

Submission
No 30

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

Organisation: Total Environment Centre

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SUBMISSION TO PORTFOLIO COMMITTEE 7 – PLANNING AND ENVIRONMENT

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

Total Environment Centre has reviewed the Bill and has a number of comments on it:

The **Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024** follows the **Inquiry into the Integrity of the NSW Biodiversity Offsets Scheme** (2022) and the amendments on the whole are an improvement. The **Total Environments Centre submission** (2021) to that inquiry looked at what processes effectively secured habitat and what didn't in the Macarthur area - offsets were generally a remarkable failure in providing connectivity or additionality. However, they did provide a general guide to the amount of area required to mitigate what was lost.

Since then with the approval of the Cumberland Plain Conservation Plan biocertification process at both State (Griffin) and Federal (Plibersek) levels, federal oversight has effectively been removed, and offset requirements are no longer required for Koala habitat destruction by Walker, Ingham or Mir Bros (the major landowners) in Macarthur. Offsets while imperfect have their place as sometimes habitat needs a monetary value so its loss is not invisible.

Offsets have two intrinsic problems: one it treats wildlife like a commodity though wildlife is not fungible but location dependent, two it necessitates a government generated market that is susceptible to bad governance especially when management is outsourced to private contractors and ex-bureaucrats. With that in mind the ten objects of the Amendment Bill are an improvement:

(i) the first principle to create a **hierarchy** of responses - first avoid, then minimize and lastly offset is positive (ii) making offsets **net positive** is to be commended. (iii) the use of a **standard reference** could help remove arbitrary decisions by bureaucrats. (iv) **Minister oversight** is required for projects that seek to bypass offsets seems logical. (v) **BCT** to use funds within **3 years** and **clarity** over biodiversity outcomes are improvements. However, **this should go further as BCT funds are a proxy for habitat loss; they should thus only be used for habitat gain via property acquisition** to secure existing habitat or to restore it. Other organizations can provide vegetation services - Landcare, Greening Australia, etc. or research - Universities, Institutions, Zoos etc. BCT should not fund them. (vi) **limiting BCT money as an offset obligation** rather than developer acquisition is a **better** priority. (vii) **public register** of development decisions, exemptions, approval conditions is **necessary for transparency** and good governance. (viii) An **Environment Agency Head** in charge of report quality, is an improvement as it **provides a point person** for responsibility. (ix) the concern of **reducing the admin burden** for small local development for cumulative impacts could be allayed by (A) reducing the admin burden to market and declare **small local offsets**, and (B) rather than be a driven by landholder initiation government could provide a **standard spatial biodiversity obligation** process (C) **Minister exemptions** to be used sparingly.

However if securing habitat and wildlife is our goal other instruments must underpin this offset scheme. It needs a spatial framework so **connectivity** is embedded in habitat retention/restoration (TEC's **Blue-Green Grid** is a guide that could be expanded into the rural setting) and with this comes a **minimum bush/habitat coverage obligation per property**, above which the state can support greater coverage goals. These benchmarks would also help meet the criteria needed for Biobanks to be credible as identified by the **Total Environments Centre** at Gilead, and reiterated at the **Environmental Planning and Assessment Amendment (Housing and Productivity Contributions) Bill 2023** inquiry, they must be: additional, upfront, proximate or contiguous, environmental zoned or in public ownership.

Unfortunately at Appin, the quality of the offsets is no longer the issue we saw at Gilead, instead the major developers will receive massive upzoning windfall gains, while the CPCP biocertification process does not require them to provide any compensation for the endangered Koala habitat they are now bulldozing, only the promise that they won't bulldoze everything.

Regards

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