

Submission
No 34

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

Organisation: Hunter Bird Observers Club Inc

Date Received: 6 September 2024



Hunter Bird Observers Club

Affiliated with BirdLife Australia

Hunter Bird Observers Club Inc

The Director
Portfolio Committee No. 7 – Planning and Environment
Parliament House,
Macquarie Street,
Sydney NSW 2000

By email: PortfolioCommittee7@parliament.nsw.gov.au

Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024.

We thank the Committee Chair for the invitation to make a submission to the inquiry.

The intent of this bill and its introduction to Parliament is welcomed as previous inquiries have shown that the legislation currently in place and the manner of its implementation has been deleterious to the conservation of biodiversity in NSW. That has been borne out with the continuing slide of species in NSW into vulnerable, endangered and critically endangered status.

Comment has been limited to the Tabling Copy of the Explanatory Note as available on the Parliamentary website.

The following comments are made:-

Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Bill 2024 Explanatory Note

Overview of Bill

*(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,*

Will developers then break up larger developments into smaller “stages” to circumvent the requirements of the offsets scheme? One of the issues with the current planning system is the processing of each individual development without consideration of the cumulative effect.

Outline of provisions

Schedule 1 Amendment of Biodiversity Conservation Act 2016 No 63

Schedule 1[15] “inserts proposed section 6.2A, which requires the Minister to make a strategy for the transitioning of the biodiversity offsets scheme to deliver net positive biodiversity outcomes.”

How will protection of the non-endangered species be balanced with 6.2A above? The offsets scheme focusses on species classified as vulnerable or endangered. Ignoring those not classified will progressively slide them into vulnerable or endangered classifications as their habitat is diminished by lack of protection. At an ecosystem level this may then impact on the species that are classified.

Schedule 1[38] *“amends section 7.2 to provide that the regulations may prescribe particular development requiring development consent under the Environmental Planning and Assessment Act 1979, Part 4 as not being development or an activity that is likely to significantly affect threatened species within the meaning of the Act, section 7.2.....”*

In what circumstances and how will this clause be used ?

Schedule 1[52]

Does this open the door to developers to take advantage of natural disasters or other exceptional circumstances to develop where endangered species are present ?

Schedule 1[60] and [61]

Should this also include the requirement for a public register including maps of areas set aside as “offsets” ?

Additional comment

We would like to see the Offsets policy include a requirement that sites set aside as offsets are within the same geographical area reasonably close to the proposed development. Otherwise an imbalance in reservation of habitat types will occur at a local level.

About the Hunter Bird Observers Club

Hunter Bird Observers Club Inc. (HBOC) was established in 1976 and currently has a membership of 400 members. Although the Club is based in Newcastle NSW membership includes members from other areas in NSW and from interstate.

Aims of HBOC

*to encourage and further the study and conservation of Australian birds and their habitat;
and
to encourage bird observing as a leisure-time activity.*

Activities include monthly regular outings, evening meetings, camps and field studies. HBOC promotes systematic field studies which include regular surveys by volunteers from the membership.

All data gathered from field studies are entered into the national bird record database administered by BirdLife Australia; Birddata <https://birddata.birdlife.org.au/>. Data are used to underpin conservation issues and HBOC promotes systematic surveys and data collection.

HBOC has a long history of working in collaboration with local councils, national parks and other state agencies, industry and schools.

For more information go to www.hboc.org.au

Submission prepared by T. Kendall on behalf of Hunter Bird Observers Club Inc. 6 September 2024