

Hollow Bearing Trees in AlburyCity

and

An overview of the NSW Biodiversity Legislation Changes and their Impacts on AlburyCity's Biocertification



Hollow Bearing Trees



Image Credit: Matthew Lincoln, AlburyCity





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DISCLAIMER

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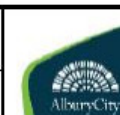
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Downloaded by the Smithsonian Institution, 8/26/2014

SCALE:	1:35000
DRAWN:	Ben VK
DATE:	26/02/2018



Hollow Bearing Trees

AlburyCity



Hollow Bearing Tree Mapping



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Hollow Trees and Nest Boxes- Connectivity



NSW Biodiversity Legislation Reforms

- Independent Review of All Biodiversity Legislation launched in 2014.
- Impacts on our biocertification were largely unknown.
- Anticipated that our biocertification would be transitioned under any new legislative outcomes.



What is Biocertification?

- Biodiversity Certification provides for the protection of Biodiversity, including threatened species at a strategic planning stage.
- Removes the need for proponent to complete biodiversity assessments for each development site.
- Speeds up the development process saving time and money for developers, landholders and local government.
- Biodiversity Certification can only be granted where the certification improves or maintains biodiversity values.



Image Credit: Albury Conservation Company



NSW Biodiversity Legislation Changes

Introduced in August 2017

- *Biodiversity Conservation Act*
- *Local Land Services Amendment Act*
- *State Environmental Planning Policy (Vegetation in Non- Rural Areas) 2017*

Repealed

- *Native Vegetation Act 2003*
- *Threatened Species Conservation Act*
- *Parts 7-9 of the National Parks and Wildlife Act*



Image Credit: Albury Conservation Company



What do these Changes Mean for Development within AlburyCity?

- Previously the clearing of Native Vegetation in our Natural and Neutral Areas is regulated by the provisions of the *Native Vegetation Act*.
- The reforms repealed the *Native Vegetation Act* and clauses 5.9 (preservation of trees or vegetation) and 5.9AA (Trees or vegetation not prescribed by a development control plan) of a standard LEP therefore if our Biocertification continued without change, development in these areas would not require biodiversity assessment.
- This effectively means that a landholder in these areas would be able to clear vegetation without approval.



Image Credit: Rebecca Redman, AlburyCity

Transition of our Biocertification under the New Legislation

In order to protect and retain the provisions of AlburyCity's Biocertification the Office of Environment and Heritage modified our biocertification order.



Image Credit: Albury Conservation Company 2016

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What are these modifications?

- Biocertification is restricted to areas proposed for “development only”, namely the Residential, Industrial and Business Zones.
- Natural Areas (E2, E3) and Neutral Areas (RU, E4 & RE) will no longer have the benefit of Biocertification and be subject to the provisions of the biodiversity legislation reforms which include:
 - Biodiversity Conservation Act
 - Local Land Services Amendment Act.



Image Credit: Shanna Rodgers, Tracey Michael, Murray LLS



What do these Changes Mean?

- Biocertification now only applies to those areas considered under our biocertification assessment to be biodiversity losses- i.e. zoned for business, residential and industrial development.
- Ensure that areas considered to be offsets are protected through the provisions of the new legislation.

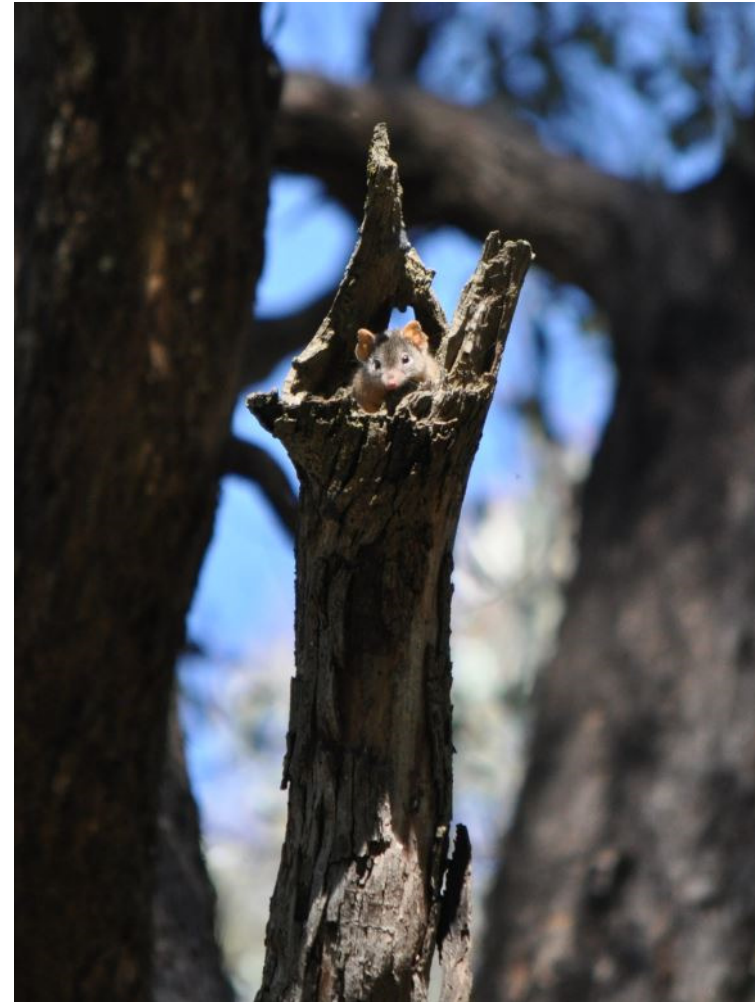


Image Credit: Matthew Lincoln, AlburyCity



What does the New Legislation Mean for AlburyCity Projects?

- Works in Biodiversity Certification Exclusion areas (i.e. Rural, Environmental Recreational zones) will now be subject to the provisions of the new legislation.
- Vegetation Clearing on all bio-excluded Lands will be assessed via a consistent Biodiversity Assessment Methodology (BAM).
- Vegetation on Rural Lands will be subject to the rules and provisions of the Native Vegetation Regulatory Map.
- In some cases an assessment of significance and Species Impact Statement may also need to be prepared for developments on lands excluded from the Biocertification.



Biodiversity Assessment Methodology (BAM)

- A BAM assessment will be required for the clearing of native vegetation if it exceeds certain thresholds (Biodiversity Offset Scheme (BOS) Threshold).
- The BOS Threshold will be met if either:
 - a) clearing exceeds an area (determined by reference to minimum lot size); or
 - b) it occurs on land mapped by OEH on a sensitive biodiversity values map.
 - c) Land to which certain State Environmental Planning Policies Apply- i.e Koala Habitat
- This assessment will set out the results and automatically calculate offsets to compensate for the impacts the clearing associated with your development may have.



Image Credit: AlburyCity



Questions?



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