

## Agreement in Principle

**Mr FRANK SARTOR** (Rockdale—Minister for Climate Change and the Environment, and Minister Assisting the Minister for Health (Cancer)) [11.22 a.m.]: I move:

That this bill be now agreed to in principle.

Biodiversity certification became law in 2004. It establishes a process to assess the environmental impacts of future development at the strategic planning stage. If proposed conservation measures will equal or exceed the impacts of proposed development, resulting in improvement or maintenance of biodiversity values overall, the Minister may grant certification to areas of land. That removes the need for supplementary site-by-site reassessment. First and foremost, this bill establishes greater legal certainty for biodiversity certification decisions. The existing legislation is deficient in that it does not define the term "improve or maintain biodiversity values." This bill clearly defines this term. It does more than that: this bill delivers better environmental outcomes, ensures decisions are objective, reduces administrative processes and achieves real cost savings.

I ask members to consider this. If the scheme provided for in this bill had been used in the North Kellyville precinct of the Sydney growth centres it would have replaced 272 assessment reports with one assessment report; saved \$2.6 million in assessment costs—a saving of around \$3,700 per hectare of land; and improved housing affordability by an estimated \$300 per dwelling. Further, consideration at the strategic level opens up the opportunity for greatly improved environmental outcomes. The central elements of the bill are much stronger provisions for ensuring that conservation outcomes will be delivered as development proceeds and a requirement to use a transparent and repeatable methodology when certification decisions are made. A draft of that methodology is available for consideration and public comment.

More specifically, the bill provides for the certification of land instead of environmental planning instruments. This ensures that the benefits of certification are recognised regardless of which planning controls apply, or if multiple planning controls apply. It clarifies the process of making an application for biodiversity certification. Only planning authorities will be able to make an application. An application must be exhibited and accompanied by a biodiversity certification strategy. It improves enforcement and compliance. Currently the only action that can be undertaken to rectify a breach of a condition of certification is to revoke or suspend the certification. The bill provides a more flexible range of compliance mechanisms that allow a more targeted response to problems, should they arise. These include ordering a party to carry out specified work or other actions they previously agreed to perform, modifying either the description of the certified land or the approved measures under the certification, and suspending or revoking certification.

The bill cuts red tape. For example, the effect of biodiversity certification will be extended to include projects determined under part 3A of the Environmental Planning and Assessment Act. Lands that have been certified will be excluded from the operation of the Native Vegetation Act. Site-by-site development assessment will not be required. A sound platform for pursuing strategic assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act is established. This is an important step towards achieving a single assessment process between the State and the Commonwealth on sites where biodiversity issues are involved.

The bill lists the conservation measures that may be used. These include reservation of land under the National Parks and Wildlife Act, planning agreements, conservation and BioBanking agreements, plans of management, the purchase and retirement of biodiversity credits, and development controls. The bill creates a new type of agreement. Voluntary biodiversity certification agreements will be available to secure conservation measures when third parties may be involved—for example, agreements for future transfer of lands or for financial contributions to enable the future delivery of offsets. This bill will deliver better environmental outcomes when new urban development occurs at lower cost. I commend the bill to the House.