

THREATENED SPECIES CONSERVATION AMENDMENT (SPECIAL PROVISIONS) BILL 2008

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Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [8.27 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

BackgroundBackground

This bill seeks to ensure that existing Government conservation policy continues to be delivered in two important respects. First, that the holders of Voluntary Conservation Agreements continue to enjoy reductions in local council rates, and secondly to ensure that the outstanding conservation gains being delivered for Western Sydney through biodiversity certification will continue.

On this second issue, the bill will remove doubts about the validity of the original certification of the Growth Centres SEPP which are being raised in legal proceedings brought by True Conservation Association Inc. in the Land and Environment Court.

This bill is considered of vital importance to allow the development of land in Growth Centres to proceed in a way which will ensure that the overall impact of development in the Growth Centres will have the effect of maintaining or improving biodiversity values. It will also reduce uncertainties, delays and costs for landholders, and hence contribute to making future housing more affordable for Sydney's growing population.

Biodiversity CertificationBiodiversity Certification

While most people are familiar with the infertile sandstone country that surrounds Sydney in our large national parks, few are aware of the very different kind of bushland that has been lost on the Cumberland Plain. Aboriginal people enjoyed abundant and diverse food sources, and then early white settlers found the productive clay soils and natural woodlands ideal for farming and grazing.

Over the last two centuries, however, we have gradually lost our native species. Starting from the east and moving west, the first to go were the large animals, like kangaroos, emus and quolls. Then went the woodland birds and gradually the woodland communities themselves were divided into smaller and smaller patches, becoming vulnerable to weed and pest infestation, rubbish dumping and the like.

While few individual actions were decisive in their own right, the pattern of incremental expansion has continued—a kind of 'death by a thousand cuts'. That is why this Government adopted a new approach in 2004, when it introduced amendments to the Threatened Species Conservation Act to provide authority for the Minister for the Environment to grant biodiversity certification to strategic planning instruments.

As was made clear at the time, the Government's intention was to lift the conservation of biodiversity out of the unproductive domain of site-by-site assessment and dispute, into the higher strategic level where lasting gains could be achieved.

Biodiversity certification of the Sydney Region Growth Centres SEPP followed one of the most comprehensive assessments of biodiversity values ever undertaken in the Sydney region. It also followed extensive community consultation. Biodiversity certification was granted by the Minister assisting the Minister for Climate Change, Environment and Water on the basis that the Sydney Region Growth Centres SEPP and the conditions of the certification will lead to the overall improvement or maintenance of biodiversity values.

The Sydney Region Growth Centres SEPP establishes a broad framework for future development in the Growth Centres in south west and north west Sydney. Biodiversity certification provides the means to focus on protecting the largest and most viable remnants of endangered vegetation, away from areas of intense urban development.

Biodiversity certification removes the need for each separate development in those Growth Centres to comply

with the threatened species assessment and concurrence provisions under the Environmental Planning and Assessment Act 1979 because biodiversity assessment has occurred instead at the landscape level. It provides a 'green tick' for the release of new land to market, with the first stage of releases to provide a minimum of 40,000 new homes.

The biodiversity certification package ensures protection for 2000 hectares of bushland within the Growth Centres. Over 50% of all high quality native vegetation will be protected, even as over 200,000 people move in to the areas over the next 25 years. Remarkably, the package delivers the most outstanding conservation investment program ever associated with development in Western Sydney. Developers will be required to contribute towards a \$530 million program over coming decades to secure high-conservation value bushland to build a string of reserves, national parks and conservation agreements within and outside of the Sydney Region Growth Centres.

This new approach is the only viable option if we are to conserve our unique Cumberland Plain ecosystems for future generations. If the legal challenge were to succeed, the critical and exceptional benefits of the new approach would be lost.

This bill will remove any doubts about the validity of the original order by confirming that the Growth Centres SEPP has biodiversity certification on the basis of the same measures as contained in the original certification order. Importantly, it provides that the Minister will be able to revoke the certification if these measures are not met in the future. This provides the basis for a systematic approach to ensuring that the strengths of this new approach are delivered consistently over the long term.

Voluntary Conservation Agreements

I now turn to the second part of this bill. Voluntary Conservation Agreements (VCAs) are agreements attached to land titles that bind current and future land owners to protect natural bushland, and to forgo future development rights. In recognition of their contribution, participating landowners receive proportional relief from local council rates and land tax. There are 235 such agreements in New South Wales.

Amendments to the Valuation of Lands ACT 1919 in 2006 changed the way that land is to be valued at section 28A. This had an unintended negative consequence for VCA holders.

For approximately 12 years prior to these amendments, lands which were partially subject to a Conservation Agreement were valued as a single parcel, and rates were calculated proportionally. For example, if the conservation agreement covered 50% of the property, then a 50% rates exemption applied.

From 2007, properties that are partially subject to Conservation Agreements are now valued as two separate parts (typically, one highly valued small part with road access and a building entitlement, and a larger conservation part being assigned a low value).

This new rating approach greatly increases council rates compared to the proportionately reduced rates previously levied in some cases up to fourteen-times higher. The separate valuations have also created a misperception that those parts of the properties covered by the Conservation Agreement have been devalued. Fortunately, to date less than six Councils have applied the new valuation practices to their rates.

Affected landholders have quite understandably expressed significant concern—they feel that they are making a significant contribution to conservation of bushland for the benefit of future generations, but that the rules have been changed to their detriment without their agreement or consultation. This bill will reinstate the equitable former position, and sends a strong message to these important citizens that we in this place thank them for the contribution that they are making to the New South Wales environment that future generations will inherit.

I commend the bill to the House.