

BIODIVERSITY
CERTIFICATION
IN THE CAMDEN LGA
POLICY
P1.0013.1

BIODIVERSITY CERTIFICATION IN THE CAMDEN LGA POLICY

DIVISION: COMMUNITY INFRASTRUCTURE

BRANCH: RECREATION & SUSTAINABILITY

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 Council is a Relevant Planning Authority under the *Environmental Planning and Assessment Act 1979* ('EP&A Act').
- 1.2 The potential impact of development on a site on any threatened species, populations or communities is assessed using the Assessment of Significance (or '7 part test') under Section 5A of the EP&A Act.
- 1.3 If the impacts on the site were found to be 'significant', a Species Impact Statement would be required as would concurrence from the Director General of the NSW Office of Environment and Heritage (OEH).
- 1.4 An alternative method of biodiversity impact assessment is 'biodiversity certification'. Under Part 7AA of the *Threatened Species Conservation Act 1995*, a planning authority can apply to the NSW Office of Environment and Heritage (OEH) for land to be biodiversity certified.
- 1.5 Biodiversity certification offers planning authorities a streamlined biodiversity assessment process for areas marked for development at the strategic planning or development stage, along with a range of secure options for offsetting impacts on biodiversity.
- 1.6 After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the EP&A Act for site-by-site threatened species assessment.
- 1.7 Under Part 7AA (section 126J) of the *Threatened Species Conservation Act 1995*, only planning authorities can apply to the Minister to have biodiversity certification conferred over an area of land.
- 1.8 The South West Growth Centre underwent biodiversity certification during the preparation of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

2. OBJECTIVE

- 2.1 To facilitate the implementation of measures to maintain and/or improve the biodiversity values within the Camden LGA.
- 2.2 To provide guidance to Council, proponents and the community as to methodology to pursue biodiversity certification of land within the Camden LGA.

3. SCOPE

- 3.1 This policy applies to all land within the Camden LGA excluding the South West Growth Centre.

4. DEFINITIONS

- 4.1 *Biodiversity Certification Assessment Report* describes the procedures and assumptions used to calculate the offset requirement (in terms of biodiversity credits) and explains how the assessment provides an improvement or maintains an outcome.
- 4.2 *Biodiversity Certification Assessment Methodology* prescribes the manner in which a planning authority must undertake an assessment and sets out a rule set that ensures biodiversity values are improved or maintained as a result of conferring biodiversity certification over a development site.
- 4.3 *Biodiversity Certification Assessment Strategy* outlines how, when, and by whom, conservation measures will be provided.
- 4.4 *Red Flag Variation* - under Biodiversity Certification, red flags are areas that cannot simply be offset by the retirement of biodiversity credits in order to achieve an improvement or maintain an outcome for biodiversity.

PART 2 - POLICY STATEMENT

5. POLICY STATEMENT

- 5.1 Council acknowledges the value and importance of sustainably managing the Camden Local Government Area's biodiversity. It also recognises the need for a supply of affordable residential land, community services and facilities and economic growth via a sound strategic planning process. In this regard Council will consider applications for Biodiversity Certification on a case by case basis.
- 5.2 The stages in the Biodiversity Certification process are set out at '8. Biodiversity Certification Process' in this policy.

6. BENEFITS OF BIODIVERSITY CERTIFICATION

- 6.1 The benefit of biodiversity certification to Council is:
- A streamlined development assessment process.
- 6.2 The benefits of biodiversity certification to the community are:
- Secure conservation outcomes for high value natural environments and strategically target mitigation or offset efforts at an early stage.
 - A reduction in the cumulative impacts resulting from continued ad-hoc development.
- 6.3 The benefits of biodiversity certification to proponent are:
- Greater certainty to landowners regarding potential land uses and future development opportunities.
 - Savings in time and money spent on individual flora and fauna studies and negotiating individual conservation outcomes.

7. RESPONSIBILITIES OF PARTIES

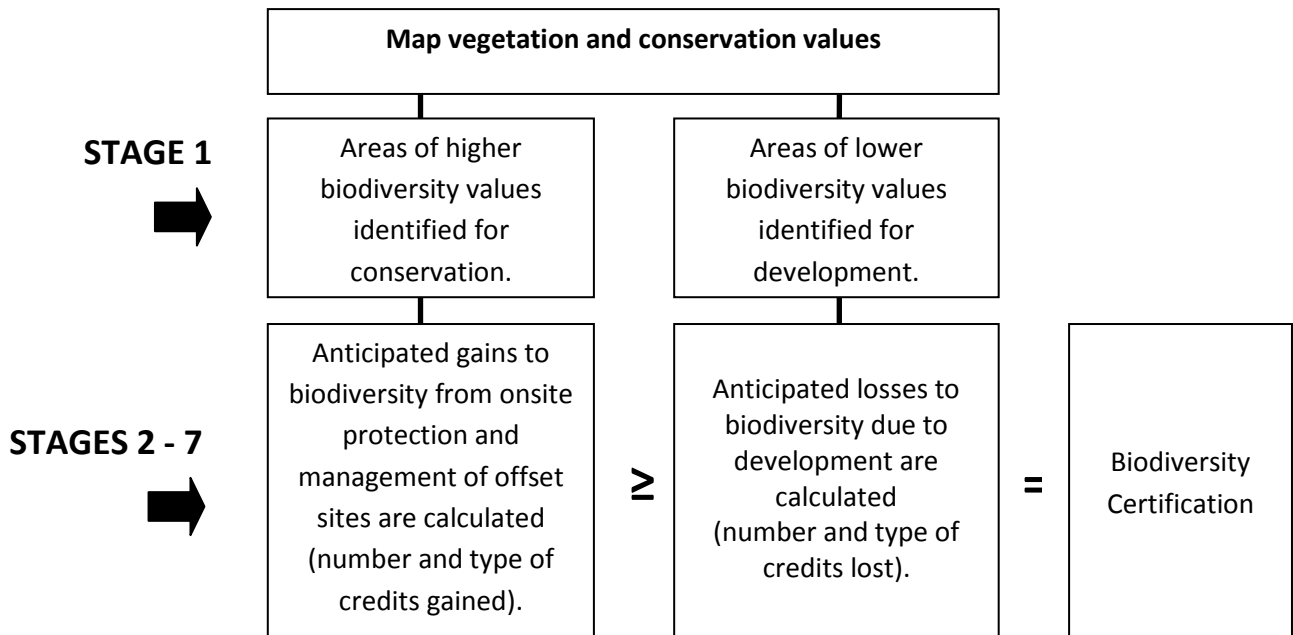
Responsibilities of Proponents

- 7.1 The proponent is responsible for undertaking background studies or surveys to determine if the site is suitable for consideration of Biodiversity Certification, including all costs associated.
- 7.2 The proponent is responsible for the preparation of the Biodiversity Certification Assessment Report, including all costs associated.
- 7.3 The proponent is responsible for the preparation of the Biodiversity Certification Strategy, including all costs associated.
- 7.4 The proponent is responsible for any applications required under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- 7.5 The proponent is responsible for applying for Red Flag Variations.
- 7.6 The proponent is responsible for providing Council with the digital GIS data of the proposed Biodiversity Certification area. Formats accepted by Council are ESRI Shape, Map Info or CAD (Coordinates are GDA 94.MGA Zone 56).
- 7.7 The proponent is responsible for any costs incurred by Council in the formal application for Biodiversity Certification of land to the NSW Office of Environment and Heritage.
- 7.8 The proponent is responsible for any costs associated with reporting undertaken by or on behalf of Council in relation to Biodiversity Certificated land.
- 7.9 Where offset measures such as bio-banking are proposed, the proponent shall endeavour to offset within the Camden LGA.

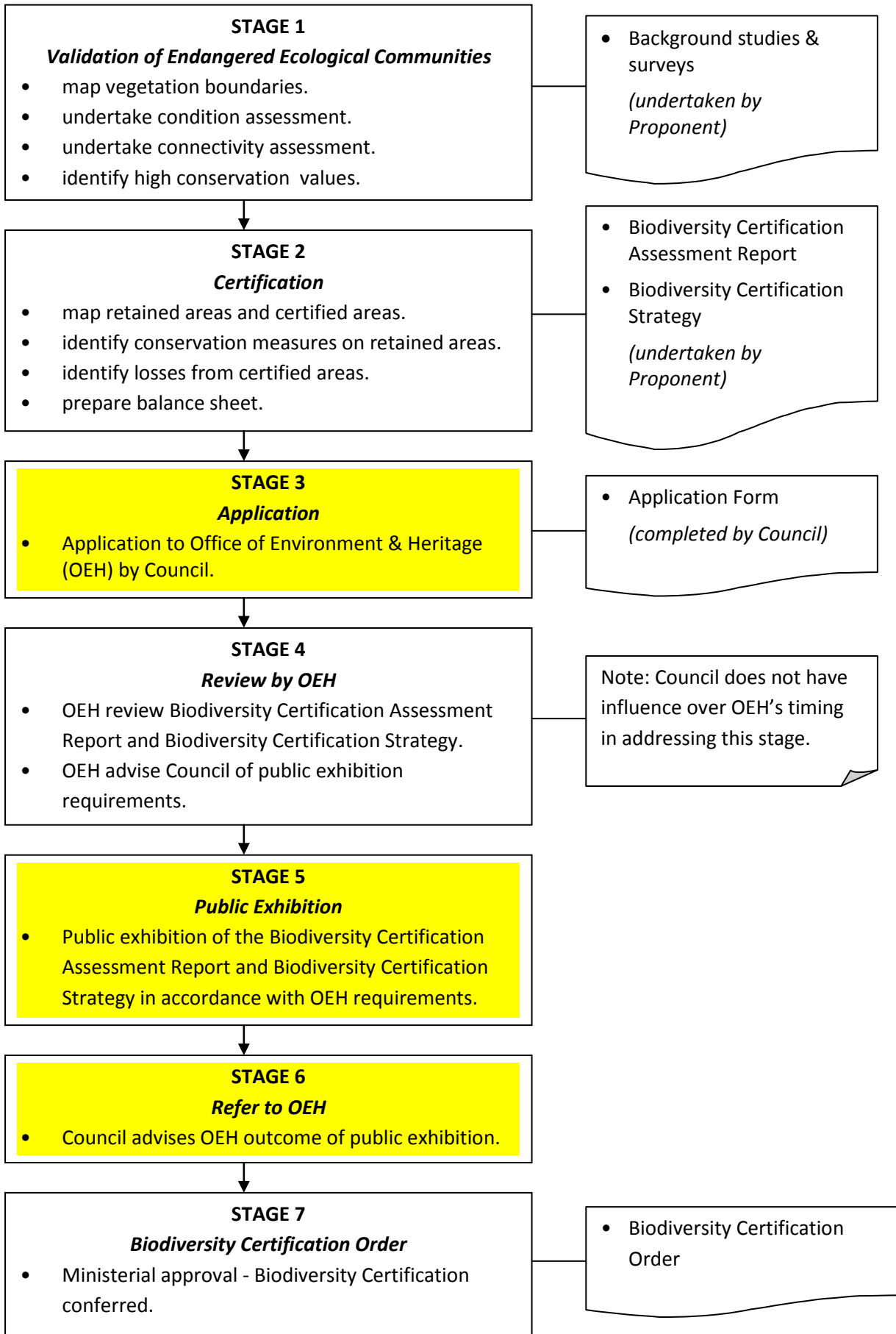
Responsibilities of Council

- 7.10 Council is responsible for the submission of the formal application for Biodiversity Certification, together with the Biodiversity Certification Assessment Report and Biodiversity Certification Strategy.
- 7.11 Council is responsible for the public exhibition of the proposed Biodiversity Certification.
- 7.12 Council encourages the proponent to submit as early as possible in the planning process.

8. BIODIVERSITY CERTIFICATION PROCESS | OVERVIEW



BIODIVERSITY CERTIFICATION PROCESS | STAGE OUTLINE



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RELEVANT LEGISLATION: *Environmental Planning & Assessment Act 1979*
Threatened Species Conservation Act 1995
Environment Protection & Biodiversity
Conservation Act 1999 (Cth)

RESPONSIBLE DIRECTOR: Director Community Infrastructure

APPROVALS: ELG, Council

NEXT REVIEW DATE: March 2017

RECORD KEEPING NOTES:

PRIVACY REQUIREMENTS: Available to the public via Council's website.

HISTORY:

Issue	Approved by	Changes made	Date
1	Adopted by Council	New	23 June 2015