

Portfolio Committee No. 7 – Planning and Environment

Online questionnaire summary report

Inquiry into the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024

The purpose of the questionnaire

As part of its inquiry into the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024, Portfolio Committee No. 7 – Planning and Environment provided an online questionnaire to encourage public participation in the inquiry in an efficient and accessible way.

The questionnaire was not intended as a statistically valid, random survey. Respondents self-selected in choosing to participate. This means that respondents are unlikely to be a representative sample of the New South Wales population. Instead, the responses represent a sample of interested members of the public who volunteered their time to have a say.

The questionnaire was complementary to and did not replace the usual submission process. The submissions process was available to individuals and organisations who wished to provide a more detailed response to the inquiry's terms of reference. In this regard, some respondents may have completed the questionnaire and also made a submission.

The questionnaire comprised 10 questions. This included background information about the respondents including their name, email address and postcode.

A mix of multiple choice and open-ended questions sought the views of respondents on:

- Their position on the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024 and, if they support, partially support, support with amendments or oppose the bill and why.
- If they support the bill with amendments, what amendments they would like incorporated into the bill.
- Any other comments they have regarding the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024.

The full list of questions is at Appendix 1.

Responses to questions

The online questionnaire was open from 23 August 2024 to 6 September 2024 and received a total of ten responses. A sample of answers and summaries of responses are provided for each question below. The samples have been selected to represent the various viewpoints expressed in the responses.

Of the ten respondents, nine were residents of New South Wales.

Question 5. Position on the Bill

The object of the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024 is to amend the Biodiversity Conservation Act 2016 to reform the biodiversity offsets scheme, including through:

- establishing the 'avoid, minimise and offset' hierarchy as the key principle underpinning the scheme
- providing that the scheme will transition to net positive biodiversity outcomes
- creating standards against which developers must demonstrate measures taken to avoid and minimise the impact of proposed development, activity, clearing or land use on biodiversity values
- requiring the concurrence of the Minister if a relevant authority proposes to impose certain conditions on state significant development consents or state significant infrastructure approvals
- improving the operation and administration of the Biodiversity Conservation Fund
- enabling the regulations to limit the ability of proponents to satisfy offset obligations by paying money into the Biodiversity Conservation Fund
- establishing public registers of certain decisions and measures associated with the scheme
- enabling the Environment Agency Head to issue directions associated with the preparation and modification of biodiversity assessment reports, and
- reducing administrative burdens on small, low-impact developments.

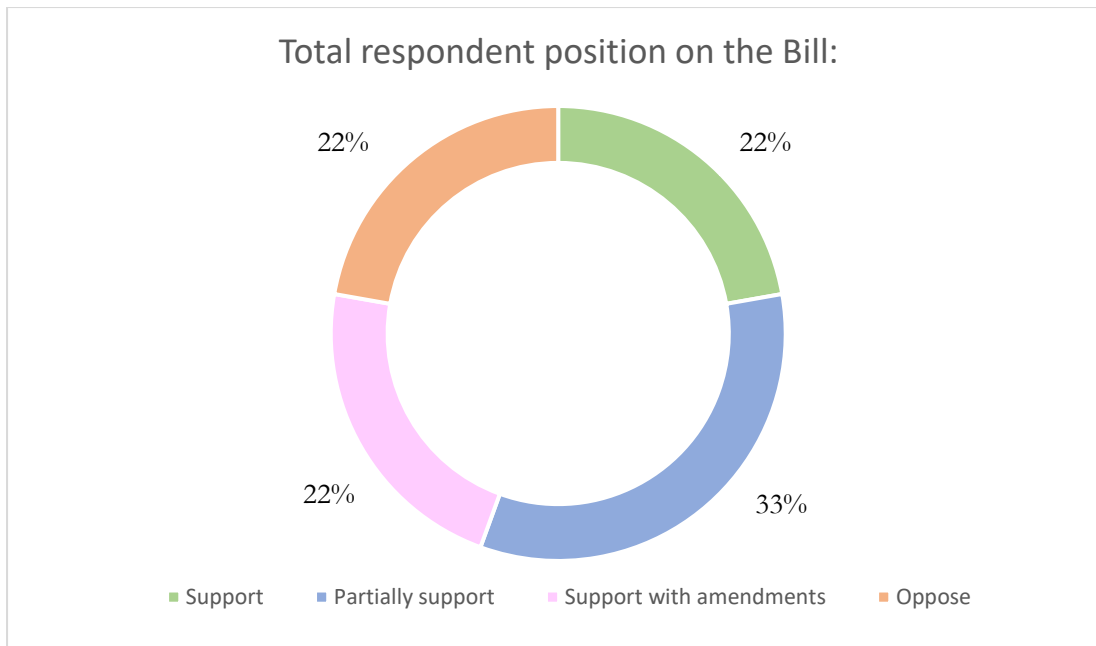
Based on your own understanding and the description above, what is your position on the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024? Select one of these options:

- i) Support
- ii) Partially support
- iii) Support with amendments
- iv) Oppose

One respondent did not answer this question.

Of the nine respondents who answered this question, two respondents (22%) supported the bill as drafted, three respondents (33%) partially supported the bill, two respondents (22%) supported the bill with amendments and two respondents (22%) opposed the bill.

The graph below provides a visual representation of the responses received for this question.



Question 6. Please explain why you support the Bill.

One of the two respondents in support of the bill stated that 'the current state of the NSW environment is degrading fast with increasing pressure to clear land or remove habitat. We have now arrived at the situation where we cannot sustain any further loss or habitat if we wish to avoid loss of species and functioning ecosystems.'

The other respondent in support of the bill, voiced their concerns that 'areas between Black Head and North Diamond Beach have been cleared for development, including Seaview, Seascape and Edgewater.'

Question 7. Please explain why you partially support the Bill.

One of the three respondents who partially supports the bill had concerns with respect to the like-for-like system and explained that 'in most cases there is no like-for-like available' when it comes to offsetting an area of land against another; 'clearing mature forests and planting seedlings' should not satisfy offset obligations.

One respondent explained that the reasoning for their partial support of the bill was because of the bill's 'rigid adherence' to the serious and irreversible impacts that prevents development. The third respondent stated 'I believe that offsets must be an absolute last resort as they cannot, in the majority of circumstances, compensate for loss of biodiversity in the short and medium term'. The respondent also added that biodiversity is not being 'protected in perpetuity as has been recommended in previous parliamentary inquiries'.

Question 8. What amendments would you like incorporated?

Six respondents did not answer this question.

One of the four respondents stated that the bill 'does not protect significant environmental areas and endangered species', it simply gives developers, 'a pathway to development.' The respondent added that 'stronger legislation is required' to 'actually protect the environment'.

One respondent stated that 'offsetting as practiced has failed to protect biodiversity' and that 'stronger enforcement and limits to offsetting is needed'. The respondent added that they were 'not sure' that the objects of the bill would make 'enough difference'.

Another respondent stated that 'as an ecologist, I would like to see the end of vegetation and habitat destruction'.

The fourth respondent stated that they would like to see a 'review of the process whereby offsets are deemed like-for-like and independent monitoring of offset management'.

Question 9. Please explain why you oppose the Bill.

This question received two responses.

One respondent stated that 'it seems even after all the changes in the bill, users of the Offset Scheme will still legally be able to destroy whichever ecosystem they like.'

The other respondent stated that 'it is leading to a net loss of biodiversity. Offsetting is an easily gamed and largely ineffective mechanism for biodiversity conservation.'

Question 10. Do you have any other comments?

This question received eight responses.

Four respondents were generally opposed to the Biodiversity Offsets Scheme.

One respondent stated that 'offsets are not feasible. Pretending that setting aside another area will improve the environment is ridiculous.' The respondent explained that they are currently involved in protecting Leard State Forest where coal mining companies are clearing 2/3 of this critically endangered White Box Forest. They added that 'there is no replacement for this forest.' Another respondent stated that 'upland swamps cannot be restored once they are cracked by mining underneath and called for greater protecting of upland swamps in the Sydney drinking water catchment area by 'bringing in a moratorium of all existing longwall mining projects.'

One respondent stated that "'no net loss" in the original scheme doesn't make sense because important ecosystems are still destroyed and "offset" somewhere else. You cannot put a price on biodiversity, but that is exactly what the biodiversity offsets scheme does.' Another respondent opposed to the Biodiversity Offsets Scheme stated that 'offsets cannot compensate for the ongoing destruction of our environment.'

One of the eight respondents stated that the changes proposed by the bill will 'only work if they are enforced and if scientifically accurate data is collected before development occurs.' The respondent also commented on the importance of educating developers and assessors on how ecosystems function and that unless this is addressed, biodiversity will continue to be lost.

One respondent stated that 'there has been no [evidence] to save the creek or riparian zones' and that areas of biodiversity have been cleared for housing, but many of the houses built now sit empty with minimal re-plantings and little gardens.

One respondent stated that the bill has the potential to make innovative changes to preserve and enhance biodiversity but doesn't. Another respondent called for 'powerful legislation that prevents damage to ecosystems and prevents them from heading rapidly to destruction.'

Appendix 1 – List of questions

Please enter your contact details.

1. *Name*
2. *Email address*
3. *Postcode*
4. *Are you a resident of NSW?*
 - a. *Yes*
 - b. *No*
5. *Based on your own understanding and the description above, what is your position on the Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024? Select one of these options:*
 - a. *Support*
 - b. *Partially support*
 - c. *Support with amendments*
 - d. *Oppose*
6. *Please explain why you support the Bill.*
7. *Please explain why you partially support the Bill.*
8. *What amendments would you like incorporated?*
9. *Please explain why you oppose the Bill.*