

## National Office

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Dear Madam/Sir

### **Submission to the draft Australia's Biodiversity Conservation Strategy 2010-2020**

Thank you for the opportunity to make a submission to the draft Australia's Biodiversity Conservation Strategy 2010-2020. The Planning Institute of Australia (PIA) welcomes the opportunity to provide comments in this regard.

PIA is the national peak body for people and organisations involved in spatial planning practice in Australia. The Institute represents and supports almost 5000 planning professionals, across Australia and overseas. The Institute brings together professionals and organisations with a shared interest in 'the community, and the education, research and practices relating to the planned use of land, its associated systems, and of the natural and built environmental, social and economic impacts and implications of the use of land'.

### **The Role of Planning in the Protection of Biodiversity**

As outlined by PIA in its submission of October 2008 to the Inquiry into the operation of the *Environment Protection Biodiversity Conservation Act 1999*, urban development can be a threat to Australia's endangered species and ecological communities and the role of planning in managing urban growth is critical.

The involvement of three tiers of government and communities in biodiversity conservation leads to the need for close integration across these levels. For instance, the Federal Government provides funding opportunities for biodiversity projects, State and Territory legislation protects native flora and fauna, and local and regional community-led conservation organisations implement projects on the ground. This need for integration is even more critical during the planning implementation phases, particularly in the assessment of development and subdivision applications, when identified biodiversity goals often ‘compete’ with other land use planning considerations.

In most, if not all, State/Territory and/or local jurisdictions, between 5% (for example in Victoria) to 10% (in Western Australia) of all subdividable land is required to be ‘given over’ to public open space. This can include the retention of tracts of land which form environmental corridors with adjacent land of a similar function and linear parks that follow natural drainage lines. At the broader State and Territory level, the potential for protection of biodiversity is usually greater, as governments plan for and implement larger-scale district, regional and state parks and reserves for the preservation of wetlands and larger bushland areas of significant biodiversity value.

Biodiversity conservation also occurs outside the established or proposed reserve system (also referred to as ‘ex-situ conservation’). While it may be relatively straightforward for governments at all levels to require a proportion of land to be set aside as part of the subdivision (and sometimes large-scale development) process and to identify areas worthy of protection within their tenure, ex-situ conservation is much more difficult to achieve. As noted in *Planning Australia: An Overview of Urban and Regional Planning*, “effective planning for biodiversity conservation in Australia has tended to concentrate on protected areas – that is, national parks, wilderness areas, nature reserves and so on – but it must now extend beyond their borders.”<sup>1</sup> From a planning perspective, this highlights the need for greater proactive measures to be built in to the land use planning system. These would take account of the inherent significance of biodiversity on par with other planning considerations. In this regard, however, the potential for issues of landowner compensation also arises.

A good example of how planning for biodiversity can operate and be achieved is the *Bush Forever* initiative of the Western Australia Planning Commission.<sup>2</sup> This initiative has identified over 51,000 hectares of ‘regionally significant bushland’ and any associated wetlands for protection and management. *Bush Forever* uses existing planning mechanisms (such as the Perth *Metropolitan Region Scheme (MRS)* with the aim of achieving improved environmental outcomes via the application of a ‘special control area’, in this case the *Bush Forever* protection area. The respective local authority may then amend its town planning scheme to reflect this and may also choose to apply more detailed, site-specific provisions, on the proviso that these are commensurate with the requirements of the *MRS*.

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<sup>1</sup> Thompson, S. ed. *Planning Australia: An Overview of Urban and Regional Planning* (Cambridge University Press: 2007).

<sup>2</sup> Western Australian Planning Commission. *Bush Forever 2000*. Further information available online at <http://www.planning.wa.gov.au/Plans+and+policies/Publications/99.aspx>.

Other planning for biodiversity initiatives include: the Victorian State Government's *Melbourne 2030* publication, specifically Direction 7, which seeks to 'protect native habitat and areas of important biodiversity through appropriate land-use planning'<sup>3</sup>; and the NSW State Government's Biodiversity Certification scheme, which certifies state environmental planning policies and local environment plans, such that biodiversity can generally be considered from the outset of the planning process.<sup>4</sup>

The two major areas where improvement is required in planning for biodiversity, however, are knowledge sharing between the three tiers of government and the delivery of conservation initiatives 'on the ground', largely through the land development process. This latter point more so relates to State/Territory and local jurisdictions, as well as community groups.

### **Comments on Draft Strategy**

From the outset, while recognising that the draft Biodiversity Strategy is quite broad in scope, its statement that 'one of the main threats to biodiversity is the loss, fragmentation and degradation of habitat' is of particular relevance to land use planning processes. Many issues raised in the draft Strategy document are related to the governance of land use, natural resources and biodiversity without any particular emphasis on planning processes. There is an important role the strategy could play in facilitating the integration of biodiversity in land use planning processes, through funding planning instruments or information that assists improved outcomes. For example, the following proposed actions in the draft document are all directly related to land use planning - 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.2.1, 2.2.1, 2.2.2, 2.2.3, 2.3.2, 3.1.1, 3.1.4 and 4.2.2.

The Strategy sets out six priorities for change that aim to provide a framework for identifying clear objectives that will progress coordinated actions by governments, the community, industry and scientists to better manage and protect Australia's plants, animals and ecosystems over the next ten years. From a planning perspective, the ongoing issues of habitat loss and ecosystem fragmentation, resulting from urban sprawl and threatening adjacent land uses, are matters for further consideration. Figure A10.2 (Conceptual Spatial Planning for Terrestrial Connectivity Conservation) on page 92 of the draft Strategy provides an example of what methods could be implemented in an attempt to resolve habitat fragmentation. This is particularly pertinent in the land use planning context.

There are specific areas of the draft Strategy that are of particular relevance to planning. The major themes encompass governance; decision making (pages 26 and 60-62); and the need for coordination and collaboration among local, regional and state/territory jurisdictions and private sector planning and development agencies (pages 49 and 50). PIA supports Objective 2.2.1 (Ensure complementary

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<sup>3</sup> Department of Sustainability and Environment. *Melbourne 2030: Planning for Sustainable Growth*. Refer [http://www.dse.vic.gov.au/melbourne2030online/content/policies\\_initiatives/07\\_greener.html](http://www.dse.vic.gov.au/melbourne2030online/content/policies_initiatives/07_greener.html) for information.

<sup>4</sup> Department of Environment and Climate Change. 'Biodiversity Certification'. Refer <http://www.environment.nsw.gov.au/biocertification/index.htm> for information.

legislative frameworks and approaches across the three tiers of government to conserve biodiversity) and Objective 2.2.2 (Develop and adopt tools and processes to ensure that biodiversity is considered in all decision making alongside social and economic factors). Furthermore, PIA agrees with the general intent of Objective 4.3 (Alignment of all sectors of the community). From a climate change perspective (Appendix 9 – A9.1), issues such as rising sea levels directly affect Australia’s overwhelmingly coastal population centres. In many areas of northern Australia that may be subject to significant tidal movements, for example, the effects of climate change warrant planning mechanisms to deal with this issue sooner rather than later. As the draft Strategy notes on page 83, “planning approaches that include managing for uncertainty will be critical.” PIA recognises that climate change is one of the most important issues facing the global community today and that planning has an important role to play in dealing with the anticipated impacts. This is reinforced through PIA’s membership of the Australian Sustainable Built Environment Council (ASBEC). PIA’s Climate Change Position Statement (available from the PIA website at [www.planning.org.au](http://www.planning.org.au)) notes that planners are in the position to actively work on mitigation issues and guide changes to environmental behaviour such as promoting energy and water efficiency; sustainable land management practices; incorporating efficient energy use in buildings; and including climate change information in environmental assessments.

With regard to the loss and fragmentation of land (Appendix 9 – A9.3), the draft Strategy notes that “despite broad-scale clearance controls, native vegetation is still being cleared for housing and other urban development...” While this is a problem in some instances, PIA believes it is more so the loss and fragmentation of land at the rural/urban interface (or ‘fringe’) rather than in urban areas per se that is potentially threatening ecosystems and biodiversity. Strategic planning, through the identification of future land releases in the context of, among other things, environmental conservation aims to mitigate this loss and fragmentation. With the pressures of population growth and issues of housing affordability, the need for strategic planning to balance these competing demands is greater than ever.

It is useful to acknowledge the distinct role of local government in contributing to biodiversity conservation. This includes, for example, the number of local government biodiversity strategies across Australia. The Strategy, however, should facilitate funding for local government planning initiatives. An important consideration to enable local land use planning is the need for appropriate funding mechanisms for actions under the Strategy, especially funding and resourcing of databases and taxonomic research, other scientific research, acquisition of land for reserves and establishing more effective land use planning mechanisms that integrate biodiversity in strategic development and infrastructure planning.

In relation to the unsustainable use of natural resources (Appendix 9 – A9.4) the draft Strategy notes that urban growth is “often occurring without systematic and long-term planning and without regard for maintaining environmental values.” Further, that “more recently, concerns about the growth of Australia’s larger cities have led to greater attention to urban design and planning, and the development of strategies to minimise urban sprawl.” PIA’s Urban Growth Management Position

Statement (available from the PIA website at [www.planning.org.au](http://www.planning.org.au)) advocates all jurisdictions to adopt a set of guiding principles to consider “improved use of natural resources and reduction of the ecological footprint.” Planning initiatives that aim to minimise urban sprawl include the increasing consideration of ‘brownfields’ site development in strategic planning processes (for example, the Melbourne Docklands precinct) and transit-orientated design, which allows for mixed use development with higher residential densities around transport hubs such as rail stations (for example, the Subi Centro redevelopment area in Western Australia). Up to 50% of all threatened species in Australia exist within the peri urban zone, and land use and land value changes are the greatest threats to biodiversity. The structure within which the balancing of society’s needs and the environment rests is between the States and Territories land use and natural resource planning systems operating under the Environment Protection and Biodiversity Conservation Act. These need to be integrated and aligned through the national Biodiversity Strategy. In order to better align planning and management actions, the Strategy needs to differentiate between biodiversity planning and management. Planning processes for biodiversity need to be clarified, particularly the relationships between different processes, such as bioregional plans, recovery plans and natural resource management plans.

One area of the draft Strategy that, from a planning perspective, warrants additional consideration is that of making the link and highlighting the differences between planning at the local level compared with the State/Territory level. Relevant aspects include development control, assessment, implementation and monitoring ‘on the ground’ at the local level and the more strategic and policy measures prepared and reviewed at the State/Territory level. This distinction, while briefly outlined at Appendix 1 of the draft Strategy (‘Roles and responsibilities for implementing the strategy’), requires greater acknowledgement and expansion of the potential linkages necessary to implement the Strategy and the current breakdown in these linkages where biodiversity is concerned.

To a degree, the Strategy underestimates the role land use planning legislative frameworks play in biodiversity conservation and protection on private land and the way in which most States and Territories have moved to integrated land use and natural resource and environmental impact planning and assessments. The Strategy maintains a “stand alone” natural resource catchments management system of policy integration, seemingly unaware of the states emerging integrating structures. Given that this is a joint States and Australian Government Strategy, the Strategy should at least analyse the alignment for these frameworks. Table 4.2 inadequately identifies the relevant land use and nature resource legislative frameworks available for alignment with the national frameworks. The Strategy should better address the way in which statutory land use mechanisms can align at the national to state, state to regional and regional to local levels of resource and land use planning.

## **Final Observations**

By 2020, Australia’s population is expected to reach 25 million. Given the scope of the draft Strategy and this envisaged population growth, the next ten years or so are critical in terms of the need to balance biodiversity conservation with the need to cater for the range of needs such growth will require. These two objectives, however,

need not be mutually exclusive. In fact, with the increasing awareness of, for example, the effects of climate change and the need to reduce our 'carbon footprint', a broader understanding of how to limit our impacts on the environment is evident in government policy and strategic aims. From a planning perspective, in addition to those examples illustrated in the two previous sections of this submission, initiatives such as the preparation of a local authority biodiversity strategy (in place at, among many others across Australia, Bankstown, Liverpool and Penrith City Councils in NSW and the Cities of Swan and Armadale and the Town of Kwinana in WA) aim to integrate existing land use planning mechanisms with strategies to manage and enhance biodiversity. These strategies include incentives for private land conservation (including rates rebates and landowner subsidies to undertake specified enhancement works on their property) and the identification of areas of high conservation value, including wildlife corridors, regional ecological and local linkages.

It is evident that there is much biodiversity planning underway at a strategic level, during the planning implementation phases, particularly in the assessment of development and subdivision applications. However, identified biodiversity goals must then 'compete' with other land use planning considerations. While this is not a new phenomenon, it does highlight the need for biodiversity to be 'mainstreamed' within land use planning processes, as per the draft Strategy's 'Priority for Change 2', such that it is "on an equal footing with social and economic factors."

PIA appreciates the opportunity to make this submission to the draft Australia's Biodiversity Conservation Strategy 2010-2020 and would be available to elaborate on any aspects raised.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Johnston', with a large, stylized flourish at the end.

Stephen Johnston  
Chief Executive Officer  
1 June 2009