

When to notify Department of Planning, Industry and Environment about development applications

In some circumstances, councils should notify the Department of Planning, Industry and Environment (DPIE) about development consent applications.

Developments requesting a reduced credit obligation

Applications for development consent may state an applicant is requesting a reduced credit obligation.

If a consent authority decides to approve a development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) with a lower credit obligation than described in a biodiversity development assessment report, concurrence is required from DPIE.

Councils are to advise DPIE within 10 days that a development application seeking a reduced credit obligation has been received (section 59 Environmental Planning and Assessment Regulation 2000). Councils should send the notice of potential concurrence applications to lmbc.support@environment.nsw.gov.au with a subject line including the local government area for the proposed development, and the notice must include all supporting information.

If a consent authority intends to support a reduced credit obligation, a formal application for concurrence must be made to DPIE within 30 days of receipt of the development application. A fee of \$320, payable to DPIE, is to accompany the request or the application will not be accepted.

DPIE may 'stop the clock' when asking for additional information from the applicant and/or consent authority. A formal request for additional information will be issued within statutory timeframes and will include the timeframe for return of the information.

If at any point after the application is made, the consent authority decides not to support the reduced credit obligation, the consent authority must notify DPIE.

Developments approved with an offset obligation

DPIE is monitoring the operation of the Biodiversity Offsets Scheme, including measuring biodiversity losses and gains across the scheme.

DPIE is asking councils to notify the [LMBC Service Centre](#) of the determination of every development (Part 4 EP&A Act) or activity (Part 5 EP&A Act) to which the Biodiversity Offsets Scheme applies.

To notify DPIE:

- the decision maker downloads and fills in the form [Biodiversity Offsets Scheme – Notification of Determination](#)

Councils could consider including a condition of consent in an approval that requires the applicant to notify DPIE.

The applicant would follow the process outlined on behalf of council.

It would be necessary for the condition of consent to require that council is copied into the notification to confirm compliance.

- the decision maker emails the completed form and attachments, including a copy of the determination and any conditions of approval, to the LMBC Service Centre at lmbc.support@environment.nsw.gov.au.

The LMBC Service Centre arranges for determination outcomes to be recorded in the Biodiversity Offset and Agreement Management System (BOAMS).

This is an interim process. DPIE intends to further develop BOAMS and supporting processes to enable direct capture of this information.