

Your legal problem is about ...

[Trees and hedges](#)

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[Mining](#)

**[Biodiversity](#)**

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## Biodiversity

There are many different types of plants and animals. Plants and animals also live in many different areas or habitats. The different habitats make up different ecosystems. Together, the range of different plants and animals, and the habitats and ecosystems in which they live, are called biological diversity or biodiversity for short.

Many cases in the Court concern harm to biological diversity.



### Merits appeals

In the Court's [Class 1](#) jurisdiction, the Court is regularly required to consider biodiversity issues in merits appeals. These cases are appeals against decisions of Local or State government to refuse or to grant approval to carry out an activity which harms biodiversity, including significant components such as threatened species, endangered populations or endangered ecological communities. The Court may need to consider the characterisation of the affected biodiversity, the degree of adverse impact, and the mitigation measures including provision of biological offsets.

### Civil and criminal enforcement cases

Biodiversity issues also arise in civil and criminal enforcement proceedings before the Court. People may breach legislation which protects biodiversity, such as:

- harming animals or picking plants comprising threatened species, endangered populations or endangered ecological communities, or damaging their habitat, contrary to [s 118A](#) and [s 118D](#) of the [National Parks and Wildlife Act 1974](#)
- clearing native vegetation without or not in accordance with development consent, contrary to [s 12](#) of the [Native Vegetation Act 2003](#)
- cutting down trees or vegetation without or not in accordance with development consent, contrary to [ss 76A, 76B](#) or [125](#) of the [Environmental Planning and Assessment Act 1979](#).

A breach of these statutes is a criminal offence. Civil proceedings in [Class 4](#) of the Court's jurisdiction may be brought to restrain and to remedy breaches of the statutes and criminal proceedings in [Class 5](#) of the Court's jurisdiction may be brought to prosecute offences.

### Judicial review cases

The Court may also be required to consider biodiversity issues in judicial review proceedings in [Class 4](#) challenging the validity of a consent or approval to harm components of biodiversity or to carry out an activity which has that effect.

### More information

Information on biodiversity and the legislation and cases involving biodiversity issues is available at [Biodiversity overview](#).

### Need legal advice or information?

In NSW, there are a number of places where you can get specialised legal advice on the sorts of legal problems heard by the Land and Environment Court. Find out [where to get legal advice and information](#).

## Biodiversity

### Fast track ...

Need to know more about cases where biodiversity is an issue? Go to [Biodiversity overview](#).