



STEP Inc

Community-based Environmental Conservation since 1978

5 September 2014

Biodiversity Legislation Review
PO Box A290
Sydney South 1232
NSW

Email: biodiversity.legislationreview@environment.nsw.gov.au

Dear Review Panel

Re: NSW Biodiversity Legislation

STEP Inc is a local community based environmental group, with a membership of over 400 in the Hornsby/Ku-ring-gai area. Our group has considerable experience in dealing with environmental issues and regenerating and preserving natural bushland.

Thank you for the opportunity to comment on the native vegetation, threatened species and related biodiversity laws in New South Wales.

We note that the objective of the Review is to establish simpler, streamlined and more effective legislation that will facilitate the conservation of biological diversity and, at the same time, support sustainable development. These objectives are encapsulated in the principle of ecological sustainable development that is the major objective of the current Environmental Planning and Assessment Act and must be maintained in any new overarching planning legislation.

We agree, as the Issues Paper points out, that the biodiversity of NSW has been severely diminished over the past 200 years and is still in decline. The major reasons for this are:

- Population growth and the push for economic growth at any cost through exploitation of natural resources
- Piecemeal assessment of development that fails to consider the cumulative impacts of loss of habitats and vegetation
- Insufficient financial resources being allocated to the maintenance of biodiversity and control of invasive species.
- Inadequate enforcement of existing legislation, for example consent authorities are not required to refuse consent for proposals where an EIS or SIS has shown that there will be an unacceptable impact on EECs or threatened species.
- Offsetting still results in a net loss of threatened species; it is rarely possible to offset like with like.

Required Fundamental Operation of the Biodiversity Legislation

The existing planning, native vegetation and threatened species laws must be maintained and implemented in a holistic manner taking into account the impact of current new development, the continuing impact of past development, projections of the needs for future development such as population growth and climate change. The legislation framework should apply not just rural land clearing but also mining, forestry and urban development. Development should seek to minimize

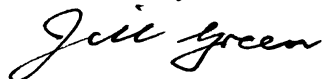
negative impacts on native vegetation and fauna consistent with the government's vision (NSW 2021) to "Protect our natural environment".

Improvements Required in Current Legislation

The following improvements should be made to the existing legislation and its administration:

1. The anticipated impact of climate change needs to be a core consideration together with mechanisms to ameliorate its effects such as vegetation corridors.
2. Databases need to be improved so that cumulative impacts can be adequately assessed.
3. Land clearing laws should apply to all types of development and aim to improve and maintain environmental outcomes.
4. The planning legislation (currently the EPA Act) should not override biodiversity and conservation laws.
5. If assessment and approval powers under the Commonwealth EPBC Act are to be devolved to NSW then NSW's laws must meet Australia's obligations under international treaties.
6. The like for like offsetting principle must not be weakened. Offsetting should only be used as a last resort and if suitable offsets are not available then the development should not be approved.

Yours sincerely

A handwritten signature in black ink that reads "Jill Green". The signature is written in a cursive, flowing style.

Jill Green
President