

Biodiversity Certification of Albury LEP2010



Council Name: Albury City Council

Web Address: www.alburycity.nsw.gov.au

Size: 313 sq km

Population: 50,522

Abstract: Biodiversity certification was conferred on the Albury LEP 2010 providing protection for environmental areas and certainty for the community. Biodiversity Certification will lead to the overall improvement or maintenance of biodiversity values (including threatened species) across the whole of the Albury LGA. The foundation work established by the Albury LEP 2010 will assist in reversing the long term decline in biodiversity. This is reversing the trend for urban sprawl encroaching on natural areas typically associated with urban development.

Outline of Project: Albury City is the trustee of the community's interests both now and into the future. The biodiversity certified LEP offers certainty for future generations through the preservation and enhancement of key environmental habitat.

Background:

Provisions for Biodiversity Certification in the Threatened Species Conservation Act 1995 were identified as an opportunity to formalise known strategic environmental work into the new ALEP. This would allow identified environmental values and assets to be recognised and protected in the ALEP, whilst removing unnecessary obligations for lands that could be offset due to their low biodiversity significance or environmental values.

Biodiversity certification provides that any development in the proposed bio-certified area (for which development consent is required under the LEP), is for the purposes of Part 4 of the Environmental Planning and Assessment Act 1979 taken to be development that is not likely to significantly affect any threatened species, population, or ecological community or its habitat. Biodiversity certification also removes the need to undertake detailed threatened species impact assessments for the bio-certified areas of the LEP, reducing regulation, saving time and providing certainty without compromising, but actually improving or maintaining, biodiversity.

Implementation:

ALEP 2010 is a comprehensive city-wide LEP and 97% of the LGA is subject to biodiversity certification. More than 20% of the LGA has been identified for environmental management or protection. It represents a whole of LGA approach and closely considers the biodiversity interrelationships across the entire LGA. This approach allows for a greater degree of certainty and confidence in the outcomes being promoted by biodiversity certification as opposed to a piecemeal or fragmented approach reliant on unrelated or isolated areas.

The process of biodiversity certification has also been a successful exercise in tripartisan agreement and



cooperation. This has involved a whole of Government approach involving all three levels of government being local, state and federal. A cooperative and committed approach by Albury City (local), NSW agencies being the Department of Environment, Climate Change and Water (DECCW) and NSW Land and Property Management Authority (LPMA) (state) and the Albury Wodonga Corporation (AWC) (federal) has been essential in facilitating biodiversity certification. The project has also involved other state and federal agencies and this will be evident in their ongoing management and operation of supporting roles, actions and policies. Agencies include the NSW Rural Fire Service and Murray Catchment Management Authority.

Overall 5,262ha of Endangered Ecological Communities and threatened species habitat, representing 82% of all medium–high quality extant vegetation (6,406ha), was retained in the ‘Natural Areas’ (zoned E2 and E3), where the protection and management of the environment is a key objective of ALEP2010. A further 1075ha (14% of all extant vegetation) of vegetation is to be retained in other zones which are not proposed for development. Within development zones, there are 693ha of mapped vegetation (or 9% of all vegetation). Of this, 539ha are considered to be of low conservation value. A further 143ha of vegetation is considered to have medium to high conservation value, and accordingly these areas were not recommended for biodiversity certification (they have been excluded). Offsets for all losses of low conservation value vegetation and habitat in developable areas are achieved completely within the ‘Natural Areas’ of the LEP. High conservation value vegetation and habitat is linked and consolidated into a viable network of reserves and other natural areas where protection of the environment is a key objective of the relevant ALEP zoning.

Outcomes:

The combination of the new ALEP and biodiversity certification has provided a long term strategic outcome for environmental protection and urban development that is unique in its approach and achievements. High conservation value vegetation and habitat is linked and consolidated into a viable network of reserves and other natural areas where protection of the environment is a key objective of the LEP zoning.

Biodiversity certification replaces site by site, development by development, investigation and assessment with an LGA wide strategic approach to environmental sustainability. Biodiversity certification also halts further degradation of biodiversity values across the LGA, creating a clear and transparent process for the environmental lands including Council owned and managed land as well as Crown Land. There is no reliance or requirement for private landowner deals, transfers or incentives. This eliminates suspicion or distrust in the process as well as ongoing requirements for protection

and enhancement. The community has a greater level of trust in the process. Overall, biodiversity certification offers great opportunities to put in place planning strategies that will assist in reversing the long term decline in biodiversity so that biodiversity values may be improved or maintained. The outcomes will benefit generations to come by protecting and enhancing key habitat, removing regulation and red tape and providing certainty for the local community and development industry.



View from Nail Can Hill looking down at Albury

Future:

Biodiversity certification in Albury is reliant on a whole of government approach. Cooperation and commitment across all levels has underpinned the success of this project. For local government and other levels of government to survive and prosper in the future, the exploration and development of these relationships will be necessary. Whether it is through constitutional recognition, the devolution of functions back to government or recognition and payment of financial imposts from government, this project has introduced new dimensions to deal with the future of local government in NSW.

The holistic approach undertaken by Albury City in partnership with Crown Lands and AWC represents a working, viable example for other LGAs. Biodiversity certification is often met with caution, apprehension and in some instances, strong opposition. However, through a committed partnership, long term strategic focus, community support and sustainable vision for the future, biodiversity certification can offer many advantages and opportunities for other LGAs across the state.

Albury was in an ideal position with the majority of land owned by a willing and supportive participant in the federal government; however, this does not mean that others should not engage in or pursue similar outcomes. Albury has broken barriers with government agencies on all levels to enable this outcome. The lessons learnt here can be adapted in other locations.

References:

<http://www.environment.nsw.gov.au/biocertification/notcert.htm>

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