



BIODIVERSITY CONSERVATION AMENDMENT (BIODIVERSITY OFFSETS SCHEME) BILL
2024

Portfolio Committee No. 7 – Planning and Environment

Answers to Questions on Notice

Hearing: 20 September 2024

No. Question

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Speaker: The CHAIR: We've heard today about the Cumberland Plain Conservation Plan—it was referred to as gold standard—and also the reference to the growth centres and the certification process et cetera. I've got a scenario and I'm curious if you have any comments on it. I've become aware of a property in the Camden area and the council approved a DA there to clear a large amount of the Cumberland Plain—so the critically endangered Cumberland Plain woodland. It was for a claimed farming project, and there was no offset required for that because the land was biodiversity certified under the growth centres. That's because, apparently, non-urban clearing was required to be offset because it was certified—so this was the whole gold-standard thing apparently happening. But then, as we understand it, the Federal strategic assessment never envisaged that non-urban or agricultural development to form part of the growth centres at all. But now we're seeing that land—could it now be developed for urban because it's now been rezoned for urban? How does that happen? Is there a safety valve for all of that? Because, ultimately, you've got the clearing of Cumberland Plain woodland under this apparent gold standard that was never offset. How do you grapple with that? Is there a way of calculating how much Cumberland Plain or other may have been lost through these apparent gold-standard instruments?

Speaker: LOUISA MAMOUNEY: ...It might be worth taking that one on notice just to check the specifics of that particular land.

Answer:

1. The Department understands the development was approved by Camden Council in August 2020.
2. The land subject to the development application was biodiversity certified under the now repealed *Threatened Species Conservation Act 1995* through the Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
3. Development applications on biodiversity certified land are not required to consider the likely impact of the development on biodiversity values. This is because the biodiversity values on certified land have already been assessed and the biodiversity conservation or offsetting measures determined.
4. Under the biodiversity certification, the Department of Planning, Housing and Infrastructure collects special infrastructure contributions from developers that fund the delivery of the offsetting measures.
5. Questions regarding compliance with the Australian Government's strategic assessment would need to be referred to the Australian Government Department of Climate Change, Energy, the Environment and Water.