Urban Taskforce
AUSTRALIA

12 November 2026

Dr Louisa Mamouney
Executive Director
Conservation Planning and Offsets
Department of Climate Change, Energy, the Environment and Water
Locked Bag 5022
PARRAMATTA NSW 2124

Sent to: bos.governance@environment.nsw.gov.au

**Re: Transitioning the NSW Biodiversity Offsets Scheme to deliver net positive biodiversity outcomes**

Dear Louisa

Urban Taskforce Australia appreciates the opportunity to review the targeted consultation paper on transitioning the NSW Biodiversity Offsets Scheme to net positive.

Urban Taskforce understands the requirement under the NSW *Biodiversity Conservation Act 2016* (BC Act) to transition the NSW Biodiversity Offsets Scheme to net positive biodiversity outcomes, and that the Minister is to make a strategy for this purpose. The strategy must set out the actions, targets, and timeframes for the transition.

Urban Taskforce is concerned that this is yet another example of additional regulation that will make things harder and more expensive for the development industry and which will adversely impact the feasibility of residential development, particularly in greenfield areas, and ultimately lead to less housing supply. As we have previously advised, net positive means extra costs for our sector to deal with an issue which has been 200 years in the making. This is grossly unfair and will have a significant impact on housing supply and new housing costs.

Nonetheless, while Urban Taskforce members would prefer that this change was not progressed, if it is to be, then we recommend that the Department of Climate Change, Energy, the Environment and Water (DCCEEW), as a first step in the process, develop its strategy before any discussion around targets occurs. It should also seek clarity from the Federal Government about what actions will meet its net gain test.

DCCEEW needs to ensure that a strong evidence base sits behind the proposed changes and be very careful about determining the quantum of net gain sought through any target it proposes to set.

If any consideration is being given to a 10 per cent target, as proposed in the consultation paper, this would be extremely problematic, jeopardise feasibility and add yet another layer of cost and uncertainty to residential development in greenfield communities and ultimately to those looking to purchase a new home.

As a baseline, Urban Taskforce Australia seeks confirmation that any proposed changes will not be applied to land which is currently the subject to bio-diversity certification.

Secondly, rather than set blunt targets, DCCEEW should establish in its strategy flexible pathways for developers to achieve any new net positive outcome. It should also be looking to exempt from the net gain obligation, small projects or land where biodiversity has already been addressed through strategic planning or certification.

Urban Taskforce queries why measures taken to avoid and minimise biodiversity impacts cannot be considered. If the aim is to ensure an overall net benefit, then surely a holistic approach is required; one which considers the development in its totality? To the extent avoid and minimise measures have a beneficial biodiversity outcome, why disregard this?

Urban Taskforce would also encourage the Department to ensure that with any change, appropriate savings and transitional arrangements are in place giving certainty to projects already in the planning and assessment pipeline.

Urban Taskforce Australia supports measures that aim to streamline the assessment and gain in biodiversity values and clearly encourage and reward restoration outcomes.

**Conclusion**

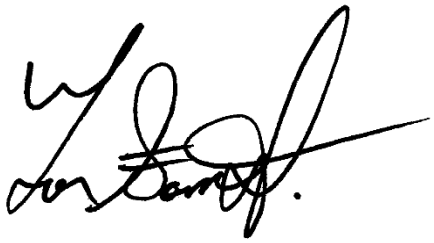
Any regulatory change applied to all factors associated with the delivery of new housing supply needs to be affordable, otherwise it simply represents an additional tax on the new home buyer. This somewhat obvious statement needs to be kept at the front of mind as this matter progresses. Put simply, it is the people looking to purchase new homes will be required to pay for the regulatory failures of the past in terms of protection of biodiversity outcomes.

As this is a macro-economic regulatory failure, the cost of implementing changes now should be borne by the government through the consolidated fund, not new home purchasers. This burden should be shared by all those

who benefit from biodiversity conservation and be actively supported by the broader tax base supporting the NSW Government.

Should you wish to discuss any aspect of this submission further, please call our Economist and Planning Analyst, William Hughes on 0418 286 530 or via email will@urbantaskforce.com.au

Yours sincerely



**Tom Forrest**
Chief Executive Officer