

# MID-TERM REPORT CARD ON THE ENVIRONMENT

## A mid-term analysis of the performance of the NSW Coalition Government on the environment

Prepared by [NSW Environment Groups](#) - March 2017

Key:



Good



Mixed



Bad

### NATIONAL PARKS AND WILDERNESS

#### 1. The reservation of new parks and wilderness areas, including those identified as priority reserve proposals, including:

<i>The Great Central Woodlands near Bathurst.</i>	The government has not responded to our proposal to create conservation reserves in the Great Central Woodlands near Bathurst.	
<i>Completion of the linkage from the Dorrigo Plateau to the Border Ranges.</i>	The government has not completed the linkage from the Dorrigo Plateau to the Border Ranges.	
<i>Draw together the Paroo Darling reserves into a huge Heart of the Darling Basin protected area near Wilcannia.</i>	The government has not drawn together the Paroo Darling reserves into a huge Heart of the Darling Basin protected area near Wilcannia.	
<i>Create the Tinderry Forest Link to provide a southern link in the Great Eastern Ranges.</i>	The government has not created the Tinderry Forest Link to provide a southern link in the Great Eastern Ranges.	
<i>Acquire Otford Valley Farm to add to the Royal National Park.</i>	The government has not acquired Otford Valley Farm to add to the Royal National Park.	
<i>Reserve the Gardens of Stone stage two proposal on the western escarpment of the Blue Mountains.</i>	The government has not reserved the Gardens of Stone stage two proposal or taken any measures to protect its heritage values.	
<i>Upgrade the protection of the Special Areas by extending Nattai National Park to include the Jellore State Forest, Bargo, Nattai, Burragorang State Conservation Areas and the Upper Nepean State Conservation Area to a nature reserve to protect the water supply catchment from mining threats and reject the proposal to raise the Warragamba Dam wall, to protect the Greater Blue Mountains World Heritage Area.</i>	The government has not upgraded the protection of any Special Area by extending existing NPWS reserves.  In July 2016 the government <a href="#">committed to raising the Warragamba Dam Wall</a> that will allow floodplain urban expansion below the dam and inundate wilderness above the dam. The <a href="#">Climate Change Fund</a> is proposed to be used to build it.	

<i>Reserve lands to form a corridor in the Upper Lansdowne escarpment, Mid North Coast, north-east of Taree.</i>	The government has not reserved lands to form a corridor in the Upper Lansdowne escarpment, Mid North Coast, north-east of Taree.	
<i>Declare the Drip Gorge part of Goulburn River National Park.</i>	In March 2015 the government announced that The Drip gorge would be acquired and added to Goulburn River National Park (GRNP). However the final dedication was for only 23ha of land protected in GRNP (less than proposals from local community and environment groups) and groundwater sources are still not adequately protected.	
<i>Declare the following Wilderness areas: Murrumbidgee wilderness in the Blue Mountains; the coastal wilderness areas of the Moors (Myall Lakes), Sandon and Woolli catchments (Yuraygir NP); the Deua Valley in the Southern Escarpment Forests; the Pilliga in the Brigalow; Tabletop and the Main Range in Kosciuszko National Park; and Coolangubra and Tantawangalo in the South East Forests.</i>	The government has not declared these Wilderness areas.	
<i>In northern NSW acquire and protect Carrai, Mann River, Timbarra and Cataract Wilderness areas.</i>	The government has not protected the Carrai, Mann River, Timbarra and Cataract wilderness areas. Recent changes to land clearing laws and Crown land legislation put these intact areas at further risk.	
<i>Establish a reserve system for koalas, including the Coffs Harbour-Guy Fawkes and the Bellinger-Nambucca-Macleay koala meta-populations.</i>	Despite mounting evidence that the NPA Great Koala National Park proposal is situated to protect some of the best koala habitat in NSW, the government has declined to gazette the reserve. While reserve gains have been made in the Far South Coast (the Murrah Flora Reserves, 12,000ha) and on the tablelands (Kybeyan Nature Reserve, 1,000ha), there are still over 400 000 ha under threat from logging in the southern forest region. Further, in light of the state-wide declines in koala populations and the lack of reservations in key areas these reserves will not halt the decline in koala populations and are insufficient to guard against extinction of the species in NSW.	
<i>Continue to fund the Great Eastern Ranges Initiative beyond the current commitments.</i>	The NSW Government part funded the GER through the Bush Connects grants. However, the grants withdrew funding for the facilitator positions, a key element in the success of working with private landholders. Therefore the program was a step backwards from the previous model.	
<b>2. Full and timely implementation of the NSW National Parks Establishment Plan, by:</b>		
<i>Directing the National Parks and Wildlife Service to develop funded reserve proposals, allocating additional resources for management of the reserve estate.</i>	Funding for the NPWS has gone backwards under the Coalition, and the \$100 million SOS funding is not an adequate offset because it is over five years and therefore not a means to permanently manage national parks. In addition, SOS funding does not cover vital elements of park management such as visitor services, fire management and road maintenance. Although there have been some reserve gains under the Coalition, the establishment rate of protected areas has fallen by 95%.	

<p><i>The establishment plan incorporates the targets for comprehensiveness and representativeness endorsed by the Commonwealth and all states and territories under the Natural Resources Management Ministerial Council's Directions for the National Reserve System (NRMMC 2005).</i></p> <p><i>Comprehensiveness: Examples of at least 80% of the number of extant regional ecosystems in each bioregion will be represented by 2015.</i></p> <p><i>Representativeness: Examples of at least 80% of the number of extant regional ecosystems in each sub-bioregion will be represented by 2020.</i></p>	<p>The National Parks Establishment Plan 2008 was intended to be superseded by the Directions Statement, National Parks Establishment. Submissions to the Directions Statement closed in April 2015 and we are still awaiting the revised document. The Directions Statement was a major weakening of the National Parks Establishment Plan as it failed to properly make the case for the establishment of protected areas, though most of the targets present in the National Parks Establishment Plan were retained. The socio-economic analysis in the Directions Statement was weak and incorporated an incomplete suite of socio-economic indicators.</p>	
<p><b>3. Management of wilderness to maintain, and where necessary restore, ecological integrity by:</b></p>		
<p><i>Excluding visitor facilities and recreational horse riding.</i></p>	<p>The government continues to allow inappropriate activities in national parks and wilderness areas. For example:</p> <ul style="list-style-type: none"> <li>- The government is weakening limits on resort development in Kosciuszko National Park, <a href="#">replacing strict bed numbers with performance outcomes based on social and environmental objectives</a>.</li> <li>- <a href="#">Seeks increased private investment in resorts</a>.</li> <li>- <a href="#">A horse riding in wilderness is proposed to be extended</a> following a <a href="#">badly flawed trial</a> that revealed there is little interest in the activity.</li> </ul>	
<p><i>Re-establish the Wilderness Unit and a Wilderness Working Group to re-examine NSW wild rivers.</i></p>	<p>This has not been done.</p>	
<p><i>Establishing a Western Division wilderness reservation program.</i></p>	<p>The government has not established a Western Division wilderness reservation program. The <i>Crown Land Management Bill 2016</i>, the <i>Biodiversity Conservation Bill 2016</i> and the <i>Local Land Services Amendment Bill 2016</i> are existential threats to the ecological integrity of the Western Division and therefore to future wilderness in the Western Division.</p>	
<p><b>Additional action and emerging issues in NATIONAL PARKS AND WILDERNESS</b></p>		
<p><i>Capacity of the National Parks and Wildlife Service.</i></p>	<p>Continuous restructuring, organisational “realignment” and impacts of annual efficiency dividends are all impacting negatively on the capacity of NPWS to manage core on-ground programs, priority research and monitoring efforts, essential maintenance and visitor services.</p>	
<p><i>Supports the proposal for a new airport at Badgerys Creek Airport</i></p>	<p>The government supports plans for a new airport at Badgerys Creek Airport which will increase air pollution levels in western Sydney and impact on the integrity of the World Heritage listed Blue Mountains wilderness.</p>	

## FORESTS, WOODLANDS AND WILDLIFE

### 1. Improved protection for forests, woodlands and wildlife:

<p><i>Strengthen land clearing, forestry and threatened species laws. In order to maintain and enhance existing protections: self-assessable codes for the clearing of native vegetation should be removed and the Native Vegetation Act, Threatened Species Conservation Act, and National Parks and Wildlife Act retained.</i></p>	<p>The government has developed new land clearing laws that significantly weaken existing laws, and increase land clearing and carbon emissions. While \$240 million will be invested in private land conservation, it is inadequate and should not be seen as an appropriate substitute for strong biodiversity laws. <a href="http://www.standupfornature.org.au/news">www.standupfornature.org.au/news</a></p>	
<p><i>The Coastal Integrated Forestry Operations Agreements should be remade to improve environmental outcomes.</i></p>	<p>The government has failed to deliver the 3rd 5-yearly review on the IFOA and NSW Forest Agreements and has instead embarked on a process that appears to be outside the Act, to cobble together a new IFOA. Some aspects of the proposed new IFOA were demonstrated at a trial site in Queens Lake State Forest. The assessment of an experienced forest ecologist was that it is “likely that impacts from the intensive logging proposed will result in a number of large virtual clear fells that after one or two of the intended short logging cycles (7-10 years) will reduce the forest structure to a scattering of immature trees and a few veterans in a sea of young regrowth”. Given that forests are already degraded, environment groups want a full independent assessment of past and proposed logging impacts on forest ecosystems and fauna and flora, as well as a credible wood resource review, before any further wood supply agreement or new IFOA is issued.</p>	
<p><i>The Government should undertake a transparent, science-based process for identifying significant conservation values contained within the Crown lands estate before it implements its changes to the Crown Lands Act.</i></p>	<p>The government has not undertaken an evaluation of the significant conservation values of Crown land, yet it has passed new Crown lands legislation in the NSW Parliament. The new legislation does not explicitly require an evaluation to be undertaken, or provide clear protection for Crown land with significant conservation value.</p>	
<p><i>There must be an immediate moratorium on clearing and logging in areas of Bell Miner dieback and areas recognised as at risk of Bell Miner dieback.</i></p>	<p>There is no moratorium on clearing and logging in areas of Bell Miner dieback or areas recognised as at risk of Bell Miner dieback. Further, OEH has stopped supporting the Bell Miner Associated Dieback Working Group.</p>	
<p><i>There must be an immediate moratorium on clearing and logging of recognised koala habitat.</i></p>	<p>No moratorium on clearing and logging of koala habitat has been announced. The NSW EPA recently found that koalas prefer larger trees and mature forest stages. This is a strong indication that current logging practices, which result in younger forest age-classes, are not compatible with koala conservation. It is therefore imperative that koala habitat is reserved as quickly as possible. No reservations for koalas have yet been forthcoming and logging continues in koala habitat.</p>	

<b>2. Restoration of the prohibition of burning native forests for electricity:</b>		
<i>Restoration of the prohibition of burning native forests for electricity.</i>	The government maintains laws that allow the burning of native forests for electricity.	
<b>3. Firm commitment and clear timeline for a transition from native forest logging into sustainable plantations:</b>		
<i>Firm commitment and clear timeline for a transition from native forest logging into sustainable plantations.</i>	The NSW Government has stated its commitment to native forest logging beyond the expiry of the current Regional Forest Agreements, despite overwhelming evidence of environmental damage.	

<b>MARINE CONSERVATION</b>		
<b>1. Returning marine sanctuaries to areas protected from extractive activities like fishing:</b>		
<i>Returning marine sanctuaries to areas protected from extractive activities like fishing.</i>	Since restoring full protection to 20 of the 30 marine sanctuaries which were opened to recreational line fishing in 2014, the government has failed to resolve the protection of the remaining 10. To date, these 10 important sites remain unprotected.	
<b>2. Improving the network of marine parks by:</b>		
<i>Ending trawling in all marine parks.</i>	Trawling remains permitted in all marine parks, except for Batemans Marine Park.	
<i>Establishing a Sydney Marine Park with a network of no-take marine sanctuaries.</i>	While the government has undertaken public consultation on the future management of the Hawkesbury Shelf Marine Bioregion it has not committed to establishing a Sydney Marine Park.	
<b>3. Prohibiting targeted shark fishing, removing shark nets from NSW beaches, and establishing marine sanctuary zones in a 1,500 metre radius surrounding critical habitat and aggregation areas for the Grey Nurse Shark:</b>		
<i>Prohibiting targeted shark fishing.</i>	Commercial fishing of shark species remains common in NSW.	
<i>Removing shark nets from NSW beaches.</i>	Shark nets remain in place off NSW beaches, and in October 2016 the government announced a 6 month trial of shark nets for the NSW North Coast despite earlier rejections of lethal shark nets.	

<i>Establishing marine sanctuary zones in a 1,500 metre radius surrounding critical habitat and aggregation areas for the Grey Nurse Shark.</i>	Protection for Grey Nurse Shark habitat and aggregation sites remains inadequate with divers frequently spotting the endangered animal with visible signs of hooks on their gills or mouth.	
<b>4. Establishing a framework and timeline to implement ecosystem based and precautionary fisheries management, and conduct annual Status of Fishery Resource reports:</b>		
<i>Establishing a framework and timeline to implement ecosystem based and precautionary fisheries management.</i>	Current reforms to commercial fishing have failed to address many outstanding concerns about overfishing and impacts of commercial fishing on ecosystems.	
<i>Conduct annual Status of Fishery Resource reports.</i>	There are no comprehensive reports into the status of NSW fisheries. The most recent report was completed in 2008-09 leaving the public unaware of potential conservation issues.	

## RIVERS AND WETLANDS

### 1. Water management policy that includes the improvement of river and wetland health:

<i>Reinstatement of the State Water Management Outcomes Plan and the Integrated Monitoring of Environmental Flows program.</i>	This has not occurred.	
<i>Water recycling and reuse programs need to be encouraged through government policy and programs, including integrated water cycle management.</i>	While Sydney has made significant strides in the last decade (with more efficient toilets, showers, leakage control and rainwater tanks under Sydney Water's Operating Licence) it appears that the push for more recycling and efficiency from the utility, in conjunction with IPART, is slackening.	
<i>Any proposals to divert coastal rivers inland should be prohibited as unsustainable and severely damaging to the health of our coastal waters.</i>	While there are no formal proposals to divert coastal rivers inland being assessed by government, this has not been prohibited	

### 2. Prohibition on coal seam gas exploration and extraction that threatens inland and coastal groundwater systems:

<i>Prohibition on coal seam gas exploration and extraction that threatens inland and coastal groundwater systems.</i>	There has been no prohibition on coal seam gas exploration and extraction activities that threaten inland and coastal groundwater systems.	
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### 3. Reforms to water regulations:

<i>Reform operating rules for the Sydney desalination plant to ensure that the plant is only operated in emergency drought situations and price structures for residential water users.</i>	This has not occurred.	
<i>Ensure that private utilities licensed under the WICA are required to obtain their supplies from sources other than public utilities.</i>	The Water Industry Competition Act 2006 (WICA) has been amended to remove this requirement.	
<b>Additional action and emerging issues in RIVERS AND WETLANDS</b>		
<i>Implementing the Murray-Darling Basin Plan.</i>	The NSW Government has not cooperated to progress improved outcomes for inland rivers and wetlands through the implementation of the Basin Plan. The shepherding rules for the Barwon-Darling are not protecting environmental water. Floodplain water harvesting is still occurring with no licence.	
<i>No commitment to fair water sharing in NSW.</i>	Downstream towns, stock & domestic water users, floodplain graziers and end of system wetlands are not receiving a fair share of water. State responsibilities under international treaties to protect significant wetlands and migratory waterbird habitat are not being met.	

## CLIMATE AND ENERGY

### 1. Make our economy more competitive and less polluting by implementing proven measures to improve commercial and industrial energy efficiency by:

*Scaling up investment in proven energy efficiency programs and mandating energy efficiency programs for industry and the electricity transmission sector.*

The NSW Government has invested significantly in energy efficiency programs to reduce NSW energy demand, including in households, business and government operations. The Energy Savings Scheme was amended in 2015 to increase our energy savings targets up to 8.5% by 2019. Energy efficiency will continue to be a priority through the Climate Change Fund strategic plan 2017-2022.

### 2. Reduce pollution and deliver employment in regional areas by:

<p><i>Providing funding and a stable investment environment for renewable energy.</i></p>	<p>Despite the government's stated enthusiasm for renewable energy, NSW remains at the back of the pack for renewable energy generation with only 5% of our electricity sourced from wind and solar (<a href="http://www.nature.org.au/media-releases/2017/02/nsw-set-to-reap-benefits-of-renewables-revolution/">www.nature.org.au/media-releases/2017/02/nsw-set-to-reap-benefits-of-renewables-revolution/</a>)</p> <p>In 2017, the Wind Energy Planning Guidelines were finalised, however the guidelines contain an overemphasis on the visual impacts of wind turbines.</p> <p>The government scrapped the solar bonus scheme as part of the Climate Change Fund in December 2016, and failed to guarantee a fair price for solar owners. In the draft Climate Change Fund strategic plan 2017-2022 the amount of funding available for climate change adaptation and mitigation has reduced from \$1.4 billion to \$500 million.</p> <p>National Greenhouse data shows a 7% spike in emissions from the state's five coal-fired power stations in the 12 months to June 30 2016 (<a href="http://www.cleanenergyregulator.gov.au/NGER/National%20greenhouse%20and%20energy%20reporting%20data/electricity-sector-emissions-and-generation-data">www.cleanenergyregulator.gov.au/NGER/National%20greenhouse%20and%20energy%20reporting%20data/electricity-sector-emissions-and-generation-data</a>).</p>	
<p><b>3. Protect carbon rich ecosystems by:</b></p>		
<p><i>Strengthening land clearing laws.</i></p>	<p>The government has developed new land clearing laws that significantly weaken existing laws, and increase land clearing and carbon emissions.</p> <p>The government has passed a <a href="#">regulation allowing native forests to be burnt for electricity</a> that enables low value logging to get a <a href="#">renewable energy target subsidy</a>.</p>	
<p><i>Ending native forest logging.</i></p>	<p>The government has made no commitment to end native forest logging.</p>	
<p><b>Additional action and emerging issues in CLIMATE AND ENERGY</b></p>		
<p><i>Support batteries and energy storage.</i></p>	<p>The draft Climate Change Strategy Fund has committed to support innovation in energy storage, however there is a lack of detail to assess the adequacy of the commitment.</p>	

## COAL AND GAS

1. Enforcing coal and gas no-go zones to protect our productive farmland, special wild places, water resources, and communities - in law.



<p><i>Enforcing coal and gas no-go zones to protect our productive farmland, special wild places, water resources, and communities - in law.</i></p>	<p>The government has not taken any serious steps to protect in law our productive farmland, special wild places, water resources, and communities.</p> <p>We note that:</p> <ul style="list-style-type: none"> <li>- In 2013 the government established exclusion and buffer zones for coal seam gas activities (see clause 9A State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007). However the scope of these exclusion and buffer zones is limited and relates primarily to residential and populated areas. They do not provide protection for farmland, special wild places, or water resources.</li> <li>- The government has failed to introduce additional coal and gas no-go zones to protect farmland, special wild places, water resources and communities.</li> <li>- Mining continues to occur in Sydney's drinking water catchment.</li> </ul>	
<p><b>2. Implement ICAC's recommendations for tighter controls on mining.</b></p>		
<p><i>Implement ICAC's recommendations for tighter controls on mining.</i></p>	<p>The government has made some progress towards implementing ICAC's recommendations for tighter controls on mining. For example, the government established a Coal Exploration Steering Group and has developed a draft Strategic Release Framework which responds to a number of recommendations, but a number of issues remain outstanding.</p>	
<p><i>Enshrine the rights of local communities and landholders, especially the right to say no.</i></p>	<p>Local communities and landholders are not able to refuse coal or gas activities on their properties.</p>	
<p><b>3. Impose clear limits on pollution.</b></p>		
<p><i>Impose clear limits on pollution that take into account cumulative impacts.</i></p>	<p>In October 2016 the NSW Government released a draft 10 year plan to improve air quality in NSW: Clean Air for NSW Consultation Paper. Whilst there are some welcome initiatives in the plan, it fails to impose satisfactory clear limits of air pollution.</p> <p>The proposed industrial noise guideline seeks to impose increased noise pollution on people living near coal mines, gas producers and electricity generators.</p> <p>Consent conditions for Springvale mine have undermined State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and demonstrates that the SEPP does not adequately protect Sydney's drinking water or the health of its catchments.</p> <p>Current planning provisions and consents conditions continue to allow impacts on environment and communities.</p>	

<p><i>Entrench an independent, objective and transparent assessment system that does not fast-track projects.</i></p>	<p>The government has made some effort to improve the assessment process, particularly for major projects, but they do not go far enough and have not translated to improved protections for the environment and communities.</p> <p>For example:          In 2015 the government introduced the Integrated Mining Policy that included key components such as:</p> <ul style="list-style-type: none"> <li>- Guidelines for the Economic Assessment of Mining and Coal Seam Gas Proposals</li> <li>- Indicative Secretary’s Environmental Assessment Requirements</li> <li>- Guidelines for Annual Review, Web Based Reporting, Independent Audit, Mine Application</li> <li>- Water Regulation Overview</li> <li>- Swamp Policy for Major Projects</li> </ul> <p>The government is also working on developing social impact assessment guidelines.</p> <p>In October 2016 the government released a Discussion Paper outlining key initiatives as part of its EIA Improvement Project. There are still a number of key concerns that have not been addressed, and that environment and community groups continue to raise: e.g. restoring merit appeal rights, restoring environmental approvals for major projects, independent appointment of environmental consultants.</p>	
<p><b>Additional action and emerging issues in COAL AND GAS</b></p>		
<p><i>Coal and gas transition plan</i></p>	<p>If the government is to achieve net zero carbon emissions by 2050 it must have a transition / industry restructure plan for affected communities and workers.</p>	
<p><i>Emerging Science</i></p>	<p>Emeritus Professor Jim Galvin has identified ‘far field impacts’, a new longwall mining impact where lineaments drain streams and swamps into the mine goaf and observes that these pervasive impacts have never been subjected to environmental impact assessment. It is possible that many longwall mining operations are having catchment impacts outside the project area and so are unlawful.</p>	

<p><i>Licence buy-back scheme</i></p>	<p>We recognise that the government has cancelled a number of petroleum exploration licences including over Sydney's drinking water catchment and in other parts of the state, though others remain.</p> <p>This action has been welcomed, but does not provide long-term protection for these areas as petroleum exploration has not been prohibited and there is future opportunity for new licences to be issued (<a href="http://www.northernstar.com.au/news/gas-plan-csg-licence-buy-back-extended/2580801/">www.northernstar.com.au/news/gas-plan-csg-licence-buy-back-extended/2580801/</a>; <a href="http://www.smh.com.au/nsw/nsw-state-election-2015/nsw-state-election-2015-three-csg-licences-cancelled-in-sydney-water-catchment-area-20150316-1m0dov.html">www.smh.com.au/nsw/nsw-state-election-2015/nsw-state-election-2015-three-csg-licences-cancelled-in-sydney-water-catchment-area-20150316-1m0dov.html</a>; <a href="http://www.abc.net.au/news/2015-10-19/nsw-government-buys-back-lismore-pel-445-for-1-million/6865908">www.abc.net.au/news/2015-10-19/nsw-government-buys-back-lismore-pel-445-for-1-million/6865908</a>)</p>	
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<h2>PLANNING AND DEVELOPMENT</h2>		
<p><b>1. A clear commitment to ecologically sustainable development.</b></p>		
<p>A clear commitment to ecologically sustainable development.</p>	<p>The government's proposal to change the definition of ecologically sustainable development in the Planning Bill 2013 has not proceeded. The existing definition will be retained in proposed reforms to the <i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i>. The principles of ESD have been included in subsequent legislation including the <i>Coastal Management Act 2016</i>, the <i>Greater Sydney Commission Act 2015</i> and the <i>Biodiversity Conservation Act 2016</i>, but not the <i>Crown Lands Management Act 2016</i>. However, there have been no real improvements in relation to the practical implementation of ecologically sustainable development, and the real proof will be in the implementation.</p>	
<p><b>2. A planning framework that maintains the natural environment and supports community well-being through long term strategic and regional planning, robust environment protection and genuine community participation.</b></p>		
<p><i>A legislative commitment to Ecological Sustainable Development.</i></p>	<p>As above.</p>	
<p><i>Legislative mechanisms for achieving environmental outcomes.</i></p>	<p>There have been no new legal mechanisms introduced into the Planning System for achieving environmental outcomes. Regional Plans and District Plans have failed to include clear objects and targets for achieving environmental outcomes. The legal protections for biodiversity have been watered down under the new <i>Biodiversity Conservation Act 2016</i>, parts of which will apply to applications under the <i>EP&amp;A Act</i>.</p>	

<p><i>Mandatory requirements for genuine and meaningful public participation in decision making throughout the system, including for both strategic planning and development assessment.</i></p>	<p>Proposed changes to the <i>EP&amp;A Act</i> would see the introduction of community participation principles and new requirements to develop community participation plans and give reasons for decisions. Mandatory requirements will be slightly strengthened but could still be improved.</p>	
<p><i>A framework for effective strategic planning across state, regional and local levels that includes: strategic environmental assessment, assessment of cumulative impacts, and integration of key natural resource management and environmental policies.</i></p>	<p>Despite introducing Part 3B into the <i>EP&amp;A Act</i>, the government has failed to provide a robust legislative framework for strategic planning that requires strategic environmental assessment, assessment of cumulative impacts, and integration of key natural resource management and environmental policies.</p> <p>The Regional Plans that have been developed are a poor example of strategic planning particularly as there was poor community engagement on the draft plans, the plans do not resolve land use conflicts and do not have clear objectives for achieving environmental and social outcomes.</p>	
<p><i>Mechanisms for ensuring the integrity of environmental impact assessment including: independent appointment of environmental consultants, robust offences for providing false and misleading information (recklessly or intentionally) and for deceptive conduct, and comprehensive assessment and scrutiny that reflects the scale of impacts.</i></p>	<p>The government has made some progress in this area. It has strengthened the offence for providing false and misleading information and is exploring options for developing an accreditation scheme or code of practice for environmental consultants and peer review, although details are not yet publically available. Awaiting further action following workshops.</p>	
<p><i>Code assessment must only be available for genuinely low impact development.</i></p>	<p>The government has continued to expand Complying Development Codes, which essentially implements its 2013 ‘code development’ proposals. The scope of development that can now be carried out as complying development in NSW includes new industrial buildings up to 20,000m<sup>2</sup> and additions and expansions to shops or commercial office buildings.  <a href="http://www.planningportal.nsw.gov.au/understanding-planning/assessment-systems/complying-development">www.planningportal.nsw.gov.au/understanding-planning/assessment-systems/complying-development</a></p>	
<p><i>Prescribed objective decision making criteria including mandated environmental impacts that must be considered during development assessment.</i></p>	<p>There have been no new provisions added to the planning system to prescribe objective decision-making criteria. Decision-making is still discretionary.</p>	
<p><i>Mechanisms for managing climate change by building in mitigation and adaptation requirements throughout the system.</i></p>	<p>While the new <i>Coastal Management Act 2016</i> makes some effort to introduce mitigation and adaptation requirements for coastal planning, no additional mitigation and adaptation requirements have been introduced into the planning system to manage climate change, or are proposed as part of the <i>EP&amp;A Amendment Bill 2017</i>.</p>	

<p><i>The concurrence and approval of key agencies must be paramount. The planning system must not override important environment approvals and licence requirements.</i></p>	<p>In order to ensure that the concurrence and approval of key agencies is paramount the government must repeal s89J and s89K of the <i>EP&amp;A Act</i>. This has not been done. Further, the government plans to introduce new ‘step in’ powers for the Secretary to step into the role of concurrence and approval agencies, further undermining these essential provisions and removing the vital expertise of concurrence agencies.</p>	
<p><i>Mechanisms for ensuring accountability, including third party appeal rights and open standing for breaches of the legislation, and better enforcement by way of robust tools, penalties, resources and monitoring.</i></p>	<p>The government has increased penalties under the planning system and increased compliance capacity within the Department. However, while it is making changes to the process and functions of the Planning Assessment Commission (which will become the Independent Planning Commission) it has not reinstated merit appeals for third parties after a public hearing for the PAC. It is also now proposing to introduce new internal review rights for applicants without equivalent rights for third parties or the public interest.</p>	
<p><b>3. Clear mechanisms for increased transparency and accountability in environment and planning decisions.</b></p>		
<p><i>Clear mechanisms for increased transparency and accountability in environment and planning decisions. Recent ICAC findings and investigations have highlighted the need for reform to address corruption risks in the NSW planning system.</i></p>	<p>The government has indicated its intention to implement, either directly or with alternative methods, the 26 recommendations of the ICAC report. However there is still significant discretionary decision-making in the planning system, and the community still sees the planning system as susceptible to corruption.  <a href="http://www.icac.nsw.gov.au/images/investigations/implementation_plans/implementation-plan-state-management-of-coal-resources.pdf">www.icac.nsw.gov.au/images/investigations/implementation_plans/implementation-plan-state-management-of-coal-resources.pdf</a></p>	
<p><i>Third party involvement in environment and planning decisions must be retained and supported, including restoring funding to the Environmental Defenders Office NSW and to legal aid, to provide assistance to third parties bringing legal proceedings in the public interest.</i></p>	<p>The government has not repealed sections s23F and s98(5) of the <i>EP&amp;A Act</i>, which restrict merit appeal rights after a public hearing of the Planning Assessment Commission</p> <p>The government has not restored funding to EDO NSW, which was cut in 2013.  <a href="http://www.smh.com.au/nsw/miners-lobbied-premier-to-pull-plug-on-environmental-legal-centre-20130110-2ci8h.html">www.smh.com.au/nsw/miners-lobbied-premier-to-pull-plug-on-environmental-legal-centre-20130110-2ci8h.html</a></p> <p>The government has not restored funding for legal aid for public interest litigation funding (which was cut on 1 July 2013).</p>	
<p><b>Additional action and emerging issues in PLANNING AND DEVELOPMENT</b></p>		

<i>Avoiding often severe impacts from new road, rail and urban development on natural and heritage environments.</i>	There has been a comprehensive failure to implement green infrastructure projects; and the application of weak offsets policies has continued to see natural areas destroyed.	
<i>Greater Sydney Commission has extensive planning powers, community participation and ESD commitments, and is updating Metro and District Plans.</i>	The government has established the Greater Sydney Commission, with an environment commissioner, social commissioner and economics commissioner appointed to lead strategic planning in the Greater Sydney Region in accordance with the principles of ESD. New draft District Plans have been released and are being considered by the community.	
<i>Weak biodiversity offsets policy</i>	The Government's NSW Biodiversity Offsets Policy for Major Projects has been widely criticised for moving away from best practice offsetting rules, towards a more flexible system that allows variations to like-for-like offsets and proponents to discharge offset obligations by simply paying money into a fund. These weak offsetting rules are expected to continue under the proposed new Biodiversity Assessment Method under the Biodiversity Conservation Act 2016.	

<b>WASTE AND POLLUTION</b>		
1. Legislation for a state based container deposit scheme (with Victoria if possible) in the Spring session of Parliament.		
<i>Legislation for a state based container deposit scheme in the Spring session of Parliament.</i>	The government passed the <i>Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016</i> , in October 2016.	
2. Continued regulatory and compliance action against rogue operators in the used tyre and construction and demolition waste areas.		
<i>Continued regulatory and compliance action against rogue operators in the used tyre and construction and demolition waste areas.</i>	There has been improved regulation of used tyre and construction and demolition waste.	
3. Our state leaders should demand the federal government enact regulations for the introduction of the highest emission standards for passenger and commercial motor vehicles.		
<i>Our state leaders should demand the federal government enact regulations for the introduction of the highest emission standards for passenger and commercial motor vehicles.</i>	The government is taking some State action re electric vehicles strategy and government vehicle procurement of high-standard emission reduction vehicles.	
<b>Additional action and emerging issues in WASTE AND POLLUTION</b>		

<p><i>Continue Waste Less, Recycle More funding to improve accuracy of recycling data so diversion from landfill metric does not misrepresent genuine recycling and other diversion (eg soil application of treated waste).</i></p>	<p>Additional funding for the Waste Less, Recycle More program has been announced. Key priority is to expand recycling infrastructure.</p>	
<p><i>Action on microbeads.</i></p>	<p>The Commonwealth, State and Territories have agreed that if the voluntary industry phase out of micro-beads is inadequate by 1 July 2017, they will introduce legislation</p>	
<p><i>Action on single use plastic bags</i></p>	<p>While the government has indicated it would look into options for on plastic bags, there has been no effective action in this area.</p>	