

Circular Details	Circular No 17-23 / 26 July 2017 / A552187
Previous Circular	N/A
Who should read this	Councillors / General Managers / All council staff
Contact	Development Team - 02 4428 4100 olg@olg.nsw.gov.au
Action required	Information / Response to OLG / Council to Implement

Preparing for implementation of the *Biodiversity Conservation Act 2016*

What's new or changing

- In March 2015, the NSW Government committed to all 43 recommendations of the Independent Biodiversity Legislation Review Panel's review of biodiversity conservation legislation.
- The new *Biodiversity Conservation Act 2016* (BC Act) and *Local Land Services Amendment Act 2016* passed through the NSW Parliament in November 2016.
- The draft Biodiversity Conservation Regulation (BC Regulation), Local Land Services Amendment Regulation, Vegetation SEPP and other key supporting products were exhibited from 10 May to 21 June 2017. Feedback from the consultation period is now being considered.
- The BC Act and draft BC Regulation together outline a new framework for the assessment and approval of biodiversity impacts associated with developments that require consent under the *Environmental Planning and Assessment Act 1979* (EP&A Act). This includes the introduction of a new Biodiversity Offsets Scheme.
- A key element of this framework is the Biodiversity Assessment Method which must be used to assess the biodiversity impacts of a development proposal to which the Biodiversity Offsets Scheme applies. A species impact statement will not be required under the offset scheme.
- The Biodiversity Assessment Method must be applied by an accredited assessor.
- A Vegetation SEPP will regulate clearing of vegetation in urban and environmental zones where the clearing does not otherwise require development consent under the EP&A Act.

What this will mean for your council

A table outlining key elements of the proposed amendments of relevance to councils is attached to this circular.

Strategy for supporting councils in implementation

- The Office of Environment and Heritage (OEH), in partnership with the Office of Local Government (OLG) and in consultation with Local Government NSW (LGNSW) is developing a capacity building program to support local government to implement biodiversity reform.

- Under the program, a regionally-based support network will be established to provide 'help-desk' support for councils. The support model will include eight positions embedded within the local government sector. Negotiations with host partners are currently underway. OLG will keep councils informed as the support network is established.
- OEH is also developing:
 - Guidance material and other products to assist councils in implementing the BC Act
 - A process for councils to submit data to be considered for inclusion in future releases of the Biodiversity Values map. OEH will keep councils informed as this process is established.

Biodiversity Offset Scheme training for local government staff

- OEH will sponsor up to 500 training places for local government employees involved in development assessment and approvals. Employees can register their interest to participate through the registration portal at <http://www.greencap.com.au/training/biodiversity-offsets-scheme-training-nsw>
- Training will commence for approvers in August 2017. Five sessions are planned:
 - 3 August – Sydney
 - 11 August – Sydney
 - 16 August – Nowra (location tentative)
 - 22 August – Grafton (location tentative)
 - 30 August – Dubbo (location tentative)
- More training for local government will be scheduled for September – December 2017.

Key points

- Staff involved in development assessment and approvals should register their interest in participating in approvers training. Local Government staff may elect to become accredited assessors.

Where to go for further information

- For further information on the land management and biodiversity conservation reforms, visit the Land Management consultation portal at www.landmanagement.nsw.gov.au
- The Explanation of Intended Effect for the proposed Vegetation SEPP can be viewed on the website above or via the Department of Planning's website at <http://www.planning.nsw.gov.au/Policy-and-Legislation/State-Environmental-Planning-Policies-Review/Draft-Vegetation-SEPP>

For further information, contact Kelly Carbery, Project Manager – Capacity Building, at OEH on 02 9995 6726 or implementation.bioreforms@environment.nsw.gov.au or Jim Fraser, Principal Project Officer at OLG on 02 4428 4100.



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