

**Submission
No 13**

**INQUIRY INTO ENVIRONMENTAL PLANNING AND
ASSESSMENT AMENDMENT (HOUSING AND
PRODUCTIVITY CONTRIBUTIONS) BILL 2023**

Organisation: Nature Conservation Council of NSW

Date Received: 7 June 2023



Nature Conservation Council

The voice for nature in NSW

7 June 2023

Portfolio Committee 7 – Planning and Environment
NSW Parliament House
Macquarie Street
Sydney NSW 2000

Submitted via online form.

Dear Committee Chair

Submission to inquiry on the Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 170 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

We welcome the opportunity to contribute to this Inquiry. The Inquiry into this Bill is a chance to contribute to the alignment of planning legislation with the urgency of conserving what remains of precious habitats and ecological communities across NSW.

Australia has the world's [worst track record](#) for mammal extinctions, and we are living in an [extinction crisis](#). The national threatened species list comprises more than 1,700 species and over 100 threatened ecological communities, and more are added every year.

The accelerating loss of flora and fauna impacts the health, well-being and identity of the NSW community, and in particular harms the rich cultural heritage of First Nations peoples. The current state and the trajectory of biodiversity and the precarious ecological health of NSW is of great concern.

Addressing our housing crisis is important work.

Housing with public amenities; in particular, public transport, active travel infrastructure, tree canopy, green space, renewable energy infrastructure, full electrification and energy efficiency - integrated into their design and planning can be good for nature, good for the climate and good for NSW communities.

All housing developments should incorporate these principles.



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NCC understands that this amendment bill aims to facilitate a more streamlined housing and development that will replace the current developer contributions scheme and contribute to meeting the significant livable housing needs of the NSW community.

NCC understands that a strategic biodiversity component will be included as part of the new housing and productivity contributions scheme. The biodiversity component will specifically be used for measures to conserve or enhance the natural environment via approved conservation measures. This is positive, and we commend the government for proactively including biodiversity conservation in the planning and funding of development projects.

However, there are significant problems with the current biodiversity offset scheme and with strategic biodiversity certification. These issues are outlined in the 2017 report by the Nature Conservation Council, '[Paradise Lost](#)', and our [submission](#) to the parliamentary inquiry on the integrity of the NSW Biodiversity Offsets Scheme. NCC refers the Committee to these two reports.

In addition, the Act which determines these schemes is currently under review, and the government has committed to reforming it. This presents significant uncertainty about how this amendment will play out over the coming months and years.

Recommendations:

- That the Strategic Biodiversity Contributions Fund is revisited upon completion of the reform of the Biodiversity Conservation Act and the Biodiversity Offset Scheme.
- That the Amendment makes clear that payment into the fund does not satisfy offsetting obligations, and all development is subject to 'offset rules' under the Biodiversity Conservation Act, in its present and future forms.

Your key contact point for further questions and correspondence is Jacquelyn Johnson, Executive Officer, available via _____ and _____.

Yours sincerely,

Jacqui Mumford
Chief Executive Officer
Nature Conservation Council