



**BIODIVERSITY
CERTIFICATION
IN THE CAMDEN LGA
POLICY
P4.0013.4**

BIODIVERSITY CERTIFICATION IN THE CAMDEN LGA POLICY

DIVISION: Community Assets
BRANCH: Open Space and Sustainability
CATEGORY: 2

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 under Section 7.3 of the *Biodiversity Conservation Act 2016* (BC Act).
- 1.3 If the impacts on the site were found to be ‘significant’, a Species Impact Statement (SIS) and Biodiversity Development Assessment Report (BDAR) would be required as would seeking requirements from the Environment Agency Head for the preparation of a Species Impact Statement under Section 7.21 of the BC Act.
- 1.4 An alternative method of biodiversity impact assessment is ‘biodiversity certification’. Under Section 8.5 of the BC Act an application can be made to the Minister by a planning authority (including Council) or by all owners of the land proposed for biodiversity certification, or by any other person with the approval in writing of the owners.
- 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 Section 8.6 of the BC Act an applicant for biodiversity certification who is not a planning authority is to consult the local council of the area to which the application relates before undertaking public consultation on the application.
- 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 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.

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 www.environment.nsw.gov.au/biodiversity/biodivcertification.htm.

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 proponents 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 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 a formal application for Biodiversity Certification of land.
- 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 biodiversity stewardship are proposed, the proponent shall endeavour to offset within the Camden LGA.

Responsibilities of Council

- 7.10 Where the proponent requests Council to undertake the formal application for Biodiversity Certification, Council has a number of responsibilities outlined in the following points.
- 7.11 Council is responsible for the submission of the formal application for Biodiversity Certification, together with the Biodiversity Certification Assessment Report and Biodiversity Certification Strategy.
- 7.12 Council is responsible for the public exhibition of the proposed Biodiversity Certification.
- 7.13 Council encourages the proponent to submit as early as possible in the planning process.

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RELEVANT LEGISLATIVE INSTRUMENTS: *Environmental Planning and Assessment Act 1979*
Biodiversity Conservation Act 2016
Environment Protection and Biodiversity Conservation Act 1999 (Cth)

RELATED POLICIES, PLANS AND PROCEDURES: Nil
RESPONSIBLE DIRECTOR: Community Assets

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	23/06/2015	15/224410
2		Minor amendments to reflect structure change only	Oct 2017	17/349179
3	ELG	Minor amendments to reflect changes in legislation	18/07/2019	17/349179
4	ELG	Minor amendments only	19/05/2022	17/349179