed and made public. It stands to reason that any changes to the Mid North and Far North Coast Regional Plans (2006) that result from the currently being drafted North Coast Regional Plan, need to be made publicly available to enable informed and constructive input into potential amendments to the EP&A Act.

Comments

The Clarence Environment Centre has no concerns about the stated objectives for updates to the Environmental Planning and Assessment Act 1979 – i.e.

- “
- *Creating a simpler, faster, and more inclusive assessment process;*
 - *Increasing community confidence; and*
 - *Creating an orderly and balanced architecture for decision making.*”

However, experience has shown us that “simpler and faster” decision making is generally one-sided, and invariably comes at the expense of environmental protection.

Other main concerns include

1. **“Community engagement:** *Community engagement is critical to good decision-making and confidence in the planning system. Taking into account stakeholder feedback and recent developments in other jurisdictions, we are seeking to identify the best mechanism to embed best practice community participation throughout the planning system”.*

Comment: Community engagement, or the Community Consultation process is a joke! Invariably it becomes a process of informing the community about what is proposed, and the invitation to comment by way of submissions is a cynical exercise that never results in any real change, in terms of environment protection, to the planned proposal. The Roads and Maritime Service's Pacific Highway Upgrade is a case in point, where a preferred route was placed on exhibition along with a number of other options, successfully splitting the community into groups opposed to one or more of those routes.

After endless meetings and a 2 day 'farce' labelled a workshop, at which all peak environment groups were excluded, the then RTA's preferred route was selected, and three quarters of the opponents were satisfied because the particular route affecting them had been dropped, and the RTA claimed majority support for its chosen option. In terms of the environment, that option has been catastrophic.

2. Local planning: Local Environmental Plans (LEPs) are critical instruments that should reflect the views of communities as they evolve over time. We are exploring how best to ensure LEPs remain relevant and effective.

Councils should also be empowered to capture and express their strategic vision for their local communities in a way that is aligned with regional and district plans”.

Comment: The Clarence Environment Centre has no problem with Councils capturing and expressing their strategic vision, but that vision has to be captured through consultation with ratepayers and reflect their vision, not that of council bureaucrats.

In the case of the Clarence Valley Council, its planners drew up a draft LEP which was woefully incomplete, with many waterfront areas left un-zoned because State Government was in the process of initiating changes that prevented their completion. However, we ratepayers were assured that as soon as the State got its act together, everything would be sorted. A several hundred page document was released for comment, and a one hour “consultation” with environment groups was all that occurred.

The waterfront zoning was presumably undertaken within 12 months, but there was no further consultation with environment groups, so we were unaware the zoning had been completed until 12 months later a caravan park operator in Iluka applied to clear what we considered to be high conservation value old-growth forest to extend his operation. When the Clarence Environment Centre complained, we were told by one councillor that we should have identified that patch of forest, along with all other patches of remnant old-growth during the consultation process, and it was no good coming back a year later and winging about it not having been identified in the LEP. i.e. it was our fault!

The operator was subsequently granted approval to expand. Since then, development after development has been approved, on land not identified for their particular purpose, after Council has obligingly rezoned the land appropriately at the request of the developer. A prime example of this was a large area on Harwood Island, formerly zoned agricultural, and mapped as prime agricultural land, rezoned industrial at the request of a developer who plans to subdivide and sell off blocks to marine industry operators, boat-builders and the like. The local community is 100% opposed to the development, but their concerns have been ignored.

All of these rezoning applications were subsequently approved by Planning NSW. Is there any surprise that citizens and ratepayers feel dis-empowered?

Ratepayers and residents must have a real say in how their environment is treated, and the Department of Planning and Environment must consider those people when approving changes to zoning, and recognise that the majority have no idea what Council is doing and have a mistaken belief that their councillors are acting on their behalf.

We thank you for this opportunity to comment.

Yours sincerely



Honorary Secretary