

**INQUIRY INTO INTEGRITY OF THE NSW
BIODIVERSITY OFFSETS SCHEME**

Organisation: Name suppressed

Date Received: 26 July 2021

Partially
Confidential

Dear Legislative Council,

I am writing to you on behalf of _____ Council, a local government area (LGA) in southern metropolitan Sydney encompassing _____ square kilometres.

The vast majority of the _____ LGA is highly developed, meaning very few private developments falling under Part 4 of the Environmental Planning and Assessment Act trigger the Biodiversity Offsets Scheme (the Scheme). As such, this submission will only respond to part (a) of the Terms of Reference.

In the approximately two years that _____ Council has applied the Scheme under Part 4 and 5 development pathways, only three developments have resulted in Biodiversity Development Assessment Reports (BDARs) being reviewed by Council Environmental Officers. Two of these BDARs were found to be incomplete in their assessments of prescribed impacts to threatened species. Of these developments, one has progressed regardless and resulted in no prevention of biodiversity loss, and the other is currently being appealed in the Land and Environment Court.

It is Council's view that the triggers for applying the Scheme do not apply well enough to metropolitan areas where biodiversity is not measurable by land size, and that amendments are needed to the triggers so that biodiversity in small pockets, through significant trees containing hollows, for example, are included as triggers to apply the Scheme. Assessments of BDARs should also only be done by external and independent ecological consultants, so that consenting authorities have documented reason to deny developments if they cannot show that they will not have Serious and Irreversible Impacts to biodiversity.

Council hopes that this submission will be considered.

Yours Sincerely,

Council