

Second Reading

The Hon. MICHAEL VEITCH (Parliamentary Secretary) [8.02 p.m.], on behalf of the Hon. John Robertson: I move:

That this bill be now read a second time.

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

Leave granted.

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 "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.

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;

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 certifications 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.

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.

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

Suspending or revoking certification

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.

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.

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 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.