

28 April 2011

Mr Richard Bath
Acting Manager, Planning and Aboriginal Heritage
Environment Protection and Regulation Group – North East Branch
Office of Environment and Heritage
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Coffs Harbour NSW 2450

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Dear Mr Bath,

Re: Draft Mid North Coast Regional Conservation Plan

The Urban Taskforce represents Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

Planning for urban development has not been a success story. Housing is not being produced anywhere near the rate required to meet our community's needs. Unless we see significant changes in the planning system, years of drastic undersupply of housing and the continuation of the housing affordability crisis is inevitable. A consistently low rate of home approvals will see NSW's housing undersupply reach 100,000 homes by 2014.

This is the context that the introduction of any new government policy concerning land use must be considered. Any policy, regardless of how well intentioned, should not introduce more complexity, confusion or uncertainty to an already crippled planning system. Unfortunately, the draft *Mid North Coast Regional Conservation Plan* ("the plan") has the potential to severely impact on appropriate development without adequate justification. Furthermore, we argue that the plan does not suggest that rigorous scientific methods of investigation were adopted.

This submission seeks to highlight our concerns and set out our objection to the adoption of this plan without significant revision and re-exhibition. We have reviewed the plan and identified some issues of concern as outlined below.

1. Plans require integration not further layering

There are a multitude of plans that regulate urban development. At the local level there are numerous local environmental plans and development control plans. At the state level there are many state environmental planning policies, regional strategies and guidelines. There is also the *Environmental Planning and Assessment Act and Regulation* which ultimately manages urban development, ensuring that such development is sensitive to environmental constraints and is sustainable.

The existing multiple levels of regulation are in no way perfect, but there is nonetheless sufficient regulation in place without the need to add more, as is the case with this plan.

To improve the effectiveness of development control what we should aspire to is the integration of plans and policy, not the addition and layering of regulation. This plan indicates that the opportunity for integration has not been considered. For instance, it is not clear how the findings and proposed actions of the existing Northern Rivers and Hunter – Central Rivers Catchment Action Plans will be integrated with this plan. Further examination, discussion and potential for integration should be provided in a re-exhibited version of this plan.

2. **Identification of high conservation value biodiversity must be robust and defensible**

Conservation of areas of high value biodiversity is important. However, the adoption of methodologies that are overly conservative or found to be incorrect should be avoided. It is unfortunate that the plan lists Biodiversity Conservation Datasets that are not recognised or otherwise supported by the scientific community as matters of state significance.

It is particularly concerning that significant buffer areas that can sterilise land have been suggested without foundation. We understand that there is no support or scientific acceptance of 50-100 metre buffer areas to threatened flora species being listed as a matter of state significance.

We are advised that the reliance of Scotts (2003) for the identification of wildlife habitats and corridors is not advisable as it contains many errors and omissions. It is also of concern that Biodiversity Conservation Lands (BCL) dataset has not been properly reviewed and independently endorsed for use by local authorities.

Furthermore, the various plans and maps provided have not been prepared at scales which can be accurately used for site constraint/analysis purposes by Councils or individual land owners. It is also apparent that the information has not been made available for wider public scrutiny.

A re-exhibited version of this plan must only list widely accepted Biodiversity Conservation Datasets and such datasets must be made available for review, prior to adoption.

3. **Broader consultation is desperately needed**

This plan has the potential to significantly impact upon land owners and urban development. Such a plan is deserving of an extensive and open consultation process. Sadly this has not occurred.

The Urban Taskforce urges the Office of Environment and Heritage to extend the exhibition period of the plan and while on exhibition, engage the community and key stakeholders in a formal process of information dissemination and consultation.

These comments are offered to encourage constructive dialogue between Government and the development industry and we ask that you accept these comments as our contribution to the policy development process.

Yours sincerely

Urban Taskforce Australia



Aaron Gadiel
Chief Executive Officer