Biodiversity Certification

Guide for applicants
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The NSW Government has adopted all 43 recommendations in the final report of Independent Biodiversity Legislation Review Panel. Among these is a recommendation to broaden the application of Biodiversity Certification. Biodiversity Certification: Guide for applicants introduces applicants to the biodiversity certification scheme, relating to provisions current in May 2015. If in doubt, check Legislation NSW to confirm the status of the Biodiversity Certification provisions and Biodiversity certification to confirm the currency of the Methodology.

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About this Guide

The Minister administering the Threatened Species Conservation Act 1995 (TSC Act) may confer biodiversity certification on specified land (s.126H of the TSC Act). One of the key effects of biodiversity certification is to remove the need for a proponent to prepare a species impact statement or obtain the concurrence of the Chief Executive of the Office of Environment and Heritage (OEH) for development that would otherwise be likely to significantly affect threatened species.

Biodiversity certification can only be conferred by the Minister where the biodiversity certification ‘improves or maintains’ biodiversity outcomes (s.126O of the TSC Act). The gazetted Biodiversity Certification Assessment Methodology (the Methodology) establishes the process of biodiversity certification assessment, which is the assessment of the effect of biodiversity certification on biodiversity values. Biodiversity certification improves or maintains biodiversity values only if the Minister determines, on the basis of a biodiversity certification assessment under the Methodology, that the overall effect of biodiversity certification is to improve or maintain biodiversity values (s.126P of the TSC Act).

This Biodiversity Certification: Guide for Applicants (the Guide) provides information to prospective applicants on the principles and basic process of biodiversity certification. This document is intended to assist the applicant and the community in evaluating whether or not to pursue biodiversity certification.

More detailed guidance on interpreting and applying the Methodology is available in the Biodiversity Certification Operational Manual (the Manual).
1. What is biodiversity certification?

Biodiversity certification is a mechanism to integrate planning for biodiversity conservation with planning for proposed intensification of land use. It is focused on strategic planning at the landscape scale. An application for biodiversity certification may be developed simultaneously with a planning proposal or in other circumstances.

Biodiversity certification may be granted by the Minister administering the Threatened Species Conservation Act 1995 (TSC Act), in accordance with Part 7AA. Biodiversity certification can only be conferred by the Minister if it improves or maintains biodiversity values. It can also facilitate long-term protection and management of areas of high biodiversity value identified at the strategic planning stage.

Only planning authorities may apply to the Minister to have biodiversity certification conferred on specified land (TSC Act, s.126J(1)). An application can also be made jointly by two or more planning authorities (TSC Act, s.126J(2)). Applying for biodiversity certification is voluntary. Biodiversity certification may last for an indefinite period or for a period otherwise determined by the Minister (TSC Act, s.126ZA). The certification will be subject to periodic reviews by the Minister, generally at 15 year intervals (TSC Act, s.126ZC).

The biodiversity certification process encourages planning authorities to assess the biodiversity values of land as part of the strategic planning process. In this way, the planning authority may identify:

- areas of high biodiversity value to be protected from development, and
- other areas of lower biodiversity value, including cleared land, suitable for development.

Impacts to biodiversity values from development can be offset by applying conservation measures to land identified for biodiversity protection. Figure 1 illustrates the concept of biodiversity certification. Areas nominated for biodiversity protection and for development can then be reflected in local environmental plans (LEPs) with the appropriate land-use zones.

![Diagram of biodiversity certification concept](image-url)

**Figure 1:** The biodiversity certification concept
This Guide should be read in conjunction with:

- Part 7AA of the *Threatened Species Conservation Act 1995* – the legislation behind biodiversity certification
- the *Biodiversity Certification Assessment Methodology* (the Methodology), under which the certification proposal must be assessed, and

2. **Improve or maintain biodiversity values**

The Minister administering the TSC Act may only confer biodiversity certification on specified land if the biodiversity certification improves or maintains biodiversity values (TSC Act, s.126O).

The Minister will determine whether biodiversity certification improves or maintains biodiversity values based on a biodiversity certification assessment. The biodiversity certification assessment must be made in accordance with the Methodology. The Methodology is available for download from the OEH website: [www.environment.nsw.gov.au/biocertification/index.htm](http://www.environment.nsw.gov.au/biocertification/index.htm). The Minister must refuse to confer biodiversity certification if biodiversity certification does not improve or maintain biodiversity values (TSC Act, s.126R(1)).

3. **Benefits of biodiversity certification**

After biodiversity certification is conferred on specified land:

- a proponent is not required to prepare a species impact statement or obtain the concurrence of the Chief Executive of OEH for development on that land that would otherwise be likely to significantly affect threatened species
- for transitional Part 3A projects and State Significant Infrastructure, it removes the requirement for the proponent to assess the impact of that development on biodiversity values
- for development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), a consent authority is not required to consider the likely impact of the development on biodiversity values when determining a development application, and
- for an activity under Part 5 of the EP&A Act, a determining authority is not required under that Part to consider the effect of the activity on biodiversity values.

In addition, the *Native Vegetation Act 2003* (NV Act) does not apply to biodiversity certified land.

Biodiversity certification of an area provides certainty for planning authorities and landholders alike. It is expected that biodiversity certification will provide economic savings for developers, reducing the cost of environmental assessment related to development applications. It is anticipated that planning authorities will also experience economic benefit from a more streamlined environmental assessment and approval process and the encouragement of investment.

Biodiversity certification also benefits the environment. Biodiversity certification will not be conferred unless biodiversity certification improves or maintains biodiversity values (TSC Act, s.126O). Biodiversity losses resulting from the development of land on the
biodiversity certified land would be offset by conservation measures. Biodiversity certification allows offsets to be protected and managed in the long term. Landscape-scale strategic planning allows offsets to be strategically located for improving biodiversity outcomes across a region.

4. **When to apply for biodiversity certification**

Planning authorities should consider applying for biodiversity certification for areas where the intensification of land use is proposed. These growth areas will often be identified in regional planning strategies. Biodiversity certification is appropriate for large areas of land. For smaller, site-scale developments, Biodiversity Banking (biobanking) is a more appropriate pathway for securing conservation measures to offset impacts of the proposed developments, see [www.environment.nsw.gov.au/biobanking/](http://www.environment.nsw.gov.au/biobanking/).

An application for biodiversity certification will generally be developed in conjunction with a planning proposal, although this is not a mandatory requirement. The biodiversity certification assessment area will generally apply to the land that is the subject of the planning proposal, including land for development and conservation. Where several growth areas have been identified in an area, the planning authority can consider aggregating nearby growth areas into one biodiversity certification assessment area.

An application for biodiversity certification must be publicly exhibited by the applicant planning authority in accordance with s.126N of the TSC Act. This exhibition should ideally coincide with the exhibition of the planning proposal (if applicable).

To apply for biodiversity certification, a planning authority will need to submit a biodiversity certification application, available online at: [www.environment.nsw.gov.au/biocertification/index.htm](http://www.environment.nsw.gov.au/biocertification/index.htm)

To complete a biodiversity certification application, the applicant will need to have completed a biodiversity certification assessment in accordance with the Methodology.

Biodiversity certification may be conferred on land only if the applicant has a Biodiversity Certification Strategy (TSC Act, s.126K(1)). A Biodiversity Certification Strategy is a policy or strategy for the implementation measures to ensure than the overall effect of biodiversity certification is to improve or maintain biodiversity values (TSC Act, s.126K(2)). The Biodiversity Certification Strategy will identify (amongst other things) the land proposed for biodiversity certification and the conservation measures proposed to offset the impacts of the biodiversity certification (TSC Act, s.126K(4)). The Biodiversity Certification Strategy will also outline how the proposed biodiversity certification improves or maintains biodiversity outcomes.

5. **Getting started**

The preparation of the biodiversity certification application, undertaking the biodiversity certification assessment and preparing the Biodiversity Certification Strategy requires specialist ecological and environmental assessment skills. The planning authority will require the services of an accredited BioBanking Assessor. A list of accredited assessors is available on the biobanking website: [www.environment.nsw.gov.au/biobanking/Assessorlist.htm](http://www.environment.nsw.gov.au/biobanking/Assessorlist.htm)

**Consultation with agencies**

Before starting the assessment process for biodiversity certification, it is important to consult with the Office of Environment and Heritage (OEH). Contact the OEH office in
your region for advice and assistance with a biodiversity certification application. Contact numbers are listed at the end of the Guide.

Discuss the proposal with the OEH contact officer to fully understand the process and requirements for biodiversity certification. The Department of Planning and Environment will also need to be consulted, to ensure that the proposal is consistent with regional strategies, plans and policies.

**Consultation with landholders and the community**

The planning authority should plan how to engage landholders and the community at each stage of the biodiversity certification process. The community is likely to have views on the value and protection of biodiversity in their area. In addition, landholders identified for permanently managed and funded or permanently funded conservation measures will be required to provide their consent to those measures as a minimum.

There is a mandatory requirement to exhibit an application for biodiversity certification.

**Defining the biodiversity certification assessment area**

The biodiversity certification application must be based on an assessment area. The assessment area may be based on a growth area identified in a regional growth plan or a regional strategy.

The assessment area must include any land which the planning authority is seeking to have certified. Ideally, the assessment area will take in a broader area to also include surrounding vegetation. A larger assessment area will provide a clearer picture of local vegetation types and assist with planning for offsets required for the impacts of biodiversity certification.

The assessment area will be the basis of the Biodiversity Assessment Report, which will document current biodiversity values. The Biodiversity Assessment Report will inform decision-making around the use of land for development and for offsets.

The biodiversity certified land will include only land for future development; however, the Biodiversity Certification Strategy will identify land intended for conservation measures to offset the impacts of certification.

6. **The biodiversity certification process**

**Stage 1 – Biodiversity assessment**

A biodiversity certification assessment must be undertaken for the assessment area. The biodiversity certification assessment will culminate in a Biodiversity Assessment Report. The report will document the present biodiversity values of the site and field survey effort.

A biodiversity certification assessment must be carried out by an accredited BioBanking Assessor.

The steps involved in preparing a biodiversity certification assessment are as follows:

**Assess landscape features**

This part involves the mapping of landscape features. These maps build the foundation for vegetation stratification and calculation of landscape value score. Features of state and regional significance are also mapped, which are ‘red flag’ areas.
Assess native vegetation

This part involves stratification of vegetation by identifying vegetation types and partitioning vegetation types into vegetation zones based on their condition. Accredited assessors will then determine the survey effort required, conduct the field survey and calculate current site values for each vegetation zone. The Biodiversity Certification Credit Calculator will assist in identifying which vegetation zones are ‘red flag’ areas.

Assess threatened species and populations

This part involves the identification and assessment of threatened species. ‘Ecosystem credit’ threatened species are identified using the Threatened Species Profile Database and with assistance from the Biodiversity Certification Credit Calculator. The accredited assessor will also identify the ‘species credit’ threatened species that are candidates for targeted survey, conduct the field survey and document their findings in a ‘species polygon’ using GIS. The species polygon represents the area in which the species is expected to occur. These will be ‘red flag’ areas.

Assess matters of national environmental significance (optional)

This part assists the planning authority and accredited assessor to identify Matters of National Environmental Significance (MNES) listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. This part is optional; however, if the accredited assessor encounters MNES in the assessment area, it is in the interests of the planning authority to hold early discussions with the Commonwealth Department of the Environment about potential impacts.

Analyse results and prepare a Biodiversity Assessment Report

The outcomes of Stage 1 are documented in the Biodiversity Assessment Report. Requirements for the contents of the Biodiversity Assessment Report are outlined in the Manual. The accredited assessor will analyse the results produced in Stage 1 and provide recommendations on future development and conservation land uses. The accredited assessor is encouraged to provide the report to OEH for information and discussion.

Stage 2 – Impact assessment (biodiversity values)

Using the results from Stage 1, maps of high conservation value land or ‘red flag’ areas will be produced to guide the planning authority in planning future land uses. The planning authority will then avoid and minimise impacts on biodiversity values and identify the preferred development footprint. Biodiversity certification can only be conferred where the Minister determines on the basis of a biodiversity certification assessment that the overall effect of biodiversity certification is to improve or maintain biodiversity values. Avoiding impact, particularly on red flag areas, is key to demonstrating an ‘improve or maintain’ biodiversity values outcome. The unavoidable impacts on biodiversity arising from the biodiversity certification of the land must be fully offset by conservation measures.

The planning authority would consider all environmental constraints and land-use needs in identifying the development footprint and proposed land for conservation measures. Not all land within the assessment area needs to be identified as either for biodiversity certification (development) or for conservation. Land within the assessment area that is not identified for either purpose is termed ‘retained’ lands and is not considered further in the application or strategy.
Stage 2 would be led by the planning authority, with advice from the accredited assessor as appropriate. The accredited assessor will operate the Biodiversity Certification Credit Calculator to calculate credit requirements.

The steps involved in Stage 2 are as follows:

**Avoid and minimise impacts on biodiversity values**

This step commences with mapping of red flag areas. OEH recommends the additional step of identifying other environmental constraints. Examples include steep lands, bushfire hazard requiring Asset Protection Zones, heritage and other constraints described in a regional growth plan or a regional strategy. It is recommended that the planning authority layer all constraints relevant to the assessment area on one map, including biodiversity constraints identified in Stage 1.

Using these constraints maps, the planning authority would identify lands proposed for development, avoiding areas of high conservation value wherever possible. If the planning authority identifies red flag areas that would be difficult to avoid, a red flag variation will need to be considered. The accredited assessor can advise the planning authority on whether the red flag area is likely to meet the variation criteria outlined in the Methodology. If the variation criteria are able to be satisfied, the Chief Executive of OEH may advise the Minister that red flag areas may be cleared and offset.

**Consider indirect impacts**

Having identified the development footprint, the planning authority is now in a position to consider indirect impacts. It may be appropriate to include a buffer around high conservation value areas in land-use plans. The planning authority will be required to identify measures to mitigate the impacts of indirect impacts in the Biodiversity Certification Strategy. For the biodiversity certification to meet the ‘improve or maintain’ biodiversity values standard, the Chief Executive of OEH must be satisfied that indirect impacts on biodiversity values are appropriately minimised.

**Determine the offset requirement**

In this step, the accredited assessor will generate a credit statement for the biodiversity certification (development) lands identified within the assessment area.

**Stage 3 – Improving biodiversity values**

Using the results of Stage 2, the planning authority can identify areas proposed for conservation measures. Credits generated by conservation measures can also be calculated. Should there be a deficit in offset credits the planning authority can investigate alternative means for generating offset credits. The matching of credits required for biodiversity certification with offset credits must follow the offset rules outlined in the Methodology.

The Biodiversity Certification Credit Calculator assists accredited assessors to calculate credit requirements. The planning authority and the accredited assessor will work together in testing and validating biodiversity certification and offset options. Refinement of development footprints identified in Stage 2 may be required.

The steps involved in Stage 3 are as follows:

**Identify land proposed for conservation measures**

The planning authority can now identify potential locations for conservation measures. The Methodology provides a number of options for conservation measures.
Credits are earned at conservation sites based on the assumption that biodiversity values will increase over time. Conservation measures that are permanently managed and funded will earn 100% of the credits calculated using the Biodiversity Certification Credit Calculator. Conservation measures that are permanently managed but not funded will be discounted by 10% (90% measures) and ‘planning instrument’ conservation measures will be discounted by 75% (25% measures). Land with existing conservation obligations will also be subject to credit discounting if proposed as a conservation measure for the purposes of the biodiversity certification.

In considering the conservation measures available, the planning authority will likely have to engage with landowners and the community to canvas different opinions and seek support. The planning authority should also consider whether conservation measures can be established on the proposed sites.

**Calculate gain in biodiversity values**

In this step, the accredited assessor will generate a credit statement for the certification (development) and offset (conservation) lands identified within the assessment area.

**Address credit deficit**

If the calculations above reveal a deficit in offset credits, the planning authority will consider alternative options. These may include: upgrading the conservation status or management measures applied to conservation lands within the assessment area; applying conservation measures to land outside of the assessment area; or financial contributions.

**Credit profiles and offset rules**

This part outlines the credit profiles and offset rules. These rules establish how certification and offset credits are to be balanced.

**Stage 4 – Applying for biodiversity certification**

When the planning authority and accredited assessor are confident that the proposed conservation measures adequately offset the biodiversity impacts of biodiversity certification of the specified land, a draft Biodiversity Certification Strategy is prepared. The application and strategy are submitted to OEH and receipted. The planning authority will then place the application and strategy on public exhibition with submissions invited, prior to the Minister's decision.

The steps involved in Stage 4 are as follows:

**Liaison prior to exhibition**

It is recommended that the draft Biodiversity Certification Strategy be discussed with OEH.

If the application is made in conjunction with a planning proposal, the Department of Planning and Environment (DP&E) should also be involved to ensure that the provisions in the planning proposal are likely to be supported by the DP&E. Where the planning instrument is not finalised prior to certification, the application will also need to be accompanied by written advice from the Minister for Planning supporting the changes.

Through this liaison, the final pre-exhibition draft of the Biodiversity Certification Strategy is prepared. Guidance on the content of the strategy is provided in the Manual.
Application form

Information from the Biodiversity Certification Strategy is used to complete the application form, which is available on the OEH website. The form must be filled in and signed by the legal representative(s) of the planning authority. The accredited assessor responsible for the biodiversity assessments must also sign the declaration on the form.

Two maps must be attached to the application form – one showing the boundary of the proposed biodiversity certification area and the other showing the boundaries of the proposed on-land conservation measures. The Biodiversity Certification Strategy will accompany the application form, and the Biodiversity Assessment Report will be appended to the Biodiversity Certification Strategy.

Public notification and exhibition

The application form and Biodiversity Certification Strategy are submitted to OEH. The planning authority must then publish notice of the application in a newspaper circulating generally throughout the state and on the planning authority’s website. Copies of the application and supporting documents must be publicly available for at least 30 days. It is preferable that the exhibition of the application and strategy is concurrent with any planning proposal exhibition.

When the exhibition period ends, the planning authority must provide a report to the Minister that indicates the applicant’s response to any submissions received (submissions report). On the basis of any submissions received or for any other reason, the planning authority may vary its application, including its Biodiversity Certification Strategy. Any amendments to the strategy should be detailed in the submissions report.

OEH reviews and recommends

The completed application form, the final Biodiversity Certification Strategy and its supporting documentation, and the submissions report is re-submitted to the Minister for the Environment. The Minister will acknowledge receipt of the application and then forward it to the relevant OEH office for review and advice. OEH will make recommendations to the Minister, and the Chief Executive of OEH where the Methodology provides for a decision-making role, on the basis of the OEH review.

Minister’s decision

After considering the advice from OEH, the Minister will either confer biodiversity certification on the specified land or refuse it. If biodiversity certification is conferred then this will occur through an order published in the Government Gazette. Biodiversity certification may be conferred for a set time period or indefinitely.

7. Frequently asked questions

What is the role of a local council in biodiversity certification?

A local council (Council) is a planning authority and as such may be the applicant for biodiversity certification for the nominated lands. As the applicant, Council will have responsibility for the following aspects of the biodiversity certification process:

- engaging an accredited assessor to carry out a biodiversity certification assessment in accordance with the Methodology and the Manual
- identifying lands proposed for development and lands proposed for conservation
- developing a Biodiversity Certification Strategy to outline lands proposed for development and conservation measures proposed to improve or maintain biodiversity values
- engaging with the community
- public exhibition of the biodiversity certification application, Biodiversity Certification Strategy and accompanying planning proposals (where relevant).

If biodiversity certification is conferred on the specified land, Council will have responsibility for the following:
- considering the effects of the biodiversity certification in relation to development applications proposed to be carried out on the biodiversity certified land
- implementation of conservation measures where Council is a party to a measure
- ensuring that parties committed to the delivery of conservation measures comply with any biodiversity certification conditions or Biodiversity Certification Agreement.

**Why can’t developers apply for biodiversity certification?**

Biodiversity certification is a strategic planning tool, intended for use at the landscape scale. Biodiversity certification is best suited to large areas of land with multiple landholdings and ownership.

The legislation states that an application for biodiversity certification may be made to the Minister by any planning authority (TSC Act, s.126J). Planning authorities have responsibility for planning of future land uses broadly and for assessing proposed developments against these land-use goals. It is appropriate that a planning authority be the applicant for a process with potential broad community impact and benefit. BioBanking has been designed for assessing and quantifying impacts on biodiversity from the development of single holdings or small areas.

However, a developer may request that a planning authority make an application for biodiversity certification. The planning authority may enter into an agreement with the developer requesting the application for the payment of any costs and expenses incurred by the authority in undertaking studies and other matters required in relation to the biodiversity certification application (TSC Act, s.126M(6)).

**Who is a party to the biodiversity certification?**

The Minister may, in an order conferring biodiversity certification, identify the party or parties to the biodiversity certification (TSC Act, s.126Z). The parties to the certification will also be required to sign the application form. Parties to a biodiversity certification may include:
- the planning authority, or planning authorities, that applied for the biodiversity certification
- any person or body proposed by the applicant as a party to the biodiversity certification who consents to being made a party to the biodiversity certification.

If a developer requests that a planning authority make an application for biodiversity certification, they should be identified as a party to the certification. Other agencies that have the benefit of easements on the certified land or other service provision and management roles within the certification area may also be considered as parties to the certification.
Landowners or third parties with responsibility for delivering conservation measures must also be made a party to the biodiversity certification. Note that owners of land over which a planning instrument conservation measure is proposed need not be a party to the biodiversity certification.

**Can an application for biodiversity certification be based on land already zoned for development?**

An application for certification need not align with a planning proposal, although it often will. Land already zoned for development may be proposed for certification, provided that the proposal complies with the requirements in the Methodology. Land proposed for conservation measures to offset the impacts of the certification would need to be identified outside of the land zoned for development. Note also that if planning instrument conservation measures form part of the proposed biodiversity certification they must be ‘new’ measures, proposed for the purposes of the certification (refer to Section 8 of the Methodology).

**Is access to every property required for biodiversity assessment surveys?**

No. Landowners cannot be compelled to allow access to their property for the purposes of biodiversity certification surveys. The Manual describes processes for extrapolating data if necessary. For inaccessible properties, efforts to obtain permission and the method of data extrapolation need to be identified in the Biodiversity Assessment Report.

**Do conservation measures need to be in place before certification is conferred?**

The biodiversity certification application must be accompanied by a Biodiversity Certification Strategy. This strategy will outline what conservation measures are proposed and make a commitment to the timing of delivery of these measures. It is acknowledged that some conservation measures may not be in place at the time of conferral.

For conservation measures not in place at conferral, a Biodiversity Certification Agreement will form part of the strategy. This agreement will document the conservation measure, the proposed timing and parties responsible for its delivery. The Biodiversity Certification Agreement is a legally binding document and will be registered on the title of the certified land.

**How much will it cost?**

There is no application fee for biodiversity certification; however, the following elements of the process will incur cost:

- preparation of a biodiversity certification assessment, including mapping and field studies
- preparation of a biodiversity certification application form and Biodiversity Certification Strategy, including mapping and use of the Biodiversity Certification Credit Calculator
- costs associated with staff attendance at meetings with consultants and OEH, liaison with property owners and community consultation
- advertisement and exhibition of application and Biodiversity Certification Strategy, preparation of submissions report and amendment of Biodiversity Certification Strategy and application (as required)
• application fee for a biobanking agreement if used as a conservation measure and/or costs for the purchase and/or management of permanently funded and managed conservation measures
• monitoring implementation of conservation measures as per any Biodiversity Certification Agreement.

The costs associated with preparing a biodiversity certification application can be substantial. If a developer has requested that the planning authority make an application for biodiversity certification, the planning authority’s costs associated with the preparation of the application can be recovered from the developer under s.126M of the TSC Act.

Biodiversity certification removes biodiversity and threatened species assessment from the development assessment process for any development application to undertake development on the certified land. This is expected to translate to a cost saving for the planning authority.

Does a local council need to amend its local environmental plan?

Not necessarily. The Ministerial order conferring biodiversity certification on specified land (Biodiversity Certification Order) is the instrument that details the certification (including any requirements as to the timeframe for implementing the measure) and it is this order that the Minister may use to enforce the certification. The Biodiversity Certification Order will identify the biodiversity certified land in a map. Where conservation measures are delivered at the time of biodiversity certification, the effects of the biodiversity certification will usually apply immediately upon conferral. For conservation measures not delivered at the time of certification, a Biodiversity Certification Agreement will be registered on the title of relevant land to secure delivery of the conservation measure.

However, should a planning instrument conservation measure be proposed as part of the Biodiversity Certification Strategy, the local environmental plan would have to be amended to reflect these changes.

Are there ongoing costs for local councils to maintain conservation measures?

Permanently funded and managed conservation measures will require a funding source. Where a biobank site is established as a conservation measure, ongoing payment will be available from the BioBanking Trust Fund once the total fund deposit has been paid.

Permanently managed conservation measures are required to be permanently set aside for conservation purposes and actively managed to improve biodiversity values. Where local councils are responsible for implementing these measures, ongoing active management of permanently managed conservation measures may incur ongoing costs.

Are there ongoing reporting requirements for local councils?

There are no ongoing reporting requirements relating to biodiversity certification; however if a local council is the owner of land the subject of a conservation measure, or otherwise responsible for implementing a conservation measure, reporting requirements may apply depending on the type of conservation measure. For example, the owner of a biobank site is required to provide annual reports to OEH in accordance with their biobanking agreement.

How long will it take?

The time taken to prepare a biodiversity certification application is variable. Preparation of the biodiversity assessment, including a field survey, is likely to take at least three months.
Note that optimal field survey time for some species is restricted to particular months of the year, which may also influence timing. Planning for future land uses may take up to six months, involving extensive community engagement and discussions with the Department of Planning and Environment. Balancing biodiversity credits and identifying sources of offset credits is likely to take at least three months. The development of a draft Biodiversity Certification Strategy, initial submission to OEH, exhibition and submissions phase is also likely to take at least three months. The application and Biodiversity Certification Strategy must be exhibited for a minimum of 30 days.

8. Useful information

Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>DP&amp;E</td>
<td>NSW Department of Planning and Environment</td>
</tr>
<tr>
<td>EP&amp;A Act</td>
<td>Environmental Planning and Assessment Act 1979 (NSW)</td>
</tr>
<tr>
<td>EPBC Act</td>
<td>Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)</td>
</tr>
<tr>
<td>Minister</td>
<td>Minister administering the TSC Act, unless otherwise stated</td>
</tr>
<tr>
<td>NP&amp;W Act</td>
<td>National Parks and Wildlife Act 1974 (NSW)</td>
</tr>
<tr>
<td>NSW</td>
<td>New South Wales</td>
</tr>
<tr>
<td>NV Act</td>
<td>Native Vegetation Act 2003 (NSW)</td>
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<tr>
<td>OEH</td>
<td>Office of Environment and Heritage, Department of Premier and Cabinet</td>
</tr>
<tr>
<td>TSC Act</td>
<td>Threatened Species Conservation Act 1995 (NSW)</td>
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Websites


Tools and reference materials available on the biodiversity certification website


Other tools and reference material


Where to obtain further information about biodiversity certification


If you wish to enquire further about biodiversity certification, please contact one of the following OEH offices.

Head office
59–61 Goulburn Street, Sydney
PO Box A290, Sydney South 1232
Phone: 131 555 (NSW only) or (02) 9995 5000
Email: info@environment.nsw.gov.au

Regional offices

Hunter Central Coast
Level 4/26 Honeysuckle Drive, Newcastle West, NSW 2300
Locked Bag 1002, Dangar NSW 2309
Phone: (02) 4927 3152

North East
Federation House, 24 Moonee Street, Coffs Harbour NSW 2450
Locked Bag 914, Coffs Harbour 2450
Phone: (02) 6651 5946

North West
48–52 Wingewarra Street, Dubbo 2830
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