THE HILLS SHIRE COUNCIL

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CLR DR MICHELLE BYRNE
MAYOR
West Ward

11 April 2014

Committee Secretary
House of Representatives
Standing Committee on the Environment
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Sir or Madam,

Inquiry into Streamlining Environmental Regulations, 'Green Tape' and One Stop Shops

I refer to the request for submissions on the terms of reference for the above inquiry and welcome the opportunity to provide the following comments.

The Hills Shire Council Local Government area is the focus of significant development of greenfield sites to assist with meeting the housing needs of greater Sydney. As such the Council is supportive of any initiatives to improve the efficiency and effectiveness of the regulatory framework to provide certainty around development and conservation outcomes.

There are a number of inconsistencies between the state and federal assessment processes and criteria. These include variation in the definitions of vegetation communities, different species lists and different criteria around the assessment of the significance of the impacts.

Generally if a proposal satisfies the State assessment criteria, the Federal assessment is also satisfied. Accordingly the Federal assessment is often seen as an unnecessary duplication.

In relation to the Assessment of Significance (AoS) process under Part 5 of the NSW Environmental Planning & Assessment Act, a development can be supported and approved by councils if the proposed impact is not deemed significant. Councils under this process are not empowered to consider offsets as part of the AoS rather the applicant may be required to undertake a Species Impact Statement (SIS) which considers the impact in a regional basis. Once a SIS is prepared it is assessed by councils and if still deemed to be a significant impact is required to be referred back to the NSW Office of Environment & Heritage (OEH) for concurrence. This is considered to be an unnecessary duplication.

A regional approach to conservation planning, similar to the Biodiversity Certification process could be extended to apply more broadly and strategically to achieving streamlined development and conservation outcomes.

In regard to Biobanking, the identification and assessment methods are inconsistent with those employed under an AoS. Attempts are being made at our Council level to implement alternate strategies to streamline the process particularly in urban release areas. This Council is utilising Biobanking Credit surrendering as an offset for development impacts, separate to the Biobanking Statement process under an AoS assessment however this inconsistency creates uncertainty within the development industry. This further highlights the complexity of the Biobanking system which has no doubt contributed to the very slow take up of this offsetting methodology.

It is recommended consideration be given to:

1.   Standardised assessment methodology for example the Biobanking assessment method.

2.   Clearly defining the threshold for a "significant impact".

3.   Adopt a single set of definitions for vegetation communities (ie not separate for Federal, State and Biobanking).

4.   Take a regional approach to identifying high priority conservation areas and areas appropriate for impacts, with offsets secured prior.

5.   Remove unnecessary duplication of assessment authorities for example remove the requirement for concurrence of the Director General for development proposing a significant impact.

6.   Provide a consistent offsetting strategy to be applied state wide.

7.   Remove the Federal assessment process and assure that entities of national significance are adequately prioritised in state legislation.

Should you require any further information or clarification of the above, please contact Mark Colburt, Council's Manager – Environment & Health on   or at

Yours sincerely

Councillor Dr Michelle Byrne
MAYOR