

Biodiversity Offsets – Policy and Reform team
Conservation Planning and Offsets Division
Department of Climate Change, Energy, the Environment and Water
Parramatta NSW 2150
Via email: bos.reforms@dcceew.nsw.gov.au

29 July 2026

Dear Biodiversity Offsets Policy and Reform team,

RE: Submission on the draft *Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Regulation 2026 (NSW)*

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission on the draft *Biodiversity Conservation Amendment (Biodiversity Offsets Scheme) Regulation 2026*.

ALCA is Australia's peak body for land conservation. We represent organisations that work to conserve, manage, and restore nature on privately managed land. The conservation efforts of our 23 member organisations have influenced over 9.3% of Australia with more than 4,000 landholders; we have over 70,000 supporters and our combined annual turnover exceeds \$400 million.

Together, ALCA and our members address the most pressing conservation issues across the country, by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and deploying nature-based solutions to mitigate climate change.

Our brief submission focuses on the two most important issues in the draft Regulations that we contend require further refinement.

Please note that ALCA is happy for this submission to be published in full.

Recommendations

- 1. That the final Regulations address Recommendations 10 and 11 from IPART's recent Annual Report on the Biodiversity Credits Market Monitoring (July 2026), specifically:**

"10. The Biodiversity Conservation Trust should annually publish a point-in-time list of 'high offset risk entities', comprising of:

- a. credits obligations that it has held for longer than three years*
- b. credits obligations that it has previously offset using non like-for-like rules*

11. The Department should require Accredited Assessors, as part of a Biodiversity Assessment Development Report or Biodiversity Certification

*Assessment Report, to note any offset requirements of a proposed development that are on the Trust's list of 'high offset risk entities'.*¹

In particular, ALCA shares the concern that the Scheme currently can – and in contravention to the Objectives of the *Biodiversity Conservation Act 2016* – allow for payments into the Biodiversity Conservation Fund:

*“...without genuine consideration of whether like-for-like offsets can be found... While this may have some practical impacts in reducing use of the Fund, we acknowledge that price changes alone may be insufficient to entirely prevent proponents from using the Fund for high offset risk credits... there are currently no controls to prevent the Scheme from allowing development to proceed without the certainty of like-for-like offsets. This is critical for allowing the Scheme to wholly deliver on the objectives of the Biodiversity Conservation Act 2016.”*²

This would require clauses 6.7 and 6.9 to be amended; ALCA notes that the Environmental Defenders Office has proposed specific amendments in their submission to this consultation, which we support.

ALCA also recognises the opportunity to build on IPART's recommendations and align the NSW framework with recent reforms to the *EPBC Act*, by requiring that a person must not retire biodiversity credits by paying an amount into the Biodiversity Conservation Fund for entities listed on the list of high offset risk entities. We note that Environmental Defenders Office has also proposed specific amendments to clause 6.13A in their submission to this effect.

2. That proposed changes to entry thresholds to the Biodiversity Offset Scheme should not proceed as it ignores cumulative impacts.

Most Australian jurisdictions do not have an area-based threshold for their offsetting scheme to apply, as they instead recognise the scale of damage that cumulative impacts to biodiversity (i.e. 'death by a thousand cuts') is creating across their landscapes. ALCA encourages the NSW Government to take cumulative impacts seriously; guidance on the seriousness of cumulative impacts can be found in the *State of Environment Report (2021)*³ and is an increasing focus of academic investigation⁴. ALCA appreciates that the Scheme has a 'test of significance', however this does not account for cumulative impacts.

On this basis, ALCA strongly rejects area-based exclusions to biodiversity offsetting – further, **the quality and species of affected biodiversity should always be assessed before clearance occurs** (e.g., is there habitat for threatened species, such as slow-forming hollows; are threatened species being cleared and/or being impacted). This assessment will ordinarily require level of on-ground – and not purely desktop – assessment.

¹ p94, https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Annual-Report-2024-25-Biodiversity-Credits-Market-Monitoring-July-2026-%282%29.PDF

² p94-95, Ibid.

³ <https://soe.dcceew.gov.au/>

⁴ Just for example, see: <https://biodiversitycouncil.org.au/news/we-must-assess-cumulative-impacts-to-protect-nature-from-death-by-a-thousand-cuts>

Whether land has managed (or not managed) to be positively declared as being of outstanding biodiversity value is an assessment undertaken at much too broad a scale to ensure that cumulative impacts can be safely ignored.

Item [45] (new clause 7.3) should therefore be deleted.

Thank you again for the opportunity to provide a submission on the draft Regulations.

Australian Land Conservation Alliance

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the Australia's peak body for land conservation, and represents organisations that work to protect, steward and restore nature on private and non-government managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

Our twenty-three members are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Biodiversity Legacy
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- National Landcare Network
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- Rainforest Rescue
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- Wildlife Bank
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds \$400 million. Together ALCA and our members address the most pressing land conservation issues across the country by restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to mitigate climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spill-over effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.