



# Standard applications and planning proposals

## Biodiversity Certification Fact Sheet #4

### **Standard biodiversity certification applications that propose to intensify land use should be supported by a planning proposal.**

Biodiversity certification does not change land use zones or the types of development permissible within these zones. When existing zones or development controls do not support the type of development being assessed, the Department expects a biodiversity certification application to be supported by a planning proposal and gateway determination. If an application proposes development that is inconsistent with a Local Environmental Plan (LEP) and does not align with strategic planning objectives, the Department is unlikely to confer certification.

### **The Minister must be satisfied that any likely impacts to biodiversity values are adequately addressed**

The Biodiversity Assessment Method (BAM) must be applied to assess the impacts of the biodiversity certification. This will include assessment of direct and indirect impacts on biodiversity values. The nature of the development proposed within the certified area must be known to properly evaluate impacts on biodiversity values. A planning proposal will provide the necessary detail.

In the absence of a planning proposal, the Department can only evaluate the application based on the activities that are currently permissible.

### **Consultation during development of the biodiversity certification application is recommended**

Early and ongoing consultation with the Department and local council is recommended when developing an application for biodiversity certification. This is particularly important if it is proposed to intensify land uses. Early discussions will optimise biodiversity outcomes and streamline the biodiversity certification application process.

#### **Planning proposal**

A planning proposal is the first step to preparing or amending a local environmental plan (LEP). An LEP sets out the current zones of an area of land and the development standards and controls that apply.

A proposed amendment to an LEP must have strategic merit. A proposal that does not have strategic merit may not progress beyond the gateway review.

## **Community consultation for a planning proposal and a biodiversity certification application can occur together**

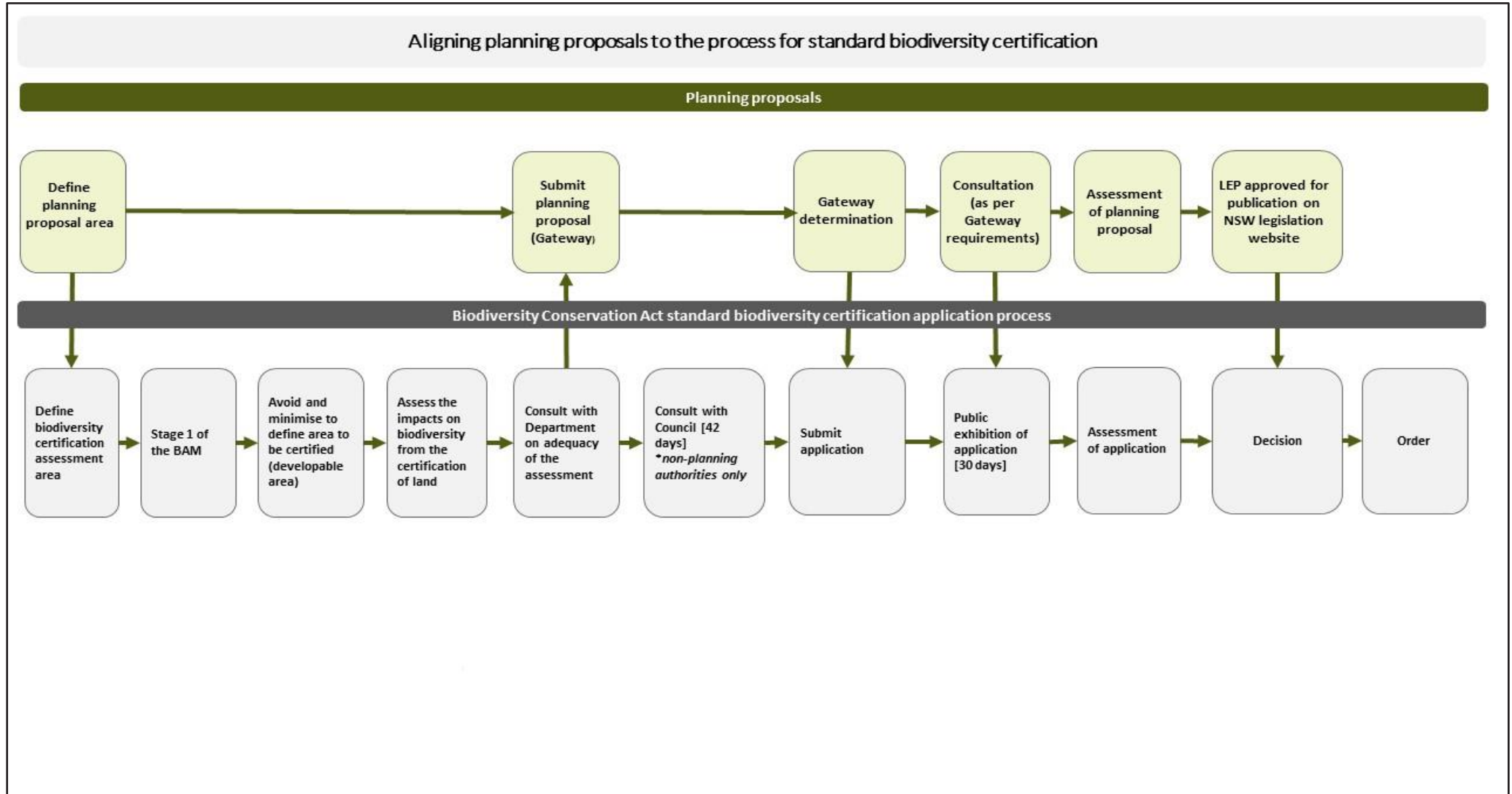
To save time, public notification for a biodiversity certification application can occur at the same time as community consultation on a planning proposal (s 8.6(6) Biodiversity Certification Act 2016).

To facilitate this, the Department recommends that biodiversity assessment in accordance with the Biodiversity Assessment Method occurs before a gateway determination is sought for the planning proposal. The Department can then review the adequacy of the biodiversity assessment before the planning proposal is submitted. Following this process will reduce the likelihood of changes being required to the planning proposal or application for certification later in the process.

To ensure consistency, conferral of biodiversity certification will generally occur after the LEP amendment is made.

Figure 1 illustrates how standard biodiversity certification and planning proposal processes can be best aligned. See over.

Figure 1



Environment, Energy and Science (EES), Department of Planning, Industry and Environment  
 Locked Bag 5022, Parramatta NSW 2124; Phone: 1300 361 967 (EES enquiries);  
 Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au); Website: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au); EES 2020/0384; August 2020.