

**Submission
No 10**

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

Organisation: Murrumbidgee Council

Date Received: 5 September 2024



SC52 / SC212/002

5 September 2024

Ms Sue Higginson
Committee Chair
Portfolio Committee 7
Committee Office
Parliament of NSW
6 Macquarie Street
SYDNEY NSW 2000

E PortfolioCommittee7@parliament.nsw.gov.au

Dear Ms Higginson

**UPPER HOUSE INQUIRY INTO BILL AMENDING THE BIODIVERSITY
OFFSETS SCHEME**

Bill Overview extract

- (ix) *reduce administrative burden for small, low-impact developments by-*
- (A) *enabling the regulations to provide for revised biodiversity offsets scheme entry thresholds for local development;*
 - (B) *enabling the regulations to provide for landholder-initiated biodiversity values map review process;*
 - (C) *allowing the Minister to exempt local development from the scheme in circumstances of natural disasters and other exceptional circumstances, and*
- (x) *make other minor administrative and consequential amendments*

Murrumbidgee Council fully supports the intent of the Biodiversity Conservation Act, however we see the implementation as a one size fits all approach, debilitating to small rural areas in particular in enabling such things as housing and economic development.



As you can appreciate, Murrumbidgee Council, being a small rural Council, is the primary economic driver of our LGA. We are the only land developer, as it is not commercially viable for anyone else. We see this as our downfall under the Biodiversity Conservation Act. A recent report commissioned into the Biodiversity Offsets Scheme for a 40 lot subdivision in one of our towns is in the order of \$28,000 per lot. The report, in itself, cost over \$30,000. Murrumbidgee Council is currently developing a 55 lot subdivision in our town of Darlington Point, the development costs are close to \$100,000 without biodiversity offset costs. Murrumbidgee Council develops and sells our land at cost, so adding an additional \$28,000 to the development costs will make it unaffordable for anyone to buy land in our LGA. It must be pointed out that as a small rural LGA, we rely on builders from outside our area for construction, and this significantly increases our building costs. Additionally, our postcodes are not favourable to banks, as such purchasers must have a higher deposit (around 50%) to receive bank finance.

Murrumbidgee Council knows very little of the mechanics of the Biodiversity Conservation Act, so I am unable to comment on many of the parts in the bill overview, however we extracted part (ix) and (x) as this is where we can make suggestions to the Committee for their consideration.

Murrumbidgee Council would like to see a Local Government developer specific regulation along the following lines:

Where the Council of a Local Government area is the developer of the land for residential purposes, and the proposed development is of 10 hectares or less, and where the Council of the Local Government Area, as the developer, has the ability to offset an area 1.5 times the proposed development area, the Local Government Council, as the developer, can undertake the residential development without the need of biodiversity offset reports, just the provision in the development application of the offset land as a registered biodiversity offset on the title.

This regulation would expedite residential development in rural communities for much needed housing.

Also, we have a unique situation being the town of Coleambally, a Government developed town established some 56 years ago, in conjunction with the development of the Coleambally Irrigation System. The township was fully planned down to the last detail, including where the hospital, schools, churches and housing were to be located. I am sure the Government planned Coleambally without Town Crown Reserves, but rather as freehold land, to ensure that the town could grow without the need to approach the Crown to amend the classified land holdings (see plan attached).

Even with this planned town and freehold land, the change of zoning triggers the biodiversity offset, hence the \$28,000 per lot as mentioned above.

As such, Council would like to propose the following regulation:

Where a town has been purposely designed-by-Government, and those plans indicate the location of residential land, providing the development within this town is kept to the original design, and the land is freehold, the change of zoning does not trigger the Biodiversity Act.

In other words, we can develop our residential land in accordance with the designed-by-Government town at no biodiversity offset costs.

Alternatively, if you believe that the above designed-by-Government town would fall under an “as exempt” development by the Minister under the basis of exceptional circumstances, then there is no need for the proposed regulation on designed-by-Government towns.

Murrumbidgee Council also has a need to develop industrial land, however we do not see that there should be biodiversity offset exceptions for this type of development, as it is commercial.

On the other hand, there is a strong need for exceptions or lessening of biodiversity offset regulations for residential development, as outlined within this submission.

Yours faithfully

John Scarce
GENERAL MANAGER

Attachment: Coleambally town plan

NON-URBAN B

- RESIDENTIAL
- RESTRICTED RESIDENTIAL
- BUSINESS RETAIL
- BUSINESS RESTRICTED RETAIL
- BUSINESS COMMERCIAL
- SMALL INDUSTRIAL
- GENERAL INDUSTRIAL
- INDUSTRIAL (OFFENSIVE & HAZARDOUS)
- SPECIAL USES A
- SPECIAL USES B
- OPEN SPACE, RECREATIONAL
- OPEN SPACE, FOREST

DARLINGTON POINT



**MURRUMBIDGE SHIRE COUNCIL
COLEAMBALLY NEW TOWN**

STAGE 4 FOR 2000 PERSONS

Drawn No 6322 14

DEVELOPMENT PLAN

Clarke Consulting Engineers, Planners, Architects, 107 Macquarie Street Sydney 2113
The Urban Planning and Research Centre, and
Writing, Stationers and Associates, Consulting Engineers

DECEMBER 64