

Statutory review of the Biodiversity Conservation Act 2016

April 2023



**CENTRAL NSW
JOINT ORGANISATION**

Bathurst
Blayney
Cabonne
Cowra
Forbes
Lachlan
Lithgow
Oberon
Orange
Parkes
Weddin



Central NSW
Joint Organisation
PO Box 333
Forbes NSW 2871
Phone: 0428 690 935

Chair Cr Kevin Beatty, Mayor, Cabonne Council

Email: jenny.bennett@centraljo.nsw.gov.au

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Reference: jb:vp 230411
Enquiries: Ms J Bennett: 0428 690 935

Biodiversity Conservation Act Review
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

biodiversity.review@environment.nsw.gov.au

Re: Statutory review of the Biodiversity Conservation Act 2016

Joint Organisations (JOs) were proclaimed in May 2018 under the NSW Local Government Act 1993. The Central NSW Joint Organisation (CNSWJO) represents over 177,000 people covering an area of more than 51,000sq kms comprising the eleven Local Government Areas of Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes and Weddin.

Tasked with intergovernmental cooperation, leadership and prioritisation, JOs have consulted with their stakeholders to identify key strategic regional priorities. The CNSWJO Strategic Plan can be found here: [Strategic Plan & Regional Priorities - Central Joint Organisation \(nsw.gov.au\)](#)

This response is informed by policy developed in region as well as discussion at various meetings regarding this issue.

This region supports the commitments to protect and restore nature, captured in the Kunming-Montreal Global biodiversity framework. Good policy derived from data should inform navigable legislative, regulatory and funding frameworks. Legislation and regulation ought to be consistent and lasting to enable compliance.

Importantly, the direction of international agreements is to not only conserve, but to rehabilitate.

The review of the Biodiversity Conservation Act provides a window of opportunity to align policy and institutional settings in NSW with ambitious national and global biodiversity targets, and achieve a

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'nature positive' future that ensures that future generations will be given the opportunity to be even better off than we are.

This is not the case at the moment. Indeed views in this region vary from "It needs a complete overhaul. Start Again." to "Significant work needs to happen to the current framework for it to work in this region." Quite simply – there are no supporters in Central NSW for the current approach and therefore this region welcome the review of the Act.

This region sees and calls out:

1. Poor data or poor access to data. Examples include but are not limited to:

a. Unresolved poor vegetation mapping

This issue has been well known for years and yet little or nothing is being done to turn it around. Ultimately local communities have to bear the cost of understanding and measuring vegetation. This is haphazard, expensive and

b. Poor access to riverine data where it is available

There is an ongoing and unfortunate tendency of bureaucracy in NSW to keep secret much of its activity.

The reason often given is "the Minister needs to sign off on this." This approach significantly disempowers place-based activity as communities do not have the information they need to make the change required. Alternatively, communities or other agencies repeat the "hidden" work duplicating an existing spend and reducing the investment in conservation measures.

c. Poor coordination of data

At the moment Councils are responsible for bushfire and flood mapping. There would be so much benefit to have a State agency undertake these processes, for example consistency. Arguably, there is a case for all mapping to be undertaken by the State and made public through Spatial NSW.

We need to be able to see, in close to real time, what is causing the damage and what interventions are working to repair what has been lost. This should be located publicly through Spatial NSW

2. Chronically changing legislation and regulation

The combination of the chronicity of legislative and regulatory reform in conjunction change of staff both department and in Councils has led to confusion and ultimately disengagement in processes. The Koala SEPP is but one example.

3. Not fit for purpose processes

Whether it be prioritisation by voting online for high value conservation land, relying on poor vegetation mapping or administration of the Biodiversity Offset Scheme, processes within the Act are not delivering the outcomes that were intended.

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4. The Biodiversity Offset Scheme (the scheme) is not working and driving perverse outcomes for development in region.

The Act overregulates areas of limited environment value, adversely impacts development, and restricts land use changes unnecessarily. The scheme is adding costs to development and communities and the ecological outcomes achieved from the scheme are not clear.

Improvements to the scheme are underway, however it is still considered overly complex and costly.

When Council is the developer, this region reports having to spend significant sums of money on differing consultants to reduce the biodiversity offset costs.

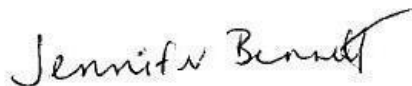
Member Councils see an increasing effort by the Department in trying to make the scheme workable where ultimately this adds to the overall costs of the scheme and the extent to which it is making a difference is yet to be tested. Notably, the engagement with Local Government in recent webinars has been welcomed however exposes the extent of both the interest of Councils and the challenges they are experiencing regarding the scheme.

It is the non-metropolitan Councils in NSW that have the greatest resourcing challenges that are impacted the most by this legislation. Some dedicated ongoing support using a case management approach for Councils would be welcomed.

To reduce complexity and costs it is recommended that dedicated work be undertaken with Councils to optimize development pathways in regional NSW. The Central NSW Joint Organisation is scoping what this work would look like and would welcome an opportunity to codesign solutions with the Department.

If you require further information or clarification on comments in this submission, please do not hesitate to contact me on 0428 690 935.

Yours sincerely,



Jennifer Bennett
Executive Officer
Central NSW Joint Organisation (CNSWJO)