**From:**
**Sent:** Tuesday, 6 March 2018 11:59 AM
**To:**
**Cc:**
**Subject:** Further Information from OEH - Belrose Planning Proposal

Hello

Thank you organising the meeting between Marnie and myself and the Commissioners.

We committed to providing additional information on serious and irreversible impacts (SAII) and the requirements for future development applications under the Biodiversity Conservation Act (BC Act). I also want to provide additional information on the future use of the land and biodiversity matters.

**Biodiversity planning principles**
The OEH principles for the use of biodiversity offsets in NSW are the relevant offset principles for planning proposal. The principles are at:
http://www.environment.nsw.gov.au/biodivoffsets/oehoffsetprincip.htm

**Serious and Irreversible Impacts (SAII)**
The concept of SAII is a central component of the NSW biodiversity offset scheme under the *Biodiversity Conservation Act 2016.* It is fundamentally about protecting threatened species (i.e. Grevillea caleyi) and threatened ecological communities (i.e. Duffys Forest) that are most at risk of extinction from potential development impacts and activities. Hence the imperative to avoid impacts at the planning proposal stage.

At the development application stage (Part 4) councils must refuse to grant development consent if in its opinion that proposal is likely to impact SAII.

Please find a link to further information on SAII https://biodiversity-ss.s3.amazonaws.com/Uploads/1494298198/Serious-and-Irreversible-Impact-Guidance.PDF

OEH supports the Panel's recommendation to seek a map depicting the location of SAII entities.

**Future Use of the Land**
Marnie and I were asked about what the land could be used for if this planning proposal did not go ahead. It terms of the future use, that is for the relevant planning authority to decide taking social, economic and environmental factors into account. OEH's role is to provide advice on biodiversity values, Aboriginal cultural heritage and flooding and natural hazards, to the relevant planning authority for its consideration in its decision-making process.

An option we didn't raise yesterday was using all of the land as a stewardship site given its biodiversity values. In summary, if a landholder voluntarily decides to generate biodiversity credits (by signing up to a biodiversity stewardship

agreement) they can sell those credits to developers to offset the biodiversity impacts of the development proposal. The sale price for these credits will be negotiated on a case by case basis by the landholder and the credit buyer. As a minimum, the price must include the costs of managing the stewardship site.

I can provide more information if the Commissioners are interested otherwise this is the link to the relevant web site: How does the Biodiversity Offsets Scheme work? | NSW Environment & Heritage

**Biodiversity Certification**
As discussed during the meeting, the planning proposal references an application for biodiversity certification, however Council has indicated that it is not willing to be the applicant for the biodiversity certification application and consequently there is no current application for biodiversity certification for the site. It should also be noted that a draft Biodiversity Certification Strategy has been prepared using Biodiversity Certification Assessment Methodology (BCAM) under the *Threatened Species Conservation Act, 1995,* however OEH has not commented on its accuracy as it does not reflect the most current proposal and did not form part of the exhibition material. In the absence of a biodiversity application from a planning authority, the benefits of an assessment under BCAM for this planning proposal, cannot be assumed or supported by OEH.

Under the new Biodiversity Conservation Act, the owner of the land can be the applicant for a biodiversity certification application using the biodiversity assessment methodology (BAM). However, BAM is different to BCAM.

**Offsets**
The strategy for compensating loss of biodiversity and proposed conservation outcomes remains unclear. The planning proposal also indicates that the it is intended that the site be biobanked or transferred to OEH. As advised, OEH has not been consulted or agreed to any land transfer.

The planning proposal proposes to use the E3 zone lands for bushfire protection measures including APZs which will require clearing and or modification of native vegetation. Areas to be cleared and or modified for bushfire protection cannot be considered as part of any offset as this use is incompatible with the conservation of the biodiversity values. OEH is of the view that all bushfire protection measures must be within the development site.

I hope this information assists the Commissioners in their deliberations.

Regards

Regional Operations Group
Office of Environment and Heritage