

Submission
No 5

**INQUIRY INTO BIODIVERSITY CONSERVATION
AMENDMENT (BIODIVERSITY OFFSETS SCHEME) BILL
2024**

Organisation: STEP Inc
Date Received: 4 September 2024



STEP Inc

Community-based Environmental Conservation since 1978

4 September 2024

Ms Sue Higginson MLC
Chair
Portfolio Committee No. 7 – Planning and Environment

Dear Ms Higginson

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

STEP Inc is a local community-based environmental group, with a membership of over 550 in the Hornsby/Ku-ring-gai area. Our main objective is to preserve natural bushland in northern Sydney from alienation or degradation and ensure proper management of this bushland including ensuring its role as habitat for animal species. Our group has considerable experience and expertise in environmental issues and regenerating and preserving natural bushland and native vegetation.

Thank you for the opportunity to comment on the process of development of the proposed amendments to the legislation governing biodiversity offsets.

In general STEP is pleased with the response to the Henry Review of the BC Act. The focus on outcomes that are nature positive rather than sustaining the status quo is welcome. Despite the stated aim of ecological sustainability in the current legislation, the application of offsets is one of the major causes of the decline in biodiversity. It is essential to reverse the decline by focusing on the restoration of landscapes and habitats.

The situation remains that the use of offsets will result in the loss of biodiversity. The area of land that is to be developed will contain species that are going to be lost as the complexity of a natural system that has evolved over time cannot be replaced. New plantings take many years to reach the maturity of established species. The ecosystem characteristics of two areas of land can never be matched, for example in terms of the soil, aspect and seed bank. For these reasons the avoidance of clearing must be the paramount objective.

The success of the offsets scheme will depend on the standards that are applied in the regulation and monitoring of the outcomes of the Scheme.

Inevitably some offsets will be required. We are concerned that some of the recommendations of the Henry review have not been implemented or there is potential for flexibilities to lead to decline in biodiversity. In particular:

1. The proposal to reduce the administrative burden for small, low-impact developments by revising the regulations to provide for variations in scheme entry thresholds for local development. If there are a number of these developments within a particular locality, such as an urban area bordering on bushland, several developments are possible within the threshold. The acceptance of the use of offsets in each case will have a cumulative impact on the locality as a whole. The regulations must ensure that the use of offsets is considered holistically.
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2. The Henry Review recommendation for the application of “no-go’ areas must be implemented.
3. Recommendations 13 and 14 that the Minister of the Environment should have call in power to consider if a major project or local development or clearing that will cause a serious and irreversible impact (SAII) is to be further considered. Developments that will lead to an SAI, such as clearing a critically endangered ecological community, must have a transparent process of consideration under the Biodiversity Conservation Act. Currently the authority of the federal EPBC Act over SAIIs is unclear. Often it is up to the local community to push for proper consideration of impacts.

President