

Position Paper

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Threatened Species Conservation Amendment (Biodiversity Banking) Bill 2006

UDIA NSW has considered the proposed amendments to the *Threatened Species Amendment (Biodiversity Banking) Bill 2006* and offers its support for the proposed legislation. Subsequent to the UDIA NSW's earlier position statement on this matter the NSW Government has consulted directly with the urban development industry. UDIA NSW's believes that the revised amendments generally reflect the spirit and intent of UDIA NSW's recommendations and exhibits a willingness by the NSW Government to address some of the industry's concerns.

The following cross references UDIA NSW's recommendations outlined in its earlier Position Statement and subsequent discussions with the revised amendments contained in the present bill:

No.	UDIA NSW	Amendment
1	Create a planning mechanism that recognises a developer's commitment to trade credits for biodiversity protection. This would operate in a similar fashion to the highly successful BASIX model whereby a certified commitment to comply is appended to the development application (DA) and is audited on delivery.	Provide that where a developer obtains a biobanking statement, that it will be conclusive for the purposes of considering the impacts of biodiversity required under the EP&A Act 1979 (i.e. planning decision-makers cannot impose additional requirements in relation to threatened species.
2	Avoid potential for prejudicing planning process	If a developer is unsuccessful in obtaining a biodiversity banking statement that this is in no way prejudicial to the merits based development assessment of the application under the EP&A Act 1979
3	Retain alternative compliance mechanisms.	Remove the existing provisions that enable the Minister for Planning to make the scheme compulsory. This can be reconsidered after a two year trial.

UDIA NSW is therefore satisfied that the *Threatened Species Amendment (Biodiversity Banking) Bill 2006* can deliver a degree of improved certainty and finality to developers.

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