Better Planning Network Inc.

Biodiversity Legislation Review
NSW Department of Planning and Environment
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Friday 12 September 2014

Dear Sir/Madam

Thank you for the opportunity to make a submission on the Independent Biodiversity Legislation Review Panel Issues Paper and for the extension of time granted for us to do so.

Values associated with our environment and its biodiversity include, but are not limited to, the dollar value, both now and in the future, the ecological benefit to an area and its surrounds, the social benefit of the area, and its use and enjoyment by communities, including tourism.

As citizens, we are continually told that we have to accept growth and change. We accept that.

We accept that economic growth is important – in providing housing and infrastructure; in providing employment and training opportunities; in driving retail sales of building supplies and homewares; and in creating and fostering communities.

However, it is vital that this growth is built on a sustainable foundation as growth that is out of control can bring with it considerably negative impacts, not just on our environment, but on community wellbeing and economic growth itself.

Governments at all levels must strive for an aspirational goal for biodiversity conservation: to protect our biodiversity and reverse its decline across NSW. Further, this goal should be based on the internationally recognised principles of Ecologically Sustainable Development (ESD), as defined in the section 6(2) of the *Protection of the Environment Administration Act* 1991 (NSW) and used in over 60 separate pieces of NSW legislation.

Further, the Better Planning Network is of the view that:

- Urgent attention needs to be given to mechanisms through which land use planning decisions can be effectively integrated with natural resource management.

- The Environmental Planning and Assessment Act 1979 must be strengthened, not weakened, to protect biodiversity and reverse its decline.

- All strategic planning and development decisions should be based on ESD principles as listed in section 6(2) of the *Protection of the Environment Administration Act* 1991 (NSW).

- Consultants preparing assessment of impacts on biodiversity for particular planning or development proposals must be independent and not directly employed by the proponent.

- Governments must commit resources towards good quality and objective data to be used as a basis for planning and development decisions at state, regional and local levels. Such data needs to include detailed mapping of biodiversity and vegetation and should be centrally managed and publicly available.

- The environmental impacts associated with planning and development proposals must be adequately assessed using an objective 'improve and maintain' test based on current data.

- Where development is approved that significantly impacts on flora and fauna, and only when no other alternative exists, offsets should be selected that reflect the same type and quantity of biodiversity being lost to the development.

- The cumulative impacts of planning and development decisions on biodiversity must be assessed and taken into account as a key factor in decision-making.

The Government's objective of streamlining legislation and of removing duplication, confusion and waste is an admirable goal. However, too often, the "stronger" legislation is removed and weaker tests and rules are applied.

Over the last 200 years, the biodiversity of NSW has been severely diminished and, with a growing population, it is likely that it continues to do so.

It is vital that the provisions currently in place in NSW for protecting biodiversity are strengthened, not weakened.

Yours Sincerely

Corinne Fisher (Convenor BPN) and Gary Speechley (Member BPN Leadership Group)